PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL

Wednesday, the 18th March 1925.

THE Council met at the Council Chamber at two of the clock. Mr. President in the Chair.

MOTION FOR ADJOURNMENT.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan) (Urban)]: Sir, I beg to move —

> "That this House do adjourn for the purpose of discussing a definite matter of urgent public importance, to wit, the unsatisfactory and retrograde nature of the majority report of the Reforms Enquiry Committee."

[Urdu.] Sir, the love of freedom has all along been present in the heart of man, and the Indian people have been manifesting that individually and collectively since a long time. Demands have been made from the British Government for the establishment of a system of self-government and as a result of continuous efforts culminating in the happenings of 1919 a system of government has been introduced which is called by the name of the Reforms Scheme Sir, the avowed object of these reforms is to set the country on the path of complete self-government, but the way in which these reforms are being worked has resulted in the division of the Government into two halves, one of which owes no responsibility to the legislature of this country. The country did not accept this dyarchical system even on the day of the inauguration of these reforms. People felt at the very outset that this would not lead to the prosperity of the people and was not the system acceptable to patriotic India. Yet a section of our people welcomed it and worked it in a spirit of co-operation and after working these inadequate reforms for four years they find that, instead of assuaging the political subordination of the people, they possess such inherent defects as can in no way prove of any benefit to the people. Under these circumstances the committee whose report is under consideration was appointed, but the majority of the committee have recommended the continuation of dyarchy and do not consider that the system could be as yet abolished. But dyarchy is unworkable.

Look at the relation that exists between the executive council and the ministers. Ministers have to say aye to every tune that Government plays. With the ministers go the members, who follow their lead. The result is that the ministers nor their party can vote independently. Many a cure has been suggested against this evil, but one thing is sure : that this dyarchy is no remedy for our political troubles. The ministers, moreover, have to depend on Government votes and with the help of a minority of elected members supplementing the Government members they manage to defy the non-official majority. It is further suggested that there should be joint responsi-

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bility in the Government and that the two halves should make joint deliberations. But, Sir, this system will not mend matters. If any minister dares interfere in the reserved subjects he will have to suffer similar interference in his department on the part of the executive councillors, and his position would in no way be improved.

Sir, there is another defect. This scheme is a retrograde measure. This has been named an experiment, but in fact it is more complex than a unitary form of government. An experiment should be made with simpler things. To call such a complicated process an experiment to train the people of this country in the art of a unitary form of government is like giving a child a double-edged sword to practise with in order that he might be able to brandish a single-edged sword. It is therefore not a good instrument to get training on. For these reasons the country with almost one voice has been protesting against the reforms ever since 1920. Everybody who is anybody in the political world wants responsible self-government. This is the only solution of our troubles. There is no half-way house.

The committee whose report we are now to discuss met to consider the matter. They have advanced several objections against any further extension of the reforms. The electorate, they say, is not sufficiently trained in the use of their votes. But, Sir, the voters exhibited their sense of responsibility in exercising their votes during the first elections by refraining to vote and during the last election by exercising their right to vote to a large extent and by using it in favour of people whom they believed to be the real representatives of their interests and they have thus proved that they are able to understand matters of great magnitude.

Then, Sir, our inability for self-government has been attributed to the absence of any real party system, except on a communal basis. But, Sir, we showed amply during the non-co-operation days how we can meet on a common platform and discuss matters free from communal bias. Even the Swaraj, Independent and other parties of to-day are run on other than a communal basis. It is therefore wrong to believe that there are no political parties in the country.

No step, Sir, worth the name has been suggested in the majority report. No department worth the name has been recommended for transfer to the popular control. Forests somewhere, excise somewhere and gas, provincial law reports, stores, stationery and some other minor subjects have been recommended for transfer, and even those with various reservations and restrictions. The recommendations are highly unsatisfactory. Not only that, they are even retrograde. The previous sanction rules are recommended for alteration so that sanction to legislation once given shall be available only to the member who obtained it and to no one else, and further that that sanction would be available for that particular session only for which it was given. Formerly motions of omission of total grants could be moved and now this right has also been recommended to be taken away. It may happen, Sir, that a member who intends to oppose a whole grant may not be able to catch the eye of the President and thus be unable to place his reasons and arguments before the House simply for want of any motion of total omission of the grant standing in his name. But, on the other hand, powers have been conferred on the Governor by which he can send a Bill back to the Council for reconsideration. This means that another chance has been given to Government to influence the opinion of the non-official members who had not previously voted with Government and thus thwart the will of the non-official majority. These steps, among others, are really retrograde.

Then, Sir, the disqualification for having undergone imprisonment for a period exceeding six months, instead of being removed, has only been extended to one year and no exception has been made in favour of an offence not involving moral turpitude. This clearly is aimed at disqualifying political leaders who have to go to jail for the sake of their convictions. Under these circumstances, the recommendations embodied in the majority report suggest no step in the direction of an advance. Sir Muhammad Shafi, in an interview only the other day, said that the terms of reference, and especially the narrow and restricted scope of their clause No. (2) and also his official position, forced him to sign the majority report. If he had the option to express an independent opinion, he would surely have signed the minority report. In fact, his statement has turned the majority report into the minority report.

Then, Sir, Hindu-Muslim dissension has been advanced as a reason against a further extension of the reforms. Sir, I submit that there is no reason on that account to retard the advent of responsible government. The evidence of the Punjab Government before the Reforms Enquiry Committee says that the Hindu press does not want further reforms. Sir, as far as my study of the Hindu press goes, they are not at all against the extension of the reforms. The Hindus are behind nobody in their eagerness to obtain Swaraj in the shortest time possible. They are as sincere in fighting for the freedom of their motherland as anybody else. They have suffered in the struggle to liberate their country and have made great sacrifices. If any irresponsible paper has written such a thing, that, I submit, should not be considered as an authoritative view of the matter. Nor should such little differences as exist be taken to bar the advent of responsible government. Even papers like the *Milap* have written articles in favour of the extension of the reforms. They only want some real substantial thing and are not satisfied with this mere shadow. They demand that either full responsible government should be given them or else this illusion of reforms should also be taken away. For these reasons, Sir, I hold that the majority report is highly unsatisfactory and retrograde.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, if I had my own way, I should have framed the resolution a little differently, but, as I understand that the object of the present debate is to raise a discussion on the Reforms Scheme, how it has worked and how it can be improved, I think we need not dissipate our energies on the exact wording of the resolution. I therefore accept the resolution as it has been placed before this Council as the basis for discussion. Sir, the first thought that comes to me as I look back over the past 40 or 50 years and ask myself what constitutional changes have taken place in the history of the country, and, as I reflect on the attitude of the people with regard to Government, I find a stupendous change coming over the temper and the habit of thought of the people about five years ago. It is a very serious change to which I am now referring. Before that time the political mind of India had implicit confidence in England. But five years ago, owing to circumstances to which I need not refer in detail to-day, that confidence was shaken. I am one of those who believed that the advent of the English in India was providential. I still believe that England has done great things in India, and I gratefully acknowledge it. But, as I have said, a change came over the temper of the people. I will tell you why and how. Now, Sir, the reforms were no doubt conceived in the generous moments of war-time

[Professor Ruchi Ram Sahni.]

needs, efforts and comradeships, but our complaint is that they were brought forth in an atmosphere of suspicion and mistrust and they have been carried out in a spirit of entire disregard of those great professions, promises and pledges which England gave during war-time, and especially towards the close of the war, to India. There was such a thing, Sir, as "self-determination" which was dinned into our ears again and again. But "self-determination" changed into something quite different when the war was over and the time came for redeeming those promises and pledges. Sir, as we all know, it was these circumstances which led to the starting of the non-co-operation movement. The note which I find to be the most dominant note in the recent administration in England in relation to us is a note of opportunism. I find that during the last five years the whole history of British relations with India revolves round this single idea of opportunism. When the non-co-operation movement was at its height, we found various hopeful committees were appointed, various circulars were issued such as the circular for the rapid Indianisation of the services, the committe, for the repeal of repressive laws, the committee for the abolition of the laws of racial discrimination, etc. A great many other things also were set on foots but how have they been carried out? If they have been carried out at all, they have been carried out in a spirit of utter disregard of the intentions and professions with which those committees were appointed or the circulars issued. It is only necessary, Sir, in order to convince ourselves of the real position of things, it is only necessary for us to compare, for instance, the way in which the unanimous recommendations of the Assembly were treated a year later by the Home Government. About the end of September, as we all know, a resolution was put forward before the Assembly by Rai Bahadur Jadu Nath Mazumdar asking for the immediate grant of provincial autonomy and the introduction of an element of responsibility in the Central Government within five years from that time. These recommendations were made, Sir, by an Assembly consisting of most moderate politicians who had pledged themselves to whole-hearted co-operation with Government. The recommendations were further supported by various Liberal and Moderate conferences and deputations which waited upon His Excellency the Viceroy. The resolution would have been unanimously carried, but, seeing that it was on the point of being carried, Sir William Vincent, the Home Member, proposed or suggested an amendment. That amendment was to the effect that the whole House, including the Government benches, should recommend to the Home Government that the Act of 1919 be revised on a date earlier than the fixed date, *viz.*, 1929. This recommendation was forwarded to the Secretary of State by the Government of India. The Home Government pigeon-holed it for a whole year, and then, when the popular movement had cooled down and when the demand could not be enforced by show of non-co-operation, then it was that the reply came: "How can you ask for the revision so soon? Let the reforms be tried for some time". It was after waiting for a year that Lord Peel sent his famous despatch, which was the first shock—the first serious shock—which the Moderates received to their unlimited faith and confidence in Great Britain. The way in which here in the Punjab the reforms were conceived and given effect to has a history of its own. We know something about the memoranda which were submitted by Sir Michael O'Dwyer to the Home Government on the reforms, about the spirit which breathes through them, the references to the "grasshopper" politicians, the setting up of one interest against another and other things of that kind. In contrast with these memoranda, if we read the memoranda of other Local Governments, we find a vast difference between the two. For instance, the Bengal Government in a memorandum on the proposed reforms . . .

Mr. President: May I point out to the honourable member that he has got four minutes in which to finish his remarks and to say something, if he likes, about the nature of the report of the reforms Committee.

Professor Ruchi Ram, Sahni: I would leave the point I was discussing and come to the defects of the present reforms at once. Well, Sir, we all know that the "basis" of all Governments, as constitutional writers put it, is the vote of the "majority", and "majority," as another writer on constitutional law and constitutional history puts it, is "the very instrument of political action." Have we that element of "political action" present in the Council as it is constituted under the Reforms Scheme here in this province? We have been told again and again by various writers that these elements should be present before we can speak about "majorities" and "minorities" in a constitutional sense. It should be possible to convert a minority into a majority, or to reduce a majority to a minority, by means of persuasion, an appeal to reason or an appeal to the collective sense of responsibility. Have we that in this Council under the existing constitution?

Have we any elements of that kind here in the Reforms Act as it is applied to this province? I say, "No". Our Council consists of four different types, four different orders or species of organisms forming a single new type. One has been referred to by my honourable friend, the mover of the motion, *viz.*, the dyarchical organism. It is that individual, which has been called a monster in the Assembly by some speakers. I would call it a "monstrosity" rather than a monster. The second is the communal type; the third I would call the "rural" type and the fourth type is a more advanced type in some respects, which is like the Cabinet type such as we find in England, for instance, at the present time. These are the four types of constitution, Sir, which are joined to one another in a single type—a jumble of incongruities. The collection of these different types and species of constitution form a single constitution in this province under the existing Reforms Scheme; that is, what we find . . .

(At this stage Mr. President sounded the bell to indicate that the member's time was up.)

I shall take only one minute more, Sir, to develop my argument.

Mr. President: Under article 48 (2) no speech during the debate shall exceed 15 minutes in duration. I have no discretion in the matter. Every honourable member should so shape his arguments that he finishes his speech within 15 minutes.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural]: Sir, I have very carefully read the two reports of the Reforms Enquiry Committee and I have no hesitation in saying that the recommendations embodied in the report of the majority are inadequate and unsatisfactory. The majority has recommended that some departments such as fisheries, forests, land acquisition, labour, housing, stationery, stores, law reporting, etc., should be placed under the charge of the ministers in the provinces. Even these recommendations are hemmed in by limitations. For instance, land acquisition was to be a transferred, subject to what the Local Government might say. Forests is to be transferred, subject to the proviso that Local Governments can make out a case against its becoming transferred, and we know that Local Governments somehow or other can make a bad case a good one. Granting that the official members were bound to keep themselves within the limits of the terms of the reference, they could have easily

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recommended, if they had the will to do so, that all reserved subjects in the provinces should be transferred by the framing of the necessary rules under the provisions of the present constitution.

Their recommendations, trivial as they are, have in no way enlarged the power of the legislature over the executive. They have not enlarged the control of the ministers over the services or finances. We all know that, so far, transferred subjects have not been treated well by the Finance Department. These recommendations, I say, have not abolished the distinction between the reserved and transferred departments, and Government still remains divided into two halves. These recommendations, I am afraid, cannot make dyarchy less disagreeable. Of course, the majority has been very anxious to safeguard the interests of the services.

The most important question for decision is whether dyarchy should be permitted to continue to exist. On this point, I venture to submit, the finding of the majority is strangely vague and extremely unsatisfactory. "The existing constitution", they write, "is working in most provinces and it is giving a training in parliamentary government to the electorate and also to the members of the legislature and to Indian ministers. While the period during which the present constitution has been in force has been too short to enable a well-founded opinion as to its success to be formed, the evidence before us is far from convincing us that it has failed. If recently in some provinces it has not achieved the expected measure of success, it is because it was not worked on the lines and in the spirit which was intended". This reminds one of Mr. Lloyd George's "steel-frame speech". This finding is absolutely against the weight of the overwhelming evidence which was given before the committee against the existence of the present dyarchical system. Believe me, Sir, that no country or nation can achieve even a substantial measure of self-government through conditions of dependency and tutelage. Practice is the only effective means to fit a man for liberty—for the enjoyment of liberty. Subjection even for a short time lacerates, wrinkles, weakens and degenerates. Liberty strengthens, uplifts and regenerates.

The defect of dyarchy is inherent in the constitution and no amount of tinkering can cure it. It can only be cured by a change in the constitution. The truth is that dyarchy is unworkable and has failed in every province. In two provinces it has miserably failed. In our own province, where the ministry and the Government have been co-operating together, dyarchy has not achieved any measure of success. We have seen on two occasions the ex-Minister for Agriculture, Lala Harkishan Lal, voting with Government and the Director of Agriculture voting with the opposition. We know that heads of the transferred departments have really more powers than the ministers themselves. The ministers have no voice in the deliberations of the executive council in repressive policy and the like. It is true that the majority has recommended that joint deliberation between two halves of the Government *on important questions* should be definitely enjoined by a rule to be included in the Devolution Rules, that the joint responsibility of the minister is the ideal and the Devolution Rules and the Instrument of Instructions should be modified. These recommendations are welcomed so far as they go. But they will not make dyarchy more workable and more agreeable. And, pray, who is to determine what or what is not an important subject? Further, these recommendations can easily be evaded.

On the other hand, the report of the minority is clean-cut, decisive, persistent and supported by well-balanced and weighty reasons. They have considered the subject from every point of view and their conclusions are these :—

(1) The entire constitution must be revived and amended ; (2) the only cure for the difficulties and defects of dyarchy is to do away with it and substitute complete autonomy in the provinces ; (3) that partial responsibility should be established in the Central Government ; (4) that the army budget should be controlled by the Assembly, and that immediate steps should be taken to prepare India for self-defence within a reasonable time ; and (5) that similar provision should be made with regard to the foreign and political departments. Generally speaking, these suggestions sum up the demands of the Liberals, the Independent Nationalists and a vast majority of the Indian people.

The interview of Sir Muhammad Shafi with the Associated Press has, however, altered the position and has now converted the minority into the majority. He says that, as a member of Government, he was bound to keep himself within the limits imposed on the committee by the terms of reference to it. He is frankly of opinion that a transitional constitution has inherent defects. He further said " that it would be in the highest degree conducive to the best interest of Government, as well as the people, if the British Government were, without waiting for the expiry of the statutory period, to undertake a larger enquiry of the kind advocated by the minority. The appointment of a Royal Commission would satisfy the Liberals, the Independent Nationalists and the majority of Muslims who had not definitely identified themselves with either of these parties, and, he was hopeful, would go a long way towards influencing the Swarajists in abandoning their obstructive tactics, thus creating an entirely new atmosphere of mutual co-operation and good-will between Government and the people". In its essence he goes on to say :

" This proposal for a larger enquiry is nothing more than the recommendations made unanimously, with the concurrence of the official members, by the first Legislative Assembly on 22nd September 1921, as a result of a debate on Rai Bahadur Jadu Nath Mazumdar's resolution. This is a timely statement for those who have eyes to see and hearts to understand. I hope that His Excellency Lord Reading and the Secretary of State for India will make a note of it".

Further, the majority has made too much out of the communal differences that exist in India. Communal and religious differences have always existed in the world and they will continue to exist till the day of judgment. Here again the minority report has given a complete solution of the problem. This, it rightly says, can be done by (1) the frank recognition by each community of the principles of religious freedom ; (2) the effective safeguarding of the interests of minorities in respect of their political representation ; and (3) the adequate representation of duly-qualified members of each community in the public service. The minority further points out that the incorporation of the principles of the well-known Swaraj resolution adopted by the Muslim League at Lahore will be a satisfactory solution of the entire problem. The minority report will therefore be most welcomed by all sections of the general public.

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Lastly, I cannot help saying that the note of our Government which was sent to the Reforms Enquiry Committee in connection with the subject of enquiry into further reforms is, to say the least, disappointing and discouraging. There is no doubt that the people of the Punjab in 1919 desired to have reforms, that the reforms have brought about political consciousness in the province, that the members of Council know their duties and responsibilities and that the electorates are watching the proceedings of the Council and influencing their representatives in the discharge of their duties. It is also admitted by the Government that our Standing Committees are the best in India. The Retrenchment Committee, the Revenue Committee, the committee to enquire into the question of separation of judicial and executive functions, the Ways and Means Committee and several other committees which were appointed in pursuance of the various resolutions of the Council have done their work admirably well. Within the last three years the Council has agreed to the imposition of additional taxation to the extent of 42 lakhs and, in addition to this, Government has been pleased to enhance water-rates to the tune of 56 lakhs. In the face of these facts, it does not lie in the mouth of Government to say that the Punjab does not need further reforms just at present. Indeed, from the point of view of Government, this province is most fitted to have provincial autonomy. I am glad to see that our ministers and the Honourable Revenue Member more or less stood by the flag. Happily, the reports have made no distinction between the Punjab and other provinces, and I hope that in future the land of the five rivers shall receive the same treatment in any scheme of further instalment of reforms as the other major provinces.

In conclusion, I submit that the immediate appointment of a Royal Commission to hold a larger enquiry of the kind suggested by the minority will satisfy the public. With these remarks, Sir, I support the motion.

Mr. V. F. Gray [Punjab Chamber of Commerce and Trades Association (Commerce)]: Sir, I feel I should also say a few words on this subject as it is a matter that interests the non-official Europeans who come to this country. They are every bit as much interested as Indians so far as the reforms are concerned. The reforms are vital for this country. Those Europeans who have been out here for the last fifty or sixty years—I mean the non-official gentlemen—have all usually been engaged in commerce and industry, and I hope that in any reforms that may be granted to this country the non-official Europeans for many, many years—I hope, always—also will have their due share. The non-official gentlemen among the Europeans are trying to adapt themselves to the new method of government. As regards the Reforms Enquiry Committee report it we are asked to criticise it to-day, although I think we have had very little time to study the report. But I do feel that at the first reading the majority report is rather disappointing (Hear, hear). But it happens that they have strictly kept themselves within the terms of reference. The minority report is really a report fit to be issued by a Royal Commission. I do not think that we are quite right in supporting a report which goes so far outside the terms of reference. In my own opinion, there is room within the four corners of the Act for improving the working of the Act. I am going to try and say within the few minutes at my disposal some remarks on this subject, keeping myself within the Act as it is. You, Sir, must remember that the reforms are new not only to us, but also to Government. Government themselves are quite new to this form of government and I have no doubt that they are learning as fast and as rapidly as we

are quite a number of things. Take, for example, this Council. During the last fifteen months or so in which we have been at all active I myself have noticed what I consider to be a very great improvement. Look, for example, at the budget debates of last year and compare them with those of this year. I consider the debates of this year are extraordinarily good and will even compare with the debates of the Parliament at home, whereas I must acknowledge that I was disappointed last year. In respect to the reforms I should like in one respect at least to criticise the Governments, both Central and Provincial. I think they do not realise that these changes are meant for the probationary period during which we are passing and during which time we are supposed to be learning the art of self-government. Government listen to our opinions or we pass certain resolutions during the year. Government do not approve always the resolutions passed by this Council and, when they consider that their adoption would not be conducive to the correct way of governing, in such cases they turn down the resolutions. My feeling is that, if this Council does pass a resolution unless it vitally affects the province, it should be carried out by Government (Hear, hear). What is more, if the Council thoroughly realise that, I think they will be far more careful in what they propose and what they reject. I have noticed a good number of the divisions, especially on one or two occasions of snap divisions, in which honourable members, in this corner of the House at any rate, looked upon the whole thing as a game or joke ; they were just satisfied if they could beat Government. If you speak to them privately as regards the actual merits of the case, they will say : "Oh, it does not matter; let it be certified by the Governor". My submission is that this is quite a wrong view of the duties of members of this Council. They deliberately pass things knowing them to be unwise if acted on, but also knows perfectly well that Government will refuse to carry them out as they must consider them wrong. This is one of the best ways to educate the electorate ; if the Council insist on Government taking certain action against their judgment, then Government should do so ; if Government's views are correct, the electorate will realise or be told that such action, so hurtful to them, was insisted on against Government oppositon by their own elected representatives in the Council. As the electorate become more educated, then the representatives will have to explain to them why they voted in a particular way in regard to a particular proposition. They will have to give their reasons for voting against Government. The position is this : that, if the House passes a certain proposition, in spite of the fact that Government opposes it and if the Council want to rush the matter through, then I say that, unless it is, a matter which vitally affects the whole government of the province, they should carry out the recommendations of the Council. The same thing applies to the legislature in Delhi. The opposition there has got too much into the habit of trying to push things through knowing that the Government will turn them down. "It does not matter ; Government will turn it down ; we need not worry on the point" is what they say in carrying out resolutions. I would like to mention as an example the cutting out of the salaries of two commissioners completely at the last budget. All knew it was perfectly impossible that Government could carry on without them. Again, in Bengal, the ministers' salaries were cut out completely, and yet the country had to carry on somehow. If the Council merely want to pass a vote of censure, there are constitutional ways. They should not wipe out completely the salaries of particular officers, and thus make it absolutely essential for the Governor to certify it.

[Mr. V. F. Gray.]

Now, Sir, there is a good deal of talk about the enlargement of the franchise. Personally, I am against it. No doubt the franchise at present is extremely small; I agree there. But educate this small electorate first. I think as much franchise is given now as is possible so as to enable those who are enfranchised to understand the questions that are in front of them. The thing that is required is to educate the electorate and to make them thoroughly understand the value of the vote which is conferred upon them. No increase should be made in the matter of enfranchisement until the present electorate absolutely understands the present system. Generally speaking, I should not be inclined to increase the franchise very much.

I would like to make a remark or two about the Indian Civil Service. I think the Indian Civil Service officers are more essential now than ever. We should have the best men possible for this branch of the service. As the Indian gets in charge of more and more departments, he will find the value of this magnificent service. The Indian will find the men of the Indian Civil Service of tremendous assistance to him in the discharge of his duties. I hope we all individually and collectively will do what we can to encourage once more the best boys at home to look with pleasure towards the Indian Civil Service.

There is always a danger in over-Indianising the services. We should not do it too rapidly. We have got a good number of minorities in this country, and there is always a great danger, if you suddenly give power to one group, of possibilities of abuse. It is noticeable in all parts of the world, if you suddenly give power to a fresh body, be he an Englishman or an Indian, or to whatever nationality he may belong. If you suddenly raise an English workman to a high position, there is always the danger of his abusing that power. This is a danger which is very difficult to overcome, and special care should be taken in a country where many small minorities exist, such as we find in India, for it is only natural that those in power will tend to look to the upliftment of their own community at the expense of other communities. It is very difficult to withstand fairly.

I was very pleased to see in the recommendations that the Secretary of State should release his hold on purely Indian matters. I think this might also be pressed upon the Central Government so that they might release their hold more on purely provincial matters.

One hears on all sides that dyarchy has failed; everybody says: "We are worse off now than before." I would like to ask the House whether they honestly think that they are really worse off now than they were in 1918. Are they a bit worse off now than during those years? My submission is that the advance which has been made is really a big advance, however small it may look. We have now a fair chance. I appeal to the House to give the reforms a fair trial and work within the four corners of the Act so that, when the Royal Commission is appointed, it may be in 1929 or it may be even earlier, they will not have occasion to feel that the reforms have not been given an absolutely fair chance to enable them to make a fair criticism of them.

Sardar Jodh Singh (Sikh, Urban): Sir, there is a doggerel in English which little tots delight in singing and with which I may preface my remarks: "Mother, may I swim?" "Yes, my dearest daughter, hang your clothes on the peg, but don't go near the water". Methinks, Sir, the same attitude is being adopted by the nice old dear of a bureaucratic mother towards the Indians in the matter of reforms. They say they are anxious to

teach us self-government, but they are very careful that we should not have even a small measure of self-government to experiment upon. I have heard some of the speeches in this House to-day describing the history of the reforms and laying stress on this matter and on that. But I, as a member of this House, have not yet found out where the power of this Council is absolute. When I entered this House, I had a vague idea that, in the matter of transferred subjects, the House, could impose its will on the ministers. But in this House I have seen that, when the ministerial cart has stuck in the mud, according to the words of Lala Harkishan Lal, the official team was there ready to take it out even against the wish of the majority of the elected members. What are we learning now? As my honourable friend Mr. Gray so pithily put it we are just learning to criticise, and to criticise only because we know that our resolutions may not be acted upon, and therefore I admit a measure of responsibility in criticism may be lacking in us, as Mr. Gray put it. There is no use, I think, transferring more subjects under the present circumstances. As long as the official block is there to help the ministers, and as long as the ministers have got to please both the Legislative Council and Government, I think the transferring of more subjects will not help matters. Had we got full control over transferred subjects, that is, had some such convention been established that in the case of transferred subjects it is only the non-official vote that will carry weight, and that the officials will not vote, then I would have thought that some measure of responsibility had been conferred upon the Legislative Council. But now we are given a toy to play with, and, when a child finds that that toy is not really useful, he gets angry and begins to injure it. This is the reason of irresponsible criticism which has been dwelt upon by Mr. Gray. There is another aspect of the reforms to which I wish to draw the attention of this House. Something has been said as regards the feelings of communalism that have sprung up on account of these reforms. As a representative of a minority community, I think I must express the feelings of the Sikhs in this matter. Sir, as a minority, we expected that special protection would be accorded to us, but, when it came to the working of the rules, we, who form 25 per cent of the electorate in the Punjab, were given 19 per cent of the elected seats. This was the protection extended to us. I am not here to ask for more seats, I am not saying that the Sikhs should be given six or seven more seats, but what I fear is that, according to the present basis of election, we have been relegated to the position of a perpetual minority. It is very difficult for us, Sir, except by means of old methods which nobody can think of exercising nowadays, to increase our numbers in a decade or so; and therefore the position is not improved even if additional responsibility is granted now. I can just picture to myself the majority communities forming a government and the Sikhs, whose number is very small in this Council, relegated to the background. They depend upon the mercy of the majority communities—I do not say community, but communities—which inhabit this province. Our idea was that, when the reforms came to us, and when responsible government was granted, every man in the Punjab, be he Muhammadan, Sikh or Hindu, would have as much opportunity of rising to that height to which he was entitled according to his ability, but we find now that a definite bar is being practically placed in the way of a minority community such as that of the Sikhs. I have found, Sir, that, where in the district boards according to their number of voters they have been electing 25 or 30 members, according to the new rules

3 P. M.

[Sardar Jodh Singh.]

they can only elect 15 or 16 members. That position is not very palatable. Mian Shah Nawaz said that he can solve this communal problem in a week. Why is he waiting? Why does he not solve it? Our claim for a further instalment will be strengthened. I think it will become irresistible. Let us assure the minority communities that, whatever form of government there may exist, there will be no sort of religious rule in this province (Hear, hear). What I mean to say is this—and I must say it frankly in this House—that the Sikhs, as far as I know their feelings, will not tolerate a religious rule; what they want is that, whatever the government, it should be based on some political principle, and not on the basis of religion. Under the present arrangements they have been relegated to a perpetual minority, and this idea is not very palatable to them. Sir, this is one defect which has not been removed by either the majority or the minority report.

As for the rest, I have simply to say that the Sikhs want provincial autonomy, or whatever you may call it, to be conceded to the Punjabis as soon as possible. Mr. Gray said in his speech that we are overhasty. I think that is an old quarrel between those who are to give and those who ask. It is really a matter of opinion. Mr. Gray says that we are asking too much and that we are overhasty, whereas we say that we are asking too little and that we have waited too long. Therefore, Sir, in a matter of opinion, I have no arguments to advance, but the question is whether this form of government that we are having now will teach us anything even if we go on practising it for a decade or even 20 or 30 years. I am of course quite a novice in these affairs, but in these conclusions I think I have got the support of our ministers, Lala Harkishan Lal, Sir Fazl-i-Husain and Chaudhri Lal Chand, though the latter worked as a minister for a few months. Sardar Sundar Singh, Majithia, also supports them in the report that they submitted to the Reforms Enquiry Committee. Therefore, Sir, if I advance that view, it is not a view of an inexperienced man, but of those who have been dealing with the affairs of this province for the last three or four years, in spite of the opposition of a very strong section of advanced political views who did not call them by very pleasant names when they accepted office; and, if such people who, in spite of opposition and in spite of being blamed by their own countrymen of having betrayed their country, accepted office to work the reforms, and say, even if such people find that the measure of reforms that has been given to the province is not satisfactory, I think it is high time for Government also to agree with them. Let us all join together in saying to day to Government that we do not think that this majority report is satisfactory and that the matter should be threshed anew by a commission with wider reference so that we may know for certain what sort of real responsible government we can have now, and when full responsible government is going to come to us.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, whatever we may think of the majority or the minority report of the Muddiman Enquiry Committee, there is one point for which I feel genuinely happy, and it is that we have shown to-day that our differences of Hindu and Mussalman, or rural and urban or moderate and immoderate, all sink before the bigger question of the constitutional advance of our country. That, Sir, to my mind, is our most dignified answer to the greatest charge against India's demand for further constitutional advance. Coming, Sir, to the subject of the Enquiry Committee Report, my first submission is that dyarchy

must go (Hear, hear). Before I give my reasons I want to make one point clear, and it is this. My honourable friend Mr. Gray asked : "Are you not better off than you used to be in 1918 ?" I say yes, we are. But in what ? In the opportunities of telling Government how we want to be governed? But that is not what we want. That is not for which we came here. That is not what we were promised. We want, Sir, and we came here not to say how we want to be governed, but to govern. Now are we better off in that respect ? I submit, Sir, it is from this point of view that Indians and India approach this question, and I would ask my European friends to place themselves in our position and approach this question from that angle of vision. Now, Sir, I find that in the scheme of dyarchy there are certain inherent defects which cannot be cured by mere tinkering. Firstly, so long as dyarchy exists, the reserved departments must impinge on the transferred departments and *vice versa*. Secondly, we cannot have real responsibility so far as our ministers are concerned Thirdly, we cannot have the opportunity of evolving party politics on true and correct lines. Fourthly, we cannot have the right to shape policies, and to break and make ministries over these policies. Fifthly, we cannot have a unified government under dyarchy. Lastly, so long as dyarchy exists, you must claim from the services a divided allegiance to two sets of masters, responsible to two different tunes and brought up in two different traditions. I say these are inherent defects in the constitution of dyarchy which must be removed, and you cannot remove them without removing dyarchy; therefore, I repeat, dyarchy must go.

There is yet another point. This dual hybrid bastard constitution has satisfied nobody. When the reforms were given to us, there was a party in this country which openly said, "This scheme is no good; we shall not touch it". But there were some, Sir, like me, who said, even in the Congress and here, that it may be unsatisfactory, it may be much less than what we expected and deserved, but let us try it and see if it is worth anything. We have tried it, and I think I would be failing in my duty to my country and to my constituency if I do not say that we have found it to be a broken machinery. I feel it equally my unpleasant duty to declare that we have no better powers than just to suggest and to accept defeats and humiliations. I do not want dictatorial powers, but I feel that I and my countrymen are entitled, through us, to say that the policy by which they want their country to be run must be accepted, and, unless we can force our executive to accept the decisions of the legislature, I am not prepared, as an Indian and as a representative of my constituency, to support any scheme.

It is curious, Sir, that both the majority and the minority accept this part of the question. They agree that dyarchy is bad. They agree that no tinkering of it will satisfy the majority of Indians. Hereafter they differ. The minority says "Do away with dyarchy". But the majority says No; it shall not be removed because somewhere in the Act they have put a section that before ten years a commission shall not come to revise the scheme; it is not within the terms of reference to reopen that question". I say, is it fair, is it just, is it right to treat this question, involving the happiness of millions of our countrymen, with such considerations ? Acts of Parliament have always been mended and repealed." Is there any new Providence that says, "Thou shalt not touch this Act ?" Remove it, repeal it by all means if it is necessary. I say measures of such supreme importance are not to be brushed side by such considerations. Moreover, Sir, I find that the late

[Mir Maqbool Mahmood.]

Mr. Montagu in the course of his speech in the House of Commons definitely stated that the Act did not preclude the possibility of an earlier commission coming here. Sir, with your permission I will just quote a sentence from his speech. He said "If there is a remarkable unforeseen development in Indian conditions in the short space of ten years—because ten years is a very short time, my honourable friend is quite wrong—the Act does not tie the hands of Parliament and there can always be a commission in the interval". And you cannot have more unforeseen circumstances than the collapses in Bengal and the Central Provinces and the declarations of public opinion through the Assembly in favour of further advance and through every provincial council that dyarchy has failed and must go. My learned friend Mr. Gray said that the present scheme is a training-ground and you must give it a fair chance. I would like to remind him that the reforms could not have had a better chance than what they got in the first three years. The Swarajists then stood out. Only the godfathers of the reforms entered the Council. And what is the result? The members and the ex-ministers all demand the revision of the constitution. They urge that dyarchy is a broken machinery and it must go. Moreover, I submit, Sir, that, so long as the constitution remains what it is, you cannot train us in the right direction because dyarchy and constitutional deadlocks must go together; and you cannot train us to avert blunders by placing us in circumstances where those blunders must perforce be repeated. It is only the exercise of responsibility that can breed responsibility. And unless we have the right to make and break our ministries, I say, no amount of tinkering will give us that training which all of us desire. It may be asked, Sir, from me "You want to abolish dyarchy; what do you want to substitute in its place?" I submit, Sir, that this question is primarily the concern of Indians. It is for the people of India to say what scheme of reforms they want. What do they say? The Congress is clear, the League is clear, and more than that, I say, with the exception of Bengal all the other Indian members of Government, both present and past, are clear that some scheme of provincial autonomy must come. That is, Sir, what we want. That is what I stand for—provincial autonomy and an element of responsibility in the Central Government forthwith—that is our demand in a nutshell. By all means have safety valves, if necessary, have an occasional veto or certification for extraordinary cases. I do not grudge that. You can also have some scheme such as a public service commission so that the services may be kept away from party politics. You can by all means provide reservations in the intervening period for defence and for political and foreign relations, but we must have provincial autonomy forthwith. There are two or three reasons why I want that. Firstly, because it is bad statesmanship to continue the present transition. Because every day this transition is delayed, it means a worse feeling and a wider gulf between Government and the people, on the one hand, and the East and the West on the other. What do we find every day? In the Councils we are helpless and are reminded at every hour of hopeless limitations. It is straining our patience almost to breaking-point. We can tolerate it no longer. Outside the Council the best minds of the country are agitating for further advance. And a most valuable effort is being frittered away in destructive work which can and should be employed in the construction work of nation-building. You pause. You think. But India is losing. I repeat, Sir, the longer you continue this state of affairs, the worse it is for all concerned.

There is yet another point, and a very important one. India is one mother country, and the treatment of her children abroad cannot be a matter of indifference to her. On that issue, Sir, I declare, ultimately depends the *rapprochement* of the East and the West. What do we hear from our countrymen abroad, even in the colonies. In spite of the support we have received from the Government of India, and to some extent even from the Home Government, they do not get the treatment we desire. They are insulted every day. The reason for that was given by an Irish representative in the last Imperial Conference. He said :—

> "Putting myself in the position of an Indian, I do not think the Indian representatives here are of an equality with us because they are not really here in a representative capacity. They are not really sent by an independent Indian Government, and they cannot really be regarded as equal with the rest of us If I were an Indian, putting myself in their position, I would recognise that this hypersensitiveness that they have about their treatment outside India arises really from the fact that they have not so far reached the degree of self-government that the rest of us have reached."

I submit, how long are we and the Government of India to be insulted like this simply because of certain technical defects in the reforms and things of that sort ?

Reference has already been made to two main objections why provincial autonomy has not been suggested in the majority report. They say "Your electorate is not educated." I admit that, we have many faults. But as a student of constitutional history, I have yet to learn of a country which gave full political institutions to its electorates after educating them and after all its problems were solved, even in England. I think it was in 1832 that the Reform Act was passed which gave the people liberty. But it was not until 1870 that the Elementary Education Act was passed. Besides, is it not a fact that the electorate in this province is intelligent enough to feel where the shoe pinches and informs and watches its representatives in their attempts to remove its grievances ?

Mr. President : The honourable member has two minutes more.

Mir Maqbool Mahmood (continued) : Then, Sir, they ask about communal differences. I do not say there are none. They exist to our shame. But, to my mind, they are a worry of transition, and I hold that with the grant of more responsibility these differences will disappear. I support the minority in their recommendation that a wider commission should be appointed forthwith to establish provincial autonomy and some responsibility in the central legislature at an early date. And, when it comes, I hope the services of the Punjab will not be forgotten, and that the Punjab will not be placed in any secondary position. In the meantime, however, till that commission reports and dyarchy goes, I would support the note of our ministers that all departments, except nomination of members, must be transferred. And immediately I accept this minor reservation only to keep up the gesture of a dyarchy which is enjoined by the present constitution. One word more, Sir, and I have done. I acknowledge the good work done by England in India; we all appreciate it and we thank her for it, but we pay the greatest compliment to England and thank her most for having taught us that "Good government is no substitute for self-government."

Dr. Gokul Chand, Narang [North-West Towns (non-Muhammadan), Urban]: Sir, when we look at the report of the majority of the members of the Reforms Committee, the difference between what we wish and what is conceded to us becomes painfully clear. Our ideal is that our country should be on the same level with other free countries; it should have an equal position within the commonwealth of nations presided over by His Majesty the Emperor of India, the King of England; that rule of law should prevail in this country as it does in other countries, and everybody here should have the freedom of speech and right of free association and full scope for the development of all his faculties in whatever direction nature might have endowed him. On the other hand, we find that we are perhaps the most backward country, the most unfortunate country, in the whole of God's world, where our abilities cannot find full scope and our desires cannot be realised. While other countries in the world enjoy freedom and liberty of every kind, we are kept in restraint, which those who have the capacity to realise feel and smart under.

As I said, when we look at the report, we feel a sort of agony which can hardly be described. Before any country can advance towards freedom on constitutional lines it is necessary that there should be reform on parallel lines so far as the legislature and the executive sides of Government are concerned. We want that the legislature should be self-contained and should consist only of elected members. The principles of nomination should not apply to the councils of representatives just as it does not apply in most of the other countries of the world. We want an executive that should feel its responsibility to the legislature, that should be recruited from among the members of the elected House, which should act collectively, and should realise its joint responsibility and should be removable as soon as it loses the confidence of the elected representatives of the people. The present Act of Parliament and the rules framed thereunder do not give us that freedom, that power, which every country under its own legislature and under its own executive enjoys outside India. The majority report of the Reforms Committee, when we come to analyse it, does not take us an inch forward. In fact, when I look at its various recommendations which were enumerated by my honourable friend Mian Shah Nawaz, I find that the majority report is nothing but a readjustment of what practically we enjoy already. It is as one of my honourable friends here put it, a little more lubrication of the machinery of Government that has already been brought into existence. Beyond that it does not go. The only reason that the majority report has given for not recommending a further advance, and the only one which is perhaps worth consideration, is that there are acute communal differences in the country, and therefore the country is not in a fit condition for any constitutional advance. With due deference to the authors of the report, I would submit that it is really like saying: "You should learn how to swim before you would be allowed to enter into water". Unless we first remove our communal differences there would be no constitutional advance. At the same time, Sir, it should not be understood that there is not a class of people, especially in this province, who attach extremely great importance to these communal differences and who are extremely nervous and cautious so far as any constitutional advance is concerned. I think I would not be doing justice to this subject unless I make it clear, although it has partly been made clear, that a considerable number of people hold the view that, unless every possibility of a minority community being oppressed by a majority community

can be removed, there should be no constitutional advance. I am not here to enter at any great length into the propriety or impropriety of holding such a view. I only wanted to make it clear that there is a considerable class of people who, owing to what has happened during the last four or five years in this province, are extremely nervous and cautious. The essence of their nervousness and lack of enthusiasm for constitutional advance is that, so long as communal representation continues to be the basis of the constitution that is likely to be conferred upon this country, or that can possibly be conferred upon this country, there would be a great danger that some minority communities might be swept away. Unfortunately that fear, that apprehension and that misgiving which exists in various stages has been emphasised and aggravated by the careless and reckless utterances on the platform and the pulpit and also by the careless and irresponsible writings in a certain section of the press. Nevertheless, I, for one, and I believe I am speaking on behalf of a considerable number of friends, hold that, in spite of those differences, and in spite of those disturbances that have shaken the peace of this country in the various provinces, in spite of all these drawbacks, it should not be assumed that there is a single man or woman in this country who does not want *swaraj* and who is unpatriotic enough to sacrifice freedom and liberty at the altar of these fears and misgivings. I would specially tell those who are likely to play any part in the framing of the future constitution, or who are likely to have any voice in the remodelling of the constitution, either of this province or of the country as a whole, that they would be sadly mistaken if they run away with the idea that India is divided, that Hindus and Muhammadans are flying at each other's throats and that therefore they could ignore the claim of Indians for constitutional advance with impunity. There is no doubt that on the surface Indians are quarelling among themselves. With all the differences, however, there is not a Muhammadan who does not want *swaraj*, there is not a Sikh who does not want *swaraj* and there is not a Hindu who does not want *swaraj*. Hundreds of people have put themselves into trouble, scores of them have sacrificed their lives and thousands have gone to jails not because they were fools, but because they loved their country and they wanted their country to be free. The methods they chose might be wise or unwise, the procedure adopted by them might be capable of improvement, and in some cases might deserve censure, but the fact remains that there is an intense desire in the heart of every Indian to whatever community he may belong, for freedom and liberty, and everyone would like that India should be as free as any other country. To those who are nervous I would say that, when the whole country puts its head together, when an intense desire arises in the minds of the people for a United India, when this question presents itself in a naked form before them, that either they should remain slaves for ever or they should make up their differences. I have not the slightest doubt that they will make up their differences, that they will make sacrifices, that they will not insist on one shibboleth or another. Who knows that our Muhammadan friends who to-day are insisting upon communal representation everywhere may realise that it is better to do away with communal representation if it is to stand in the way of the liberties of their country. I may say that, if it is made clear to them that either they should do away with communal representation or they should for ever give up the hope of their country's liberation, I have not the slightest doubt that Muhammadan leaders would rise to the occasion as a community and that they would come forward and say : "We shall rather sacrifice this communal representation than see the slavery of our country perpetuated". On

[Dr. Gokal Chand Narang].

the other side also, I am sure that, if this alternative is presented to the Hindus, that they would either have communal representation in the constitution—a new constitution, and communal representation with it—or perpetual slavery, they would also prefer to have communal representation with all its evils which cannot be removed for some time to come—to the perpetuation of their country's slavery (Hear, hear). But, happily, this proposition, this alternative, may not have to be put before either community in such a naked form.

I am sure, Sir, that the brain of man and the brain of our leaders would find some solution, some *via media*, to bring both communities together, provide safeguards, or make distinctions, if necessary, between one province and another, so that the fears of all those communities that entertain any such apprehensions might be removed and a constitution might be evolved which would not do injustice to any of the communities in India, but might carry forward the country as a whole towards the goal of freedom.

Sardar Jodh Singh: I move, Sir,

"That the question be now put."

Mr. President: Before putting the question I should like to know if any of the members of the Government wishes to take part in the debate.

The Honourable Sir John Maynard (Finance Member): No, Sir.

Rai Bahadur Sir Gopal Das, Bhandari (Nominated-non-official): I am not going to wind up the debate by any rhetorical eloquence because I perfectly understand that I possess very little of it, but, at the same time, giving my best consideration to all the points, I can unhesitatingly say that the majority report is most unsubstantial and unsatisfactory (Hear, hear). When I was rising to speak, many minds would have been perplexed to find which way I was going to speak. All the same, I must say that I am not devoid of conscience, and I certainly cannot be behind these veterans who really have sacrificed their lives and their energy for the constitutional advancement of India. The majority report is really a one-sided report. Several witnesses who were examined, and the reports which appeared in the newspapers, only show that the majority report has given us very little, and that, is very unsubstantial, which in no way can be said to be really a constitutional advance. It is really the desire of each and every one, not only is it the desire, but it should be the desire of every one to have a united India. The visible and the invisible manifestations on the political horizon point only to this thing, that we should all sink our differences and communal antagonisms, and must tell Government that we are capable, as we have shown by our past conduct, and that we possess talent, and that we possess ability and that our step should not be retarded, but that a real advance may be made. This is really our rightful demand, and I have great confidence that it shall not go unheeded. With these remarks, I say that I am on the side of the minority report. The most disappointing feature in the whole case was that the terms of reference were so limited, that those who have now given their verdict on the majority side, if a freer atmosphere had been open to them, I can confidently say, would have been on the side of the minority.

Khan Bahadur Chaudhri Shahab-ud-Din [Sialkot (Muhammadan) (Rural)]: Sir, it is very unfortunate indeed that communal differences exist in this province. But I am inclined to agree with those, I do not consider them prophets, who maintain that these differences can be got over, and that the day is not very far when all differences may disappear. I hope all these

differences will be made up (Hear, hear). The real differences, though called communal differences, are on grounds other than communal or religious. In fact, there is a race for self-existence and in this struggle every party or community is entitled to try all means of self-protection or self-preservation. It is this race which, in common parlance, is called "communal differences". The real difference lies in the law of self-preservation which every community is trying to act upon. If mutual mistrust disappears to-day from among the two main communities, there will be no communal difference to-morrow. Sir, I hope these differences will disappear before long. But, whether they disappear or continue to exist, to the misfortune of the province, that is no reason for denying us another instalment of reforms. The report of the majority, as very rightly stated by my honourable friend Sir Gopal Das, gives us very unsubstantial reforms, if they can be called reforms at all. Among others, I have observed one point in the report which I think is so very important in its bearing on the question under discussion that I feel justified to refer to it. The position of the ministers in every Council is very very difficult indeed. On the one hand, they are responsible to the Council, which in its turn is responsible to the province. But, Sir, they are also responsible to the Governor. The powers of a minister are not absolute, but are restricted; and, if they were restricted only with reference to the Governor, that would be tolerable. But, Sir, as Lala Harkishan Lal stated in his evidence before the Reforms Enquiry Committee, the secretaries have access to the Governor, before whom they plead or advocate things over the head of ministers. This, I think, places the ministers between two stools. What have the majority recommended? The only concession they have shown is this:—

> "The rules of executive business made by Governors under section 49 of the Act should be amended to provide—
>
> That the secretary of the department or other officer with a right of direct access to the Governor should inform his minister of every case in which he differs in opinion from the minister and of all other important cases which he proposes to refer to the Governor."

This, we are told, is a substantial reform. I wonder why the same rule should not be made to apply to the case of the executive councillors who are in charge of reserved departments.

The Honourable Sir John Maynard (Finance Member): Precisely the same rule does apply to the executive council members.

Khan Bahadur Chaudhri Shahab-ud Din (continued): I do not know whether precisely the same rules are in force in the Punjab. I am simply referring to the recommendation made by the majority report on the point under discussion. I have read it in the *Civil and Military Gazette* of the 9th March. If the same rule is in force in the Punjab, my remarks may be taken to apply, subject to correction.

Mr. President: The honourable member's time is up.

Maulvi Mazhar Ali Azhar: I move, Sir,

> "That the question be now put."

Khan Bahadur Chaudhri Shahab-ud-Din: How can the motion for closure be made when a member is speaking. Unless you, Sir, ask me to sit down I have to continue, and it is only after I finish that the motion for closure can be moved.

Mr. President: I think there is hardly any time left for further discussion and I desire now to put the question to the House:—

"That the question be now put."

The motion was carried.

Mr. President: The question is:—

"That the Council do now adjourn."

The motion was carried.

The Council then adjourned till 2 P.M. on Thursday, the 12th March 1925.

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PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL

Thursday, the 19th March 1925.

THE Council met at the Council Chamber at two of the clock. Mr. President in the Chair.

OATH OF OFFICE.

The following member was sworn in :

Lieutenant-Colonel C. A. Gill (Official nominated).

Mr. President : The Council will now proceed with the business of the day.

GENERAL ADMINISTRATION (TRANSFERRED) GRANT.

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

"That a sum not exceeding Rs. 1,33,500 be granted to the Punjab Government (Ministries of $\frac{\text{Agriculture}}{\text{Education}}$) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of General Administration (Transferred)."

The motion was carried.

GENERAL ADMINISTRATION (RESERVED) GRANT.

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

"That a sum not exceeding Rs. 83,14,800 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of General Administration (Reserved)."

Mr. President : The question is—

"That a sum not exceeding Rs. 83,14,800 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of General Administration (Reserved)."

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural] : Sir, I beg to move—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 58,840—Travelling and Daily Allowance of members of the Legislative Council."

In moving this amendment I have a set purpose. The other day while speaking on the Jails I said that the travelling allowance bills of an honourable member of this House who visited several jails as a member of the Standing Committee on Jails were referred back to him on the grounds that he was entitled only to travelling allowance of a fourth class Government officer and was not entitled to any travelling allowance which any honourable member of this House would get. On that point, Sir, I

[Sardar Gurbakhsh Singh,]

entered my protest the other day and once more I wish to enter that protest on the point that that procedure is not only very insulting to a member of this House, but is against the letter as well as the spirit of the rule. I have a copy of the rules of travelling allowance of members of this House in my hand and it is clearly laid down there in clause (*d*) "..... transacting any business connected with their duties as members are entitled to ....." It is a simple sentence and read in simple English means that when a member of the Council goes out transacting any business as a member of this House, he is to get travelling allowance under these rules and not under any rules which might be applicable to Government servants and the action of Government of referring back the travelling allowance bill to the honourable member is not only unconstitutional but it is also against the very rules on the subject.

There are several other points also which I wanted to touch on this subject but I will refrain from doing so because I think that the matter can be gone into by departmental correspondence. The interpretation of the travelling allowance rules is causing great difficulty between the members of this House and the Accountant-General. I will, however, not take up that point here, but will do so by correspondence with the department concerned. With these few words I move my amendment.

Mr. President: Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 58,840 Travelling and Daily Allowance of members of the Legislative Council."

The question is that that reduction be made.

The Honourable Sir John Maynard (Finance Member): Sir, I would like to put it quite plainly that no insult was intended to any member of this House when the Finance Branch decided upon giving those of the members a different scale of travelling allowance who visit jails as non-official visitors. It was considered that the general rule which applies to members of this House while discharging their duties as members of this House, was not applicable to them when they travelled as non-official visitors of jails, and the scale of travelling allowance which has been allowed is the same that is allowed to all non-official visitors. It is not considered desirable that the rather expensive scale which is granted in the case of members of this House travelling in connection with their duties as members of this House should be given in the case of non-official visitors of jails. One of the objections would be that other non-official visitors of jails would have a reasonable grievance if certain non-official visitors were allowed travelling allowance on a very much more expensive scale.

Mr. President: Will the honourable member who moved this amendment just to bring that grievance to the notice of Government, after hearing what the Honourable Finance Member has said, withdraw his amendment?

Sardar Gurbakhsh Singh: I am not prepared to withdraw because the explanation offered by the Finance Member does not satisfy me.

Mr. President: Grant under discussion, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 58,840— Travelling and Daily Allowance of members of the Legislative Council."

The question is that that reduction be made.

The Council divided: Ayes 16, Noes 23.

AYES, 16.

Munshi Fazal Khan.	Maulvi Mazhar Ali, Azhar.
Chaudhri Nur Din.	Chaudhri Afzal Haq.
Chaudhri Sahib Dad Khan.	Rana Firoz-ud-Din Khan.
Chaudhri Muhammad Shafi Ali Khan.	Sardar Partap Singh.
Sardar Narain Singh.	Sayad Muhammad Husain.
Sardar Tara Singh.	Lala Bodh Raj.
Mian Muhammad Shah Nawaz.	Lala Banke Rai.
Sardar Gurbakhsh Singh.	Lala Diwan Chand.

NOES, 23.

Mr. W. P. Sangster	Mr. J. M. Dunnett.
Colonel C. R. Bakhle.	Mr. H. D. Craik.
Mr. C. A. Barron.	Dr. C. A. Owen.
Mr. C. M. King.	Mr. J. Coldstream.
Mr. W. Mayes.	Malik Firoz Khan, Noon.
K. B. Nawab Muzaffar Khan.	Sardar Bahadur Sardar Jowahir Singh.
Sir George Anderson.	
Lieut.-Colonel C. A. Gill.	Lieutenant Malik Muzaffar Khan.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.	Subedar Major Farman Ali Khan.
	Mr. V. F. Gray.
The Honourable Sir John Maynard.	Rai Bahadur Lala Sewak Ram.
Mr. J. G. Beazley.	Mr. E. Maya Das.
Mr. Miles Irving.	

The amendment was lost.

Sardar Tara Singh [Ferozepore (Sikh) Rural]: Sir, I beg to move—

"That the grant be reduced by Rs. 5,620 with respect to the item of Rs. 15,620—Temporary establishment—Civil Secretariat."

Sir, last year a similar reduction was moved by Sardar Jodh Singh on this very item. In explanation thereto Mr. Craik was pleased to reply that the temporary establishment was required to do work in connection with passport, preparation of the budget, and preparation of the annual reports on local bodies. In addition to this he said that Rs. 540 were required for a clerk to be employed on the restoration and exhibition of historical documents. It was understood that this latter clerk was required temporarily only for one year. I believe, Sir, that the work will have been finished by this time and there does not seem to be any necessity for this temporary clerk for this year also. So deducting this amount of Rs. 540 from the figure of the current year the allotment under this head ought to have been less this year. But comparing the figure of the current financial year with the figures for the coming year, it is observed that the sum required is greater than that for the current year by more than 50 per cent. There is no reason why this temporary establishment should be allowed to go on increasing every year till it becomes a permanent one. On these grounds, Sir, I move for the reduction.

Mr. President: Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 5,620 with respect to the item of Rs. 15,620—Temporary establishment—Civil Secretariat."

The question is that that reduction be made.

Mr. H. D. Craik (Chief Secretary) : Sir, I am sorry I did not catch the honourable member. He was referring to some explanation which I gave this time last year, but I regret I did not quite follow what he said on that point. I can, however, explain the reason for the increase of about Rs. 5,000 in the provision for the coming year as compared with the provision for the current year. This increase is made up as follows. In the first place, the Civil Secretariat has been obliged to undertake a duty which was hitherto being performed by the Accountant-General, namely, the preparation of the Quarterly Civil List and the History of Services of Gazetted Officers. Hitherto the Accountant General has compiled these volumes but he recently stated that it was not a fair charge against his budget, which of course is a charge on the Central Revenues. We argued the question as far as we could, but unfortunately we were not successful and the decision went against us. The Civil Secretariat had to take over the work and had to employ a special clerk to do the work. That accounts for nearly Rs. 2,000. A sum of Rs. 1,080 is provided for the salaries of copyists who are preparing what are known as press lists, that is, preparing precis of papers in the Secretariat of historical interest. These are being compiled under the supervision, in an honorary capacity of Professor Garrett of the Government College. The work is of very great value to students of History and to persons who have to look up old documents in the course of their business. If the honourable member cares I shall be happy to show him some of these precis and he will see how important they are from historical point of view. I cannot say how long this establishment will be required ; but I think the work is approaching completion and I hope it will not be required for any great length of time.

A sum of Rs 1,320 is accounted for by an increment of pay due to the Superintendent in the office of the Financial Adviser, which is a temporary one. The balance of Rs. 900 is for one extra senior clerk for the same office, that is the Financial Adviser's office. These facts account for the increase of Rs. 5,000. I hope the honourable member will accept these as adequate reasons.

Sardar Tara Singh : Sir, in view of the explanation given by Mr. Craik, I beg leave to withdraw.

The motion was by leave withdrawn.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural] : Sir, I beg to move—

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 4,60,000—Civil Secretariat."

Sir, in moving for this reduction I want to bring to the notice of the official benches of this House that my only object is to show that it is now too late in the day not to allow capable Indians an insight into the working of the Secretariat offices. There is no doubt that there are capable Indians in the Indian Civil Service of this province who can with credit discharge the functions of Secretaries to Government. In reply to my question (No. 1235)* the Government gave a very discouraging answer. With the exception of an Under-Secretary and the Deputy Registrar of the High Court there is hardly any Indian in the ranks of the executive Government in this province. Though it may be said that without exception every executive officer in the districts forms part of the executive Government, yet the real executive Government of the province consists of the Secretaries

*Page 24 *ante*.

and it is very disappointing to see that no capable Indian is appointed to this branch of the service so that he may have an insight into the working of the executive Government. I hope, Sir, that Government will give better chances for capable Indians to work in the Secretariat of this province.

Mr. President: Grant under discussion, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 4,60,000—Civil Secretariat."

The question is that that reduction be made.

Mr. H. D. Craik (Chief Secretary): Sir, I do not think the honourable member's complaint is well founded. He is pressing that more Indians should be employed as Secretaries and Under-Secretaries to Government. In the past we have employed several Indians as Secretaries to Government and at the present moment we have an Indian Under-Secretary. There are only four posts of Secretaries to Government and these posts of Secretaries to local Government are by statute reserved for members of the Indian Civil Service. I think I am right in saying that almost all the senior Indian members of the service in this province who have reached the requisite seniority have, with the exception of one, been a Secretary to Government. I should also like the honourable member to understand that there is no ban whatever against the Indians as such being appointed as Secretaries, provided they are members of the Civil Service and have the requisite qualities. Most of the Indians who belong to the Indian Civil Service are comparatively junior men and their time for appointment as Secretaries has not yet come. But only the other day the post of Under-Secretary was offered to and refused by an Indian officer. It was then offered to another Indian officer and it was accepted by him. I hope the honourable member will accept that as the best possible proof I can give of the Government's acceptance of the principle that there is no sort or kind of bar against Indians as such being appointed to the Secretariat. We will only be too glad to get more Indians as Secretaries.

Sardar Gurbakhsh Singh: Sir, in view of the assurance on behalf of the Government I beg leave to withdrawn my motion.

The motion was by leave withdrawn.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural]: Sir, I beg to move:—

"That the grant be reduced by Rs. 1,92,300 with respect to the item of Rs. 1,92,300—Commissioners."

Sir, in doing so I do not propose to take any time of the House. This House has declared its decision so many times in connection with the posts of Commissioners, namely, that the posts are not of much utility to the administration and it is therefore time that Government should make a beginning in reducing the expenditure under this head as soon as possible. . . . .

The Honourable Sir John Maynard: Sir, I rise to a point of order. I understand the honourable member's object in moving this reduction is virtually to attack the non-votable item. I ask for a ruling as to whether it is permissible to attack a votable subsidiary portion of a non-votable item with the object of showing to the House that he disapproves of the non-voted item.

Pandit Nanak Chand: Sir, I understand a ruling was given by Mr. Casson on this question. Perhaps it may be referred to.

Mr. President: I find that this question arose last year and the view of the then President is given at page 771 of Volume VI of the Punjab Debates.

"I now pass to the debate which took place on Tuesday, the 11th, on Sardar Jodh Singh's motion to reduce the provision for Commissioners' staffs. I regret that while going through the motions for reduction before entering the Chamber, I did not grasp the inner meaning of this particular motion and hence was somewhat less prepared to deal with the matter as it actually developed than I could have wished to have been. However I tried to indicate that it was not in order to attack non-voted officers by an attack on their establishments because the salaries of these officers are not on the votes and that the real point for the House to discuss was whether the staff provided was suitably adjusted to the work to be done and suitably paid or not or in other words whether expense could be reduced or not on the ground that the staff provided was excessive or overpaid and I stated that the House was entitled to vote on the question for reduction ....."

I think that makes it clear that the present motion for reduction is not in order. It will be observed that this motion is not even on the pretext on which the motion of last year brought in the question of the posts of Commissioners which related to staff. This motion directly relates to the posts of Commissioners. I would rule that this is out of order.

Lala Bodh Raj: On a point of order, Sir. May I know whether your ruling means that the question cannot be put to vote or that the House cannot raise a discussion on this point.

Mr. President: I have ruled that no discussion on this point can be raised in the discussion of this grant. It could be raised in the general discussion on the budget, but it cannot be raised on this grant.

Sardar Jodh Singh (Sikh, Urban): Sir, I beg to move—

"That the total grant be reduced by Rs. 100."

The only object in making this reduction is to draw the attention of the Government to a recent judgment of the High Court wherein they have quashed the conviction of four of the members of the second batch of the Shiromani Gurdwara Parbhandak Committee. My lawyer friends here will throw more light on that judgment. Whilst quashing the judgment of the lower court, the High Court have remarked that there is not a scintilla of evidence to uphold the conviction. My submission is that when that judgment has been quashed, there is no justification for the Government to keep the other members of the batch in jail, because they were tried for the same offence and convicted on the same evidence.

Mr. President: Is this not substantially the same question that the honourable member raised the other day?

Sardar Jodh Singh: No, Sir.

Mr. President: Grant under discussion, reduction moved—

"That the grant be reduced by Rs. 100."

The question is that that reduction be made.

The Honourable Sir John Maynard: Before discussion proceeds I should like to point out that identically the same question was raised the day before yesterday on the jail vote.

Mr. President: That was my recollection. It was ruled then that it was not relevant to the discussion under the grant for jail administration. It will, however, be relevant to the discussion under the General Administration grant.

Mr. Miles Irving: Is this not appropriate under Law and Justice?

Mr. President: I do not understand the honourable member to raise a question about Law and Justice. He urges whether after that declaration by the High Court, the Government is justified in keeping those men in jail.

Sardar Narain Singh [Rawalpindi Division and Gujranwala (Sikh) Rural] (Urdu): Sir, I do not propose to make a long speech in support of this amendment. I shall only draw the attention of the official benches to a judgment which was delivered by a bench of two Honourable Judges of the High Court on the 24th February 1925. I have spare printed copies of the judgment with me and I shall be glad to supply one if required. From the analysis of this judgment it is quite evident that the whole of the evidence is comprised of two parts, *viz.*, oral evidence and documentary evidence. The oral evidence shows that the witness did not behold the occurrence but simply heard an account of it. As to the documentary evidence the Honourable Judges have held that that evidence is not admissible and even if it were admissible it does not prove any kind of offence and that the offence under Section 17 (2) of the Criminal Law Amendment Act is not established. Sir, there is a provision in the Criminal Procedure Code that in case no appeal or revision is made by the accused and this fact is brought to the notice of the High Court then it is in the interests of law and justice that theHigh Court should go into the matter and quash the lower court's judgment if needed. Sir, the judgment of the Honourable Judges to which I have already referred very clearly shows that there is no legal evidence, oral or documentary, as to the establishment of the offence and I would appeal to the Government to release the remaining accused persons who are about 50 in number and some of whom will come out of jail after the expiry of this month. As the High Court has acquitted four petitioners in the revision case it is in the fitness of things to release others also whose case is quite identical with the above-mentioned four petitioners. By this act of kindness people will come to realise that the Government is not vindictive and that it always prefers justice to anything else. Besides this by the release of so many accused Government will also be saved from a lot of expenditure. Sir, I do not wish to dilate upon the merits or demerits of the case but I would respectfully implore that as the High Court has held that the four petitioners were innocent others might also be released.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural]: Sir, this case has been referred to by two of the honourable members who have preceded me. They have made it clear that the judgment of the High Court clearly shows that there is not a bit of evidence against these accused in the case. To draw the attention of the House to the conclusions arrived at by the Honourable the Judges of the High Court, I will just read a sentence or two from the copy of the judgment. In a nutshell the judgment holds that neither oral nor documentary evidence in this case has proved anything

[Sardar Gurbakhsh Singh.]

against the accused. As regards the oral evidence this is the sentence which summarises the whole thing :

> " It is clear from the oral evidence that the learned Sessions Judge is right when he says that no eye-witnesses have proved that the petitioners were present at the meeting."

As regards documentary evidence . . . .

Mr. President : The honourable member need not repeat the arguments that have already been urged on the point.

Sardar Gurbakhsh Singh : I am reading the conclusions arrived at by the Judges of the High Court. I want to put the very words before the House so that there may be no misgiving in the minds of honourable members on the subject. The conclusion arrived at about the documentary evidence reads as follows :—

> " It will serve no useful purpose to criticise in detail the remarkable views on the Law of Evidence expressed in the judgment of the Lower Appellate Court. It suffices to say that not one scintilla of legal evidence has been produced to prove the presence of any one of the four petitioners at the meeting in question."

Further on, the judgment says :—

> " This documentary evidence, as I have pointed out, is not admissible and even if it were admissible, it does not prove the presence of any one of the petitioners at the meeting in question, or of any participation by them in the management of the association or in the promotion of any of its meetings."

These are the definite conclusions arrived at by the High Court in these cases and in the presence of so clear a finding I just want to submit it for the consideration of the Honourable the Finance Member that there is hardly any justice in keeping other persons, who were convicted under the same judgment which has been revised by the High Court, any further in jails, and it will only enhance the prestige of Government and will be in the interests of law and order which they wish to preserve in this country, if they do justice that is necessary in this case, and release the other accused undergoing their sentences at present.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban]: Sir, where law and order are concerned it is not with pleasure that a member of this House asks Government to weaken its control, but, Sir, there are occasions when not only generosity and magnanimity but, I should say, justice demands that a wrong should be righted. I would not call it a wrong, for the learned magistrate inflicting the punishment honestly thought that he was awarding the punishment according to the law. Now we find that the highest court not only in this Province, but for criminal cases, in the whole of India, has decided that that judgment was wrong on technical and other grounds. So, Sir, is it too much to ask Government to revise their opinion in conformity with the decision of the High Court ? I, as a Muhammadan, have nothing to do with the Sikh religious movements, yet as an Indian and a Punjabi I understand and I know the feelings of my Sikh brethren and I think that they were carried away not by any political ideas but by religious ideas. After all is it not a fact that even if these people are acting wrongly, they are doing so under the impression that they are doing

the right thing? Those gentlemen, as far as I know, have not admitted in the Court that they were members of that association. I do not see any reason even after the highest Court in the land has decided that a wrong judgment was delivered by the lower court, why the honourable members of Government sitting opposite have not done justice already by releasing the other accused who did not appeal.

Mr. H. D. Craik (Chief Secretary): My friend Sardar Gurbakhsh Singh read out a quotation from the judgment of the High Court in this case. He concluded with a sentence: "It suffices to say that not one scintilla of legal evidence has been produced to prove the presence of any one of the four petitioners at the meeting in question." At that point, Sir, the honourable member refrained from reading further. I propose to continue the quotation: "It is obvious that the prosecution relied and had every reason to rely, upon the necessary proof of the presence of the accused persons at the meeting being supplied by S. Jodh Singh" the mover of the amendment. The judgment continues: "When the gentleman, however, appeared in the witness box he appears to have suffered from a very singular lapse of memory." I think we have had to-day the explanation of that curious lapse of memory on the honourable member's part in the witness box. He has appeared in this Council not as an impartial witness but has come out in his true colours as the counsel for the accused. Well, Sir, I leave the honourable member to settle that matter with his own conscience... ...

Sardar Jodh Singh: I will settle it here.

Mr. H. D. Craik: That is a matter that concerns him and not me. He has asked the Government to take into consideration the cases of the other prisoners convicted in this case who did not appeal to the High Court. Government is prepared to take those cases into consideration when they are asked to do so in a constitutional manner, that is, at the request of persons authorised by the prisoners. Hitherto they have not received any such request by the persons convicted. I am prepared to give an assurance that should such a request be received it will be carefully considered. I am not, however, prepared to admit, as the amendment appears to imply, that the prosecution was ill-founded or ill-advised. The quotation which I have read supplies the reason and the only reason why this prosecution broke down.

Sardar Jodh Singh: Sir, I want to say a word of explanation.

Mr. President: If it is an explanation and not a second speech.

Sardar Jodh Singh: Sir, the Honourable Mr. Craik has referred to a certain remark made by the Honourable Judges. Sir, I was not in that court to explain all the circumstances to the Hon'ble Judges. I think I will be allowed to say a few words here.

Mr. President: That would mean that you are making a second speech.

Sardar Jodh Singh: No, Sir, I am not going to make another speech. I will just give my explanation and no more. Sir, I never offered my assistance to the Police. I was requested to help in avoiding bloodshed. All the time that I was there my one thought was that things should move in such a way that no bloodshed should take place before the Akal Takht in the Golden Temple, because I knew that if that happened the skein of Gurdwara movement that was already tangled too much would become altogether impossible to unravel. It is too much to expect a man whose sole thoughts were fixed on that one thing, to be also noting in his diary the names of persons that were about. The next day responsible officers thanked me

[Sardar Jodh Singh.]
personally for helping them out of a difficult and delicate situation. But, Sir, we know the Police in this country.....

Mr. President: I think what we have had is enough as an explanation.

Mian Muhammad Shah Nawaz: [Lahore (Muhammadan) Rural]: Sir, I have seen a copy of the judgment which was delivered by Mr. Justice Fforde and Mr. Justice Scott-Smith, and in my opinion the contention of the Sikh members is correct. The sentences of those prisoners who did not appeal or did not file an application should be remitted by the Government under section 401, Criminal Procedure Code. The facts are these. Sarup Singh, Jagat Singh, Raja Singh and Mehtab Singh and many others were sent up by the Police for trial under section 17 (2) of the Criminal Law Amendment Act, 1908 and were sentenced to two years' rigorous imprisonment each together with a fine of Rs. 500. Now, Section 17 of the Criminal Law Amendment Act enacts that:—

> "Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

The charge against the accused persons was that they were present at a meeting called by the Parbandhak Committee which was declared an unlawful association by a notification. The Honourable Judges found as a matter of fact that the accused were not present at the time the meeting was held and that there was no documentary evidence whatsoever to support the conviction of the prisoners. The prosecution evidence consisted of oral evidence and documentary evidence. The oral evidence could identify any one of the accused persons with the commission of crime. The documentary evidence was rejected as it was not admissible in the case. It was a joint trial. Each of the accused persons was sentenced to two years' rigorous imprisonment. Some of them, namely, Sarup Singh and three others, appealed to the Sessions Judge. Their appeal was dismissed. They preferred an application for revision to the High Court and the application for revision was accepted. The trial being joint and the evidence being the same, there is no doubt whatever that if the other accused persons had fought up their case up to the High Court, their revision must have been accepted as well. In these circumstances, I would appeal to Government to remit the sentences of the gentlemen who non-co-operated and did not appeal. The point is perfectly obvious. The oral as well as the documentary evidence against all the accused persons who were sent up for trial and were convicted by the Court of first instance was of the same nature. It was not a case in which evidence against some accused is strong and against others is weak. The oral evidence was considered to be insufficient and vague for convictions of any of the accused persons. The documentary evidence consisted of a list which included the names of all the prisoners. The list was not proved and therefore was held to be inadmissable in evidence. Hence there was no legal evidence in the case for conviction of any of the accused persons. The convictions are bad in law. The sentences of those persons who non-co-operated should be remitted under section 401 of the Criminal Procedure Code.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir the legal aspect of the question has been fully dealt with by my legal friends. I have only to make one remark. The time for introducing the Gurdwara Bill is approaching and it is desirable that

3 P.M.

normal relations should be restored between the Government and the Sikhs in the best interests of the Government and of the public. It is also desirable that a good atmosphere should be created before the Bill comes up, so that the healing effect of the Gurdwara Bill may be felt. I therefore trust the Government will meet with the wishes of the Sikhs in this matter.

The Honourable Sir John Maynard : Sir, the two honourable members who spoke after Mr. Craik had spoken did not appear to have heard what he said. He said Government was perfectly prepared to consider the cases of those accused persons on receipt of representations from them.

Mr. President : Is this merely a remark of yours, or is this your final speech ?

The Honourable Sir John Maynard : I suppose the debate has closed. I have nothing further to say.

Sardar Gurbakhsh Singh : Sir, on a point of order, the closure motion has not been put.

Mr. President : In these cases when a member of Government is called upon to speak it is understood that there is to be no further debate.

Sardar Gurbakhsh Singh : The Honourable the Finance Member only explained what Mr. Craik had said, but he did not make any reply. He was not called upon by you to make a reply. His mere explaining to those who did not hear what Mr. Craik had said cannot be taken as a reply.

Mr. President : There is nothing more that Government has to say on the subject. The Government is prepared to do the very thing which the honourable members asked it to do, provided the persons concerned make a representation.

Rana Firoz-ud-Din Khan : I want to say something about this, Sir.

Mr. President : Before we proceed further, I think it is for the honourable mover of the reduction to say whether the assurance given by Government does not serve the object with which he raised the discussion.

Sardar Jodh Singh : After Rana Firoz-ud-Din Khan has spoken, I shall withdraw.

Mr. President : There is no question about that. It is for you to say whether the Government can go further than what it has said or whether on the assurance it has given you withdraw your motion.

Sardar Jodh Singh : I do not withdraw the motion, Sir.

Malik Firoz Khan Noon : Sir, I move—

"That the question be now put."

Mr. President : The question is—

"That the question be now put."

The Council divided : Ayes 26 : Nos. 18.

AYES, 26.

Mr. W. P. Sangster.
Colonel C. R. Bakhle.
Mr C. A. Barron.
Mr C. M. King.
Mr. W. Mayes.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Colonel C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. H. D. Craik.
Dr. C. A. Owen.
Mr. J Coldstream.
Malik Firoz Khan, Noon.
Sardar Bahadur Sardar Jowahir Singh.
Lieut. Malik Muzaffar Khan.
Subedar-Major Farman Ali Khan.
Chaudhri Nur Din.
Chaudhri Sahib Dad Khan.
Chaudhri Muhammad Shafi Ali Khan.
Mr. E. Maya Das.

NOES, 18.

Chaudhri Saadullah Khan.
Sardar Narain Singh.
Sardar Jodh Singh.
Sardar Tara Singh.
Sardar Gurbakhsh Singh.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh.
Shaikh Muhammad Sadiq.
Sayad Muhammad Husain.
Pandit Nanak Chand.
Professor Ruchi Ram, Sahni.
Lala Bodh Raj
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Lala Mohan Lal.
Chaudhri Ram Singh.

The motion was carried.

Mr. President; Grant under consideration, reduction moved—

"That the total grant be reduced by Rs. 100."

The question is that that reduction be made.

Sardar Jodh Singh: Sir, I beg leave to withdraw.

Mr. President: Order, order. It is too late to withdraw the motion after the question has been put.

The Council divided: Ayes, 17; Noes, 28.

AYES, 17.

Sardar Narain Singh.
Sardar Jodh Singh.
Sardar Tara Singh.
Sardar Gurbakhsh Singh.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh
Sayad Muhammad Husain.
Pandit Nanak Chand.
Professor Ruchi Ram, Sahni.
Lala Bodh Raj.
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Lala Mohan Lal.
Chaudhri Ram Singh.
Chaudhri Kesar Singh.

NOES, 28.

Mr. W. P. Sangster.
Colonel C. R. Bakhle.
Mr. C. A. Barron.
Mr. C. M. King.
Mr. W. Mayes.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. H. D. Craik.
Dr. C. A. Owen.
Mr. J. Coldstream.
Malik Firoz Khan, Noon.
Nawab Sayad Muhammad Mehr Shah.
Mir Maqbool Mahmood.
Sardar Bahadur Sardar Jowahir Singh.
Khan Muhammad Saifullah Khan.
Lieut. Malik Muzaffar Khan.
Subedar-Major Farman Ali Khan.
Khan Bahadur Chaudhri Fazl Ali.
Mr. V. F. Gray.
Mr. E. Maya Das.

The motion was lost.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu): Sir, I beg to move—

"That the total grant be reduced by Re. 1."

The object of my moving this cut is to protest against the policy of the Government in imposing needless fresh taxation, and not remitting it even when their finances have considerably improved. In fact this niggardly policy of the Government, their not announcing their intention to reduce the *Abiana* along with other taxation, in conjunction with the intention expressed by the Honourable Finance Member of the Government of India, had a very adverse effect in the Assembly .....

The Honourable Sir John Maynard: Will the honourable member kindly speak a little bit slowly. I cannot hear what he says.

Sayad Muhammad Husain: What I said was that the Punjab Government.....

The Honourable Sir John Maynard: The honourable member can continue in Urdu. I can perfectly understand Urdu If the honourable member speaks very loud the echo of one word destroys the sound of the other.

Sayad Muhammad Husain (Urdu): Not only the Punjab suffered but other provinces suffered as well. It is my conviction that the zamindar representatives of the Punjab, thinking that relief in *Abiana* is not to be given by the Punjab Government, voted for the reduction of the salt duty.

The result of the ballot in the Assembly shows that had two or three members voted against the reduction of the salt duty, it would not have been carried. The short-sighted policy of the Punjab Government is responsible for all this loss in the remittal of provincial contribution to the province. Sir, my submission is that *Abiana* is a very heavy tax, intolerable to the agricultural population. My next objection to the general administration is their neglect in establishing Panchayats all over the province. Panchayats are the demand of the people; more than two years have elapsed since

[Sayad Muhammad Husain.]
the Panchayat Act was enacted and yet no serious efforts have been made to establish Panchayats and make them asuccess. My next complaint is that notwithstanding the express wish of the House and the people at large to amalgamate the revenue agencies of Canal and Land Revenue Department, notwithstanding the fact that the experiment has been tried in the most difficult districts, and proved to be a success, and notwithstanding the glaring fact that besides being a boon and relief to the general public it will be conducive to great retrenchment in expenditure, it has not been extended to the big canals where it was so urgently needed. With these remarks, Sir, I beg to move this reduction.

Mr. President: Grant under discussion, reduction moved—

"That the total grant be reduced by Re. 1."

The question is that that reduction be made.

Malik Firoz Khan Noon [Shahpur East (Muhammadan) Rural] (Urdu): Sir, I quite agree with my honourable friend Sayad Muhammad Husain that taxation must be reduced, but the arguments which he has put forward remind me of a story which I would just relate. Once upon a time a culprit was produced before a certain judge in connection with an offence. The judge ordered that one eye of the culprit be pulled out as a mark of punishment. Hearing this sentence the man replied that he was used to working with both eyes and that there was a watchmaker who used only one eye and his one eye might well be extracted. Accordingly this was done. Now, Sir, what I would like to mention is this that my friend Shah Sahib has not mentioned the body of persons who are the real cause of the matter but has shifted the burden on to another whom we cannot hold responsible merely because it is convenient to do so. If the Legislative Assembly had not reduced the salt-duty and if 61 lakhs of our provincial contribution had been remitted we would have urged for an immediate reduction in the *Abiana*. But I am sorry to say that this is not the real position. The crux of the matter is that the members of the Legislative Assembly are doing their own propaganda work. They are undertaking obstruction for the sake of obstruction in the legislature. They do not care for the zamindars of the Punjab. Sir, I would like to state on behalf of my constituency that it would have been better if the salt duty had remained as it was and the water rates been reduced and I hope that zamindar members of the House will openly declare that it is preferable to get salt duty enhanced and that the doings of the honourable members of the Legislative Assembly are not quite in consonance with our views.

Mr. Miles Irving (Financial Secretary): Sir, my friend Sayad Muhammad Husain has made an extraordinary defence of the action of the Assembly. I could tell a story too, but I would leave it to Malik Firoz Khan to deal with those erring brethren, when they come back to the Punjab. I would rather deal with another aspect of the question. There is a proverb in my country: "Before you divide the lion's skin, you should catch him and kill him." We have not yet got this 56 or 61 lakhs. In fact the prospects of our getting it have receded, owing to the action of the Legislative Assembly, into the dim and somewhat remote future. As has already been stated in a question which will appear in the proceedings of this House in due time, if and when we get a reduction of 61 or 56 lakhs or any other sum, then the Punjab Government will consider in consultation with the honourable members of this House very carefully how this good fortune is

to be expended. This is not a matter to be decided all at once, as to whether we are to spend it on this or on that. It is very easy to say, remit this or that. It is necessary to put before this House alternative schemes and let the House decide how this good fortune if and when it comes should be expended. The lion is still roaming in his native jungle and it is too early to divide his skin.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, I do not propose to take part in the discussion that has been carried on for a long time between honourable Sayad Muhammad Husain on the one hand and honourable Malik Firoz Khan Noon on the other and especially so because the question that they have been discussing is an intricate and fairly big one. I would, however, avail of this opportunity first to reply to the remark made by Malik Firoz Khan Noon in his speech about the attitude of the honourable members in the Assembly He has said that the members of that body whether they are Swarajists or Khilafatists utilise every occasion to present difficulties in the ways of the Government. I admit that it is so, but I ask what else should they do? They are all of them nationalists, independent and they feel for their motherland. Whenever they find the Government to be in the wrong they unitedly oppose it I wish we the members of this Council too could follow their example. We are aware of their independence but we cannot dare follow in their footsteps. I wish we too could independently vote on every measure or demand presented by the Government and not be led away by the considerations that we are Muhammadans or that we are Hindus or even that we are coming from rural areas or from the urban areas. If we could have presented a united front, I am sure this taxation, for which we are raising so much hue and cry to-day, would never have come, but I am sorry to say that we dare not do that.

The next point to which I would like to refer is the question of panchayats which has already been briefly touched by Sayad Muhammad Husain. At the time when the non-co-operation movement was at its highest and the leaders were pressing for the establishment of panchayats in each and every village, a Panchayat Bill was introduced and passed in this Council. At that time everybody appreciated it and thought that, if properly worked, it would prove very beneficial to the Province. It will they thought, take us a long way on the high road of self-government Two years have since elapsed, but so far no steps have been taken to give its a practical shape. I know that in a few villages members for the panchayats were nominated but they have done no work so far in the real sense of the word. We have often tried to know the attitude of the Government in the matter by means of questions asked in different sessions, but we have never been given any satisfactory reply. I request the Government that it is time that it should take immediate steps to establish panchayats in each and every village. For my part I should like to see these panchayats assume the form of little municipal committees and, besides their proper function, should exercise control in matters of education, sanitation and the like in their respective jurisdiction. I should again request the Government to take immediate steps in this direction and thereby remove the impression in the public that the Bill was passed simply to show that the Government was prepared to do what the leaders were aiming at, but that it was never meant to be acted upon.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] (Urdu): Sir, I have been very much pleased to listen to the views to which

[Lala Mohan Lal.]
certain Muhammadan members have given expression this afternoon. I was also pleased to hear the speeches made by some of them yesterday while we were discussing the majority report of the Reforms Enquiry Committee. I wish that such a current of thought always runs in the veins of all of us here. I find that they have all of them emphasised one point most of all and that is about the remission of taxation, but I may tell them that these speeches will not do. We must be practical men rather than theoretical. We must ignore minor communal differences if we are to make real progress. Can any of those who have asked for reduction in taxation to-day come forward and have the boldness to say that he has been discharging his duties as a member faithfully and honestly? I do not think any one of them can. I can say by the beat of the drum that the attitude of this Council in the past has been what it ought not to have been. We cannot hold Government alone responsible for the increase in taxation. The blame lies with us mostly because we have been supporting the Government whenever it came before us with any demand whether it was reasonable or not. I say, and say with certainty, that if we had been true to ourselves and a little more considerate, this taxation would never have come. Not only that, we would have done much more which would have taken us near to our goal, I mean self-government. However I might say again that it has pleased me to listen to what the Muhammadan members have said to-day and I hope they will continue to have this attitude in future.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, my honourable friend Sayad Muhammad Husain raised a very important question in his speech, about contribution *versus* salt-tax. This is really a very important question and I would like to express my views in the matter. Before proceeding with it, I might say that I have been prompted to do so not to please the Government or any body else, but because I am convinced of its importance and truthfulness. Sayad Muhammad Husain has said that the Government should have taken care to declare that it would reduce Registration fee or Stamp duty or water-rate on the provincial contribution being reduced by 61 lakhs of rupees by the Central Government and if the Government had done so the members in the Assembly would have certainly voted in favour of the Salt-tax as proposed. May I ask of my honourable friend whether he has ascertained whether the Assembly people would have favoured the Salt-tax or he is only of opinion that they would have done so? I think if he had taken care to study the history of this question he would never have hazarded this opinion. He is perhaps unaware that the members in the Assembly were and are determined to oppose the salt-tax irrespective of any consideration, and I will show by relating in brief the history of the Finance Bill that what I have said is true. Last year this Bill was introduced in the Assembly, but was rejected. It was then introduced and presented before the Council of State, which accepted the same although in a little modified form. As a matter of course the Bill again came up before the Assembly for reconsideration, but again it met the same fate. All these show that the Assembly was determined to oppose the Bill at all costs, and from the very beginning. It must be in the recollection of honourable members of this Council that last year an announcement was made by His Excellency the Governor-General in Council that a reduction would be made in our contribution by 38 lakhs of rupees if the Assembly favourably considered the question of salt-tax, but that was not to be. I do not in any way impute motives to the members of the Assembly, but I cannot refrain from

saying that their attitude is such that we do not like. They seem to care very little for us. I know that Bengal is not in trouble and in fact is paying no contribution. United Provinces and Assam are likewise not paying much by way of contribution. It is Madras and the Punjab that are feeling the pinch of this provincial contribution. I am sorry to say that although last year there was a deficit in the budget of these two Provinces, the members in the Assembly did not pay any heed to our difficulties. I really wonder why the Assembly should oppose the salt-tax at all which was proposed to be raised by annas 4 only over and above what the members would like to have. I think these four annas are nothing and when distributed over the whole of the country the share that would fall to an individual cannot exceed one *adhela* (half a pice). If the members in the Assembly had been a little sympathetic, we would certainly have got back our 61 lakhs of rupees. That sum would have given us scope to expand our beneficent departments. I am very much keen about this question and I wish that we should have discussion here on it for an hour or so, and should unanimously represent to the Council of State (when the question of salt-tax comes up for consideration before that body) that we have no objection to the salt-tax being fixed at Re. 1¼. The result will be that the Council of State would pass it and the question will naturally come up again before the Assembly. Then we can approach the members in the Assembly requesting them to agree to the proposed salt-tax. That is the only way that can bring us back our 61 lakhs of rupees. His Excellency the Governor-General will not, I think, certify the tax as there is no deficit in their budget. As Sayad Muhammad Husain has remarked the Government should have declared its intention to reduce the taxes or water rate. I may assure the honourable member that total remission is impossible even if we get back the promised 61 lakhs. If we have got surplus we must allot more funds to our beneficent departments and as the Honourable Finance Member remarked in his budget speech more funds will be allotted to the beneficent departments such as education and sanitation. Of course a partial remission is possible and we can press for it only when we have actually got back the promised sum, but total remission as I said before, is impossible *In khiyal ast-o-mukal ast-o-janun*. I know I have discussed this question at length but I have done so because I am sure that the question is of great importance. I think the honourable members would give due consideration to it and will support me if they find that what I have said is true.

Next I would deal in a few words the question of panchayats. This has been sufficiently emphasised by the previous speakers. All of them have demanded that these should be established in all the villages at once. I am also of the same opinion, but what I wish the House to know is that the people in the village are not anxious to have them and the reason is that they are divided into factions and therefore they are afraid lest these panchayats should prove harmful to their peace and happiness. Once I went round a number of villages in my constituency and asked the inhabitants why they do not press for the establishment of panchayats and the reason they gave was what I have already stated. However, I would request the Honourable Finance Member and the honourable Mian Sahib to pay more attention to this question.

Professor Ruchi Ram Sahni (Punjab University): Sir, I was somewhat saddened earlier in the debate when I found so many honourable members of this Council getting prematurely into anecdotage. Sir, the one question which touches the masses is the salt-tax and not the *abiana* or any other tax for that

4 P.M.

[Professor Ruchi Ram, Sahni.]

matter. It touches the masses in general and not any special class of the people. It cannot be said, Sir, that I have not supported my honourable friends who want the *abiana* rates to be reduced, or when last year they wanted that the Government should not increase the *abiana* rate. But I find, Sir, that always, in season and out of season, the cry of "Carthage must be destroyed" is raised, the cry of the woes of the zamindars. It has been said by the honourable members opposite, that this year the tone of the debates has improved. I want to tell them that the opposition is not so strong as it was last year, not because we do not feel strongly. On the other hand, we feel even more strongly than last year that things are going wrong but we often keep quiet because we find that the Council has been placed under the tyranny of a 'class.' In season and out of season, there is only one cry heard here, namely, that the interests of the rural classes are in danger. No one even cares to understand wherein lie the vital interests of the rural classes. Take the case of salt-tax, it is the rural classes that will benefit materially by the reduction of this tax. It means a remission to this province of something like 5 or 6 lakhs, that is so much less paid by the people to the Government in the shape of reduced salt duty. For the whole of India, it will mean, perhaps, about one crore, but for this Province alone it will come to a small fraction of it. In other words, even if a reduction were not made in the salt-tax, we could not have benefited to the extent of 61 or 56 lakhs but only to the extent of a small fraction of it. Sir, our complaint is that we are here not as a properly constituted Council carrying on work in the way in which legislative work should be carried on, but we are placed here under the tyranny of a close class or of an interest, of a fixed and unchangeable class or interest and I say that, so long as the Land Alienation Act is on the statue book, so long will that class tyranny last.

Chaudhri Duli Chand: No.

Professor Ruchi Ram, Sahni: I expected that answer not only from that honourable member, but from a much larger number of honourable members. So long as a fixed class exists, that is, so long as I cannot, under the existing constitution, enrol myself in the list of rural members, even if I were to settle down in a village and till a piece of land with my own hands, so long as there is this unchangeable majority of any particular interest, unchangeable by us by any means, by persuasion, or appeal to reason, or by any other ordinary methods of changing a majority into a minority, so long as this state of thing lasts, we will live under a constant "tyranny of the majority." It was said that if a remission in the provincial contribution were made, the amount so saved should be spent on sanitation, let it be rural sanitation alone.

Sayad Muhammad Husain: My honourable friend is attacking me as well as all the honourable members of this House. I wish to make my position clear.

Mr. President: I would ask the honourable member not to digress into general question but come either to the administration which is being brought under cut of Re. 1 or the particular point raised by the mover of the amendment.

Sayad Muhammad Husain: Let us know whether he is in favour of the amendment or against the amendment.

Professor Ruchi Ram, Sahni: The object of the amendment was to raise a discussion on the administration, and, in that connection, the mover of the amendment mentioned that the vote of the Assembly was not bene-

ficial in cutting down the salt-tax from Re. 1-4-0 to Re. 1. He said that if the salt-tax had not been reduced a much larger sum would have become available by way of remission in the contribution and this would have facilitated the *abiana* rates being reduced.

Sayad Muhammad Husain : Not only *abiana* but also some other taxes.

Professor Ruchi Ram, Sahni : I was opposing that proposition. My point is that by raising this question of the *abiana* tax again and again, and by putting the rural class against the urban class, the whole atmosphere of this Council is being vitiated. My position is that if the remission in the contribution does take place, we should spend it on sanitation, on primary education and the promotion of industries, three of our most crying needs. If our rural friends want all this money to be spent exclusively on village sanitation, or village education or village industries, then I for one will not have the slighest objection to it.

Sayad Muhammad Husain : I want to make a personal explanation, Sir My honourable friend Professor Ruchi Ram has remarked that I said that if the Assembly had not reduced the price of salt, the remission of the provincial contribution would have gone only to the reduction of *abiana*. I never said so. What I said was that the whole country would have obtained relief in taxation including *abiana*. We want relief not only in *abiana* but also in all the taxation taken together.

Mr. C. M. King : Sir, shall we be in order in following the last speaker, Professor Ruchi Ram in repelling his attack on the Land Alienation Act ?

Mr. President : I shall decide the point when it arises.

Mir Maqbool Mahmood [(Amritsar Muhammadan), Rural] (Urdu) : Sir, to-day's discussion appears to be a curious one. I feel I can both agree and disagree with the speakers who have entered into the discussion. Sayad Muhammad Husain has voiced the feelings of the zamindars on the *abiana* question which has upset them very much. I am in perfect agreement with him there. But when he places the responsibility of our provincial contribution not being decreased on Punjab Government I feel I must express my disagreement with him. The manifesto issued by the Government of India on the question of provincial contribution has clearly exonerated the Punjab Government from any charge of apathy or disconcern. It has been clearly stated that our Government made strong efforts for the remission of our share of the contribution. I congratulate them on their strong attitude. The responsibility of no remission lies on the Assembly. Rana Firoz-ud-Din has stated that the Assembly includes great patriots and politicians and they could not have gone against the best interests of the country. I admit that there are many of the best men of our country in the Assembly and I have a great respect for them. But I do not believe that their sense of patriotism is above the possibility of making mistakes. In my humble opinion they have made a mistake as regards the action they have taken on the salt tax and the provincial contribution. And the fact that Mr. Jinnah also holds the same opinion lends further support to my statement. Sir, I do not agree with my friend Malik Firoz Khan Noon when he says that the responsibility of the provincial contribution and the enhancement of water-rates lies on the shoulders of the Assembly. As far as the non-remission of the provincial contribution is concerned

[Mir Maqbool Mahmood.]
the responsibility is no doubt on the Assembly. But the responsibility for the continuance of the increased water-rate is on this Government and this Government alone. Sir, as I stated in my budget speech there is not the least necessity of any new tax whether urban or rural even if there be not a penny worth of remission from the Government of India. I quoted the speeches of the Finance Member wherein he says that these taxes were only levied to meet the deficit, and now that there is no deficit (even excluding the new taxation) I submit there is not the least justification for these taxes being continued. The Finance Member has admitted the mistake in the preparation of the budget but he does not admit his mistaken policy which is the result of that miscalculation in the budget. I again emphasise this point that the *abiana* and other urban taxes were only meant to make up the deficit and now that it has been made up I submit that there is no justification whatsoever for the continuance of these taxes. The responsibility for these taxes lies undivided on the shoulders of this Government. I feel it my duty to say on behalf of those members who have authorised me to do so and on my own behalf that the Assembly and the Government of India should be requested to help us in this matter. I say His Excellency the Viceroy will be justified if he uses his certification powers to remit the provincial contribution If I had been the Viceroy I would certainly have done that (hear, hear).

Now, Sir, my venerable friend and teacher Professor Ruchi Ram has raised certain questions which I feel in duty bound to reply. He has accused us of these benches of crying only against *abiana* and forgetting other taxes. Moreover, he said, that as we are to get a remission of ten to fifteen lakhs through reduction of salt-tax we should not protest against this. Well, I would request my venerable teacher to be a little more attentive to the speeches in this House and a little more accurate in his remarks than what he seems to be so far. And I would remind him of my budget speech last week in which I pleaded strongly for the remission of the whole of new taxation—both rural and urban. Moreover, I submit that we can see that the remission of salt-tax also benefits us, but we value 61 lakhs more than 15 lakhs—unless my honourable friend by some miracle of science makes us think otherwise.

Professor Ruchi Ram, Sahni: I fail to understand how by the remission of 4½ lakhs in salt tax we save 61 lakhs. That was my point. I fail to understand how it affects the provincial contribution. At the utmost it can affect that portion of the contribution and not the whole of the contribution.

Mir Maqbool Mahmood (continued in Urdu): Sir, I most respectfully ask the learned Professor to study the debates on the Finance Bill. The reason for the continuance of our provincial contribution is that salt-tax has been reduced throughout India. Now, Sir, coming to his remarks on the Land Alienation Act I ask whom does my honourable friend opposite represent. He said he speaks for the Hindus. But are not the majority of Hindus agriculturists? (cries of no, no).

Mir Maqbool Mahmood: 54 per cent. of the Hindus of the Punjab are agriculturists.

(Then continued in Urdu): We have been blamed for keeping a rule of tyranny over the heads of the others. I ask, do you then want to rule the majority by a few citizens? This Land Alienation Act is based on sound enconomic principles. Read what Mr. Gokhale says on this question.

Look at Ireland where after centuries of experiments more or less the same remedy was applied as we have here in this country and which you condemn by the name of the Land Alienation Act.

Professor Ruchi Ram, Sahni: I question that statement I know what the law in Ireland is.

Mr. President: I wish to make this point clear about the Land Alienation Act. I understood the allusion to that Act by Professor Ruchi Ram only as an incidental allusion so far as it affected the attitude of the rural members, and therefore, after the reply the honourable member has made on that point I do not want him to dwell at length on the Land Alienation Act.

Mir Maqbool Mahmood (continued in Urdu): Sir, my honourable friend laid a great emphasis on this point and I thought he required a fuller answer. The rural members do not and will not make an improper use of their majority. They do not want to crush any minority but they also do not like to be oppressed by a minority which is very advanced and has all the resources at their command. Nor do we help the Government in season and out of it. Only yesterday we showed that we are as ready to oppose the Government where opposition is necessary as any other party in the House. But, Sir, we do not speak here for the sake of the gallery and therefore we will support the Government when it deserves support, and we shall oppose it where it deserves opposition. Finally, I again submit that the responsibility for the provincial contribution lies on the Assembly whereas the responsibility for the continuance of the increased water-rate and other taxes is on the Government.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, it was not my intention to say anything this afternoon—and I will make my remarks very brief, but I could not resist rising after the question of salt-tax had been brought up, because it so brings before the House the force of the remarks I made yesterday as regards the irresponsible way in which members of the legislatures try and defeat Government whenever they get an opportunity. In my opinion the Assembly has made a very great mistake. At least if the Punjab members had voted against it, it would have made all the difference and I hope that the Punjab members will realise their mistakes when they get back to the Punjab, and in my opinion that is the only way that you can get them to be a little more responsible for the positions they occupy. You cannot blame the Government and there is no possibility in my opinion of it being certified by the Viceroy. I certainly hope that the Viceroy will not certify. I want the Punjab members to feel their responsibility and I hope that everyone here will rub it into the representatives when they get back to the Punjab.

I would like to associate myself with the various remarks made about taxation and hope that Government will take the first opportunity to remove the present taxation, especially the motor taxation (laughter). Now that we have a surplus budget, we are in a position certainly to drop the smaller taxes.

Sardar Gurbakhsh Singh: Sir, we have.....

Dr. Gokul Chand, Narang: Can I, Sir, with your permission put a question which any member who wants to speak hereafter might answer. It is an arithmetical question. By calculation I find that by the reduction of 4 annas per maund in the duty of salt the saving is 5 lakhs....

Mr. President: Order, order. If the honourable member wants to make any lengthy remarks, I think he had better reserve them until his turn comes for speaking. I had already called on Sardar Gurbakhsh Singh, when he rose.

Sardar Gurbakhsh Singh [Ambala Division (Sikh), Rural]: Sir, we have been hearing for quite a long time things about the salt-tax and its relation with the provincial contribution. I was simply surprised to hear the remarks of a member, if I may call it so, a member of this party to which also quits a number of rural members of this House belong. I want to take the first opportunity of speaking against the unwarranted attack on the rural members of this House made by a gentleman who, if I mistake not, represents a rural constituency. He represents the Punjab University. His constituents consist of graduates who are spread all over the Province. The greater number of the graduates live in rural areas, so that the honourable member represents rural interests of this Province. I do not know why he forgets that the Sikh group which has been working so honestly in this Council session, is composed of rural members.

Under those circumstances a learned friend of his status and position making such unwarranted attack in this House does not seem to show a sense of responsibility in him. So I want to enter a protest against his remarks on behalf of my group of the rural members of this House.

Professor Ruchi Ram, Sahni: I stand by what I said.

Sardar Gurbakhsh Singh: I do not care for that. (Laughter). The other point I now come to is although we have been hearing quite a number of learned discourses on the salt-tax and provincial contribution I really admit I fail to understand what this provincial contribution has to do with salt-tax. This question of contribution has been cleverly mixed up with the question of salt-tax by the Government of India so that they may whenever necessary say that because the Legislative Assembly does not agree with the Government of India in connection with the salt-tax therefore it is not going to remit the provincial contribution of these two provinces. I can hardly see any connection between the two. If the Government of India really cares to reduce the contribution it can find other avenues by which it can reduce it. It can certainly reduce the contribution by adopting economy and retrenchment and other measures which our Government has so creditably been trying for the last two years. It is a surprise that those Honourable Members of the Executive Council of the Government of India have not yet been able to find out means to redress this long-standing grievance but if they only wish to do so they can easily do so without having recourse to the salt-tax affair. Salt-tax is not so lightly to be disposed of. Our representatives in the Legislative Assembly are not to think of India as so many compartments. I think they are right when they think of a united India as a whole. They in the central legislature represent the Indian constitution and not so many water-tight compartments such as the Punjab, Madras and so on. If this division of compartments is resorted to, then one does not know to what miserable lot that legislature may fall. Although we see through our experience of the last two years in this House, that the people stand up and take a lead as to the interests of the rural population, there are examples when the rights and privileges of these rural classes have been mercilessly trampled under foot by these champions of the cause who stand up and proclaim from house tops that they are the guardians of the

rural population and the rural interests in this province. They have very often failed to discharge this their so-called duty. Salt tax certainly, Sir, affects the whole population of India and everyone knows how poor that population is. The Punjab is fortunate in having a system of canal irrigation and a good amount of lands. Otherwise, if you tour in Madras, if you tour in the United Provinces, if you tour in any other part of India, you will at once see that the salt-tax does not affect them lightly but heavily.

There is no reason why for the sake of reducing the provincial contribution of our province they should charge the rest of India with greater burden, the major portion of which is unable to bear it. I do not want to go into this question of salt-tax any further. The reference to it was only by the way.

As this debate is on the general administration, I want to take the House to some other very important matters with reference to the administration of this province. We have been hearing for the last two years or so that it is the communal tension that has caused all this state of affairs. But do we at all see any responsible body devising any means, or adopting any measures to meet the situation? I will put a direct question to the Honourable the Finance Member and his colleagues "Is it not the clear duty of Government to come out and see that this communal tension is removed and removed as soon as possible? Is it not part of their administration to see that the people of this province do not quarrel for reasons which could be remedied in no time?" Although I will not go into the lengthy details of communal tension, yet I want to put one point to the House and that is this. We have been hearing and hearing everywhere that it is the loaves and fishes that are causing all this communal feeling. If we analyse the whole situation, is it not really true that it is the number of appointments under Government, the number of seats in local bodies and the legislature that is causing all this trouble? Otherwise what is the difference between Malik Firoz Khan Noon and myself? I do not see any. It is only these paltry things, the few appointments under Government and a few seats in the legislature and local bodies that is the bone of contention. Is it not then within the scope of Government to call a representative meeting, of responsible leaders of the various committees and try to satisfy them on all these points? I would therefore suggest to the Government that they should hasten to call a round-table conference of leaders of various communities and thresh the whole thing out with them and have the matter decided. The whole question therefore comes to this that the system of recruitment is defective. When the Government says that the whole country is at variance on this point it should revise the system of appointing persons to its services. They should now revise the scheme by which they base appointmen s on the recommendation of the services rendered by the parents of one or the grandfathers of another and relatives of the third and so on. The first preliminary step that I would suggest is that they should at once appoint a provincial Appointment Board for Public Services. If, however, the Government should grudge to hand over the control of making appointments to this Board then they should begin by taking suggestions from it. If the Appointment Board is representative of all shades and communities then I doubt if there will be any ground for any communal tension on that particular ground. It is now high time that the Government should make a start in that direction and make a beginning by way of experiment.

[Sardar Gurbakhsh Singh.]

There was some voice which was inaudible.) My friend suggests Public Service Board as suggested by the Government of India. I agree some such board should be created which will certainly to a great extent reduce the communal feelings.

Another point that I want to bring to the notice of the House is in regard to the administration of this province with respect to a very important community. I do not at this time propose to go into the details of the Sikh question. We have been hearing a number of times in this House the sorrowful tales about the Sikhs. Everyone here knows in his heart of hearts that the Sikhs have been tried to the farthest extent. Is not the cup of sacrifice and troubles of the Sikhs full to the brim? Have they not stood the test manfully and have they not tremendously suffered in their manhood and materials? Is it not the bounden duty of the Hindus and Muhammadans of this province to come out and help them now? May I ask, is it not the clear and imperative duty of Government after testing us for such a long time and taking us through such hard ordeals to help us out of the situation? You have tested us on the frontier, you have tested us on the battlefields of the Empire, you have tested us on the borders of India, you have tested our loyalty to the extreme and you have tested our faith in our religious movements, you have tested us in all respects. We have always been really faithful, honest and brave people and we being brave people we call on you as brave people to come forward and redress our grievances as soon as possible. Sir, the hand of fellowship has been extended on the side of Government for a long time now. It was our present worthy Governor who extended that hand of fellowship when he was in charge of a very important portfolio in the Government of India. That hand of fellowship has been extended to us from the Home Government as well. But I do really feel sorry that that hand is not extended to any further appreciable extent. It is said to have been extended, but that extension does not go far enough. It does not pretend to reach us and is being cautiously kept at a good distance from us. I again repeat, Sir, with all the emphasis at my command, that this is the time when the hand of fellowship should be extended to its full length so that our hand also which has always been out and is out now to meet it on all possible grounds, may grasp that hand of fellowship and we may again meet together as friends as we have always been since the advent of the British Empire in this country. On this point, Sir, I want to say just one word. We, some of us the representatives of the Sikh members in this House have been discussing the Gurdwara Bill for the last three months or so. The representatives of Government have also been working very hard indeed, and they have been working so creditably that we feel highly thankful to them. The Government have been engaged in considering with us and in giving their best attention to this Bill. But the delay is very trying. It is time that the Government should expedite the matter, because there are already signs that if things are not settled now when the atmosphere is calm we do not know what may be in store for us next, and what difficulties we might have to face. So it is best in the interests of everybody concerned that this Gurdwara Bill be expedited as soon as possible and the end of these troubles seen as soon as possible. On that point I will make one personal appeal to the Honourable the Finance Member. During the course of the general discussion of the Budget we requested him to leave behind him marks of reforms in the police administration. We request him to leave marks behind him in connection with the Gurdwara reform also looking at which we may always remember him. I therefore wish to make this personal appeal to him that

he should see the Sikh question fully settled before he lays down the reigns of the important office which he holds in the Government of this big province. My personal appeal to the Honourable the Finance Member is that he should see that all the troubles are removed and the Sikh question is fully settled and that no bitterness or hostility is left in the minds of anybody.

Another point which I wish to touch briefly upon in regard to the administration of this province is this. Everybody knows and everybody feels that justice is the most important factor in the administration of the country. In order to elevate and keep up that high prestige, this House has been repeatedly requesting the Government to separate the executive and judicial functions.

Mr. President: I understand this is the subject of a separate amendment. I would like to keep this point for that amendment.

Sardar Gurbakhsh Singh: If that point is reserved for a separate amendment, I do not want to take up the time of the house any more on this amendment. I once more appeal to the Honourable the Finance Member to ease the Sikh situation before he lays down his office.

Khan Bahadur Chaudhri Fazl Ali [Gujrat East (Muhammadan), Urban] (Urdu): Sir, I am not keeping quite well and as such I cannot take much part in the debate. But the remarks made by Professor Ruchi Ram force me to say something. Some of the honourable members of this House have expressed their sense of disgust on his remarks and I expected that he would certainly withdraw his remarks but to my utter despair I find that he is not prepared to do so. I would advise my rural brethren .....

Mr. President: I hope the honourable member will remember what I said about the remarks on the Land Alienation Act. He may make any other remarks which he has to make.

Khan Bahadur Chaudhri Fazl Ali (continued in Urdu): Sir, I request the representatives of the rural interests not to mind the Professor's remarks, as there is a proverb that nothing pours out of a vessel except what it is full of. He has given expression to his inner self.

(At this stage Mr. President left the chair which was taken by the Deputy President.)

I do not like to deal at length with the rights of both urban and rural people but would simply dilate upon one or two points. My honourable friend Mir Maqbool Mahmood has fully dealt with the question of salt-tax and I am quite at one with him in what he has said in this connection. Sir, I am at a loss to understand what integrity and wisdom these so-called nationalists and patriots of the country have shown in cutting down the salt-tax by annas four. There are two sides to every question but our so-called national leaders have not cared to look at the dark side of the question of salt-tax. Every person is well aware at what rate salt is sold and what amount of it is used in the country. Previously much more quantity of salt was used in the country but now-a-days it is used very carefully by means of spoons. Thus a person can well imagine what amount of good the reduction of one-fifth of the salt-tax means to the country? Would it mean to do away with the general poverty of the country? No, but it would add one more item to the sufferings of the zamindars, for they use much more salt than their urban brethren. They use a good quantity of salt for the use of their cattle. Besides this they use it in their vegetables and *Chhachh*. Even

[K. B. Ch. Fazl Ali.]

the reduction in the salt-tax is for the urban people. Sir, so far as I have been able to sound the opinions of the rural people I can say that they never complain of the increase of the salt-tax. The salt-tax was a political question, it was a struggle between the Government and the Legislative Assembly, in which we admit the Legislative Assembly got the upper hand. But what has this victory of the Legislative Assembly over the Government brought to us? Simply this, that our expectations for the remission of 61 lakhs of our provincial contribution have failed with the result that the water-rates have been enhanced. Again the weaker part of the body failed, that is, the zamindars had to bear the burden of enhancement of the water-rates as well. At some other occasion I have already expressed that before taxing the poor zamindars we ought to consider their income and expenditure. We should see what their labour is worth. Let us consider the income that can be derived from one square of land. We should leave the *barani* land aside for what we get from it is a matter of chance. We take the case of the canal-irrigated land For one square of land we require four servants and four oxen. Supposing one-and-a-half rupee is spent daily per ox and one rupee per servant we have to spend three thousand six hundred and fifty rupees a year. Besides this a good sum of money is also required for the purchase of seed and other necessaries of cultivation.

(*At this stage Mr. President resumed the chair.*)

Pandit Nanak Chand: I want to know what is the debate about? I have not been able to understand whether it is *abiana* or salt-tax *versus* provincial contribution.

Mr. President: It began as salt-tax *versus* provincial contribution.

Pandit Nanak Chand: My honourable friend is now speaking about *abiana*.

Khan Bahadur Chaudhri Fazl Ali (continued in Urdu): Sir, our labour costs us Rs. 3,650 a year and our income is exceedingly low. If the urban people whose yearly income ranges above two thousands are required to pay a small sum to the exchequer it is considered an injustice but if a zamindar who could hardly earn 2 annas a day protests against any sort of imposition he is considered to be a fool and condemned for his action by the urban people. I am sorry for this treatment of our brethren towards us. Justly speaking the zamindars deserve every consideration at the hands of both the Government and the urban people.

Further some remarks have been made in connection with rural sanitation. This subject really deserves special consideration of the Government. Thousands of the poor villagers, owing to the insanitary conditions of their villages, fall a prey to the epidemics every year but in spite of this our urban brethren never pity our lot. On the other hand they require every sort of comfort and luxury for themselves.

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A sort of roof should be built on the Mall to protect them from sunshine. They require a bazaar to be built, a theatre to be erected for their amusement. But nothing whatsoever should be done for the comforts of the poor zamindars who fill up the coffers of the Government. They do not deserve even a humane treatment at the hands of their brethren.

I already submitted that on account of my ill-health, I will not speak at any length on the subject. Hence to be brief, Sir, I request the Government to look at the wretched plight of the zamindars who are taxed

even if their income is one anna a day. For every pice of theirs they have to pay local rates. One word more and I have done. To make up the communal differences I support the suggestion that a proportion for the allotment of appointments to different communities may be fixed. By so doing the present tension between the various communities would disappear of its own accord. Every community will know that this much is their share of the Government appointments. Let a service board for this purpose be created. Some of the honourable members have remarked that the Government have committed a mistake in levying the motor-tax, but never uttered a single word in connection with the enhancement of water-rates. This is their love for their fellow countrymen. They look to their own selfish interests. With these words I resume my seat.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban]: Sir, I have not been quite able to follow the trend of the whole debate that has been going on now for some considerable time. It seems as if another day had been given for a general discussion on the Budget and every member has been given an opportunity to express any view that he liked on heaven, hell or earth or any subject between the two.

Mr. President: I hope the honourable member is not going to follow that example (laughter).

Dr. Gokul Chand, Narang: No, Sir, I will not follow that example. Sir, a question was put by my friend Pandit Nanak Chand as to what the subject matter of this debate was and you were pleased to reply that the subject of the debate was the salt-tax and the provincial contribution. So far as both these matters are concerned, I think the debate on them is entirely irrelevant to the amendment which has been proposed with respect to the general administration of this Province. Neither the salt-tax is in the hands of the administration of this Province nor is it in the power of the administration of this Province to reduce the provincial contribution. Therefore *primâ facie* the whole debate that has taken place this afternoon on this amendment seems to me to be wide of the mark. If you rule that the subject matter of the debate is salt-tax and the provincial contribution then on the merits also I do not really see any justification for an expression of resentment against the action of the Assembly.

Mr. President: Perhaps the honourable member was not here when the discussion on this item began. The mover of the amendment tried to blame the local administration for not announcing how it would utilise the reduction in the provincial contribution by remitting certain taxes. That is how he brought it in.

Dr. Gokul Chand, Narang: I think it is not necessary for me to modify the remarks that I have just made even in the light of the remarks that you, Sir, have been pleased to make. Even if the Punjab Government did not announce how the saving effected in the provincial contribution was to be distributed my submission is that Government cannot be blamed, on that point. No one names his son before he is born and if I recollect rightly the Honourable the Finance Member warned this House against too much optimism. It is not that it was not certain what the result of the debate of the Assembly might be, so that so far as the Punjab Government is concerned, it made it authoritatively clear that the question of distribution could not be taken in hand before it was finally settled that a reduction in the provincial contribution was going to be actually made. So far as this matter is

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concerned therefore I think even so far as the condemnation of the Punjab Government is concerned, the speeches to that effect were wide of the mark. Now to take the question really on the merits as you have by your answer to the question asked by Pandit Nanak Chand limited the debate now, I do not see any point in the argument raised during this debate. By a simple arithmetical calculation it appears that even if the salt duty had not been decreased, the income resulting from it so far as the Punjab is concerned would not have been more than a few lakhs. If you calculate that a Punjabi man, woman and child included, consumes about a tola of salt every day, the saving to the Punjab by the reduction in the salt duty would hardly amount to anything more than five lakhs of rupees. If that calculation is correct, then my submission is that it is really arithmetically absurd to suppose that any reduction in the salt duty has in any way led to the deprivation of this Province so far as the reduction in the provincial contribution is concerned. If there was any other source which the Government of India could tap in order to raise money sufficient to take the place of provincial contribution and that source has not been tapped, certainly the Government of India might be blamed, but the honourable members of the Assembly who have the welfare of the whole of the country at heart and specially the welfare of the poorer classes cannot be blamed for reducing the tax on salt. Rupees 56 lakhs was expected as the reduction in the provincial contribution and even if I double the amount, it would save the province 10 lakhs by the reduction of the salt duty and the remaining 46 lakhs we have to find by some other means from somewhere else. Therefore I find by this arithmetical calculation that the condemnation of the Assembly or of the Punjab Government on this point is absolutely unfounded. No act of the Assembly can be responsible for the forfeiture, if I may so use the word, of 46 lakhs by the Government of India which we were expecting. I do not see any connection between the reduction in the salt duty and the reduction in the provincial contribution.

(*At this stage a note was handed over to the member speaking.*)

I do not know which honourable member has sent this note to me, but herein I am told that the zamindar members in the Assembly voted for the reduction of the salt-tax. If that is so, then the zamindars in this province or those who claim to speak in their name cannot blame the Assembly because even the zamindar members of the Assembly voted for the reduction of the salt-tax.

Mir Maqbool Mahmood: They were also wrong.

(A voice : you may be wrong.)

Dr. Gokul Chand, Narang: The question is not whether we are wrong or whether they are wrong. You are now condemning the action of the Assembly, not sparing even Mr. Jinnah. . . .

Mir Maqbool Mahmood: Jinnah voted for it.

Dr. Gokul Chand, Narang: I beg your pardon. I understood you to say otherwise. Those honourable members of this House who are condemning the members of the Assembly for reducing the salt-tax on the ground that it has in any way affected the provincial contribution ought really to try and find where that 46 lakhs was to come from on the strength of which a reduction in the provincial contribution could only be made. Instead of going into the question of salt-tax and the provincial contribution and raising the question between the urban and rural population as some

members have tried to do, they should try in this House, and endeavour themselves or through their Government in this province to find out how this 56 lakhs was to be made up which we were expecting to be the figures of reduction in the amount of provincial contribution. So far as I have been able to follow this debate no honourable member has thrown any light on this. I got up to ask this question but was not allowed to do so, but now that I have asked it, I hope that some member who follows me in discussing this subject, will throw some light on this question. So far as I have been able to think over it, I cannot account for the forfeiture of the provincial reduction on the ground of the reduction of salt duty.

Mian Muhammad Shah Nawaz: Read the Assembly's proceedings.

Dr. Gokul Chand Narang: This is a question of arithmetic and we need not go to the Assembly in order to find out the solution of a simple arithmetical question.

So far as the question of urban and rural was concerned it was absolutely irrelevant. An incidental reference to this or that subject might be justified, but there is no reason why any honourable member representing the urban or rural area should at this moment take up cudgels on behalf of his constituency. We are hoping to bridge the gulf that exists between the two communities and it would be extremely unfortunate if another cleavage was introduced between the urban and rural population. There is no doubt that attempts will be made in certain quarters to substitute this cleavage for the Hindu-Muhammadan dissensions, because if the differences are based simply on religion, it means that half the people would be on one side and the other half on the other, but if the rural and urban question is raised, then it would mean perhaps more than three-fourths on one side and less than one-fourth on the other, because the rural population is certainly much larger than the urban population. Then the eyes of those who cannot now see far enough would be opened and they would see that they were themselves digging the grave which has engulfed them all. I would warn every member of this House whether he represents a rural constituency or an urban constituency, not to make this, a point of contention between the various parties in this House of which already there are too many.

Chaudhri Duli Chand [Karnal (Non-Muhammadan), Rural] (*Urdu*): Sir, I have listened to all the speeches made by the representatives of several groups in the Council, but so far none of them has expressed the views of the Hindu zamindars. I now rise to do so. What the educated section of the people desired has been fulfilled so far as the election of the members of the Legislative Assembly is concerned. But in connection with the Legislative Council their desire has not been realised. When the reforms were first granted such qualifications of a candidate for election were prescribed as were not favourable for the rural people to send in their representatives in good number to the Legislative Assembly. This is not so in the case of Legislative Councils. Here we have a sufficient number of members representing the rural interests. Had there been a good number of *bonâ fide* rural representatives in the Legislative Assembly neither the Government would have felt the necessity of enhancing the water-rates nor would some other difficulties have arisen. The question arises how the reduction in the salt-tax is responsible for the enhancement of water-rates. Last time we were expressly told that if the Legislative Assembly agreed to reduce the salt-tax, the Government would have to enhance the water-rates. The salt-tax was reduced and we had to suffer the consequences. Why is it that such a hue and cry is raised in connection with

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the salt-tax when fodder, as every body knows, becomes dearer than even salt? The reason is that the question of salt touches the pockets of urban people also while the question of fodder touches rural people only. Whenever there is an attempt to impose any tax on the urban people, they raise a great hue and cry and the newspapers which are manned by urban people do their utmost to inflame their ideas. The inflammatory matter published in the newspapers here is usually such as convinces the people in England that India is on the verge of open revolt. Contrary to the English press, the Indian newspapers do not represent the wishes of the people at large, but voice the sentiments of the urban minority only. Thus the case of 90 per cent. of the people who live in villages is not represented at all.

Now, Sir, I turn to the proper subject, that is, General Administration of the Government. Corruption is rampant in every Government department. The one and only one officer of the Government who can check this evil with some success is the Deputy Commissioner of each district. Whenever there is a strict Deputy Commissioner appointed in a district, the corrupt officials of the district feel very uneasy and the corruption subsides to some extent. The police is the most corrupt department of the Government. One may be speaking here in the House and can be accused of murder a few minutes after provided the police care to. The police often take to such mean tricks that the innocent people are sometimes convicted. A few days ago one man was accused of the murder of his wife. He declared that he did not know the whereabouts of his wife. In reality she was abducted by some man. The police never cared for his statement, beat him so hard and in so shameful a way in the presence of the female members of his family that he saw no other way but to confess the guilt. The police concocted an imaginary story for this alleged murderer to repeat to get himself hanged.

The Honourable Sir John Maynard: I rise to a point of order. I ask for a ruling that in cases of allegations of this kind, some sort of notice must be given beforehand so that it may be possible to meet the charges made. Without any sort of notice it is quite impossible to meet the charges. I therefore want a ruling that such charges should be made after notice of the same has been given to the officer responsible for giving the answer.

Mr. President: So far as the allusion to this definite incident is concerned, I think there is force in the point raised. The honourable member may make remarks on the general administration, but if he wants to refer to a specific case such as the one he is alluding to, I think the honourable member for Government is entitled to notice.

Chaudhri Duli Chand (Urdu): Well Sir, I would finish by simply submitting that the man's wife afterwards appeared before the police. This maladministration is mainly due to the Government being a "paper Government." Supposing there is a break-out of fire in a village, information is sent to the thana, the Sub-Inspector forwards the information to the Inspector of Police who sends it to the Deputy Superintendent of Police and who in turn forwards it to the Superintendent and so on. Thus months pass away when orders are received to put down the fire. A single subordinate officer cannot be transferred from one place to another so long as his immediate officer is at his back no matter however corrupt he may be. There is the case of a Sub-Assistant Surgeon who was reported against not only by the people but also by the District Board but was not transferred because his

immediate officer, the Civil Surgeon wrote to the higher authorities of his good conduct. This is not a 'common sense' Government, but a 'paper' Government. They go on endorsing the papers and time passes off before anything is done in time.

It is said that the rural majority treats cruelly the urban minority. This is quite untrue. I have been thinking so far that Swaraj means the Government of majority, but now it is clear to me that the urban minority desires to rule the rural majority. If unfortunately the minority have to rule the majority during the Swaraj days of India why should not the Government remain in the hands of the English instead of in the hands of urban Swarajists? Again it is said that the urban minority is well read and can better govern the country than the rural majority. In reply to this I would refer the House to the Government of Ranjit Singh and Akbar the Great who had received no academical degrees from a foreign University. I think the uneducated persons can govern a country as fairly as educated persons can do. Now I turn to the Land Alienation Act which is condemned by one of our honourable members. Sir, I am a *Mazhabi* (religious) man. . . .

Pandit Nanak Chand: Are you a *Mazhabi* (Laughter)?

Chaudhri Duli Chand (continued in Urdu): I hold the Act in great esteem. I consider this Act to be a holy piece of work and in my opinion it ranks next to *Alqaran* and *Vedas*. Had this act not been in force in this province it would have shared the same lot as the zamindars of the United Provinces.

Pandit Nanak Chand: How is this relevant?

Dr. Gokul Chand, Narang: I think what Chaudhri Duli Chand says is in order.

Mr. President: I do not think so, but if any objection to the introduction of this question was to be taken it should have been taken when it was introduced by another honourable member. I have allowed the member now speaking to make a reference to the question by way of a rejoinder to the reference already made in one of the speeches. But I do not want the honourable member to dwell on this matter any longer.

Chaudhri Duli Chand (continued in Urdu): Well Sir, I would touch very briefly the remaining points. In connection with the taxation I would like to say that it is the desire of the urban people that every pie of the taxation should come out of the pockets of the zamindars, but they should have no sort of comfort in return. The army, police and the hospitals are all for the benefit of the urban people. The rural people on the other hand should have no amenities of life. Sir, 98 per cent. of the zamindars pay something in one form or the other to the exchequer even if they are sorely crying under the heavy debts of their own. Only those urban people are required to pay a small amount of tax whose yearly income ranges above Rs. 2,000. There would be hardly 5 per cent. of such persons among the urban people. Again it has been remarked that the Hindu-Muslim question is brought before the House in connection with any matter discussed here. I do not find any religious question before the Council and if there is any such question it is I think in connection with the Sikh Gurdwaras. Here we fight for our political rights. I admit that the Government issues circulars but takes no practical steps to safeguard the rights of the zamindars. There were two State scholarships for industrial training and only three candidates applied for them, but none of them

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belonged to the agricultural tribes. I could not understand why the number of applicants was so small. I found out that even those three who applied for the scholarship were connected with the clerks of the office. There should be advertisements for vacancies and scholarships. I am of opinion that unless the Government take some steps, our rights will not be protected. With these words I resume my seat.

The Honourable Sir John Maynard (Finance Member): I should just like to say a few words in the first place on the personal appeal which has been made to me by an honourable member. The question on which the personal appeal has been made to me is one to which I and other members of Government have given a great deal of thought and anxiety for several years past. We have had many headaches over the consideration of the difficulties of the Sikh problem and we do not in the least grudge them if the ultimate result should be a solution satisfactory to all communities. On that point I can give an assurance to the honourable gentleman who made a personal appeal to me.

Now as regards the subject of debate, or perhaps I should rather say subjects of the debate, for I think they ranged rather over a very wide area, I confess that I have now and then felt doubtful as to what it was we were talking about. Sometimes I thought that it was rural and urban taxation, sometimes I thought it was whether the Government should revise the system of making appointments, sometimes I thought it was whether we had enough panchayats and whether the panchayatdars were doing their work properly, sometimes I thought we were passing judgment over the Assembly or a section of the Assembly, sometimes I thought we were going into the historical or the political reasons why the Assembly reduced the salt-tax, and learning that it did it only in order that it might score off the Government of India, sometimes I thought we were advising one another to make the position hot for the Punjab representatives when they came back to their province after they had voted in a manner which was not quite approved of, and sometimes I thought we were discussing whether the university graduates were of the rural or of the urban class. The time has come, the Walrus said, to talk of many things; of shoes, and ships, and sealing wax of cabbages and of kings; and why the sea is boiling hot and whether pigs have wings. That seems to be perhaps an accurate account of the subjects of the debate.

Sir, I shall now proceed to give a few facts to the Council which have a bearing on what I think is probably the original idea which lay in the mind of the honourable the mover of the amendment. If the present decision of the Assembly holds good, that is to say, if the Finance Bill should not subsequently be modified after it has been to the Council of State, then I understand that the loss to the Government of India will be something like 1,55 lakhs per annum. Now supposing that this loss should take place (we cannot be certain whether it will, because the matter is not yet settled), supposing it should take place, then the amount which the Government of India had for the purpose of remission of contribution will be reduced, but still there will be something left. I calculate the worst that can happen to us under these circumstances will be that instead of getting 61 lakhs *minus* 5 lakhs, we shall get something like 40 lakhs *minus* 5 lakhs, that is 35 lakhs instead of 56 lakhs. It is not a question of our losing the remission of provincial contribution, but of some 20 lakhs or so, more or less. Of course 20 lakhs is a very serious item which we should be sorry to lose. I trust we shall

know how to deal with the Punjab members of the Assembly who voted to this effect. At the same time, there it is. It is a question whether we shall get our 56 lakhs or we shall get 20 lakhs less. Of course it is always dangerous to prophecy, but I think we shall anyhow get something. The question on which every body wants an answer is this. What are we going to do with this money? I may assure my honourable friend Sayad Muhammad Husain and I hope it will be understood by every body that the question of how one has to deal with a sudden accession of revenue like this is not a matter that one can dispose of in a few minutes. It is a matter on which we shall have to spend very anxious thought. It is a matter on which we shall probably take this Council into our confidence and we must in fact do so (hear, hear). Even if we had the intention of doing otherwise we are bound to bring before the Council our supplementary demands before spending money. At the same time an opportunity will be given to the Council of passing resolutions in regard to the way in which they wish the money to be spent; I cannot pretend to tell this Council that we shall have even any tentative proposals ready for sometime to come. The probabilities are that it will not be before next August that we shall be in a position to say how we shall propose to spend the money next year. Here will be your opportunity of criticising the proposals in dealing with supplementary demands, here is your opportunity of passing resolutions on the subject advocating anything which you may desire other than our proposals. That is the position as regards the probable or possible, it is dangerous to call it probable, the possible accession to our provincial resources. My honourable friend Sayad Muhammad Husain has levelled the criticism against us that there would have been no reduction of the salt-tax if the Government had suddenly announced that it meant to remit taxation without waiting to consider the subject and without waiting to consider what any body has to say about that. He does not say what taxes have to be remitted; he seems to think that all the taxation, the *abiana* and the other new taxation ought to have been remitted. As regards the criticism that if this has been done then the Assembly would never have ventured to reduce the salt-tax, all that I can say is he is entirely wrong on that subject. I do not think that anybody who is acquainted with politics in the Assembly would at all fail to say what the probabilities are in the matter. Every body will probably agree that I am reasonable in assuming that the Assembly would not have taken this matter into consideration at all.

Sayad Muhammad Husain: At least the Punjab zamindar members would have voted otherwise.

The Honourable Sir John Maynard: A difference of three or four votes would not have mattered much. Even if the Punjab zamindar members had voted in the way that the honourable member says, it would not in the least have affected the result. This Government is not in the least responsible for what has occurred.

As regards other matters over which this debate has ranged, I think it is impossible for me to attempt to deal with them within the compass of any reasonably short speech and so I shall not attempt to say anything more on the subject.

Mr. President: Now that the discussion which the honourable the mover of the amendment wanted to raise has been raised, and it has covered a wider range than what he intended to cover, does the honourable member wish to withdraw his amendment?

Sayad Muhammad Husain: I submit a vote may be taken on th amendment, as the *abiana* has been referred to in the debate.

The Honourable Sir John Maynard: May I say one word, Sir? If I had had information that *abiana* was in issue, I should have discussed that in my speech. I understood that this debate was on the subject of talt-tax *versus* contribution.

Sayad Muhammad Husain: If time is given for the discussion of the question of *abiana*, then I withdraw this amendment.

The amendment was by leave withdrawn.

Mr. President: With regard to the amendment of the honourable member Lala Bodh Raj, I should like to know whether there is in this amendment anything absolutely distinct from the very wide range of question relating to general administration which has already been covered by the previous amendment, and which he wants to discuss now.

Lala Bodh Raj: [West Punjab Towns (non-Muhammadan), Urban]: Sir, my object in moving this amendment is quite different from the questions which have already been raised.

Mr. President: Then the honourable member can move his amendment.

Lala Bodh Raj: Sir, I beg to move—

"That the total grant be reduced by Re. 1."

Sir, my object in moving this amendment is to raise a debate on the question that the recommendations of the retrenchment committee have not been accepted so far as the Indian Civil Service men are concerned. No effort has been made to effect any retrenchment in the cadre of the Indian Civil Service men. I would by an illustration try to prove that there is still farther room for retrenchment. The Government should take steps to effect more reduction in the expenditure of the province. . . .

Mr. Miles Irving: Is that not exactly against your recent ruling, Sir that no reduction should be discussed on non-voted grant? The honourable member is speaking of the I.C.S. men who come under non-voted.

Mr. President: The honourable member should not discuss non-voted tems. If the honourable member discusses any voted item in the budget, then he would be in order; otherwise not.

Lala Bodh Raj: With due deference to your ruling, Sir, I beg to discuss the policy of the Government so far as the question of retrenchment is concerned. That might cover the non-voted items as well as the voted items. But I have to discuss the general policy of the Government in regard to retenchment.

Mr. President: I understood the honourable member to say a few minutes ago that he wanted to discuss the question that the retrenchment committee report had not been given effect to. If that is his proposition, he may raise the discussion but without touching the salaries of non-voted officers.

Lala Bodh Raj: The sphere of my amendment has been very much restricted. Anyhow I will try my best to remain within the limits that have been placed upon me. When the motion of my honourable friend Sayad

Muhammad Husain was before the House, every one of the speakers tried to raise his voice against the taxation that has been imposed on the urban population or on the rural one. They should have been on their guard at the time when taxation was being imposed. The question now is whether we can afford to spend something like a crore of rupees on the general administration of the province. My submission is that there is still room for retrenchment and that we can carry on the administration of the province with less expenditure.

Sir, in carrying into effect the reports of Retrenchment Committees we find that either the post of a peon is abolished or that of a stenographer carrying a small pay is done away with but no recommendation of the Retrenchment Committee that touches the Imperial Services in any way, is given effect to. The other day the Finance Member presenting the Budget before this House explained how there was a surplus of 10 lakhs of rupees. He attributed this surplus to the fact that the Government had made drastic retrenchment in the staff of the various departments. For the last four years the Reforms have been in full swing. The Civil Secretariat staff has been strengthened to a great extent. We have got two Executive Councillors, two Ministers and a legislative body consisting of so many members from all parts of the the province in order to advise the Government. Before the inauguration of Reforms certain posts for which superior service men were appointed were considered necessary for the general administration of the province, but now after the Reforms when all the departments have been developed, they are considered as superfluous. I would draw your attention to the posts of Commissioners. Many of the duties that were discharged by the Commissioners were taken away long before the introduction of Reforms by the heads of several departments when those departments were being developed and after the introduction of the Reforms many other subjects ought to have been taken away by the Executive Councillors and the Ministers. I need not go into details as to what are the various functions of the Commissioner and how these functions can be administered otherwise, either by the head of the district or by the Secretariat staff at the headquarters of the province.

Mr. Miles Irving: Sir, the honourable member is traversing the ground which you have already forbidden.

Mr. President: The honourable member must not try to attack indirectly anything which he cannot under the rules attack directly.

Lala Bodh Raj: So far back as 1908 a senior member of the Royal Decentralisation Commission urged that any decentralisation measures should have in view the retention of all possible authority within the limits of a district rather than those of a division, and steps should be taken in that direction. In view of such recommendation we can make a reduction in men of the superior service as well as in their clerical establishment. We have to see whether in the light of the report of the Decentralisation Commission any effort has been made to make any retrenchment in this province or not.

Mr. Miles Irving: On a point of order, Sir. The honourable member is going on.

Mr. President: Perhaps the honourable member does not know how to avoid the subject. If that is his only point, perhaps he cannot go on. If there is anything else he wants to say, he may do so.

Lala Bodh Raj: I leave this subject here and take another point for discussion. (A voice: you are browbeaten.) There is the voice that I am browbeaten (Cries of no, no and laughter). However I have introduced the subject for discussion before this House and other members are free to develop it (laughter).

The other question that I want to bring to your notice is the question of the stringent enforcement of the rules for keeping arms in this Province. A few days back I had to put a question to Government on the subject I hope, Sir, you will excuse me if I have to make a personal reference with regard to it. I applied to the head of my district for a licence to keep a revolver. I was refused. The question came before this House and in view of the reply a further question was raised whether the Government was prepared to give me the licence for a revolver or not, an emphatic no was the reply given by the Executive Councillor. I do not know whether he knew the reasons that were stated in my application for the necessity of keeping a revolver. So far as I think he did not know the grounds of my application and even now I can say positively that he does not know them. I would refer you to the special rules that have been made regarding the grant of licences for arms: "Licences for the possession of a revolver or pistol will not be granted except in the case of real necessity, the nature of which should be explained in the application." I beg to say that the Executive Councillor before giving an emphatic no should have first enquired what were the grounds stated in the application and whether those reasons warranted the grant of the licence or not. Since the introduction of the Arms Act there have been made protests against it times out of number. I have not to fight on the question whether the Arms Act should remain in force or be repealed because it is not the subject of this Council. But the rules that have been laid down under the Arms Act are being enforced by the authorities of the Province. We have to see whether those are being enforced as liberally as was desired by the Committee before which this question came. Several recommendations have been made to the Government of India either to repeal the Arms Act or to liberalise the rules that were in force at the time for granting the licence for keeping arms. Without any substantial reasons licences are refused even to persons who hold the position of a member of the Council. I am not anxious for myself but I have brought this subject for discussion only with a view to preserve the dignity of the members of this House (hear, hear)—it is for the members of this House to see whether they should allow the Executive Councillors or other members of the Government to treat them in that way. It rests with them and their vote will give an indication of the fact how they want to be treated. If it is a consistent policy of the various Provincial Governments to refuse licences to persons who have anything to do with political associations or are the members of the Congress Committees they should openly and straight forwardly come forward and say that they cannot allow the use of revolvers to any one who is a member of a Congress Committee or who has anything to do with any organised political association although the creed of that association be non-violent non-co-operation. Such stringent enforcement of the rules in other words means that the Government Officers look upon the people of this country with an eye of suspicion.

The Honourable Sir John Maynard: Lest they should hurt themselves.

Mr. President: Grant under consideration, reduction moved—

"That the total grant be reduced be Re. 1."

The question is that that reduction be made.

Mr. J. M. Dunnett: On a point of order, Sir. Does the honourable member's application to this House for a revolver licence require a non-judicial stamp? (laughter).

Sardar Gurbakhsh Singh: Sir, it is nearly 6 o'clock, and I have no time to make a speech. But I want to bring one matter to the notice of Government. A resolution on the subject of the exemption of sword from the Arms Act was passed by this Council last year, Government itself not opposing it. But I find that no action has been taken on that resolution. I do not know of a single resolution which has been accepted. I was reading a notification in the Gazette the other day: such and such a resolution passed, not agreed to; such and such a resolution passed, no action needed; such and such a resolution passed, necessity does not arise. Had there been even one resolution which had been accepted by Government, it could be said that Government has accepted the wishes of the legislature at least in the case of one resolution.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Is the honourable member quite sure that no resolution has been accepted by Government?

Sardar Gurbakhsh Singh: So far as I know and I am talking of the particular notification of the *Punjab Gazette* which was published a few months back. None seems to have been accepted.

6 P.M.

The Honourable Sir John Maynard: We will show to-morrow that the honourable member is mistaken.

The Council then adjourned till 2 P.M. on Friday, the 20th March 1925.

PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 20th March 1925.

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

GOVERNMENT'S DEMANDS FOR GRANTS (CONTD.).

GENERAL ADMINISTRATION (RESERVED) GRANT (CONCLD).

Mr. President : The Council will now proceed with the discussion on the motion* of Lala Bodh Raj for the reduction of Re. 1.

Chaudhri Afzal Haq [Hoshiarpur-*cum*-Ludhiana (Muhammadan) Rural] (Urdu) : Sir, just as remarked by my honourable friends Sardar Gurbakhsh Singh and Lala Bodh Raj, I hold that the Government should try its utmost to keep up the dignity of the Council by meeting with the wishes of its members expressed on the floor of this House every now and then. Sardar Gurbakhsh Singh the other day complained that none but the resolution pertaining to the jails passed by this House has so far obtained the assent of Government. Government has not even cared to look to the resolution concerning the removal of the restriction on the possession of swords. There is no earthly reason why Government should not accede to the wishes of the House in this matter when other Provincial Governments have also exempted the sword from the operations of the Arms Act. This resolution was unanimously adopted by the non-official members of this House. In the second place, I would urge that licenses for arms should liberally be granted to responsible persons of this province so that the wishes of the people may be realised to some extent. One of the honourable members of this very House applied for a license for keeping certain arms, but he was refused. I cannot understand on what grounds the licence was refused. Further I would like to draw the attention of the House to the irresponsible attacks that have been made by the official benches on the opposition side ever since the beginning of this year .....

Mr. President : Is that a new subject which the honourable member is going to introduce ? I must restrict the discussion to the question of the Arms Act.

Chaudhri Afzal Haq (continued in Urdu) : The spirit of the discussion was really such as to urge Government to accept the wishes of the House. That was the reason why a one rupee cut has been proposed in the total grant.

Mr. President : Order, order. The honourable member is not to question the ruling of the chair on that point. He must confine himself to the question of the Arms Act.

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*That the total grant be reduced by Re. 1.

Chaudhri Afzal Haq (continued in Urdu). Sir, I bow to the ruling of the chair. Well, for the present I reserve my remarks for the next amendment.

Mr. H. D. Craik (Chief Secretary): Sir, it is not my function to reply to the criticisms of the Arms Rules that have been put forward by the mover of this reduction, but the honourable member who just sat down stated, if I understood him rightly, that Government was not amenable to the views expressed by this Council. Sardar Gurbakhsh Singh made a definite allegation yesterday that hardly any resolution passed by this Council was carried out by Government. I hope I may be allowed to correct that misapprehension. I have here certain figures which show that the honourable member is completely mistaken in thinking that the resolutions passed by this Council are not accepted by Government. Since the constitution of the Reformed Council in 1921 the Council has passed altogether 65 resolutions. Of these, two required no action by Government, eight are still under consideration by Government and seven only out of the 65 were rejected by Government. No less than 46 resolutions were accepted by Government and acted on (Cheers). So the honourable member was not correct in saying that hardly one resolution had been accepted. I have shown that more than two-thirds of the resoultions have been accepted by Government. ..

Sardar Gurbakhsh Singh: I rise to a word of personal explanation. I did not refer to all the resolutions passed by this Council ever since its inception. I only referred to the notification in the *Gazette* wherein it was said that no resolution was accepted. This notification was published about two months ago.

Mr. H. D. Craik: It is the practice of Government to publish in the *Gazette* all the resolutions passed and also a statement showing what action Government has taken. I do not know what the honourable member means when he says that in one notification Government refused to take action on any resolution. Anyhow, the procedure regarding all resolutions is exactly the same. We publish all resolutions passed in the Council and also indicate what action Government has taken on each of them.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): Sir, yesterday in the course of the debate my learned friend Lala Bodh Raj complained about the reply that I gave him to a question that he put in this Council, particularly about his request for a revolver license. He complained very bitterly that my reply to his supplementary question was an emphatic "No". I had no intention to be rude to my friend, nor had I any intention in giving that reply to wound his dignity in any way. His first point was that the rules have not been liberally carried out. Except his own case, he has not cited a single instance. As regards his own case, he complained that a license for a revolver was not given to him. In this connection he referred to the report of the Arms Rules Committee. With your permission, Sir, I shall read a paragraph which deals with the question of restriction of revolvers. The committee says :—

> "It has been suggested by the military authorities that the restrictions on the possession of revolvers should be tightened up. We recognise that the unrestricted possession of revolvers might be a menace to the public tranquillity; nevertheless, we do not recommend any tightening up of the existing restrictions, which seem to be adequate. At any rate, they have not been shown to have failed. The existing restrictions should, however, remain."

This recommendation of the Arms Rules Committee was accepted by the Government of India in their resolution. Paragraph 17 of the resolution says :—

"That the Government of India accept the recommendations made in paragraph 25....."

Professor Ruchi Ram, Sahni : What is the date of the resolution ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : It is No. F.-829-1-22, dated the 3rd November 1923. Well, Sir, if my friend was in any way dissatisfied with the order of the licensing authority, under rule 43 he had the option of going up to the Commissioner in appeal. I am not quite sure whether my friend availed himself of that right of appeal to the Commissioner to get his wrong redressed. As regards the second point he raised about the dignity of this House and the grant of a license without any enquiry or anything of that sort, I must say that the question of dignity comes in only in the case of a license for a gun. There, of course, if a man has certain qualifications, if he pays certain land revenue or holds a certain position, a license is given to him as a matter of course. But, in the case of a license for a revolver, it is a matter of necessity pure and simple. If the necessity of a member applying for a license is such that he should be given a license, the licensing authority before whom all matters are placed gives the matter full consideration and refuses or grants, as the case may be. As I stated before, the applicant whose license is refused has got the option of appealing to the Commissioner, who is the immediate superior in authority in the district. There is no question of dignity or want of dignity in the matter of a license for revolvers. The honourable member said in the course of the debate that, because a certain member was a Congress man, he was therefore refused a license. I emphatically say that that was not the case, and the case was considered purely and simply on the question of necessity Now, coming to another point. These small weapons (revolvers) are machines of very intricate make and so they are dangerous for the person who chooses to use them as well as for the persons against whom they are used. In giving my reply to my honourable friend the other day I was not quite sure whether my honourable friend has had any occasion to use a revolver himself. On the other hand, the reason why I gave him the emphatic reply of "No" was that, if there be a hot debate in this Council, I was anxious that scenes like the one that happened in the Turkish Parliament should not be repeated in this House. Therefore it was for that reason that I said that I was not prepared to consider the question. Otherwise, personally speaking, I never had any intention of wounding the feelings of my honourable friend, and, if he feels in any way hurt, I am prepared to apologise to him.

Professor Ruchi Ram Sahni : And say, "Yes."

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia : Coming as it does from the Professor at whose feet I learnt, I am very glad he has given me pardon. As regards the resolution *re* the exemption of the sword in the Punjab, I said before in reply to a question put to me on the subject that the matter is still under consideration of Government and unfortunately we have not come to any definite decision. A decision can only be arrived at when we find that the province is in a tranquil condition,

[Hon'ble S. B. S. Sundar Singh, Majithia.]

and that there is no fear in accepting the resolution which was passed by this House. Anyhow Government has not had any chance of finally deciding the question and, unless this question is finally decided, I am afraid I cannot give any further assurance on the subject.

Mr. President: After having raised a discussion on the subject does the honourable member Lala Bodh Raj desire to withdraw his amendment?

Lala Bodh Raj: I do not think any assurance to the satisfaction of the House has been given, and so I do not intend to withdraw the amendment.

Mr. President: Grant under discussion, reduction moved—

"That the total grant be reduced by Re. 1."

The question is that that reduction be made.

The motion was lost.

Mr. President: Before the next amendment is moved I just want to make a remark or two on the question of these amendments, which are in the form of a cut of Re. 1, and which, as in this instance, are more than one in number. I allowed yesterday, after a very lengthy discussion on amendment No. 24,* another amendment which proposed a reduction of Re. 1 to be proceeded with because I understood that it related to a subject or question which had not been covered by the very wide range of the discussion on amendment No. 24. On the same ground, I am prepared to allow amendment No. 24-B to be moved. I must make it clear that, when an amendment is allowed to be moved on the understanding that it is to raise a debate on a particular question, the discussion under that amendment is to be confined to that specific question which the mover of the amendment wants to raise. In the second place, I want to take this opportunity of pointing out, without restricting the discretion of honourable members to speak on such amendments, that it is obviously in the interests of the honourable members themselves if they are considerate to the interests of those honourable members who are to follow them and who want to discuss various items which are still before the House and which have to be gone through within the time allotted. If they make their remarks to the point and as briefly as possible, it will be to the advantage of the House and in the interests of other members. Having made these observations, I would now call upon Sardar Tara Singh to move his amendment.

Sardar Tara Singh (Ferozepore (Sikh) Rural): Sir I beg to move—

"That the total grant be reduced by Re. 1."

My object in moving this amendment is to raise a debate on the separation of judicial and executive functions. I want to take advantage of the opportunity offered to me to explain to Government the advantages and the disadvantages, especially in the working of this system during the last four years, owing to the combination of judicial and executive functions, in the same authority and in the same person. Sir, this matter has been under discussion for over a century, and I need not take the House into the circumstances that have occurred since the combination of these two functions in a single individual. This much I must admit: that is, when the East India Company set its foot for the first time on Indian soil, there was a house divided against itself, and, with

*That the total grant be reduced by Re. 1.

their own hands the Indians delivered the territory to the British East India Company. Seeley, the historian, writes in his book the "Expansion of England" that India conquered herself; but the question is "Why then were we attracted to the British authority from its very inception?" Though we were divided amongst ourselves, yet we all joined together in our loyalty to the British Crown. I may say, Sir, that the foremost thing which attracted the attention of Indians was the impartiality and purity of justice in the beginning of the British authority in India. But, since then, as time passed on, the authority went on shaking as impurity crept into the administration of justice. This result was due to the fact that the British jumbled together the authority of the executive and judiciary in one man. Sir, from the time of Lord Cornwallis up to the present time all the political leaders who had the welfare of India at heart courageously denounced this system of jumbling together the two functions, so much so that the authority is extremely shaken and the great masses of India have lost their faith in British justice. I am reminded of a certain incident that recently took place in the city of Lahore. One day, when a magistrate was holding court, a certain accused lit a candle and began to search for something in the court hall in all the nooks and corners. The magistrate asked him what he was searching for when the man replied that he was searching for justice in one of the corners of the room. This gives an illustration of the length to which the impartiality and purity of British justice has gone down in the estimation of the masses. It is now high time that we must eradicate this evil and separate the judicial and executive functions so completely that there will be no influence of the executive on the judiciary.

On examining this system in the light of the experiences of the past four or five years, it will be very clear to the House how much of a tyranny it is to combine the two functions in the same individual. The District Magistrate is the head of the district, as magistrate he is the head of the police; he is also the head of the excise and various other departments, and the executive orders of Government are issued through him, and he is in fact the person who executes the executive policy of Government, and he is also the prosecutor of the breakers of that policy. The subordinate officers are not independent, and they often look to the hint of the District Magistrate because upon his pleasure depends their promotion and their future prospects. Sir, I submit, as the system has worked for over a hundred years, the eye of the judiciary has become so tainted that it cannot look upon the judicial side with any unprejudiced and impartial eye. In all the disposal of criminal cases the subordinate officers have to look to the orders of the District Magistrate. Therefore the decisions are not free from partiality, and they are not pure justice.

The other day the honourable the Chief Secretary was pleased to announce in the House that instructions were issued that those Akalis who merely feed the *jathas* should not be arrested. These instructions are issued by the administrative head to the Deputy Commissioner of the division. This means that Government has issued instructions and this executive policy has to be carried out by the District Magistrate through his Extra Assistant Commissioners and it is this latter class that sits on judgment on those who happen to entertain views different from the Government policy. I mean to say that they are the thief-catchers and the judge; that is, they are prosecutors and judges at the same time. In order to create a feeling of confidence in the impartiality of British justice in the minds of the common

[Sardar Tara Singh.]

people and to maintain the high traditions of British justice, it is necessary that these powers should not be vested in the same functionary. The present judiciary has been nourished and brought up in the atmosphere of executive feelings and executive observations and it has become impossible for it to shake them off; and therefore it is necessary that it should be absolutely separated from the executive taint.

My further submission is this: Those executive officers who have decided certain cases according to the policy of Government have been given promotion without their merits being taken into consideration. The sole reason for their promotion is that they have zealously, faithfully and loyally perpetuated the subjugation and slavery of the people under British control. On the other hand, it is within my knowledge that certain officers who had independence and courage to decide cases according to their inner light and according to the evidence on record were often transferred to bad places as punishment. Honest and independent persons are not always liked by the executive officers.

Sir, I have had the chance of conducting cases in the court of some magistrates and I hope honourable members will take my word of honour when I say that they have told me that they cannot help it. If they decide cases according to their conscience, they must go. I have been told this not once, but several times. They say they depend on the mercy of the officers. When such is the condition of men who have served for a long time and when they so feel their helplessness, there is not much hope for British justice in the Punjab. I may just remind the House of recent judgment of the High Court. I am not going to read the whole of it out, but it says: "This type of hearsay evidence is obviously inadmissible in a court of law". I submit, Sir, that it clearly shows that the Lower Appellate Court had not applied the elementary principles of law. I do not believe that an officer of the position of Sessions Judge is not acquainted with the elementary principles of law, but if he is not, then he is not a fit person to hold that position. If he is acquainted with the elementary principles of law, which I believe he is, then the only explanation one can make is that that officer was acting under the influence of the executive. I can quote many such instances, but this is a most typical case. In all cases connected with Gurdwara reform during the last three or four years these officers have been deciding cases against their conscience without paying any regard to evidence on the file simply to please the executive authorities and to carry out their orders.

There is another factor which, I submit, that in certain cases certain persons were ready to come forward to depose for the defence, but they could not come forward for fear of the executive officer. . . . . .

The Honourable Sir John Maynard (Finance Member): Sir, may I rise to a point of order? Under your recent ruling is it not necessary that, when an honourable member wishes to cite particular cases in which there has been some wrong done, he should give notice to Government, so that Government might be in a position to deal with the particular allegations?

Mr. President: Apart from the point of order raised by the Finance Member, I think that the honourable member was making his assertions in too sweeping a manner, and to that extent he was going against established conventions. If he is going to refer to any specific cases, then, as I intimated yesterday, it seems to be obviously fair to give some notice of these cases that Government may be able to deal with them.

Sardar Jodh Singh: Whenever we make certain assertions, we give facts and figures to illustrate them. It is impossible for honourable members to give notice of all the cases that they have to cite to illustrate their points to Government members. In this way members who bring forward their grievances will be prevented from making any remarks at all because it is just when a man is speaking that he remembers one more fact and when he is going on he draws his inspiration from some other source. It has never been the case before, that whatever illustrations we wish to offer in order to support our allegations, we must give notice of them to Government. It seems to me that if that is done all discussion will stop.

Mr. President: The point that the honourable member speaking was trying to put before the House is that judicial functions should not be combined with executive functions, but should be separated. Any argument which he requires for the purpose of illustrating that point is all right. But, if he begins to refer to particular cases without giving details to locate or verify them, it is very difficult either to follow them or to allow references to them.

Sardar Tara Singh: Sir, there is only one case that I cited, and that is the judgment of the High Court. My submission is that sometimes a case is brought before a magistrate who happens also to be an executive officer. Lambardars, zaildars and others are afraid to give evidence for the defence for fear of losing their positions. If the judicial officer had not been also an executive officer, those zaildars and lambardars would not have been afraid of him and would have come forward to give evidence for the defence, with the result that better justice would have been given in that case. Sir, you can very well understand the plight of witnesses whose very life depends upon the good wishes and the pleasure of the officers. How can they appear before them to oppose them when the non-official members of this Council are not spared even such bad remarks as are not expected from official benches? Unfortunately, I happen to move a certain amendment or talk in this House in a blunt, but in a sincere manner and I have been dubbed as a dishonest critic. When even we do not escape such remarks, how can.....

The Honourable Sir John Maynard: I think the honourable member is wrong in saying that somebody called him dishonest something. I can assure the honourable member that nobody on this side of the House called him a dishonest anything.

Sardar Tara Singh: Somebody called me a dishonest critic.

The Honourable Sir John Maynard: Oh, if anybody called him a dishonest critic, it means in plain English that the honourable member is not perfectly candid in his methods; it does not mean charging him with dishonesty!

Sardar Tara Singh: That is all right. They look upon us as uncandid critics. I speak.....

Mr. Labh Singh: Sir, is it the intention of the House to compile a new dictionary as we go on? To say that a man is a dishonest critic does not mean that he is not perfectly candid.

Sardar Tara Singh : The next point is that such officers become very bold and take bribes with both hands. They are not afraid of the public. District Magistrates would rather protect their subordinate officers who do carry out their policy because upon the carrying out of this policy depends the safety of the British Empire and do not care to listen to the genuine and loud complaints of the masses against such officers. So I submit, Sir, that this system of executive and judicial functions in the same man stand in the way of alleviating the evil of corruption. Sir, justice is the only thing, as I said before, upon which rests the foundation of the British Empire, and it is on justice that the future of that Empire depends. It is high time that the official benches on the opposite side should take immediate steps to remove these grievances, otherwise the future of India is very gloomy. Mian Shah Nawaz moved a similar resolution in 1921, but, so far as I know—I may be wrong, and am therefore subject to correction—but, so far as I know, it has been thrown into the waste-paper basket, and we do not know when that matter will be taken into consideration and with what result.

So, in these circumstances, it is for the officers to come down from the high pedestal of prestige and take action so that impartial justice may be done to the people in order to maintain the prestige of the British Empire in India. It may be argued that the separation of judicial functions from the executive will cost a heavy expenditure. It will, but, if you could afford to increase the pay of the Imperial services as recommended by the Lee Commission, why cannot you do this ?

I therefore ask Government to remove the grievances of the public by separating the judicial functions from the executive. With these remarks I move my amendment.

Mr. President : Grant under consideration, reduction moved—

> "That the total grant be reduced by Re. 1."

The question is that that reduction be made.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural]: Sir, I have great pleasure in supporting this amendment. On the 27th October 1921 I had the honour of moving the following resolution :—

> "This Council recommends to Government to appoint an expert committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."

To this an amendment was moved by Mr. Joseph, the then Chief Secretary, to the following effect :

> "This Council recommends to Government to appoint an expert committee to examine and report upon the advantages and disadvantages of the separation of judicial and executive functions in the Punjab ; to estimate the cost of separation and to make such recommendations as may appear to be appropriate in the circumstances."

The amendment was hotly contested by Government and the non-official members of the Council. Eventually, after a very long debate, the amendment was lost without a division and the resolution was carried without a division. In pursuance of that resolution, Government was pleased to appoint a committee consisting of a majority of non-official members. I

myself was a member of that committee and it was presided over by Mr. Justice LeRossignol. The order of reference was rather disappointing because it was in the terms of the amendment which was rejected by the Council. The committee went into the advantages and disadvantages of the two functions and came to the conclusion that the advantages were overwhelming and the two functions should be separated. That report was published and it is to be found in the proceedings of the Council. I believe it was published as a reply to a certain question asked on the 2nd August 1922 (question No. 1555)* by Maulvi Muharram Ali, Chishti. Government replied that the report was referred to a select committee of officials and that it was being considered by them, and that Government was not in a position to come to a definite decision and that they will come to a definite decision after the financial point of view was gone into. Nearly three years have passed and we have not heard of any decision as yet. It is really very deplorable that the resolution of the Council and the report of the committee should be treated in this manner. I ask Government why have the recommendations not been given effect to? The cost of the scheme is not much. It comes to about 15 lakhs, 8 lakhs non-recurring and 7 lakhs recurring, annually. We have now a surplus budget. We have got money in hand and it is time that the resolution of the Council and the recommendations of the committee were acted upon. With these remarks I support the motion for the reduction, which is really a vote of censure on the policy of Government.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural]: Sir, the point raised by my honourable friend Sardar Tara Singh is of very grave importance indeed. By way of illustrating the gravity of this problem I just wish, with your permission, to give the House a few facts which have been occurring from time to time in this province, which would have never occurred if these two functions, judicial and executive, had been separated. It is only natural, Sir, that, if a person combines in himself both the functions, judicial as well as executive, he has to bow more to the executive side because he knows that he owes his existence and service to the executive officers, rather than to anybody else; secondly, in periods of excitement, his natural tendencies incline more to the stability of Government, and all that goes with it, rather than towards the purity of justice and the maintenance of a high standard of the great office which he holds. We have been seeing, Sir, that, in all these cases which have been coming up before the various courts during the last three or four years, it was with the sanction of the District Magistrates that warrants were issued and arrests made. We also see that the subordinate magistrates who deal with these cases are in some way or other obliged to the District Magistrates. Although I am a lawyer and admit that it is everybody's duty to maintain the prestige of justice, yet one sometimes in trying circumstances falters from the right path. We have been seeing that in certain cases sentences have been given without any evidence whatsoever. I was the other day discussing a case in this very House. The highest court of law in this province has held that there was not a jot of legal evidence in that case. . . .

Mr. President: I must ask the honourable member not to go back to that particular case again and again. We had references to it yesterday and also the other day. Repetition of the same matter should be avoided.

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* Volume IV, page 116.

Sardar Gurbakhsh Singh: I am not referring to it from that point of view.

Mr. President: If you are referring to that case and the judgment of the High Court concerning the same, I ask you to leave that out because it has been sufficiently discussed.

Sardar Gurbakhsh Singh: Very well, Sir, I was going to show that, if the executive and judicial functions had not been combined in one person, such cases would not have happened. Another point I want to mention is that in such cases it is the executive side that plays the greater part. I just want to illustrate what happened to the particular witness about whom certain remarks were made in this House the other day. To put it very briefly, and with all due deference to Mr. Craik. . . . . .

Mr. President: We are now concerned with the separation of judicial and executive functions. We are not concerned with the remarks of Mr. Craik. Do you want the two functions separated or not?

Sardar Gurbakhsh Singh: I want their separation. I am sorry that I have not made myself very clear. I was trying to show that it was because the executive and judicial functions are combined in one person that the honourable members of this Council are sometimes insulted in this very House. . . .

The Honourable Sir John Maynard: Sir, may I say that I sincerely trust my attention will be drawn if any member of this House is insulted by any other because I myself take very great exception to anything of that kind? I think the honourable member is mistaken in understanding the use of strong language as an insult.

Mian Muhammad Shah Nawaz: It is really unfair to say that official members insulted any non-official members. They have not insulted. They only criticised.

Sardar Gurbakhsh Singh: Only the other day when Rana Firoz-ud-Din Khan was speaking he was called "*na shaista*", a word which is not becoming if used about a member of this House.

Mr. President: I do not think it is in order in the present discussion on the separation of executive and judicial functions to speak of what one honourable member said of another in this House. That is one point which should be remembered clearly.

The second point is that the honourable member, while probably referring to what happened with regard to Chaudhri Afzal Haq, mentions the name of Rana Firoz-ud-Din. If the honourable member is not himself clear as to the incident that took place, he should be very careful in his reference to such an incident.

In the third place, it is to be remembered that the honourable member who used the words "*na shaista*" did not use it with reference to the honourable member whom he criticised, but with reference to certain remarks made by the latter. There is a clear distinction between the two. I do not mean to justify the honourable member's remarks, but I only want the House to understand correctly what was said. Now I would call on the honourable member to go on with the remaining discussion on the question before the House.

Sardar Gurbakhsh Singh: I am sorry, Sir, I referred wrongly to Rana Firoz-ud-Din, instead of to Chaudhri Afzal Haq. But it was in reply to Sir John Maynard's remarks that I referred to that incident. I do not propose to go into that point any further. I shall proceed with the consideration of the evils of judicial and executive functions being combined in one person.

Another point, Sir, to which I want to draw the attention of this House is that we have been seeing so much confusion arising out of these two functions being combined in one person. I would refer in particular to the case in which one *jatha* of Akalis was twice convicted by a particular magistrate. That shows, Sir, that the mentality of that particular magistrate was so overwhelmingly executive that he did not pay any attention at all to the judicial side of his work. He thought it his religious duty, so to say, to convict all Akalis that came before him, and he did not consider it his duty to go into the question of law and respect the law under which he was acting.

Mr. President: Order, order. The honourable member must remember the well-established convention that the courts are not to be brought under criticism. It was quite enough for him to say that one *jatha* was twice convicted. That is quite relevant to his argument and I do not object to that, but, when he begins to criticise the motives of the particular magistrate concerned, I think he is out of order.

Sardar Gurbakhsh Singh: With due deference to your ruling, Sir, I submit that that convention applies only to cases *sub judice*.

Mr. President: No.

Sardar Gurbakhsh Singh: Sir, there is another illustration that I wanted to give the House, but, as I am called to order at every point, I do not propose to detain the House any longer, except for giving one more fact. That is this: We have now been seeing that innumerable arrests and convictions have taken place. In the case of the Sikhs, some 30,000 arrests have now been made, and about 15 lakhs of rupees have been realised by way of fine and about 400 persons have died or been killed in the struggle and several thousands wounded. By giving these facts and figures I mean to draw the attention of this House to the fact that, if these two powers did not vest in one and the same person, although there would have been some arrests and convictions, the number would not have gone up so high. If the executive and judicial functions had been in separate hands the magistrate would have given a judgment that these arrests were against the law and that the convictions were against the law, and the executive would on these facts not have made any further arrests. Because the executive and the judicial functions were combined in the same official there was nobody to check the indiscriminate arrests of the *Akalis*, and this progress of wholesale arrests went on mercilessly for such a long time. I want to illustrate this point by giving another illustration. We have been hearing very much about the realisation of fines. If fines are imposed upon one individual, they are realised from the family members and other persons who are related to the accused. In one case I came to know that the fine was realised twice—once from the father of the accused and again from the accused himself after he came out of jail after serving his term of imprisonment. This sort of confusion

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[Sardar Gurbakhsh Singh.]
can remain in the administration only so long as the judicial and executive functions are not separated. In order to avoid such happenings in future, and in order to maintain the purity of law and justice, it is highly necessary that these two functions should be separated as early as possible.

Mr. H. D. Craik Sir, the task of replying to this particular amendment is a somewhat difficult one because I know that the general feeling of the House is in favour of the separation of judicial and executive functions, or rather, to put it more accurately, is against the combination of those two functions in one and the same person. I do not wish to make any secret that, in theory at any rate, my own sympathies, and I think the sympathies of any one who has studied the problem of administration from a practical point of view must be also in favour of that principle. But, Sir. . . .

Professor Ruchi Ram Sahni : Empty words.

Mr. H. D. Craik : Perhaps the honourable member will kindly give me time to develop my arguments. There are practical difficulties in the way of this reform, notably the difficulty of expense on which the honourable mover has touched. That is a very considerable difficulty. Secondly, there is the difficulty of obtaining the personnel required, for the change would mean practically a duplication of a very large portion both of the Indian Civil Service and of the Provincial Civil Service. There is, thirdly, the consideration, which I think impatient reformers are somewhat apt to lose sight of, namely, that this system of the combination of judicial and executive functions in one functionary has been in existence in this country from time immemorial. It is still in existence not only in British India, but it is in existence even in a more marked degree in most Indian States. I remember once being present at a social function in an Indian State which was attended by most of the State employées and I remember seeing a very old gentleman of striking appearance being helped along to a chair and I asked a friend who was with me as to who he was. My friend said that that was the Chief Justice and I asked my friend how old he was. He said he was about 90. "Why does he not retire?" said I. My friend informed me that there was no retirement in the State and that it was only recently this aged officer had been appointed Accountant-General as well as Chief Justice. I have no doubt that duality or plurality of offices like that goes on in a great many Indian States even to the present day. This incident happened some years ago.

Now, Sir, I should myself like to see a system whereby the principal executive officer of the district is purely an executive officer, and, as he is now the director of prosecutions. He should not himself exercise any judicial functions; I purposely do not say that he should not exercise magisterial functions because there are certain functions of a magistrate which are essentially executive, and not judicial, such as the preservation of order. I should like to see a system whereby the District Magistrate would not exercise any purely judicial functions, but I should like the House to consider exactly what that means. It would mean that, where we have at present one Deputy Commissioner in each district, we would have to have a Deputy Commissioner and a District Magistrate; and, where the Deputy Commissioner employs as his assistant in executive and administrative matters certain stipendiary officials who at present exercise judicial functions as well, we would have to have two sets of officials, one entirely confined to administrative work and the other acting only as magistrates. Although I

feel certain that this is a reform that is bound to come, still I would ask the House to consider whether it is advisable to plunge headlong into such a complete revolution of our system of administration. It is essential, I think, that so sweeping a reform should be introduced gradually Steps have already been taken to introduce it. We have, for example, within the last year or so, entirely or almost entirely separated the administration of civil justice from the administration of criminal justice. There are now very few officers who exercise both civil and criminal powers, and in a great many districts the District Magistrate himself now very rarely exercises judicial functions In all the larger districts where the state of work justifies it we have an Additional District Magistrate, who is a purely judicial officer, and he performs all the judicial functions which by law are attached to the office of District Magistrate. The District Magistrate is in fact District Magistrate only nominally from the judicial point of view, and in actuality only where his duties demand that he should take the lead in executive arrangements for the preservation of order. The system will, I think, have gradually to be extended, but I would ask the House to reflect on the necessity of proceeding cautiously in the matter. There is one suggestion which has been made by my honourable friend Sardar Tara Singh which I was sorry to hear him make and I wish to take this opportunity of repudiating that suggestion. He alleged that officers depend for their promotion on the number of cases in which they have convicted the accused. In other words, a judicial officer deliberately subordinates the dictates of justice to his own personal interests, and that charge implies that the Government encourages or connives at that kind of thing. That is a charge which I wish to repudiate most emphatically. I think the honourable member should accept my assurance that the charge, so far at any rate as Government is concerned, is absolutely without foundation. Cases of that kind would come before me in the course of my ordinary daily work if they existed at all, and I have never known any case where the question whether an officer should be promoted, I will not say depended on such a consideration, but where such a consideration even entered into the purview of the matter at all. The honourable member is entirely mistaken if he thinks that Government regulates discipline in its services on lines of that kind. I cannot of course give an absolute assurance that there are no officers who do not think that they may please their superior officers by convicting in a certain case. I dare say that officers of that type may exist just as we all know that there is a certain type of officer who occasionally subordinates the dictates of justice to considerations which he thinks will earn him popularity amongst a certain section of politicians or in a certain section of the press (Hear, hear). We know cases of that kind do arise, but that a Government can tolerate or connive at that kind of conduct is a charge which I most emphatically repudiate, and which I do not think ought ever to have been made.

My honourable friend Sardar Gurbakhsh Singh cited as an instance of the evils arising out of the combination of the judicial and executive functions the case of a *jatha* that was twice convicted. The House has already heard once before this old story, which always appealed to me as somewhat ridiculous. When the fact of the earlier conviction came to notice, and it came to notice within an hour or two of the second conviction being pronounced, so far as I remember, the later conviction was immediately wiped out.

Malik Firoz Khan, Noon : Perhaps the judge is to blame.

Mr. H. D. Craik: The judge was not at all to blame. This incident happened at a time when arrests of *jathas* were being made daily at Guru-ka-Bagh and some were being sent to Amritsar for trial, while others were tried on the spot. One *jatha* was tried by a magistrate at Guru-ka-Bagh and was the same evening despatched to Amritsar to be lodged in the local jail. Another *jatha* which had not been tried by the magistrate on the spot was being sent to Amritsar for trial, and the police officer who was escorting the *jatha* which had been convicted on the spot was given the wrong "chalan" and so he produced the already convicted *jatha* again before the magistrate for trial. Of course any one of the fifty or sixty persons who comprised that *jatha* could have set matters right in a moment by reciting the true facts, but in those days persons preferred to lock their lips in sulky silence and they would neither plead nor defend nor even give their names. The press took this up as an excellent ground for attacking Government, but the House will admit that, unfortunate as it was, this particular incident had its ridiculous side. Anyhow, the magistrate was in no way to blame, but it was the police escort who took the accused that was to blame, if any blame is to be attached to anyone at all. But the escort undoubtedly made a perfectly honest mistake.

Another charge which my honourable friend Sardar Gurbakhsh Singh has levelled against the combination of judicial and executive functions is that because of that combination we have had what he calls innumerable prosecutions within the last few years, and he asserted that a sum of 60 lakhs was being collected by way of fine.

Sardar Gurbakhsh Singh: 15 lakhs.

Mr. H. D. Craik: Whichever it is, it is a great exaggeration. I can assure him that he is mistaken. I cannot give the exact figure, but I should put it at the outside at about 2 lakhs I think he also alleged that 400 persons were killed or injured. I do not see how the honourable member can blame the magistrates who exercise judicial functions for that for it is not the magistrates who kill or injure persons. At any rate, I doubt whether as many as 400 were either killed or injured. But, even admitting that there has been a campaign of prosecution, even admitting that a large number of persons have suffered, some of them by fines being levied on them by courts, thereby putting them to financial loss, yet surely it is far-fetched to say that this is due to the fact that the judicial functions and the executive functions are combined in one person.

There is another explanation which appears to me to be the true explanation of the circumstances which the honourable member laments, and that is that a large body of persons has deliberately made up its mind to defy the law. Now, Sir, the law must be upheld, whether it is upheld by a magistrate who is a judge and nothing else, or whether it is upheld by a magistrate who also exercises executive functions.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural]: Sir, the proposition that judicial and executive functions should be separated, to my mind, needs no argument in support of it. It has been urged on behalf of the Indian nationalists and Indian people for a very long time, and I find that, on behalf of Government, Lord Dufferin definitely stated that he accepted it as a counsel of perfection and that he would recommend its adoption as soon as funds allowed. Well, that is so far as the demand for judicial and executive separation is concerned. It has been stated by my friend Mr. Craik that from time immemorial the functions have been united, and that

even to-day in some of the Native States they continue to be united. I would submit to my friends, with due deference, that, if he recommends the mere longevity of a particular administrative custom as an argument for its staying on, he would be on very slippery ground indeed and he would give an argument to many others who would like to differ from some of the schemes that because a scheme has been going on for a long time it should be allowed to stay and the fact that it continues to be so in certain Native States suggests that they also need not continue that policy. I hope that this practice will not continue in British territory, and that Government will make those States follow us as well. Then, Sir, my friend Sardar Gurbakhsh Singh said that by the separation of executive and judicial functions it will be possible for people to defy the law with a certain amount of immunity. That was the interpretation which I put on some of his arguments. If he did not mean that, then I welcome it.

Sardar Gurbakhsh Singh : I never meant that.

Mir Maqbool Mahmood : I am glad he did not. I would rather base my arguments on the words of Mr. Gokhale. He says : " It (the separation of judicial and executive functions) ought to be no longer delayed as the sense of oppression and discontent to which it gives rise is infinitely more serious than any administrative convenience which may result from it ".

The position which I feel we all take is that judicial and executive functions should be separated. The question is whether it should or can be adopted at once. I think on that point we are entitled to expect a statement from Government that, now since funds are available and we find them becoming available in future, they will place, along with schemes of compulsory education, sanitation and other schemes, this scheme before this Council and they may give us the right to suggest to which of them we want to give preference. I think that this is a statement to which we are entitled so far as Government is concerned. It has been stated by Mr. Craik that Government has to some extent acted on the report, but I do not see the force of his argument when he says that, if you separate these functions, you will need duplication of your present agency. I say, Sir, that, if you separate these functions from one man, you naturally leave greater time at his disposal than otherwise he would have. We would need a lesser number of men for judicial functions and a lesser number for executive functions, and I certainly contend that it would mean no extra expenditure. With this submission, Sir, I beg to declare that, so far as the scheme is concerned, we are all agreed as to its applicability, and I ask Government to take steps to adopt it.

Rai Bahadur Sir Gopal Das, Bhandari (nominated non-official) : Sir, I have only to say a very few words as I do not want to take much time of the Council. Sir, Government felt the necessity of taking up the consideration of the question of separating judicial functions from executive, and for that reason appointed a committee headed by one of the highest judicial officers—I mean the Honourable Mr. Justice LeRossignol. What I want to know is whether effect has been given to the report, and, if not, whether Government has any intention of giving effect to it. If it is going to give effect, to it, how far does it intend to give effect ? If it does not wish to give effect, to it, I would like to know the reasons why it does not wish to do so when there is money available. We should be aware of the fact whether those proposals are going to be carried out or not. We should be informed

[Rai Bahadur Sir Gopal Das Bhandari.]
whether Government has formed any adverse opinion on the report. If Government throws light on the question, it will save us so much useless discussion. The fact is there is a cut-and-dried scheme and the Council is asking Government to give effect to that report. It has been suggested that the report was a unanimous report so I would ask Government to throw some light on this question so that more time of the Council, I do not wish to use unparliamentary language, may not be wasted.

Sardar Jodh Singh (Sikh, Urban) : Sir, I have simply to refute one or two arguments which have been advanced by Mr. Craik. He said that Government has taken action to a certain extent on the report of that committee and that it is appointing Additional District Magistrates. May I ask whether those officers are merely judicial officers, or whether they combine with their judicial functions executive functions also? If they combine both functions, then of course they are merely for the convenience of District Magistrates so that the latter may be able to devote more time to other work. Otherwise, in principle, the report has not been carried out. Nobody in this House asserts that Government is issuing orders to the magistracy to convict such and such a person or to do this or that. But, Sir, the thing is that when subordinate magistrates find that they are to look for their advancement to executive officers, they have to do their best to please them. The other day Mr. Craik was pleased to address a piece of advice to me that I might settle my affairs with my conscience. Sir, in these days, when we are working on the party system—it is useless to talk of individual conscience from both sides—the official as well as the opposition (Cries of No, no). We believe now in a party conscience. We have to merge our individual consciences into our party conscience (A voice : No, our judgment). I would just ask Mr. Craik to give that advice to his magistracy also. Those poor people, perhaps being too much afraid of the safety of their conscience, have entrusted it to the safe keeping of the police. I am not speaking of magistrates higher up in the grade who, we find, are independent, and it is because of them that faith in British justice still persists, in spite of the horrible mistakes of the subordinate magistracy, and in spite of the glaring instances of injustice which they sometimes perpetrate. I just want now, Sir, to make a few remarks in answer to the closing remarks of Mr. Craik. He said, whether there is a separation of judicial from executive functions or not, the law must be upheld. Nobody in this House will ever suggest that the law should not be upheld, but, Sir, every reasonable man must admit that the law is not an end in itself. It is a means to secure prosperity and peace in the country.

If Government at any time finds that the law is defective, and people have protested against it in a definite form, surely it is time for Government to change that law and not to go on sacrificing individuals to the Moloch of law simply for the sake of keeping up its prestige and to say that the law must be obeyed.

Mir Maqbool Mahmood : Sir, I rise to a point of order. How is this relevant to the discussion now ?

Sardar Jodh Singh : Sir, the law is man-made law.

Mr. President : The honourable member need not dwell much on law.

Sardar Jodh Singh: One sentence, Sir, and I have finished. The law is man-made to suit the state of society in which men are. To plead the same regard for old and obsolete laws is, I think, to plead ignorance of the changes that are daily taking place in society. With these few words, Sir, I second my honourable friend who has proposed this reduction. I hope in the near future real action will be taken on that committee's report which was submitted to Government, and, I think, to which Government itself was a party, because I found in one of the debates that the only excuse put forward for not giving effect to the recommendations was the want of funds. Now that there is a hope of something coming from the Government of India, let this be one of the subjects on which that money is to be spent. I admit education and sanitation are essential, but, Sir, I also submit that in a country, if there is a growing distrust in the magistracy, it ought to be removed because with the spread of education, if there is distrust, discontent is bound to increase. Therefore we must first of all increase trust in the justice of our magistracy, and the best way to do it is to separate the two functions so that the subordinate magistracy may look to some other higher officers who are independent of all executive influence for their promotion.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban]: Sir, this most important question has been engaging the attention of both the Imperial and Provincial Governments for the last 30 or 40 years. It has been promised, but never acted upon. My honourable friend Mr. Craik said that it has been present from time immemorial. May I ask, Sir. . . .

Mr. President: Order, order. I should like the honourable member not to repeat the arguments which have been put forward in this discussion.

Shaikh Muhammad Sadiq: There were two things, Sir, which Mr. Craik said. One was the question of expense and the other of personnel. Now, Sir, if we can find millions of rupees for the use of officers and for spending on many other things, cannot we find a few lakhs of rupees for this all-important subject? I go still further. If necessary, we are ready to levy a special tax for this purpose. We are ready to pay, provided that the money is spent for this purpose only, and, no other. After all for it is this House, though it has not much authority, who sanctions the taxes, and I think there will be not a single non-official member who will not be ready to sanction the necessary expenses for this all-important subject. I hope this bogey of expenditure will not go on for ever.

Then, Sir, coming to the question of personnel, I think we have enough people, enough provincial service men, experienced and able, and whose intergity we do not doubt. Is it so very difficult in the Punjab that we cannot find even 10 or 15 extra officers to man the services? I always thought that Government said that there was too much demand for Government service. Surely there are enough people to take the place of Sub-Judges or Extra Assistant Commissioners who may be promoted. I believe the Chief Secretary will get more applications than he will even have time to look into. If the Chief Secretary were to announce one vacancy, I am sure there will be so many applications that the Chief Secretary will throw them into the waste-paper basket. Therefore this question of personnel can be easily solved.

Now, Sir, my honourable friend gave some nice examples of Indian States. But Indian States are Indian States. Why should we look to Indian States? We are under British rule, and we do not want to go back

[Shaikh Muhammad Sadiq.]

to Indian States rule. Of course it is a kind of appreciation of British *raj*. When we say that we want improvements, it is not that we want what Indian States have got. What we want is, to come to the level of civilised countries. Even now most of the Rajas are sitting on their *gadi* with English bayonets, and not through their own cleverness. What is good for the Indian State is not good for the British State because we are far advanced in our system of administration. We need not compare ourselves with Germany and Austria because we are not a free country. India is not a free country, despite the League's formula which gives it equal citizenship (A voice : What are we ?). It is not for me to say what you are. You know what you are ; the whole world knows what you are ; so it is hardly necessary for me to inform you what we are. There is one thing I would like to say and it is that this combination is antediluvian. If both the judicial and executive functions are combined in one person in order to earn the admiration of the executive superior officers, he generally convicts the accused and punishes him. If he does not, then he will be found defective in his executive function.

Lord Haldane, it is said, when he was the Secretary for War, wrote to the Home Secretary requesting him to grant certain powers to the military department. It so happened that two months later the Home Secretary fell ill and Lord Haldane had to act as Home Secretary. The same paper came to him. He was now performing two functions, and he replied to the War Secretary (that is to himself) that he was sorry he could not accede to his request, yet he combined both the functions, of Secretary for War and Home Secretary. He wrote " I am sorry I cannot. " That is called red-tapism. Now, Sir, do we want red-tapism to go on here? Do we want this combination of judicial and executive functions to go on for any length of time ? Look at section 110 cases. The magistrate comes to know through police officers of some alleged *badmashes* who are to be brought up under section 110. He says: " Send the cases to me". All the cases must go to him. So it is purely an executive function. He has already promised that he is going to put his whole *ilaqa* in order. You cannot expect a man who is both an executive and a judicial officer and who is responsible for the management of his district to do justice to the accused. He is generally bent upon punishing him because he is afraid lest Government should come down upon him because there are too many dacoities. The result can well be inferred from this. For these reasons I support the motion for the reduction.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, the honourable member Mr. Craik has referred to the system of justice as it existed here in ancient times. I would like to ask whether the picture of the system of justice that existed in those times had no bright side. So far as I can see, there are shades and lights also in the picture. There was one bright side which would compare favourably with the system of justice of to-day.

Mr. President : Order, order. I hope the honourable member will not take us back to the old times (Laughter).

Professor Ruchi Ram, Sahni : No, Sir. I was going to say that the system of justice in ancient times had this one particular bright side, namely, that it was a poor man's system, a system in which the poorest man could seek justice ; he could go right up to the king and ask for justice at his hands against the tyranny of the highest in the land. Well, Sir, that is all I wanted to say in regard to that point.

My honourable friend Mir Maqbool Mahmood very rightly pointed out that the question of the separation of executive and judicial functions has been agitating the political mind of India ever since the Indian National Congress was founded. I believe at the very first session of the Indian National Congress a resolution was adopted in favour of this reform. At any rate, there was certainly a resolution to that effect in the Congress of 1886. A few years later, as he pointed out, Lord Dufferin, replying to a deputation that waited on him, said that he would carry out the reforms as soon as there were funds available for the purpose.

Encouraged by this half-promise, the leaders of the Indian National Congress formulated a scheme. The late Mr. Man Mohan Ghose and others wrote a number of pamphlets. A small committee of the Indian National Congress was appointed, with Mr. Man Mohan as Secretary. The committee formulated a scheme and they pointed out that the amount of additional expenditure involved would be very small indeed. Later on, Mr. Romesh Chunder Dutt also formulated a scheme, either independently or in conjunction with one or two other Congress leaders, and he also showed that the additional expenditure would not be very much. That, Sir, is the position. I whole-heartedly want to associate myself with my honourable friend over there (Mr. Muhammad Sadiq). If Government were to impose additional taxation, the proceeds of which were to be used exclusively for expenditure in connection with the separation of judicial and executive functions, then I am quite sure that not only members on this side of the House, but others also will whole-heartedly support the proposal. What is wanted is a change of heart. When my honourable friend Mian Muhammad Shah Nawaz spoke of the resolution on this subject that was placed before the Council in 1921, I was looking forward to the sequel. I felt sure in my mind that this question would be delayed till the time came when it would be easy to sound its death-knell. That was the thought that came to my mind when he narrated the history of his proposal. I found that I was not far wrong. What is wanted is merely a change of heart. I beg of the official benches to think of the immense harm that they are doing to their own cause and to the cause of India. I want Government to rise to the occasion and concede this reform, which has long been overdue. There is a little limerick which I some time hum to myself. I read an esoteric meaning into it. The Honourable the Finance Member is also fond of esoterics, and I hope he will read an esoteric meaning into it. I would close my speech with that limerick, and I would ask Government to act in this and other matters in the spirit of the inner meaning of it. The limerick is :

Yar mere patang uráyá kar,
Tut jai to gham na kháyá kar.

which means—

"Soar high in the free heavens, and if you fail grieve not."

Well, that is the spirit in which I should like the whole administration to be carried on, and, if that is done, I am sure Government would not lose even two minutes in effecting the reform which is the object of this amendment.

Khan Bahadur Nawab Muzaffar Khan (Director, Information Bureau), Urdu : I would not have taken any part in the debate, Sir, but for the references made by many a speaker to the service whose member I have been. Sir, with all their faults, I have the satisfaction to point out that this service has given many a proof of independence of character even in the trial of political cases. Sardar Bahadur Mahtab Singh was acquitted by the members of this service and even in the Rawalpindi case. . .

(Many voices : Question, question.)

We are not so much lost to the sense of duty and responsibility as we have been depicted to-day. From my twenty years' experience I can say with pleasure that I was never even once influenced by anybody in the administration of justice. The first time I was appointed a magistrate the Deputy Commissioner of our district asked me of my notions of a strong magistrate. I did not know what way to answer and I kept silent for a short while and then I asked the Deputy Commissioner whom he did consider to be a strong magistrate. Now this was Mr. Ferguson, Deputy Commissioner of Rawalpindi, who is himself a very strong executive officer. He told me that his idea of a strong magistrate was one who was not afraid of the police. During this period of twenty long years no Deputy Commissioner or District Magistrate ever interfered or tried to influence my judgment. Undoubtedly many times we do incur the displeasure of the police officer. But the District Magistrates never interfere. I had occasions to talk to police officers as well and they were always in the habit of calling me an acquitting magistrate. Once one of them did actually say so in my presence, to which I replied that this meant that I was one of their best magistrates because I thought that it would be a bad day for the British Government when its magistrates did not work according to their conscience. It would be against the traditions of British justice for the British rule exists on this alone. If we do not administer unmixed and pure justice, we strike at the very foundations of the British *raj*. The officers in question admitted the justice of my remarks and we had no trouble afterwards. I admit there may be a few black sheep amongst us, but I do want to enter an emphatic protest against this wholesale attack on the service to which I belong (Loud official cheers).

Chaudhri Afzal Haq [Hoshiarpur-*cum*-Ludhiana (Muhammedan), Rural] Urdu : Sir, to combine executive and judicial functions is to try to create harmony out of discord. It was really impossible to see two opposite elements blended into one, but this has been brought about by the British *raj*. Sir, as fire and water cannot exist at one and the same place, similarly the exercise of judicial and executive functions by one and the same person is an impossibility. A man who possesses power, but does not know its right use, is like a demon or a giant. As long as one does not control his prowess he is sure to make a licensed use of it. This was the greatest defect in autocratic forms of government and time wiped this evil out with its own masterful hands. Under this form of government justice and authority were combined in a single person ; that is why it has been thrown out by the natural working of things. There may be some persons immune from such evils, but these are the only exceptions to the general rule. In the very nature of things justice and authority cannot exist side by side. Time has given its verdict against it. If you see minutely, you will find that acquisition of power kills all sense of justice and finer feelings in a man. We know it from our own experience in this Council. Here we have two parties—one composed of the officials controlling all executive power, and the

other a popular party with no executive control—and we see the different tones adopted by each of these in addressing the members of the opposite party. Non-official members have never used any harsh word about any official member, while many have been the occasions when damaging reflections have been cast against the members of this side of the House.

Mr. President : Order, order. This has nothing to do again, as I pointed out already, with the question of separation of judicial and executive functions. If the honourable member has got anything to say on the question, he can do so.

Chaudhri Afzal Haq (continued in Urdu) : Sir, I was discussing the psychology of the human mind to prove how power kills all finer feelings in a man.....

Mr. President : How do you bring it in here ?

Chaudhri Afzal Haq (continued in Urdu) : Very well, Sir, I will content myself with saying this much : that, if things continue in the same manner, we shall be forced to adopt a similar attitude and to use similar language against the Government members. A second reason is that the masses follow and imitate the ways and the manners of their rulers. If we see that our rulers wear hats, we also use the same, and, when we find them wearing pants, we also do the same, that is, we begin to think as our rulers do.....

The Honourable Sir John Maynard : Has this anything to do with the separation of judicial and executive functions ?

Chaudhri Afzal Haq (continued in Urdu) : Sir, I submit that, as the ideas of expediency and prestige prevented Government from following the right path, the people also picked up the same tactics so that this crookedness of policy and immorality of politics has permeated our *panchayats* and other organisations. If therefore Government is desirous of improving our morals, they should first cure themselves and try to administer real justice to the people so that they may also follow their example.

Sir, it has been suggested that judicial and executive functions were never vested in two different persons in this country. I regret the history of the Muslim form of government has not been studied. Since the foundation of Islam, the posts of Kotwal and Qazi have been distinctly separate. A Qazi never had the power of interfering in the affairs of a Kotwal. That is why, in spite of the fact that there was autocracy in the Government, the people enjoyed perfect peace and justice. There is a misstatement of facts.

Nawab Sahib has cited his own example. I have a great regard for the person of every honourable member of this House, regardless of his political views I always give credence to the statement made by him. But, Sir, does not the very statement which the honourable Nawab has just made go to show that the police does try to influence the decision of the magistrates ? I have myself been a Court Sub-Inspector and I remember how we used to speak to our Superintendents of Police about the magistrate who did not pay much heed to the stories of the police and it was always the effort of the Superintendent to remove that grievance of ours. Can it be said that a magistrate has the courage to remark about the conduct of any police officer in his judgment without previous consultation with the Superintendent of Police ? I hear that a circular has been issued recently that, before

[Ch. Afzal Haq.]

criticising the conduct of any police officer in his judgment, the Deputy Superintendent of Police should be consulted. I stand open to correction. I may be wrong. But, if it is true, then it clearly shows how matters stand at present. Sir, the very statement of the Nawab that the police ever complained of his being an acquitting magistrate proves that there does exist that meddlesome spirit. With these words I support the amendment.

4 P.M.

Dr. Gokul Chand, Narang [North-West Towns (non-Muhammadan) Urban] : Sir, I shall, with your permission, just ask a question, and, if the Honourable the Chief Secretary is pleased to answer that question, it will not be necessary to exercise my lungs any further. The question is whether a committee of experts was appointed in pursuance of a resolution of this House to go into the question of the separation of judicial and executive functions, and, if such a committee was appointed, whether it submitted any report, and, if any report was submitted, what action, if any, Government, has taken on it.

Mr. President : I believe this is exactly the point which was raised in a previous speech by an honourable member before Dr. Gokul Chand, Narang, came into the House, and I presume that a reply to that question will be given on the Government side towards the close of this discussion.

The Honourable Sir John Maynard : The answer is not quite a simple one. I shall give an explanation when I come to speak.

Dr. Gokul Chand, Narang : It means then that I must speak. It was said by the Honourable the Finance Member the other day that old tunes from the same old barrel organ were being played and this was said in various speeches that he made on that particular day. My submission is that, if the old tunes are really being played from the same old barrel organ, it is not the members of this House who are to blame in the first place. Here I have in my hand a report of the debates of 1921 and I find that some 14 pages of this report are devoted to the reports of the speeches that were made in this House on this very subject on a resolution that my honourable friend Mr. Shah Nawaz moved on the subject. That resolution was passed and in pursuance of that resolution a committee was appointed which was presided over by the Honourable Mr. Justice LeRossignol. That committee held its sittings and took evidence, and after a good deal of investigation.....

Malik Firoz Khan, Noon : No, Sir, we took no evidence.

Dr. Gokul Chand, Narang : My learned friend is in the habit of making statements at random. If he had read its report, he would have seen from the body of the report that a number of witnesses were examined and their names are mentioned in the report itself, and I believe that there are the names of some of the members of this Council who were examined either formally or informally by that committee. In any case, here is this report published in the proceedings* of this House. Some six questions were referred to this committee and each question was gone into by this committee in detail and a detailed answer is given in this report. Three years or more have elapsed—29th March 1922 is the date of the report—about three years have elapsed since that report came into the hands of the Home Secretary, to whom it purports to have been addressed, and, so far as I am aware and so far as this House is aware, probably no action has been taken on this report. In any case, if the Honourable the Finance

*Vol. IV, Pages 116—121.

Member had communicated to this House what action had been taken on the report, and, if the answer had been satisfactory, it would have put an end to this debate and no one would have played the old tunes from the old barrel organ.

So far as this question is concerned, Mir Maqbool Mahmood was correct when he said that there cannot be two opinions on this question. Judicial functions must be separated from executive functions, but I do not mean any disrespect to him when I say that from the nature of his speech it appeared that he was not quite decided in his mind as to which side to vote. He pleased this side of the House when he said that this was a matter on which there could be no two opinions, and probably he pleased the other half of the House by saying that there were difficulties which were to be overcome.....

Mir Maqbool Mahmood : I definitely stated that we were entitled to a statement from Government. If that statement does not come, I will give my vote in favour of the motion.

Dr. Gokul Chand Narang : I am much obliged for this clear expression of opinion. Sir, I did not have the privilege of hearing the whole of the Chief Secretary's speech, but I am told that before I came here he made a reference to the Native States. If the British Government has come to this, that in the matter of administration of justice and general administration it has to look to the Native States for its models, then I think the boast that it has improved on the ancient system of government in this country should no longer be indulged in. We Indians ourselves realise that there is great room for improvement in the administration of Native States, and yet it may please my honourable friend Mr. Craik to know that an example was set not by any province of British India but by one of the so-called Native States itself in separating judicial functions from executive ones. My reference is to Baroda. Many, many years ago a start was made by that enlightened State in this direction, and the taunt was several times flung in the teeth of the British administration in India that here was a despised Native State showing light to administrators in British India ; and nothing had been done to follow the example of that little Native State lying somewhere in southern or western India. So that, even if the Native States are to be held up as models of administration, I would draw my learned friends' attention to that State, and ask them to take some steps to follow its example.

So far as the remarks of my learned friend Nawab Muzaffar Khan are concerned, I have every sympathy with him. If any irresponsible remarks were made by any speakers in this House, which I can hardly believe, which gave offence to Nawab Muzaffar Khan as a representative of the Provincial Service, I sympathise with him, but one swallow does not make a summer, and it is the exception which very often, if not always, proves the rule. If anybody says that there are no men to be found in the Provincial Service who are absolutely independent and who can rise above any official threats or inducements or temptations, that would really be a calumny against the Provincial Service, but the question is :What can be said with respect to the majority ? I know some gentlemen in the Provincial Service who have themselves told me that hints are sometimes received by them from Deputy Commissioners asking them to take this or that view in doing their official duty, and one officer at least I know who was bold enough to dispose of with contempt a letter of this kind and attached it to the record of the case with which he was dealing. But the number of such

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bold and independent officers is not very large, though men like Nawab Muzaffar Khan exist to the great honour and adornment of the Provincial Service. It is no doubt a matter of great consolation, but it does not mean that there is no justification for this House to ask for the separation of judicial and executive functions. We are all familiar with the ways of executive officers in this country. We know that power is everywhere a temptation. Power is a thing which it is very difficult to use judiciously and, if both the powers, executive power and judicial power, are centred in one man, a great temptation is placed in the way of that man to abuse that power. We all know, Sir, that influence and power are directly proportionate to the power that one possesses of doing harm to another. If a magistrate can give six months, he has less power and less influence not only in his court, but in society at large, than the magistrate who can give two years and more. If he also exercises powers of control over other magistrates, he certainly exercises much more influence and much more power and naturally—with honourable exceptions always—naturally when the person possesses so much power, he is intolerant of opposition, he, is intolerant of criticism. Both these things are the saving element of administration, lawful opposition and resistance and criticism. We know that District Magistrates sitting in their capitals think that they are the rulers of their districts—with honourable exceptions again—they think they are Rajas and Maharajas so far as their district is concerned. I do not grudge them this power. Let them have full joy of it. But I am entitled to say that this consciousness of power is certainly opposed to toleration of criticism and even of lawful opposition, and there are magistrates—again I do not want to malign the whole lot—there are magistrates who know what their District Magistrate would like to be done in a certain case. It is not necessary that the District Magistrate should say in so many words that he wants such and such a thing to be done. The lower magistracy has got the sense to take hints and is clever enough to find out what is wanted. The system is such that even if the District Magistrate refrains from saying anything in so many words, his subordinate magistrates will deal with a case in the particular way desired by the District Magistrate. It may be said that it is the fault of the magistrates, who are in this way under the influence of the District Magistrate. It may be, but we have to deal with men as they are. I am afraid Sir John Maynard may get up and ask "Whose brothers are they" as he once asked. I say they are my brethren, but they are your slaves, even though they are not so called. They have to please their master even at the sacrifice of their conscience. This is the situation we have to face. I do not blame them. I blame the system. Certainly the lower magistracy would like to keep its position and status. Those who are in power would certainly like to maintain their power. Why not do away with the system and take away the temptation from their way and make them feel independent?

After all, as some honourable member in this House was pleased to remark, justice is one of the four pillars, and perhaps the strongest one, on which the fabric of the British Empire stands in this country. If you weaken that pillar, if you do anything to destroy public confidence in the justice of the British Government in this country, you destroy the whole structure of the Empire. There are many people who would like those administrators in possession of power to be guilty of doing injustice and who would like them to issue ordinances and to try to rule this country by means of ordinances and measures like that. But I would ask the administrators here

to be on their guard and to see that in justice, and justice alone, lies their safety. It is not enough that you should be good, but other people should know that you are good. Even in our applications for the transfer of a case we argue that it is not necessary that the magistrate may be actually biased; he may not be biased, but what we have to see is whether the person who wants justice is satisfied that the magistrate is not biased. That is the point of view that is to be taken. It is necessary therefore that everything is done which is essential to impress upon the people that justice is being done. I may assure the honourable gentlemen sitting opposite that by the separation of judicial and executive functions they will be creating an impression that they are prepared to sacrifice their power, that they are not ambitious of power, that they are not Rajas and Maharajas, but public servants, and are here to serve the country. With the growth of this idea relations between the people of this country, and the people of the country which God has placed over this country, would become much more cordial and will grow more friendly to the benefit of both.

Sardar Tara Singh: Sir, I move—

"That the question be now put."

Mr. President: Before putting the question I would like to hear what the Honourable the Finance Member has to say.

The Honourable Sir John Maynard (Finance Member): Sir, this is one of those questions in which those who condemn an institution have a great advantage over those who defend it. Those who condemn it are able to put the matter in neat sentences. They need not trouble themselves what the precise effect of any particular change they advocate will be. It sounds better, it does not cost them money and they are not concerned with all those difficulties which present themselves to the practical administrator. Government in this matter is in a very difficult position. It has not come to a clear-cut decision whether it should or should not abandon the combination of executive and judicial functions. It has to see what is the present system, where it is wrong, how the particular defect can be put right, what it will cost to do it, what is the substitute we are going to have in place of what we remove. All these little uninteresting questions cannot possibly inspire anybody, and of course have no chance of awakening the sort of cordial reception which very fine sentiments naturally inspire.

Might I say in the beginning that Government has by no means made up its mind on this question? It is not a single question. It is a series of questions. Not only has Government not made up its mind on all these questions, but it has not at the present time, as some honourable members suppose, actually got any workable scheme before it. I will proceed to explain this. Honourable members think that the committee which sat on this question put before Government a simple workable scheme. If we had had a workable scheme before us, we should probably have adopted it by this time. The scheme that was presented contained certain assumptions which I am afraid are self-contradictory, and that has been a very great obstacle in the way of proceeding with the measure which the committee in general terms advocated.

The existing position is this. The administration of what is called civil law is already, if not wholly, at all events very nearly wholly, separated from all connection with the executive. I do not say wholly because possibly there may be here and there a tahsildar or a naib-tahsildar who exercises some

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small civil judicial functions. I am not aware whether that is still so, but at any rate it was so till very recently. But that is a small matter. Speaking generally, civil judical functions are entirely separated from executive functions. As regards the functions of the criminal judiciary, the highest court, as we know, is absolutely separated from executive functions. I believe nobody will protest against that statement. What many people seem to overlook is that, when we get down to the next stage, that is to say, the Sessions Judge, here also the functions are entirely separate from all connection with the executive. The real objections which, I understand, honourable gentlemen have in their mind, when they talk of the evils of the combination of judicial and executive functions, is the peculiar position of the District Magistrate. I understand, if I am correct, that what they meant, when they used the expressions that they did use on this subject, is that the District Magistrate should no longer have any judicial functions of his own, whether appellate or original, and they say that he should no longer have that measure of control over magistrates' courts which the Criminal Procedure Code at present confers on District Magistrates.

I now turn to the reasons given for assuming that this is a particularly bad system. I hope it is understood that this is not a matter on which Government has got clear-cut convictions. It is a question which has to be dealt with, like any other question of practical administration. It is not a matter of accepting, or refusing to accept, a particular formula. Honourable members, or some of them, think that District Magistrates do in some way cause subordinate magistrates to give decisions in judicial cases which are contrary to the conscience of those magistrates. That is, I suppose, in a single sentence, what is really in the mind of all who have spoken on the subject. Of course, to a general charge of this kind, it is naturally difficult to give an answer. There are people who will do things that they should not do. There may be no doubt subordinate magistrates who are weak in character or have not the strength of mind to stand up against pre sure if there is pressure. In the first place, I say, if there is any District Magistrate exercising such pressure, he behaves in a manner which would be most severely condemned by myself and by every member of Government if it came to our knowledge. In the second place, I think it is fair to say this : if a subordinate magistrate is so weak that, when threatened with the possibility of some little abatement of his own official chances he is prepared to act against his conscience and convict or acquit some person who is brought before him, if he is prepared to do this, then presumably he is equally prepared to do something contrary to his own convictions at the bidding of some one other than the District Magistrate. He will, for instance, be unable to resist the bidding of his own community, whose social sanctions are immeasurably more powerful than any influence exerted by the District Magistrate. A man who will depart from the dictates of his own conscience at the bidding of another man will also depart from the dictates of his own conscience at the bidding of a section of the public or his own community. So, Sir, if that danger is assumed to exist in regard to the particular functions of the District Magistrate, it equally exists so long as men are weak, even if those functions are abrogated. I noted some specific instances, very few specific instances, which were quoted of the evils of the combination of executive and judicial functions. I noted one in which an honourable Sikh member of this Council read out a portion of a judgment of the High Court in which the learned Judge had criticised the judgment of the subordinate judicial authority in deciding a particular question of evidence.

Now, I presume, Sir, when that was stated by the honourable member, almost everybody who listened to him supposed that what he was saying was in illustration of the evils of the combination of judicial and executive functions. It so happens that the Sessions Judge who gave that judgment does not combine executive and judicial functions, and the criticism, so far as it is based upon that particular judgment, was entirely without point altogether. So far from illustrating the evils of the combination of executive and judicial functions, it appears to me rather to illustrate the errors into which a judicial authority who has no executive functions may happen to fall.

Another honourable member said—I hope I am not mistaken in what he said—that *jathas* of Sikhs proceeding to take possession of properties connected with shrines would not have been convicted in such large numbers if it had not been for this combination of executive and judicial functions. I am not quite sure upon what ground he based his opinion, but it appears to me that something is to be said for the view that most purely judicially-minded men occasionally found that some of these proceedings were not altogether lawful. I suppose, however, we must accept his view that, if only there had been this separation of judicial and executive functions, then these bands would have been at liberty to take possession of anything and everything which they happened to desire.

I want the House to definitely understand that in what I am going to say now I am not committing myself or my Government to a clear-cut acceptance of any formula for the separation or for division of executive and judicial functions. I come now to draw the attention of the House to some of the characteristics of the system which have been so freely condemned. In the first place, it is an economical system. It has been said this afternoon that it would be possible to divide the functions and yet incur no additional expenditure in consequence.

Professor Ruchi Ram, Sahni: Very little.

The Honourable Sir John Maynard: The honourable member opposite says "Very little." The opinion of the committee which went into the subject is that the sum which has to be spent is substantial, that is to say, 8 lakhs. If this Council passes this afternoon this particular vote, then I think I shall be perfectly justified in assuming that this Council means that, whatever portion of the expected remission of contribution that may be made by the Government of India may be necessary for the essential charges due to this item, it should be expended out of the resultant addition to the provincial resources. That is the way in which I propose to interpret the vote of this Council this afternoon. If the vote goes in favour of the amendment, then I shall understand definitely that this Council desires that this money, or so much of it as may be reasonably required for the purpose, shall be expended on the separation of judicial and executive functions. So much for the question of economy and the financial aspect of this particular case.

Professor Ruchi Ram, Sahni: We have already said we are prepared to go further.

The Honourable Sir John Maynard: I am aware that some honourable members said that they will be prepared to shoulder greater burdens on this account. But they will be terribly shocked if we take them at their word, and I shall not be so unkind or so unreasonable as to take them at

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their word. I shall take it that they are prepared to apportion the new resources which we expect from the Government of India to this item and they want to have that sum expended in this particular manner. So much, Sir, for the financial side of the question.

Now I come to the historical side. This system, in spite of what one honourable member said, is actually an inheritance from the remote past. Inheritances from the remote past are not on that account necessarily good. But there is always this to be said: that, when people have got used to a thing, that thing has a certain special advantage of its own. I think this is a matter which everybody must take into account when they are criticising institutions. Institutions are to some extent good in exact proportion to their age. When a man has got used to a particular thing, he is able to tolerate it much better than if it were new. My honourable friend opposite said that the Qazi had no executive functions. That is perfectly true; but I suppose his studies in history must have told him that there was a person called a Faujdar whose functions were primarily executive; and, when he went to a village in his executive capacity and found in his judicial capacity there was much crime there, he generally dealt very effectually with that village.

Now, Sir, I am coming to another point of importance to which I alluded very briefly at the beginning of my speech. I said that I wanted to point out that Government at present had not a workable scheme before it. There are passages in this report of the committee which seem to indicate that they had not quite clearly thought out the question whether the executive authority should retain any sort of control over the magistracy at all. To make this clear, I want to read, with your permission, Sir, a short passage from the report* of this committee. This is an extract from the first paragraph of the committee's report. I do not wish to be unfair; I shall read the whole of it:—

> "My committee is of 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".

Here is one point to which I wish to draw the attention of the House:—

> "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".

That I understand to mean—it is clear from the rest of the report—that the Chief Executive Officer should retain these preventive functions under the Code of Criminal Procedure which he exercises in his capacity of district Magistrate at present, and the preventive functions include of course some very important things, such as dealing preventively with cases of danger and urgency, and, I presume, the taking of security under the Criminal Procedure Code.

The report goes on as follows:—

> "He would not be in any way subordinate to the Senior Magistrate, and he 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*".

*Vol. IV, Pages 116—121.

The House will note the words " for the preservation of law and order and for the promotion of enquiry into crime".

The report further goes on :—

> " Some members of my committee expressed their apprehension lest the deprivation of the District Magistrate of his powers of control over 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".

Now, as I understand the words " to maintain peace ", they do not mean judicial functions, but they mean executive functions of repressing crime and of maintaining peace.

The report goes on further :—

> " 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 now this is the sentence to which I commend the attention of the honourable gentlemen opposite —

> " 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 subordinate magistrates".

Now, Sir, if that does not mean that there are to be executive and judicial functions still combined under the new system, I must say that I do not understand the meaning of ordinary words. The ambiguity of the general recommendation for the separation of functions is made manifest by the language of the specific recommendation. Some of the great difficulties connected with the question have evidently not been properly envisaged and dealt with, and Government is therefore unable to proceed at once to the solution of the question. That is one of the reasons, namely, that a proper scheme, a logically connected scheme, taking into account all the difficulties of the problem, was not before Government, and Government therefore found it difficult to proceed with the matter. I think I was asked to say what actual measures had so far been taken by Government on the report of this committee. The answer to that is that all the officers of technical departments, including a large number of officers of the canal department, have now been deprived of their judicial functions ; that up to the present time is the only thing which I can point to as having been done in pursuance of the report.

I hope, Sir, I have now made it clear that Government has not committed itself in this matter to any clear-cut opinion one way or the other, and it regards the question at issue not as one question, but as a bundle of questions to be dealt with as practical men do deal with difficulties by seeing

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what exists at present and what can be substituted for it in due course. It still awaits a workable scheme, and I can only say I hope it will be able to arrive at some workable conclusion. Probably that workable conclusion, when it is reached, will involve at the very least having one Sessions Judge in each district. At present we have not got one Sessions Judge in each district. I think there is no doubt that the committee's suggestion that the work now done by the District Magistrate in connection with the repression of crime can properly be done by a mere subordinate judge will not commend itself to those who have at heart the peace and order of the province and repression of crime.

I shall understand, as I have already said, that the vote of this Council in favour of this reduction is a distinct expression of the wish that money shall be expended to the extent reasonable and necessary for the separation of functions out of the new resources which we expect to be given to us by the Government of India.

Mr. President: Grant under discussion, reduction moved—

"That the total grant be reduced by Re. 1."

The question is that that reduction be made.

The motion was carried.

Mr. President: The question is—

"That a sum not exceeding Rs. 83,14,799 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 1926 in respect of General Administration (Reserved)".

The motion was carried.

DEBT SERVICES GRANT.

Mr. Miles Irving (Financial Secretary): Sir, I beg to move—

"That a sum not exceeding Rs. 4,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Debt Services".

Sir, I originally meant to move for a grant of Rs. 1,90,000, but it has been brought to the notice of Government that a sum of Rs. 1,86,000 under "Reduction or Avoidance of Debt" is non-voted because it is in the nature of a sinking fund charge. So I have moved for Rs. 4,000 under "Interest on Ordinary Debt".

Mr. President: The question is—

"That a sum not exceeding Rs. 4,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Debt Services".

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, I beg to move—

"That the total grant for Debt Services be reduced by Rs. 100",

and, in doing so, I want particularly to invite the attention of Government and the House to a misappropriation of our surplus, and I would also say an undesirable use of the 63 lakhs due from the sale of Crown lands.

Mr. President: How does the honourable member bring this under the item which is under discussion?

Mir Maqbool Mahmood: Because I feel, Sir, that the amount that we have lent has not been rightly used. It is the question of the proposed application of the revenue surplus to capital expenditure on which I want to raise this debate.

Mr. President: Even after the reduced demand, that is put in for Rs. 4,000 only, for the interest on debts?

Mir Maqbool Mahmood: Yes, Sir, the principle still remains there. I will take up the question of last year's surplus of 39 lakhs. We had a surplus of 39 lakhs last year which, we are told, is to be used on capital expenditure. I submit, Sir, a surplus in essence means that you have in the year taxed the people of the country by that amount more than you needed for the general administration of the country because, if Government had the right method of calculating the income from revenue, the net surplus would be more or less a negligible amount. It means that Government has taxed the people by that amount more than you would have needed for the ordinary administration of the country. This is the meaning of this 39 lakhs surplus. That surplus, like any other surplus, can be used in one of three ways: either you can reduce the debt, or reduce the taxation or you can spend it on beneficent departments or some other useful purpose. I admit that in Western countries mostly the practice has been in the past to use this amount for the avoidance of debt. But, Sir, I submit here most respectfully and most emphatically that that precedent will not appeal to this country. In the West they have a standing non-productive debt of a very huge amount, so much so that in normal times not only have they to provide for a very big sinking fund, but all the surplus that they can get is used for paying off unnecessary debt. That is not so in this country. Taking the normal pre-war budgets, we find that France had a recurring non-productive debt of 1,000 million and England that of 700 million ....

The Honourable Sir John Maynard: 7,000 million, I am sorry to say.

Mir Maqbool Mahmood: My honourable friend says that it is 7,000. But in 1912-15 the report that I got from the Chancellor of the Exchequer shows it to be 700 million. If it is 7,000, then that all the more strengthens my point. That shows that their normal non-productive debt is very high, while in this province our non-productive debt is about 59 lakhs. Then we provide for a sinking fund of two lakhs which would wipe off the debt. In the last three or four years we have paid one crore out of our non-productive debt. I submit, Sir, that our non-productive debt is not such a big item which we should hasten to pay off all in one year. Moreover, our unproductive debt of 59 lakhs is more than wiped out by applying to it the 63 lakhs from the sale of Crown lands last year. If 63 lakhs is reserved for non-productive debt, we will not have to pay a penny unless we are going to borrow further for non-productive debt. This item of 39 lakhs which we have secured through our revenue surplus should be spent either on the remission of taxation or on some beneficent purpose and the money necessary for productive debt should be borrowed and only interest charged from us. In 1929-30 the Sutlej Valley Scheme begins paying. We should provide for the sinking fund from the profits of that money. That is, the sum of 39 lakhs therefore is primarily a revenue surplus, and should be devoted to the purposes I have suggested.

[Mir Maqbool Mahmood.]

It may be claimed that, if we use this amount for the remission of taxation this year, we will have to provide for a similar remission next year. In the first place our revenue is growing and we can indent on our growing revenues, but still, if the Honourable the Finance Member would not believe in using it for the remission of direct taxation, I would demand from him that this amount of 2 lakhs for paying off the interest should be used for some beneficent purpose for this year. As to what should be the beneficent purpose, that is a matter which the House might decide; but I would suggest, for instance, that 57 lakhs may be placed in the co-operative societies in this province and out of the interest on that, which will be about Rs. 20,000, we may give special scholarships for technical education abroad on a debt of honour basis, so that when they return, they can pay their debt gradually. But, if the Finance Member should have any technical objection to it, I would not insist on it. The money may be used for sanitation or some other similar purpose. But a revenue surplus should not go to the paying off or the avoidance of our debt; after all this non-productive debt is not so much that it cannot be easily paid off. My contention that this surplus is wanted for productive capital expenditure has the support of great financiers. One financier says: "If a nation should borrow, it should not borrow unnecessarily above the surplus", and I find even Mr. Findlay Shirras in his book on "Public Finance" definitely stating that it is not only desirable, but also necessary, that we should borrow below the surplus. This gentleman was the founder of the international economic scheme. He definitely said in the conference—and I had the privilege of attending that conference—that surpluses should primarily be used for the improvement of the people, and it would be fatal to suggest to use it on the repayment of unproductive debts. With this submission, Sir, I appeal to the Honourable the Finance Member to rise to the occasion and say, as did Mr. Gladstone when he got up to answer the man who suggested a similar scheme: "If you agree with me that I am fair in my scheme, I will agree that your scheme is fairer and I will accept it".

Mr. President: Grant under consideration, reduction moved—

"That the total grant be reduced by Rs. 100."

The question is that that reduction be made.

Chaudhri Duli Chand [Karnal (Non-Muhammadan), Rural] (Urdu): Sir, the question raised by Mir Maqbool Mahmood is one which concerns the zamindars most. It is one of those questions which have the interests of zamindars in view. The surplus that Government has got at its disposal this year is a fairly big sum, so much so that, if the enhanced rate of *abiana* is cancelled altogether, even then Government will be left with some surplus, and therefore it is time that Government should cancel that rate, and thereby remove the cause of agitation that is so much disturbing the minds of the zamindars at present. With this surplus Government can give effect to the resolution passed by this Council regarding the cancellation of the enhanced rate of *abiana* if it cares to do so. Now is the time that Government should take into consideration the miserable plight of the zamindars, whose average income per head is even less than the amount that is being spent on a prisoner in a jail. It is time that Government should ameliorate the worst lot of the zamindars, who do not get sufficient to eat and to clothe their bodies properly. It is one of those few occasions on which Government can show that it is sympathetically inclined towards the zamindars, who form the backbone of the nation. But

if Government is not prepared to cancel the enhanced water-rate, there are many other departments on which it can spend the surplus more advantageously. It can very well spend that amount on the expansion of beneficent departments. If that is not possible, the surplus can be better utilised in opening veterinary and other hospitals, which are at present few and far between, and are not sufficient in number to meet the requirements of the public at large. Government can, in my opinion, avail itself of this opportunity to provide a sufficient sum for the construction of buildings for primary schools, and thereby accelerate the task of introducing free and compulsory education in the near future. If even that is not possible the surplus might be well spent in improving the drainage scheme, which is at present in a very bad condition, and on account of which so much loss to life and property was caused last year by the floods. Then there is sanitation, which is no less important from the public point of view. I again say that the surplus should be utilised first of all in cancelling the enhanced water-rate, and should not be spent in a way to which objection may be taken.

5 P.M.

Mr. C. M. King : Sir, I rise to a point of order. I want to know whether you allow the question of *abiana* being introduced into this discussion. If so, it would open a wide question, rather different from the intentions of the honourable mover of this reduction.

Mr. President : In view of the fact that it was mentioned yesterday that this question will be separately raised, I do not think it will be wise on the part of any speaker to refer to it any further in the present discussion I understood the last speaker to be alluding to it only as an illustration of one of the ways in which the surplus could have been utilised.

Malik Firoz Khan, Noon [Shahpur (East) Muhammadan) Rural] (Urdu) : Sir, I quite agree with my honourable friend Mir Maqbool Mahmood. I wish to make two observations on this point. Government has been spending on the Sutlej Valley Scheme out of the annual ordinary income of the province. If it has to spend more money, including this 39 lakhs of surplus, it might have raised this sum also when it took a loan of 2 crores for the project. We have been given wrong notions of the financial position of the province. If we had known that this surplus of 39 lakhs was likely to be obtained, we would have certainly refrained from giving help in passing the Stamp, the Court-fees and the Motor Vehicle Acts. Sir, I would like to remark that Government has made wrong calculations as to the actual financial position. My second observation is that we have got many other important matters to look after, and these matters have certainly much more claim on Government than the canals of the province. Government should bestow more attention upon the beneficent departments. If this sum of 39 lakhs is spared, it can very safely be expended on the upkeep and maintenance of roads, etc. Sir, the roads in the Punjab are in a very bad state. People cannot make use of them, and in some cases they sustain considerable loss in doing so. When once a loaded *gadda* (cart) gets stuck up in the ruts of a road, it is very hard to pull it up, and often in the night highwaymen generally pounce upon it and take away their share. Sir, when Government has already raised money for the Sutlej Valley Project, why is this surplus of 39 lakhs not spent on village sanitation ? Why is this windfall not devoted to improve drainage schemes ? Why is this extra sum not used in opening more veterinary hospitals, or why is it not given to the Communications Board for the repairs and maintenance of

[Malik Firoz Khan Noon.]

roads in the province? Government could have utilised this surplus in connection with the remission of *abiana*, and, by doing so, it would have removed that general discontent which prevails among the zamindars.

Lala Mohan Lal [North-East Towns (Non-Muhammadan) Urban]: Sir, I beg to associate myself with the amendment of Mir Maqbool Mahmood. It is not sound business that when there is a revenue surplus, it should be applied towards the reduction of productive debt. Productive debt brings in afterwards revenue to Government by way of interest As Mir Maqbool Mahmood pointed out, it is fair that the surplus whenever it is available should not be applied towards such debts. But I do not associate myself with Mir Maqbool Mahmood in asking that Government should not anticipate as to what could be a surplus. It is very often necessary for Government and for business men to anticipate . . .

Mir Maqbool Mahmood: I rise to offer a word of explanation. I did not say that. I said, if Government had any method of exactly assessing revenue and income, they should have done so.

Lala Mohan Lal: Then, I understood the honourable member to say that Government should have known this already. I associate myself with Mir Maqbool Mahmood in his assertion that this surplus should have been applied towards the expenditure on the beneficent departments But I do not think it would have been possible for Government merely on one year's surplus to think of a reduction of taxes; surely Government should put this money at the disposal of the ministers towards the financing of the beneficent departments, and ask them to use it for such measures as the improvement of sanitation, building of roads or hospitals and so on. I heartly support the reduction moved by Mir Maqbool Mahmood.

Mr. E. Maya Das (Non-official, Nominated): Sir, I should like to point out that this surplus is in some way or other connected with the recent increase in *abiana*. Had there been no such increase, we would not have had this surplus. It would appear that in any scheme for the utilisation of the surplus we should as far as possible see that we benefit the zamindars. Further, the scheme ought to be of such a nature that it will not involve recurring expenditure. If we open schools or if we open veterinary hospitals or schemes of that kind, then it will mean that we are laying the foundations of future recurring expenditure. We should think of something which will benefit the zamindar and yet be of a non-recurring nature. The best course that suggests itself to me is putting the roads in the province in good order (Hear, hear). We have it on the authority of the Chief Engineer that the roads have been neglected, and have been neglected because the local bodies in whose charge these roads are, have not got sufficient funds. Their income has not kept pace with their expenditure and so the roads have been sacrificed. What will be the effect if the zamindar is not able to cart his produce, if he is not able to bring to the market his grain, fodder, surplus fuel, etc., for want of good roads? Not only does the agriculturist suffer, but also the townsmen. I find, for instance, that in Lahore cartloads of fodder are being brought in, and in some cases from a distance of 20 miles. If the roads are not repaired how will this fodder come to Lahore? I know that in some cases the roads are very badly broken. If a man's *gaddā* gets broken and if you tell him "My dear friend, we have been trying to save money we propose to open a high school where your son can study and pass the

entrance examination, so you need not feel for your *gaddi* being broken" what satisfaction will that bring him? I know that in a great many places there is a strong feeling that the zamindars' roads need much more attention. It seems fair that sufficient money should be given for the repair of roads; not for building new roads, but for putting the existing roads in order. There need be no fear that this is being suggested for the good of those who own motor-cars. Sometimes it is said that pucca roads are built and it is those who own motor-cars that get the benefit. I say "no." It is the zamindar that gets the benefit. He can load his *gaddi* up to 50 maunds if the roads are kept in good repair, whereas, in the other case, he can carry only about half that quantity. I would therefore strongly urge that a good portion of this saving may be given for repairing bad roads, both metalled and unmetalled, in the province.

Mr. Miles Irving (Finance Secretary): Sir, in the course of this debate which the keen and ingenious brain of Mir Maqbool Mahmood has roused I think Government has been somewhat severely criticised with regard to its acts and it has been blamed for spending this surplus on what I think my honourable friend Chaudhri Duli Chand described as "*Fazul Khurch*". Of course the real complaint is that it has not spent it at all. It has been blamed for dealing with this surplus in the past in the wrong method. Now, whatever be the way in which we ought to deal with it, I would like to point out that this surplus of revenue account declared itself somewhere about the 1st of February. It was on that auspicious day that the Honourable the Minister for Education returned to me 3 lakhs. As has been stated in this House, it was passed on to the next year. It was on the 1st February that the Accountant-General informed us that the Government of India was returning 36 lakhs on behalf of the Bahawalpur Durbar on capital account. It was on 1st February that various developments suggested themselves which showed what the year was likely to be and turned a revenue deficit into a revenue surplus. I submit to the House that within the space of one month we cannot possibly either frame or carry out any method of spending the money. It is too late to spend money in the year just now passing. But, supposing we had borrowed, as I think it is suggested, to that extent, and carried across quite an unnecessary surplus, we should have simply lost about 2 lakhs for no purpose whatsoever. Therefore we are not liable to be accused for what we have done.

Now as to what we should do, we are very much obliged to Mir Maqbool Mahmood for his very clear and lucid exposition of financial principles; of course very strict finance does demand that at the end of each year any surplus that may remain should be set apart for the repayment or avoidance of debt. Equally of course, in conditions such as in this country, we find that not unnaturally there is a restiveness on the part of the payer when this is done. The position is like that between the board of directors and the shareholders at a meeting. Viewing the situation economically, the directors want to put money into reserves, but the shareholders demand a dividend; and there are times in which any one who has a large number of shares will probably say it is right that the board of directors should, to a certain extent, meet the wishes of the shareholders. Therefore I am far from disagreeing with my honourable friend Mir Maqbool Mahmood in his opinion that there are circumstances in which the surplus may be reduced to this extent. As I had on another occasion to say in this House about another form of windfall, one has to catch one's hare before one cooks it. This surplus is after all another of the finance department's prognostications. It may or may not come

[Mr. Miles Irving.]

to fruition, but we hope it will. At any rate, Government is prepared to take up the question to a certain extent. We are prepared to trust that we shall get a considerable portion of this surplus when the accounts come to be closed, which will be in October or November. I hope this will go some way towards meeting my honourable friend's demand. We are now going to put before the House on the last day of this session a supplementary demand for a sum of 12 lakhs for beneficial expenditure on particular schemes which are ready before us. That is the offer which we are now prepared to make to the House.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I simply rise to say a word in support of my honourable friend Mir Maqbool Mahmood. I not only whole-heartedly support my honourable friend with regard to his main proposition, but also in respect of the particular use which he suggests should be made of at least a part of the surplus of this year; namely, in the promotion of technical, industrial and commercial education, either by giving scholarships here in this country—I mean in the various parts of India—or by giving scholarships abroad. One of the most important needs of this province, as I have been urging all along again and again—apart from other things which have already been mentioned—is the promotion of industrial, commercial and technical education. I was very sorry to find that the Retrenchment Committee had shut down one of the most useful institutions for commercial education, namely, the Institute of Commerce. When we cannot maintain even an Institute of Commerce, it is idle to think of a full-fledged technical college or technological institute in this province at once. We can at any rate provide scholarships to a few of our good students to go to other provinces in order to study in the Institute of Commerce, in technical institutions or in colleges of technology there or out-side of India, in England, Germany or America. With these words, I strongly support the proposal of my honourable friend Mir Maqbool Mahmood.

The Honourable Sir John Maynard (Finance Member) : May I just very briefly say, Sir, that we propose to come for this money before this Council by way of a supplementary demand ? We of course propose to follow the opinions of the Honourable Ministers as to the actual objects on which we are to spend. We cannot commit ourselves to say that it will be for this, that or the other. But it is necessary to put forward a supplementary demand in the course of a few days, if you, Sir, permit us to do so by waiving the necessary period of notice. One point must be made clear : The expenditure must not be expenditure of a recurring character.

Mir Maqbool Mahmood : Will it mean that the whole amount of surplus available will be supplied to nascent industries under the control of the Honourable Ministers ?

The Honourable Sir John Maynard : The sum was mentioned by my honourable friend Mr. Irving to be 12 lakhs, and he also explained why we limited ourselves to 12 lakhs. The so-called surplus is, in the first place, something which does not exist at all because the money has actually been expended on particular purposes, that *is to say*, on capital expenditure. In the second place, it is only an anticipated item because we cannot say at present that all our expectations with regard to revenues and expenditure from revenues will be realised, and we do not therefore think it safe to go beyond the 12 lakhs which has already been mentioned.

Mir Maqbool Mahmood : I would withdraw this motion if I was given an assurance, and if the House agrees, that the whole amount of surplus available will be supplied to the nascent industries under the control of the Honourable the Ministers ?

Mr. President : Grant under consideration, reduction moved—

" That the total grant by reduced be Rs. 100."

The question is that that reduction be made.

The motion was carried.

Mr. President : The question is—

" That a sum not exceeding Rs. 3,900 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Debt Services."

The motion was carried.

IRRIGATION (REVENUE AND CAPITAL) GRANT.

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

That a sum not exceeding Rs. 3,61,60, 600 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Irrigation (both Revenue and Capital).

In moving this demand, I beg to say a few words with your permission Sir, about one portion of the demand which deals with the construction of the Shahpur canal. Sir, the proposal in this demand is for the completion, of the Shahpur canal which was started some time in 1900. This canal was started at the time to give an assured supply to the Government inundation canals in the Shahpur district. Besides these inundation canals, there are canals of private owners which they built some time ago and from which certain lands are being irrigated. The complaint has been of irrigators of Government canals that their supply is not sufficient and that the supply is precarious. These complaints of the irrigators of Government canals have had to be considered and it was with the object of meeting this complaint of the irrigators that the amount has been provided for in the budget. I need not go into the history of this proposal, but I would say here a few words as to the necessity of this proposal. As I have said before, Government canals are not paying propositions. I may be permitted to say a few words as to the state of affairs of these canals. I have got a statement which shows that, previous to 1920, they were paying only in two years, and that very slightly.

In 1920-21 the gross income from these canals was Rs. 98,096 and the expenditure was Rs. 1,22,163, that is, the deficit was Rs. 24,067. In 1921-22 the gross income was Rs. 61,822 and the expenditure was Rs. 90,528, or a deficit of Rs. 28,701. In 1922-23 the gross income was Rs. 88,906 and the expenditure was Rs. 93,537, or the deficit was Rs. 4,631. After the Provincial and Imperial canals were amalgamated the statement of account of 1923-24 gives Rs. 1,43,510 as the gross income and Rs. 1,68,466 as the expenditure that is a deficit of Rs. 24,956.

[Hon'ble S. B. S. Sundar Singh, Majithia.]

This was the position of these canals so far as the revenue-producing capacity was concerned. It is a serious state of affairs to have a deficit every year. Therefore it was proposed to construct the Shahpur branch taking water from the Lower Jhelum canal and thus put the Government inundation canals on a proper footing and avoid all this loss. On the other hand, here was the fear in the minds of private owners that the extension of irrigation from the Lower Jhelum canal into this area would cause water-logging and cause them loss.

On the other hand, they also had the fear that possibly Government would be forced to give water to the lands which were served by these private canals. In the course of a debate some time ago on the question of *abiana*, I pointed out that our friends the Maliks were getting one-fourth of the produce by way of *abiana* from these canals, and the possibility was that they might lose this if people came forward and asked for water from us, rather than getting it from their canals. The matter required much thought and consideration, as the question of water-logging and of compensation which have been engaging the attention of Government since 1900, have been before us, and it is not possible to arrive at a suitable conclusion which would be acceptable to the private owners of these canals and also to Government. Government have given a careful consideration to this question, and they have come to the conclusion that the matter may be looked into by an independent and impartial committee of enquiry on which there will not be any representative of the Irrigation Branch or representatives of local officers or representatives of private owners or of the local people. Such an impartial committee of enquiry will go into the matter and consider the question of compensation and *chaharam* which the Maliks take in case we give water from these Government canals to the land which is at the present moment served by private canals. Besides that, Sir, the river spill comes and spoils those lands. On this subject requests were made by Sir Umar Hayat Khan that something should be done by Government to put a *band* near that place which is to stop that river spill. Government thought that by the construction of this canal this purpose would be served, and that this committee would be a suitable body to make a report on the subject. It is expected that the findings of this committee will be acceptable to the private owners of these canals as also to Government. With these remarks I beg to move my motion for the demand.

Mr. President: The question is—

> "That a sum not exceeding Rs. 3,61,60,800 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Irrigation (both Revenue and Capital)".

Chaudhri Afzal Haq: Sir, before you call upon any honourable member to speak on the amendment, I would like to make a few remarks on the explanation given by the Honourable the Revenue Member while moving his demand.

Shaikh Muhammad Sadiq [Amritsar (Muhammadan) Urban]: Sir, I have got an amendment in my name.

Mr. President: There are one rupee cuts, while discussing which the honourable member Chaudhri Afzal Haq can bring his point which he wants to discuss now.

Shaikh Muhammad Sadiq: Sir, I know that, for big commercial works like irrigation works, a sum of 4 lakhs of rupees for emergency purposes is not a big sum, but, knowing as I do the system of working of a Government department, I fear that this demand is a camouflage for some other work. Usually emergency work is really a demand for some officer for putting up a new bungalow, building a new house-boat, or for making a garden for him or for making *kutcha* roads into *pucca* roads. If the Honourable the Revenue Member assures me that no such camouflage is intended with regard to the expenditure of this sum and that this sum is not going to be spent on anything but the repairs of canals, I will withdraw my amendment. But, if there is some *but* in it, I will take my stand on the amendment. I hope I am in order in asking the Revenue Member to give us that assurance.

Mr. President: But the honourable member has not moved his amendent yet.

Shaikh Muhammad Sadiq: Sir, I beg to move—

"That the grant be reduced by Rs. 2,00,000 with respect to the item of Rs. 4,00,000—Reserve for Unforeseen Works".

Mr. President: Grant under discussion, reduction moved—

"That the grant be reduced by Rs. 2,00,000, with respect to the item of Rs. 4,00,000—Reserve for Unforeseen Works."

The question is that that reduction be made.

Is Government prepared to make any statement on the point?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): I will explain to my honourable friend the sort of expenditure that is incurred from this head of account. In 1923-24 the honourable members of this House will remember a great catastrophe happened to the bridge of the Lower Bari Doab Canal near Montgomery. The whole bridge was going to collapse and Government had at that time to come forward to take steps to repair the bridge. The stopping of the canal at a time when water was badly wanted would have caused the irrigators great loss. In an emergency like that, if we have to come up to this House for a supplementary demand and ask for permission to spend money for repairs, it would take a very long time and perhaps during the interval one does not know what may happen, I will tell my friend, as I have told him privately, that it is not intended for the building of bungalows or for the building of house-boats or the building of certain other things which he suspects that this grant is meant for. There is no intention on the part of the Irrigation Branch to spend on such luxuries as my friend hinted at. This grant is specially meant for the purpose of expenditure of an emergent nature, such as I have already mentioned.

I will give my friend some information as to what happened in 1923-24. The Montgomery bridge that I have spoken of, cost us Rs. 20,000 and special urgent repairs on the main line cost us Rs. 10,000 more, and urgent minor repairs on the same canal which could not be delayed cost us Rs. 44,000. Coming to the present year, I would just remind this House that I have had an occasion to see the headworks which have been damaged by the floods in the Western Jumna Canal. The beautiful road leading from Jagadhri, the headworks at Tajewala, was so much broken up that it was with-

[Hon'ble S. B. Sardar Sundar Singh Majithia.]
difficulty that I could motor on the road. There were lying all over debris, trees, roots and boulders something like 8 feet deep. The sleepers from our various depots were swept away by the floods to a very great distance, and the works were so much damaged that there was possibility of very great loss if the damage was not attended to at once.....

Mr. President: I understood that what the honourable mover of the amendment wanted was some assurance from Government that this sum is meant for the repairs of canals, and not for any other purpose. I do not think there is any speech needed.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Very well, Sir.

Mr. President: You may give that assurance.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: That is the sort of expenditure that we have to meet from this reserve. I can assure my honourable friend that this money will not be spent on the luxuries which he suggested.

Shaikh Muhammad Sadiq: Sir, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural]: Sir, I beg to move—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,78,800—Establishment—Works—Sutlej Valley Project".

Sir, I will not take up much time of the Council. I will say just a few words. This demand, as you will see from page 109 of the budget, consists of very many heads, and one of them is "Medical (voted)". I want to engage myself only on that one point. As everybody in this House admits, there is a great dearth of dispensaries in this province as they are run by the Inspector-General of Civil Hospitals, to which district boards and Government contribute their share of expenditure. If at any place a canal dispensary is opened, instructions are issued from the department that the dispensary is meant only for the sole use of the employees of the canal department, and residents who are not employees of that department are not allowed the benefit of that dispensary. In some rare instances, at the request of district boards and on their agreeing to pay a certain amount by way of a contribution to the canal department, permission has been given for the dispensary to be open to all. I want to ask that all canal dispensaries should be thrown open to the public. If necessary, district boards should be approached by Government to contribute a part of the expenditure for the purpose.

Mr. President: Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,78,800—Establishment—Works—Sutlej Valley Project".

The question is that that reduction be made.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu): Sir, I have one observation to make. As far as I know, these canal dispensaries are also used by the public in general. At least in Renala Khurd there is one dispensary which is used by canal people as well as by zamindars. In the Sutlej Valley Government is making more

useful arrangements. It has begun constructing roads along with the scheme of colonisation. In doing so, the object in view is that, when people will settle down there, they will have better means of communication at their disposal. But I would like to submit that the canal department could have also easily laid these roads and that there was no need of employing extra men on this work.

Mr. C. M. King: Sir, I rise to a point of order. Your ruling is that members should confine themselves to one subject. Sardar Gurbakhsh Singh has raised the question of canal dispensaries. Can the honourable member raise another question now?

The Honourable Sir John Maynard: The honourable member does not seem to understand that communications come under Civil Works, and not under the Sutlej Valley Project.

Sayad Muhammad Husain: That is all right. I want to make only one observation.

Mr. President: Please do not make that observation if it relates to Civil Works.

Mr. W. P. Sangster (Chief Engineer, Irrigation): Sir, I should like to explain to the honourable member who moved this reduction that the canal department has no objection to throwing open canal dispensaries to the public, provided the district board pays its share, but we cannot undertake to throw open canal dispensaries on construction canals. We are willing to throw open the dispensaries on open canals, but we cannot do so in the case of construction canals. Hitherto we have not done so, and for this reason: that on construction canals the dispensaries are generally in out-of-the-way places where there are very few village people and the sub-assistant surgeon in charge in such places has to devote his whole time to the labour employed on the construction of the canals. He has no time to go to any outsider and, besides, the construction of the canals would suffer if he were allowed to attend to outside patients. For that reason we have always been against opening dispensaries on construction canals to the public. We have, however, no objection to opening dispensaries on running canals for the use of the public if the district boards are prepared to pay their due share.

Sardar Gurbakhsh Singh: Sir, Mr. Sangster's explanation why he does not propose to throw open the dispensaries on construction canals is not convincing. I therefore press my motion for reduction.

Mr. President. Grant under discussion, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,78,800—Establishment—Works—Sutlej Valley Project".

The question is that that reduction be made.

The Council divided: Ayes 14, Noes 26.

AYES, 14.

Malik Firoz Khan, Noon.	Sardar Jodh Singh.
Mir Maqbool Mahmood.	Sardar Tara Singh.
Chaudhri Saadullah Khan.	Sardar Randhir Singh.
Khan Bahadur Nawab Muhammad Jamal Khan.	Sardar Gurbakhsh Singh.
Chaudhri Nur Din.	Chaudhri Afzal Haq.
Chaudhri Muhammad Shafi Ali Khan.	Sardar Partap Singh.
	Shaikh Muhammad Sadiq.
	Chaudhri Duli Chand.

NOES, 26.

Mr. W. P. Sangster.	Mr. Owen Roberts.
Colonel C. R. Bakhle.	Mr. J. Coldstream.
Mr. C. A. Barron.	Nawab Sayad Muhammad Mehr Shah.
Mr. C. M. King.	Sardar Bahadur Sardar Jowahir Singh.
Mr. W. Mayes.	Khan Muhammad Saifullah Khan.
K. B. Nawab Muzaffar Khan.	Lieut. Malik Muzaffar Khan.
Sir George Anderson.	Subedar-Major Farman Ali Khan.
Lieut.-Col. C. A. Gill.	Chaudhri Najib-ud-Din Khan.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.	Rai Bahadur Sir Gopal Das, Bhandari.
The Honourable Sir John Maynard.	Mr. V. F. Gray.
Mr. J. G. Beazley.	Sayad Mutammad Husain.
Mr. Miles Irving.	Rai Bahadur Lala Dhanpat Rai.
Mr. J. M. Dunnett.	
Mr. H. D. Craik.	

The motion was lost.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural] : Sir, I beg to move—

"That the grant be reduced by Rs. 100 with respect to the item of Rs 1,66,63,000—Sutlej Valley Project".

In doing so, my object is not to oppose the expenditure on the Sutlej Valley Project. What I want is that Government should divert its attention to another part of the province also. The central and western districts have abundant irrigation from canals .....

Mian Muhammad Shah Nawaz : I rise to a point of order. The honourable member cannot refer to any other subject when he moves a reduction of the grant for the Sutlej Valley Project.

Mr. President : I think the point of order is well taken. The honourable member cannot bring any question relating to the other part of the province within the scope of this item as this would mean an increase of expenditure.

Sardar Gurbaksh Singh : Very well, Sir, I will then say that the expenditure which is being incurred on the Sutlej Valley Project is not being incurred for the benefit of the whole province, but for the benefit of a part of the province. On that point I submit I can make remarks and thus bring the interests of the other parts of the province to the notice of this House.

Mr. President : You must leave alone the interests of the other parts of the province. You cannot bring them here in a discussion on this demand. You may raise a general discussion on this project if you like.

Sardar Gurbakhsh Singh : I wanted to raise the question of the construction of the Bhakra Dam Project which was to irrigate the eastern districts of the province, but, as I am debarred from raising it, I will not take any further time of this House on the amendment and close my remarks.

Mr. President : You cannot always bring in the Ambala division (Laughter). I rule this motion out of order.

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

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 1,91,73,000—Major Head "55—Construction of Irrigation Works, etc.".

Sir, in moving this reduction, my object is not to criticise the policy of constructing the Sutlej Valley Project. I want to suggest a few proposals to Government as to how a part of the land which is to be irrigated by these new canals should be distributed. Before I do so, I would like some Government member to reply on what system the 75,000 acres of land which are reserved for distribution to the soldiers is to be distributed. I will explain my difficulty. A number of soldiers from my district are always sending me letters enquiring whether I can secure them squares of land which Government is going to distribute. My submission is that a notification should be issued by Government indicating how these 75,000 acres are to be distributed, whether these acres will go to those people who served during the war for the country's sake and so on. A large number of retired soldiers in every part of the province are living in villages and they are absolutely ignorant as to whom they should apply to for the grant of this land. I know personally a number of men who have suffered greatly in the war and who are absolutely ignorant as to how to get some sort of reward for their services so that they may be able to maintain their families and children in good comfort. My submission is that Government should issue instructions either to Deputy Commissioners or some other officers to make these people acquainted as to how they are to submit their applications, to whom these applications are to be submited and on what principle these grants are to be made.

That is the first point I want to submit in connection with this motion. The second point which I wish to submit is that the disposal . . . .

6 P.M. **Mr. President** : The second point may be discussed on Monday.

The Council then adjourned till 2 P.M. on Monday, the 23rd March 1925.

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PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Monday, the 23rd March 1925.

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

QUESTIONS AND ANSWERS.

TERMS OF SERVICE OF EXAMINERS.

1638. Sayad Husain Shah: (*i*) Will Government be pleased to state if it is a fact—

(*a*) that Examiners in District Offices are paid a fixed salary;

(*b*) that Government does not contribute its share to the Provident Fund, which has been instituted for the benefit of the Examiners;

(*c*) that the post of Examiner has failed to attract suitable men?

(*ii*) If the answers to (*a*), (*b*) and (*c*) be in the affirmative, does the Government propose to consider the desirability of revising the term of service of these Examiners?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes.

(*b*) Examiners have been allowed to join the General Provident Fund on the usual conditions provided the Deputy Commissioner certificates that the subscriber will be employed for at least three years.

(*c*) Government is not aware of this.

(*d*) Government does not consider it necessary to revise the terms of service of Examiners.

RAI BAHADUR SETH PRABHU DAYAL, NON-OFFICIAL VISITOR TO MULTAN CENTRAL JAIL.

1639. Lala Mohan Lal, Bhatnagar: (*a*) Will the Government please lay on the table a copy of the letter conveying instructions to Superintendent, Central Jail, Multan, referred to in reply to part (*d*) of question No. 1087* asked in the Council on 20th November 1924?

(*b*) Will the Government please state if Seth Prabhu Dayal was ever informed of the issue of these instructions? If not, what were the reasons for not doing so?

(*c*) Will the Government please state if in view of the apprehension of the breach of discipline recorded by Major M. D. Wadia, Superintendent, Central Jail, on 25th April 1923, in the minute book of the Central Jail, Multan, as referred to in reply to question No. 1087,* he ever requested the Gov-

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* Vol. VII, pages 568-69.

[L. Mohan Lal Bhatnagar.]

ernment to warn Rai Bahadur Seth Prabhu Dayal, M.B.E., not to employ the words 'Sardar Ji' and 'Khalsa Ji' in addressing the Sikh prisoners while visiting the jail? If so, will the Government please lay on the table a copy of the letter received from Major Wadia?

(*d*) Will the Government please state what action was taken on the above letter?

(*e*) Will the Government please state if Major Wadia requested the Government before or after 25th April 1923 to remove the name of Rai Bahadur Seth Prabhu Dayal from the list of non-official visitors?

(*f*) If so, will the Government please lay on the table the copies of letters received from Major M. D. Wadia and the letters sent to him in reply?

The Honourable Sir John Maynard: (*a*) No.

(*b*) No. It was not considered necessary to do so.

(*c*) to (*f*) The honourable member is referred to the reply to question No. 1506* asked by Lala Bodh Raj.

RAI BAHADUR SETH PRABHU DYAL AND THE SUPERINTENDENT, MULTAN CENTRAL JAIL.

1640 Lala Diwan Chand: (*a*) Will the Government please lay on the table the copies of inspection notes made by Rai Bahadur Seth Prabhu Dayal, M.B.E., and of the remarks made by the Superintendent, Central Jail, Multan, from September 1922 to 24th April 1923 in the minute book of Multan Central Jail, Multan?

(*b*) Will the Government please state if Major M. D. Wadia ever reported to Government his apprehension of the breach of discipline following from the visits of Rai Bahadur Seth Prabh Dayal to the Central Jail, Multan? If so, when? Will the Government please also lay on the table a copy of the communication and the Government's reply thereto?

(*c*) Will the Government please state if there was any riot or serious breach of discipline made by the Akalis in the Central Jail, Multan, between September 1922 and 25th April 1923?

The Honourable Sir John Maynard: (*a*) and (*b*) The honourable member is referred to the reply to question No. 1506* asked by Lala Bodh Raj.

(*c*) No serious breach of discipline or riot by Akalis was reported by the Superintendent, Central Jail, Multan, during the period mentioned.

ELECTORAL ROLLS OF THE SIALKOT CANTONMENT BOARD.

1641. Captain Dhan Raj, Bhasin: (*a*) Is it a fact that the work of preparing the electoral rolls of the Sialkot Cantonment Board was commenced by the executive officer, Sialkot Cantonment, long before the confirmation of the draft electoral rules for the Cantonment Boards in the Punjab?

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*Page 387 *ante*.

(*b*) Is it a fact that the electoral rules for the Cantonment Boards in the Punjab were confirmed in the middle of September 1924 but the electoral rolls of the Sialkot Cantonment Board were not thrown open for inspection by the public before the end of October 1924?

(*c*) Is it a fact that even during the period (16th September 1924 to 31st October 1924) the said electoral rolls were completed without any proper inquiry from the individual residents or from the record of the Cantonment Board itself and consequently names of great many property-owners, tax-payers, etc., were not registered as voters?

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

SUB-REGISTRAR, MUZAFFARGARH.

1642. Captain Dhan Raj, Bhasin: (*i*) Is it a fact that only those persons can be appointed as Sub-Registrars who (*a*) belong to the town proper, (*b*) are in easy circumstances, (*c*) have personal services to their credit and (*d*) are not involved in debt?

(*ii*) Will the Government please say whether the candidate who has been or is going to be appointed Sub-Registrar of Muzaffargarh satisfies all the conditions referred to in (*i*) above? If not, will the Government please say why it proposes to appoint him for the post?

The Honourable Mian Sir Fazl-i-Husain: (*i*) In making appointments all these points as well as others are taken into consideration.

(*ii*) Does not arise.

DEPOSIT OF KASUR MUNICIPAL COMMITTEE FUND IN THE BANK.

1643. Captain Dhan Raj, Bhasin: (*i*) Will the Government be pleased to state—

(*a*) whether the Kasur Municipal Committee in its meeting, held on 19th December 1924, unanimously decided to deposit its funds in the Central Bank of India, Ltd., and Punjab National Bank, Ltd., at Kasur?

(*b*) whether the above committee in its meeting, held on 25th January 1925, decided to deposit the funds in the Imperial Bank of India, a branch of which is shortly going to be opened at Kasur?

(*ii*) Was any communication, oral or written, made by the Deputy Commissioner or Sub-Divisional Officer, Kasur, to the members of the above committee during the interval between the passing of the two resolutions asking them to cancel or modify their first resolution?

(*iii*) Is it a fact that the committee by passing the second resolution has suffered a loss of about Rs. 3,000 a year by way of interest?

(*iv*) Is it a fact that the second resolution of the committee was not passed in accordance with regulations of the Municipal Act which provides that a resolution cannot be reconsidered within three months unless a special meeting is requisitioned by two-thirds of the members? Was any requisition made to the President as required by law?

[Capt. Dhan Raj Bhasin.]

(c) If the provisions of the Act were not complied with, what action does the Government intend to take in the matter?

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

MILITARY PENSIONERS OR DISCHARGED MILITARY MEN IN CIVIL POSTS.

1644. Sardar Partap Singh: Will the Government be pleased to state the number of military pensioners or discharged military men who hold such of the civil posts for which the possession of educational qualifications is necessary such as the posts of Sub-Registrars, Inspectors and Sub-Inspectors of Co-operative Credit Societies, Revenue officers, etc.?

The Honourable Sir John Maynard: Government is not prepared to undertake an enquiry which would extend to every department demanding educational qualifications from its members, and would seek to ascertain what officials had spent any time, however short, in the army.

GRANT OF LAND TO MUHAMMADAN RAJPUTS OF HISSAR, ROHTAK AND GURGAON DISTRICTS IN RECOGNITION OF WAR SERVICES.

1645. Chaudhri Sahib Dad Khan: Will the Government be pleased to state—

(a) how much land was granted to the Muhammadan Rajputs of Hissar, Rohtak and Gurgaon districts in recognition of war services;

(b) how many of these grantees had actually served as combatants in the army;

(c) how many of these grantees had helped in recruiting in their capacity as zaildars, lambardars or sufedposhes?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The question has necessitated enquiries which are not yet complete. The reply will be communicated to the honourable member when ready.

CORRUPTION IN BHIWANI MUNICIPAL COMMITTEE.

1646. Lala Bodh Raj: Has the attention of Government been drawn to several complaints regarding corruption in Bhiwani Municipal Committee sent to Deputy Commissioner, Hissar, and Commissioner, Ambala?

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

COMPLAINTS AGAINST THE PRESIDENT OF BHIWANI MUNICIPAL COMMITTEE.

1647. Lala Bodh Raj: Is it a fact that complaints against the President, Municipal Committee, Bhiwani, for exacting private work from municipal gangs were sent to the Deputy Commissioner, Hissar, and Commissioner, Ambala? If so, what action has been taken thereon?

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

CASES OF ARSON AND CRIMINAL BREACH OF TRUST AGAINST LALA TARA CHAND AND MURLI DHAR.

1648. Lala Bodh Raj: (*a*) Will Government please lay on the table a statement showing all the charges with the dates of sanction of different chalans against Lala Tara Chand and Lala Murli Dhar, Agents of the Bhiwani Mills Company, Limited, in connection with cases of arson and criminal breach of trust?

(*b*) How many of these cases have been disposed of and with what results?

(*c*) Is it a fact that the Deputy Commissioner, Hissar, has proposed to drop the remaining cases on grounds of public economy? If so, will Government please state if it has been the policy of the Government to drop criminal cases for lack of funds?

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.

DISPOSAL OF LAND USED AS PLAY GROUND BY THE BOYS OF THE GOVERNMENT SCHOOL, MULTAN.

1649. Lala Bodh Raj: (*a*) Is it a fact that a piece of land used as play ground by the boys of the Government High School, Multan, and situated on the left side of the road leading from Haram gate to Bohar gate in Multan City has ceased to be of any use for the purpose for which it was originally acquired?

(*b*) Will the Government please state if it is to be returned to the original owners or their collaterals? If not, will the Government please state how it intends to dispose it off?

(*c*) Will the Government please lay on the table information as to the area of the land, the terms on which it was originally acquired and from whom?

(*d*) Will the Government please state if any petition was made by the original owners or their near relatives to return the land to them? If so, will the Government please state what action has been taken thereon?

The Honourable Mian Sir Fazl-i-Husain: The information asked for is being collected and will be communicated to the honourable member when ready.

PETITIONS TO DEPUTY COMMISSIONERS IN REGARD TO VOTERS' LISTS.

1650. Lala Bodh Raj: With reference to the reply to question No. 1325* (*b*) asked on 19th January 1925, will the Government please state under what provision of the Stamp Act the court-fee of one rupee is charged for petitions bringing to the notice of the Deputy Commissioner his omission or mistake in the preparation of the list of voters under the Municipal Act?

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*Pages 96-97 *ante*.

The Honourable Mian Sir Fazl-i-Husain: It is regretted that in the answer to part (*b*) of question No. 1325* reference was by mistake made to the Indian Stamp Act. The fee is leviable under article 1 of schedule II of the Court-fees Act, 1870.

FEES CONCESSIONS TO CHILDREN OF MEMBERS OF THE TEACHING STAFF OF VARIOUS SCHOOLS.

1651. Lala Bodh Raj: (*a*) Is it a fact that the children of members of the teaching staff of various schools in the Province who are in receipt of salary of Rs. 80 per mensem or less, are exempted from the payment of tuition fees for their education in the primary classes?

(*b*) Will the Government please lay on the table the rules or instructions, if any, framed or issued by the Education Department on the subject?

(*c*) Is it a fact that an enquiry was made by the Department in connection with a proposal to extend the above concession to those members of the staff who are in receipt of monthly salary of Rs. 50 or less, or Rs. 80 or less? If so, what were the terms of the enquiry and what has been the result?

(*d*) Did the Government receive any representation to the effect (*i*) that the concession be extended to such members of the teaching staff as are in receipt of a salary of Rs. 80 per mensem or less, and (*ii*) that the concession be not confined to the education of their children in the primary classes only but be extended to their education in the secondary classes as well as in arts colleges?

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

(*b*) The honourable member is referred to Article 107 of the Punjab Education Code.

(*c*) Government made enquiries as to the probable cost of an extension of the concession, and decided that in view of financial stringency the extension could not be sanctioned.

(*d*) (*i*) Yes.

(*ii*) No such representation is on record.

Lala Bodh Raj: In view of the financial aspect of the budget of the coming year, will the Government please reconsider this question?

The Honourable Mian Sir Fazl-i-Husain: When the supplementary budget is under consideration, yes.

HONORARY MAGISTRATE AT BATALA.

1652. Captain Dhan Raj, Bhasin: (*a*) Is it a fact that Government in about the year 1905 when Khan Bahadur Mian Ghulam Farid resigned his Honorary Magistracy decided not to appoint any Honorary Magistrate at Batala on account of great party feeling in the town? Will the Government kindly lay all the papers in this connection on the table?

(*b*) Is it a fact that Government has since decided to appoint a bench of honorary magistrates at Batala?

(*c*) Is it a fact that party feeling which prevented the appointment of honorary magistrates at Batala sometime back is still on the increase?

(*d*) If the replies to clauses (*b*) and (*c*) be in the affirmative, will Government be pleased to state the reasons for departing from their previous decision?

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* Pages 96-97 *ante*.

Mr. J. M. Dunnett: (*a*) Yes. The papers are confidential.

(*b*) No decision has been arrived at.

(*c*) Government is not aware of an increase of party feeling.

(*d*) Does not arise.

REMOVAL OF SUB-TREASURY FROM BHERA.

1653. Captain Dhan Raj, Bhasin: (*a*) Is it a fact that the sub-treasury has been removed from Bhera, district Sargodha?

(*b*) Is it also a fact that building as well as officer in charge of the treasury continues to remain in Bhera and that treasury can be allowed to remain there without any additional expense?

(*c*) Is the Government aware that Bhera and Miani are towns of great importance in the district of Sargodha both historically and commercially?

(*d*) Has any representation been received by Government that the people of Bhera and Miani are put to great hardship and inconvenience on account of the new arrangement? Has the attention of Government also been drawn to the fact that it is liable to lose a lot of revenue on account of the fact that people may split their deeds for property exceeding Rs. 100 into parts which consequently will not require registration?

(*e*) Will Government be pleased to state—

(*i*) the average amount of annual income from registration during the past five years at Bhera and Miani;

(*ii*) if there is any other town in the Punjab where the annual income from registration is less than that of Bhera and Miani and yet a sub-treasury is located;

(*iii*) if the reply to clause (*ii*) be in the affirmative, the reasons why sub-treasury at Bhera alone has been removed?

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

(*b*) There remain at Bhera the building and the Naib-Tahsildar: but the removal of the sub-treasury has resulted in an economy of Rs. 865-7-0 per annum.

(*c*) The importance of Bhera and Miani as centres of trade has considerably diminished since the opening of the Jhelum Canal, and trade has tended to transfer itself to the colony Mandis.

(*d*) A representation has been received in the terms stated.

(*e*) Government does not understand how the removal of the seasonal sub-treasury affects the income from registration.

RESEARCH WORK DONE BY THE PROFESSORS OF THE AGRICULTURAL COLLEGE.

1654. Lieut. Sardar Sikandar Hayat Khan: With reference to the reply to my question No. 750* of the August session of the Council, will Government be pleased to state—

(*a*) (*i*) whether the Professors of the Agricultural College also do any research work;

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* Vol. VII, page 339.

[Lt. Sardar Sikandar Hayat Khan.]

(*ii*) if the answer is in the affirmative, how is it possible for them to get away to the hills during the college vacation while the Assistant Professors are not allowed to do so ?

(*b*) (*i*) whether all the Assistant Professors in the Agricultural College are engaged in research work ;

(*ii*) if so, what research work is done by the Assistant Professors of English and Mathematics ?

The Honourable Rai Sahib Chaudhri Chhotu Ram :

(*a*) (*i*) Yes.

(*ii*) The Professors are usually able to arrange for their work being carried on during their absence.

(*b*) (*i*) Yes.

(*ii*) The Assistant Professor of English can help the Assistant Professor of Economics in his research work and the Assistant Professor of Mathematics has duties in the Chemical section.

REALIZATION OF MUTATION FEES.

1655. Lieut. Sardar Sikandar Hayat Khan: (*a*) Is Government aware of the fact that the lambardars find it very difficult to realize mutation fees and have, in many cases, to make it good from their own pockets ?

(*b*) Will Government please issue instructions to the patwaris that mutation fees should be realized in advance at the time when the mutations are entered ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :

(*a*) No.

(*b*) Government think that it is inadvisable that the patwari should demand payment of fees in advance for two reasons (*i*) because such pre-payment may result in delay in having mutations entered up and (*ii*) because in certain cases in which mutation is not sanctioned refunds would have to be made, and it would be difficult to ensure the refund of these petty sums.

CONVICTIONS FOR FORGERY.

1656. Lala Mohan Lal, Bhatnagar: Will the Government be pleased to give the following information, if available :—

(*a*) The total number of convictions for forgery during the last 10 years ;

(*b*) How many of these were due to forgery (*i*) by money-lenders in their account books, (*ii*) by public servants in public accounts (*iii*) by debtors in their receipts ?

The Honourable Sir John Maynard: (*a*) The only information Government possesses in regard to this matter is contained in the statement attached.

(*b*) Government is not in a position to furnish the details asked for in this part of the question.

Statement showing the number of persons convicted in cases of forgery during the 10 *years* 1914-1923.

	No. of persons convicted		
	Under Sections 465 to 471 and 474, Indian Penal Code.	Under Sections 472-476, Indian Penal Code.	Total.
1914	42	1	43
1915	37	...	37
1916	38	1	39
1917	56	...	56
1918	43	2	45
1919	50	...	50
1920	31	...	31
1921	40	...	40
1922	40	...	40
1923	37	...	37
Total ...	414	4	418

DEBT PAYABLE BY AGRICULTURISTS.

1657. Lala Mohan Lal Bhatnagar: Will the Government be pleased to give the following information, if available :—

(*a*) The total amount of debt payable by the agriculturists in the Punjab,

(*b*) out of this the amount due (*i*) to Government and local bodies, (*ii*) to Co-operative Societies, (*iii*) to registered companies, (*iv*) to private money-lenders belonging to agricultural and non-agricultural classes respectively ?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The information asked for is not available but the Board of Economic Enquiry, Rural Section, is about to make enquiries in six selected villages to ascertain most of the details mentioned in the question.

NUMBER OF LAND OWNERS IN THE PROVINCE.

1658. Lala Mohan Lal Bhatnagar: Will the Government be pleased to state—

(*a*) what was the total number of land owners in the Punjab in 1900; how many of them belonged to the agricultural classes and how many to non-agricultural classes;

(*b*) what was the total number of land owners in 1924 or in any recent year for which figures are available showing the number of land owners belonging to agricultural and non-agricultural classes respectively?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) It is regretted that the figures for 1900 are not available.

(*b*) The following figures for the year ending 30th September 1924 taken from column 5 of statement No. III appended to the Land Revenue Administration Report (now in press) are laid on the table:—

	Number of owners and shareholders in 1924.
Members of notified agricultural tribes ...	3,950,212
Others	740,414
Total	4,690,626

Further information will necessitate a detailed enquiry which Government considers will not justify results.

TRAVELLING ALLOWANCE TO OVERSEERS AND SUB-OVERSEERS.

1659. Lala Mohan Lal, Bhatnagar: Is it a fact that the new rules regarding travelling allowance have reduced the travelling allowances of Overseers and Sub-Overseers in the Irrigation Branch by 50 and 66 per cent. respectively from 1st April 1924? If the answer is in the affirmative will the Government be pleased to see the advisability of applying the same travelling allowance rules to them as are applied to Tahsildars and Zilladars as an alternative to grant them travelling allowance at the old rates?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The reduction in the Travelling Allowance which has been made will be apparent from the statement laid on the table.

As regards the second part the matter will be considered at the time of the general review of the question in the beginning of April 1925.

Pay of Overseers and Sub-Overseers.	Before 1st April 1924.				From 1st April 1924.			
	Daily Allowance.			Mileage	*Daily Allowance.*			Mileage
	Plains	Ordinary Hills.	Special Hills.		Plains.	Ordinary Hills.	Special Hills.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
From Rs. 200 onwards				0 6 0	3 0 0	4 8 0	6 0 0	0 4 0
From Rs. 150 to Rs. 199	3 0 0	4 8 0	6 0 0		2 8 0	3 12 0	5 0 0	
From Rs. 100 to Rs. 149	2 0 0	3 0 0	4 0 0	0 3 0	2 0 0	3 0 0	4 0 0	0 2 0
From Rs. 60 to Rs. 99					1 0 0	2 0 0	2 8 0	

Conveyance allowance is the same as before, viz., Rs. 30.

Cantonment Board Elections.

1660. Lala Mohan Lal, Bhatnagar: Will the Government be pleased to state whether officials serving under the Crown can stand as candidates for election to Cantonment Boards?

The Honourable Sir John Maynard: Attention of the honourable member is invited to section 28 of the Cantonments Act, 1924.

Mehtams as Members of Criminal Tribes.

1661. Lala Mohan Lal, Bhatnagar: (*a*) Is it a fact that Mehtams of village Mehtam Nagar in Fazilka Tahsil, of the Ferozepore District, have been declared a criminal tribe and restricted in their movements to the limits of their village?

(*b*) Is it also a fact that during the last five years none of them has been convicted of any offence involving moral turpitude or bound down under the security sections of the Criminal Procedure Code for keeping peace or good behaviour?

(*c*) If the answers to the above are in the affirmative, will the Government be pleased to give their reasons for declaring them members of the criminal tribes?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Yes.

(*b*) and (*c*) The question has been fully answered in the reply given to question No. 395* asked by Lala Ruchi Ram, Sahni, on the 24th March 1924.

* Vol. VI, pages 798-99.

JANDIALA NOTIFIED AREA COMMITTEE.

1662. Lala Mohan Lal, Bhatnagar: (*a*) Is it a fact that the Notified Area Committee in Jandiala, a town in the Amritsar District, is proposed to be made a Small Town Committee?

(*b*) Is it also a fact that (*i*) its population is more than seven-thousand and (*ii*) the committee's income is more than five thousand rupees a year; and that (*iii*) the Deputy Commissioner and the Commissioner have recommended it to be given a Municipal Committee instead of a Small Town Committee?

(*c*) If the answers to the above are in the affirmative, will the Government be pleased to state whether (*i*) the official recommendation has been accepted? (*ii*) If so, when is it likely to be given effect to? (*iii*) If not, why?

The Honourable Mian Sir Fazl-i-Husain: (*a*) Yes.
(*b*) (*i*) and (*ii*) Yes.

(*iii*) Government are not prepared to state what recommendations are made by their local officers.

(*c*) Government do not consider that Jandiala is a place of sufficient size and importance to justify its being converted into a municipality.

WOUNDED SOLDIERS IN MAYO HOSPITAL.

1663. Lala Mohan Lal, Bhatnagar: With reference to my question No. 793* asked on the 8th August 1924, will the Government be pleased to supply the following information in regard to the surgical side only for December 1914—

(1) The number of wounded soldiers admitted;
(2) The number of wounded soldiers cured, relieved, died or discharged otherwise;
(3) The number of amputations done and their result;
(4) The number of operations done with the number of bullets extracted and their result;
(5) The expenses incurred in this connection;
(6) Was any complaint made by any of the wounded soldiers against the medical officers in charge or any other subordinate? If so, with what result?

The Honourable Mian Sir Fazl-i-Husain: (1) 32 wounded soldiers were admitted during the month of December 1914.

(2) All these were discharged as cured (12 patients on 2nd January 1915 and 20 patients on 9th January 1915).

Relieved
Died
Discharged otherwise } *Nil.*

(3) and (4) Admission, Discharge and Operation, Registers were transferred to the Director of Medical Services, Medical Branch, Simla, on 16th March, 1920, hence the information asked for cannot be supplied.

(5) No separate account for Surgical cases was kept. The average approximate cost per head *per diem* amounted to Re. 1-8-0.

(6) There is no complaint on record.

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* Vol. VII, page 257.

HONORARY MAGISTRATES IN GURDASPUR DISTRICT.

1664. Chaudhri Sahib Dad Khan. (*a*) Will Government be pleased to state the population of the Gurdaspur District and the number of (*i*) Hindus, (*ii*) Sikhs, (*iii*) Muhammadans, respectively, in the district;

(*b*) the number of Honorary Magistrates in the district and the number of (*i*) Hindus, (*ii*) Sikhs and (*iii*) Musalmans amongst them?

The Honourable Sir John Maynard:

(*a*)	Total population	8,52,192
	Hindus	2,58,823
	Sikhs	1,37,625
	Musalmans	4,22,877
(*b*)	Honorary Magistrates	6
	Hindus	1
	Sikhs	5
	Musalmans	0

APPOINTMENT OF A MUHAMMADAN SUB-REGISTRAR IN THE GURDASPUR DISTRICT.

1665. Chaudhri Sahib Dad Khan: Will Government be pleased to state—

(*a*) the number of Sub-Registrars in the Gurdaspur District and the number of (*i*) Hindus, (*ii*) Sikhs, and (*iii*) Musalmans amongst them;

(*b*) whether it is a fact that there were two Muhammadans, one Hindu and one Sikh Sub-Registrar in the Gurdaspur District;

(*c*) that one of the Muhammadan Sub-Registrars has recently retired;

(*d*) if so, will Government be pleased to fill up the vacancy by appointing a suitable Muhammadan as Sub-Registrar?

The Honourable Mian Sir Fazl-i-Husain. (*a*) Three at present (one post is vacant), one Hindu, one Sikh and one Muslim.

(*b*) Yes.

(*c*) Yes.

(*d*) Government will appoint the person whom they consider most suitable.

COMPARATIVE COST OF RAISING WHEAT AND OTHER CROPS BY CANAL WATER AND BY WELLS.

1666. Mr. E. Maya Das: (*a*) Will Government be pleased to state whether the Punjab Irrigation Department has drawn up a table of the comparative cost of raising wheat and other crops (*i*) by canal water and (*ii*) by wells?

(*b*) If not, will Government kindly have these prepared and laid on the table?

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

(*b*) A statement is laid on the table. It was prepared in September 1923 and represents the relative costs of irrigation at that time. The cost of cultivation, etc., on lands irrigated by canals and wells being assumed to be equal.

Table showing comparative rates for different types of irrigation, September 1915.

Types of Irrigation.	Rabi crops.				Kharif Crops.				Annual.			
	Cost of irrigation per acre.	Total quantity of water used for crop in vertical feet.	Cost of 1 inch depth of water per acre.	Total area irrigated at these rates by 1 cusec per 24 hours per 150 days.	Cost of irrigation per acre.	Total quantity of water used for crop in vertica. feet.	Cost of 1 inch depth of water per acre.	Total area irrigated at these rates by 1 cusec per 24 hours per 150 days.	Average cost of irrigation per acre.	Average quantity of water used for crops in vertical feet.	Average cost of 1 inch depth of water per acre.	Total area irrigated at these rates by 1 cusec per 24 hours per 300 days.
	Wheat.		Rs. A. P.	Acres.	Average say.		Rs. A. P.	Acres.	Rs. A. P.		Rs. A. P.	
	Rs. A. P.				Rs. A. P.							
Canal (Actual practice) ...	4 4 0	1·80	0 4 4	230	5 8 0	2·94	0 2 6	161	4 11 0	1·80	0 3 0	331
Water (Government Allowance)	4 4 0	1·69	0 3 4	176	5 8 0	2·38	0 2 2	88	4 10 0	2·25	0 2 11	264
Well water*	35 7 0	1·16	2 8 6	240	54 1 0	1·9	2 5 11	157	43 5 0	1·45	2 7 9	397
Tube well water ...	24 8 0	1·85	1 8 2	220	41 0 0	2·23	1 7 10	130	30 8 0	1·7	1 8 0	350

*For this item the effective lift is taken as 30 feet, i.e., about 25 feet below ground surface. If water level is lower cost will be higher and *vice versâ*.

HAVELIAN PROJECT.

1667. Makhdumzada Sayad Muhammad Raza Shah, Gilani: Will Government please say when the Havelian Project is going to be started?

The Honourble Sardar Bahadur Sardar Sundar Singh, Majithia: The honourable member is referred to the reply given to Council question No. 1594 of 1925* put by Rai Bahadur Lala Sewak Ram.

GOVERNMENT'S DEMANDS FOR GRANTS —(*CONCLUDED.*)

IRRIGATION (REVENUE & CAPITAL) GRANT—(*CONCLUDED.*)

Mr President: The Council will now proceed with the discussion on the motion† of Pandit Nanak Chand.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Last time, when the Council was adjourned for to-day, I was submitting that lands were reserved for distribution to retired soldiers to the extent of 75,000 acres and that some information about the distribution of these lands and the principle on which this distribution is to take place should be given to soldiers who are living in the villages and who served during the war. Then I proposed to take the next point, and that was with regard to the educated classes. Some portion of these canal-irrigated lands should be reserved for distribution to the educated classes who are prepared to take up agriculture as their profession. I do not mean for a moment to suggest that educated men—graduates or under-graduates—who are not prepared to live on the land should be given these lands on easy terms. What I wish to suggest is that those people should be allowed to take the land on easy terms; one of the conditions of the sale or lease should be that they should stay on the land and take up agriculture as their profession. Sir, if this is done, we will be doing a great service to this province. During the session of last year's Council I drew attention to the fact that there are a large number of unemployed educated men. Their condition is really pitiable. They do not know how to make a living wage. As regards Government service, it is already full, and there is keen competition between the men of different communities for Government service; and it has really been a painful sight for me to see from day to day questions as to how many Hindus, Muhammadans, Sikhs and Christians are in one service or the other. That is really due to the fact that Government service cannot be given to each and everybody. Government service can only be given to limited numbers and there is a large supply of educated men who are seeking employment in Government service. If this new profession of agriculture is opened to these educated people, then this vexed question of unemployment will be solved. It will also be realised that, unless intelligent men take up agriculture as their profession, there will be no real advancement in agriculture. There will be no improvement if agriculture remains in the hands of uneducated people. Therefore I submit that Government should reserve some thousands of acres for those people who would be prepared to give an undertaking to Government that they would go and settle on the land. Those people must be charged a price which they might be asked to pay in

* Page 472 *ante*.

†"That the grant be reduced by Rs. 100 with respect to the item of Rs. 1,91,73,000—Major Head "55—Construction of Irrigation Works, etc."

[Pandit Nanak Chand.]

easy instalments and which should be spread over a certain number of years. If this is done, we will be doing a great service to the educated classes. I understand that Government is considering proposals of a similar nature with regard to the students of the Agricultural College in Lyallpur. I want Government to go a step further and open the doors of the agricultural profession to educated men who have no opportunity to go to the agricultural college. I am sure that, if some good brains try to take up agriculture in right earnest, they would be doing service to themselves as well as to the province at large.

There is a third point to which I wish to draw the attention of the Council with regard to these irrigated lands, that is, that agriculturists with small holdings or no holdings should be given an opportunity of purchasing these lands on easy terms. You know, Sir, that there are various districts where the ordinary agriculturist has not got more than 4 or 5 acres of land and it is impossible for him to get proper maintenance for his family or to get sufficient money for the education of his children. I would particularly refer to the case of the Hoshiarpur District where on an average we find that a holding consists of 4 or 5 acres. This point has been very elaborately brought out in the book "The Punjab Peasant in Prosperity and Debt" by Mr. Darling. I do not in the least intend to start a competition between men of the various districts. There is already enough difference in the province between the Hindus and the Muhammadans and between the agriculturist and the non-agriculturist. My submission is that, wherever an agriculturist is keen on getting land, and if he can satisfy Government that it is impossible for him to live in his own district on the holding he has got, he should be offered land on easy terms and the price should be spread over a certain number of years. In this connection I would also draw the attention of Government to the condition of the depressed classes. Now, there are depressed classes living in every part of this province. Similarly it should be made easy for them also to settle on these lands and concessions should be given to those societies or to those individuals who are prepared to purchase land for the use of the depressed classes. I am not forgetful of the fact that Government has done a good deal for the criminal tribes, but here I am submitting that the depressed classes should be favourably treated in the same manner.

The last point I have to submit is that, whenever Government acquires land in these districts, it should give land, and not money, in return for that land. This principle was accepted by the Council in the last session and I think it would be right and proper that this principle should be applied in the case of these canal irrigated tracts. These are the few suggestions that I have to make with regard to the amendment which I have moved.

Mr. President: Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 1,91,73,000—Major Head "55—Construction of Irrigation Works, etc.".

The question is that that reduction be made.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Rural) (Urdu): Sir, the honourable mover of the amendment has made special mention of the Hoshiarpur District. I myself have been for some time drawing the attention of Government towards the sad condition of the people in the Ludhiana and Hoshiarpur Districts and on a good many occasions I have put in questions in regard to this state of affairs. The population of the Hoshiarpur District is so large and the lands are so few that people

cannot find themselves compensated for the labour they do for the tillage of land, etc. Government has so far stated that it was not aware of the circumstances and that it was not prepared to go further into this matter. Sir, a glance at page 27 of the Census Report for the year 1921 will clearly show that the total cultivated area in the Hoshiarpur District is about 64 per cent. while in other districts, for instance, in Sialkot, Amritsar and Jullundur, this percentage is comparatively very large. The district of Hoshiarpur, is comprised of submountainous parts and plains. I do not propose to say much about the mountainous tracts, but I would just like to state before the House that the plains in the Hoshiarpur District are very much damaged on account of the operation of *chos nalas* and a considerable portion of land is not fit for reclamation. The rest of the land which is considered to be cultivable is so inadequate with regard to its productiveness that the zamindars of the district usually migrate to other districts in order to earn their livelihood. Sir, whenever a question is put with regard to these matters, Government never cares to make proper enquiries and ultimately replies in very meagre terms. On several occasions I have requested Government to pay more heed to the needs of the poor zamindars of this district and, besides this, a committee of the zamindars of the Hoshiarpur District has also submitted a copy of their resolutions in which it was urged that their claims should be considered with more sympathy and commiseration. But I am sorry to say that these efforts have so far proved abortive. In some parts of the district the land has been utterly devastated by floods and Government has not bestowed its attention as it should have done. In the district of Ludhiana and Hoshiarpur as much as 50 per cent. of the land have been laid waste through floods and in certain places large plots of land and even the residential quarters, are ruined. In spite of these appalling circumstances, our benign Government has done nothing substantial by way of relief. Sir, in the Ludhiana District the *ilaqa* of Bait is always exposed to the ravages of floods and this fact is corroborated by the statement of my honourable friend Sardar Sundar Singh, Majithia, which he gave in reply to my question that since 1914 as many as one thousand acres of land have become unfit for cultivation.

Now, Sir, I would like to point out that, at the time of the visit of His Excellency the Governor, the people of the Ludhiana District respectfully submitted a petition enumerating the hardships and grievances to which they were exposed and in addition to this a memorial was also tendered to Government; but Government gave a formal reply to the effect that the matter would be duly considered at the proper time. Now, Sir, through you, I wish to draw the special attention of the Government officials to the poor plight of those zamindars who are solely dependent on the land of *ilaqa* Bait in the districts of Ludhiana and Hoshiarpur. I was employed in these districts for some time and I can safely say, without any fear of contradiction, that during the time of the floods in these districts even the means of communication are cut off and it becomes very difficult for those zamindars to till their lands which are situated on either bank of the river. Of course I know that there are some difficulties which lie in the way of Government, but they can easily be surmounted. It would be in the interests of the zamindars of those districts of the province if Government will take suitable steps to meet the situation which can be tackled with no great difficulty. I would strongly request that at the time of the distribution of grants Government should not lose sight of the claims of the zamindars of these districts. They are too poor to lead a honourable life. They can find no means of living in their home district

[Ch. Afzal Haq.]

and consequently go out to other places for earning their livelihood. Once more, Sir, I respectfully request that Government should pay more consideration to the zamindars of these poverty-stricken and flood-ridden areas.

Chaudhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu): Sir, this matter primarily relates to those persons who are either serving in the army or have already rendered military service to Government and, although I am not their representative in this Council, yet I feel it my duty to defend their rights and put their claims before the House. And this I do because I have the honour to belong to a Jat family, and Jats have served Government during the Great War and a considerable number of them is still in the army. Sir, it was in the beginning of the Great War and subsequently when the war was in its fullest swing that Government held out a promise to the effect that substantial grants of land would be given to those who would enlist in the army. This promise encouraged several people who got themselves enlisted and who in the course of their service rendered meritorious services to the Crown and sacrificed their lives for the same. But I am sorry to say that no suitable reward was given to them. Later on Government declared that 75,000 acres of land in the Nili Bar have been specially reserved for them.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I am sorry my friend is wrong.

Chaudhri Duli Chand (continued in Urdu): Yes, Sir, I stand corrected. As many as 75,000 acres were reserved for military grants, but no grants have been made so far. These military people are generally simple-minded and can easily be led away by others. We should keep in view their welfare and prosperity, and see that their rights are safeguarded and that the reserved land should not be disposed of in other ways. I am a Jat and a zamindar as well, but I shall not like to receive any grant of land which was heretofore specifically reserved for military people. It is said that the proprietors of small holdings will be given grants of land. My submission is that a committee of military men might be appointed and this matter be referred to that committee and, if the committee agrees to this proposal, then there will be hardly a chance for complaint, etc. Otherwise the transfer of these military grants to some other classes of people will be out of place and uncalled for.

Pandit Nanak Chand: On a point of explanation, Sir, I never meant out of 75,000 acres.

Chaudhri Duli Chand (Urdu): Sir, if the honourable member did not mean that, I must thank him. I shall not discuss this point any more. I do not say that land should not be given to the proprietors of small holdings. They are a deserving class of zamindars who are comparatively poor and cannot pull on in these days of high prices, and this is the reason why a considerable number of them has gone over to other countries to eke out a livelihood. But I wish to say that Government should fix a minimum limit of grants for these people also and that in no case should it give that land which is reserved for military grantees.

Sir, I wish to make another observation. One does not know when these grants will be distributed, and when petitions for these grants are to be made and on whose recommendation one is likely to receive grants. These terms must clearly be stated and in a more definite manner. Military persons

do not know much of the routine, and it is due to their ignorance of official procedure that other men take away grants and they remain in the darkness as to what happens. Moreover, I would like to ask on what principles these grants will be distributed. There must be one principle and according to that land should be granted so that it may not happen that men of other divisions might get more grants and the people of the Ambala Division be overlooked. After this I shall make a brief mention of the claims of educated zamindars. Many of my honourable friends and myself come under this catagory, but these men must not be called zamindars or agriculturists in the truest sense of the word. My honourable friend Lala Harkishan Lal remarked the other day that those men who go to the Agricultural College, Lyallpur, and do not acquire any practical knowledge, can never be included in the class of agriculturists. My honourable friend also related an agreeable incident in connection with his remark. Once he had an opportunity of going over to a class of students learning agriculture and he found a teacher there who was quite busy in imparting lessons to his class. Lala Harkishan Lal put some questions to the boys and asked several of them to work on a plough, but none of them offered himself for this heavy job. He ultimately asked the teacher to demonstrate his lessons, but he too was reluctant, and after a great amount of diffidence he showed his practical skill, which was not very satisfactory. My point is why those people who just pick up a rudimentary knowledge should put forward their claims as agriculturists. Their claims must not receive any preferential treatment. Those persons whose interests are connected with cultivation should also receive their share, but there is no need of creating absentee landlords. Lands might be given to those who possess practical agricultural skill to some extent.

Mr. President: The honourable mover himself negatived the possibility of giving land to absentee cultivators.

Chaudhri Duli Chand (*Urdu*): Or the land may be given to those whose lands are acquired by Government. This is all that I wish to say: that that land should in no case be given to others which is reserved for military grantees.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): Sir, I am indebted to my friend Pandit Nanak Chand for the courtesy that he showed me before moving his reduction in giving me the points on which his reduction was based. I shall take the points he raised seriatim. His first proposition is that the land should be reserved for military grantees. In this connection I may point out to him that Government has already forestalled him in this matter and in the new colonisation scheme it has been decided, though the colonisation scheme has not yet been finally sanctioned, to reserve 75,000 acres in the Nili Bar for military grantees. The question how this grant is to be distributed is a difficult one. Naturally the matter will have to be decided in consultation with the military authorities, who are the best persons to judge about their men and the work that these men have done. The Local Government cannot decide who are the persons coming under this head of military grantees who are to receive this land. The distribution of this land will be taken in hand only on the advice of the military authorities. In fact, I may say that 75,000 acres of land would be placed at the disposal of the military authorities for distribution to military grantees.

[Hon'ble S. B. S. Sundar Singh, Majithia.]

Coming to the second point raised by my friend, that the educated people should receive some grants, perhaps my friend and also other members of this House will be interested to know that Government has already tried to place at the disposal of the Director of Agriculture something like 3,500 acres of land for the people who get their training in the Lyallpur Agricultural College and who are fit persons to receive grants of that nature. As regards the general question of the educated classes getting land, I must say they have my fullest sympathy in the matter. I personally feel, Sir, that many of our educated men go about from place to place seeking posts and in some cases causing annoyance to Government officials. I, however, think it is a question which requires consideration and I may assure the House that, when the question of distribution of land comes in, their claims will be kept in mind (Hear, hear).

Coming to the third point that my friend raised as to the congested areas in the Hoshiarpur and Ludhiana Districts, I say this is also a point which requires careful consideration. Hitherto Government has tried to reserve land for the congested areas of the submontane districts and the same policy will also be followed in the future in the distribution of land in the Nili Bar. When the time for the distribution of land in the Nili Bar comes the claims of the congested areas will be kept in mind, as they have been in the past.

Coming to the depressed classes, my friend perhaps does not know that already there is a good deal of land given to the depressed classes. There are the Settlements of Criminal Tribes in different places; land has been reserved for men of the criminal tribes, and I may even say that the grant of land is one of the ways in which it is proposed to reclaim the criminal tribes and prevent them from earning their living by cattle-lifting and doing such other undesirable things.....

Pandit Nanak Chand: I referred to the depressed classes, and not the criminal tribes.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: A good deal has been done in this direction also by the Salvation Army who have received land for the purpose. I may also say that the Megh Sudhar Sabha has received grants of lands for distribution among the depressed people in the Sialkot District and I believe my friend knows about that. I may once again assure the honourable member that this point also will be borne in mind when the colonisation scheme is fully prepared and is ready for the sanction of Government.

My friend Chaudhri Afzal Haq, in speaking about the lands in the Hoshiarpur District, referred to the depradation caused by the *chos*. I am glad he referred to it and I hope that, when we come up to the Council for grant for the saving of those *chos*, it will have his sympathetic consideration.

I do not think I need assure my friend Chaudhri Duli Chand in regard to his fear that the land reserved for military grantees will be given away to other persons. He need not have any fear on that account. In the Lower Bari Doab Canal Government has given 178,000 acres for military grantees, and not a single acre out of that has been taken away from them and given to other people. I do not think they will be so simple as to let the grant slip out of their hands which they have gained by shedding their blue blood in the service of the Empire.

As regards inviting applications, I think that is not the proper way of dealing with the subject. When the scheme is completed and receives the sanction of Government in the ordinary course, it will be advertised that grants are going to be given. I am grateful to the members of this House for giving me the benefit of their advice and I assure them that their suggestions will have my best consideration.

Pandit Nanak Chand: In view of the honourable member's remarks, I beg leave to withdraw my motion.

The motion was by leave withdrawn.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majathia: Sir, I should like to read to the House the terms of reference as regards military grants.

Mr. President: Perhaps it would be better if the honourable member read that announcement after all the motions have been disposed of. It would be out of order to read it now when there is no motion to which it can refer.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Very well, Sir.

Chaudhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu): Sir, I beg to move—

"That the total grant be reduced by Re. 1".

In doing so Sir, I shall be very brief. First of all, I should say that people in the Ambala Division were hopeful of getting canal water at an early date but their expectations have not been fulfilled so far. It was before the Great War that Sir Michael O'Dwyer, the then Lieutenant-Governor, of the Punjab, paid a visit to Rohtak and held a Durbar there. In that Durbar he was pleased to announce that a canal would be constructed in the near future and that these jungles would be transformed into gardens and orchards. Sir, it grieves me to remark that Government has not taken any action in this respect up till now. I shall be glad to know when the proposed construction of the canal in question is likely to start. On more than one occasion mention has also been made of the Bhakra Dam scheme, but no practical steps have so far been taken. Neither the survey nor the digging operations have been set on foot. If some preliminary steps had been taken, people might have gained satisfaction from this fact. But, Sir, if these jungles are not to be made arable, then it would be in the fitness of things that the zamindars of these areas might be given land in other parts of the province. If the Bhakra Dam Scheme does not seem to be productive, it is not just and reasonable that this state of affairs should be allowed to continue. If we are unable to arrange for the betterment of these districts, we should not leave the zamindars in their sad plight. They have been entertaining these hopes of getting canal water for a long time.

Sir, it is a matter of regret that, instead of removing their difficulties Government has enhanced *abiana* and the Bhakra Dam scheme has also been relegated to the background. This *abiana* was enhanced without the consent of this House and, when the House passed a resolution recommending the withdrawal of the enhancement, it was not properly considered and the situation was left as before. Now that a surplus has also been obtained,

[Ch. Duli Chand.]

it was simply just and proper that the *abiana* complaint should have been removed to the satisfaction of the zamindars, who are very hard up. They do not get an adequate supply of water from the canals on occasions when it is most needed and accordingly a great deal of damage is done to their harvests. There is another matter which I may be allowed to point out. Since the amalgamation of the revenue and canal departments in our districts Patwaris generally enter bigger portions of land as *kharaba* and, where there is defective, or *kallar*, land, the canal staff at once marks it as *kharaba* and, to add to these difficulties, one has to pay *faslana* along with the enhanced *abiana*.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Do not give *faslana*.

Chaudhri Duli Chand (continued): Nobody wishes to give, but the fact is that one is compelled to give it.

Mr. President: Do I understand the honourable member to raise a discussion on the general policy of irrigation or to raise the specific point with which he began about the promise made by Government about irrigation in the Ambala District? Would it not be better to confine it to one point only? I think there are other amendments for a reduction by Re. 1. I do not know whether the other honourable members who have tabled motions for a reduction by Re. 1 are going to bring in the question of *abiana*. If they are not, then the question of *abiana* might be discussed under this amendment.

Sayad Muhammad Husain: I think *abiana* has been fully discussed under the General Administration Grant.

Shaikh Muhammad Sadiq: So far as my amendment is concerned, I am going to raise a discussion on the general policy of Government.

Mir Maqbool Mahmood: So far as my amendment is concerned, I have a specific local grievance which I want to bring to the notice of the irrigation department. I do not propose to raise the question of *abiana* in my amendment. In this connection I want to know whether I will be in order if I support my honourable friend Chaudhri Duli Chand and then address myself to the one-rupee cut of my own later on.

Mr. President: If the honourable member raises an absolutly distinct point in the motion standing in his name he can speak on the present motion also.

The Honourable Sir John Maynard: Are we definitely to understand that we are going to discuss the question of *abiana* in this amendment?

Pandit Nanak Chand: I have to rise to a point of order, Sir. Some of us on this side of the House might be willing to support my honourable friend Chaudhri Duli Chand so far as the question of the Bhakra Dam is concerned, but we might not be willing to support him on the question of *abiana*. Therefore there will be a difficulty in his raising discussion on two points on one and the same amendment.

Mian Muhammad Shah Nawaz: How can we discuss two points on one and the same amendment? Some of us here will support Chaudhri Duli Chand so far as the question of *abiana* is concerned, but we might oppose him on the question of Bhakra Dam. So my submission is that there will be confusion if two distinct points are raised in the discussion on one amendment.

Sardar Gurbakhsh Singh : I rise to a point of order, Sir. On a cut of Re. 1 the usual practice of this House has been to discuss the whole policy of Government. It is not necessary that, while discussing on a cut of Re. 1 we should confine ourselves to a particular point ; and it has never been the practice till now to ask the members beforehand what specific points they were going to raise and that they should place all their cards on the table beforehand. It has all along been the practice to discuss the general policy of Government in respect of particular department. There is no precedent either in this House or in any other House where the members are asked by the Chair to raise one particular point on one amendment and not more than one point on the same amendment. I therefore submit to you, Sir, that members should not be asked to confine themselves to one particular point on each cut of Re. 1, and that no member should be asked in the very beginning to state what particular point he wants to raise before the House. My further submission is that no member should be debarred from raising a new point in a discussion on the same amendment. This is the specific point of order that I raise now.

Mr. C. M. King : Before you give your ruling on that point, Sir, I wish to point out that, if the suggestion of my honourable friend Sardar Gurbakhsh Singh is carried out, then we have already discussed this question of *abiana* on the motion of my honourable friend Sayad Muhammad Husain and the question cannot be discussed a second time on this motion.

Mr. President : With regard to the point of order raised by Sardar Gurbakhsh Singh, I think that, if a one rupee cut is meant distinctly as a vote to express dissatisfaction with the working of the whole of the department, then it can cover the whole range of the administration of the department. But, if it is meant only for the purpose of raising a specific question or drawing attention to it or for the purpose of raising a debate on it, then the debate is to be confined to that particular point. In fact, so far as the future is concerned, I was going to ask honourable members who table one rupee cuts for the purpose of raising discussion on any particular point to indicate at the time when they are sending notices of their motions as to what is the point they want to raise discussion upon in order to enable Government to take notice of that particular point.

Chaudhri Duli Chand : I want to move this reduction as a vote of censure.

Mr. President : Then perhaps the question raised by Mr. King would come in, namely, that the question of *abiana* had been discussed the other day in connection with another motion.

Mir Maqbool Mahmood : The question of *abiana* has not been discussed as a motion. One honourable member in the course of his speech referred to it and the House had no occasion to give its opinion thereon. Surely an argument advanced in the course of a discussion does not make a motion.

Chaudhri Duli Chand (continued in Urdu) : May I remind you, Sir, that it was declared only the other day that the question of *abiana* will be discussed on another occasion and that on this assurance the amendment under consideration was withdrawn ? Cannot we now discuss the question of *abiana* ?

Mr. President : In view of what was said the other day with regard to this particular question of *abiana*, when it was understood that time would be allowed for a discussion on it, I would allow the discussion on *abiana* to proceed now.

The Honourable Sir John Maynard : Do I understand that *abiana* is going to be discussed on this amendment, and, having been discussed on this amendment, it will not be discussed again on any other amendment?

Mr. President : If it is discussed in connection with this amendment then it will not be discussed again in connection with any other amendment.

Mr. C. M. King : It was pointed out by my honourable friend Pandit Nanak Chand that we have got here two distinct things : we have got *abiana* and we have got the question of the Bhakra Dam. There may be people who wish to support the question of the Bhakra Dam, and not the question of *abiana*. It does not seem to be proper to raise both the points in discussion on one and the same amendment.

Mr. President : The honourable member Chaudhri Duli Chand just now said that he was moving this reduction as a vote of censure, and in a vote of censure a number of things can be brought in for discussion, though I have no doubt that the course being adopted is inconvenient.

Chaudhri Duli Chand (continued in Urdu) : Now, Sir, I shall draw the attention of the House towards this important question of *abiana*. This enhancement in the water-rates was made without the consent of the members of this Council and, although the Council passed a resolution for the abolition of the enhancement, yet Government has done nothing in this respect, and general dissatisfaction prevails among the zamindars. I am told that Government has reduced *abiana*. This reminds me of the hypocritical ways of a shopkeeper who used to demand more than the actual price and later on sold his goods at a rate which suited him. His case is quite analogous to that of our Government. The fact of the matter is that Government wanted to have Rs. 50,000 but it cleverly demanded 75,000 ; and when protests were made, it reduced it to the sum which it actually wanted to have, *i.e.*, Rs. 50,000.

Sir, the people generally make a lot of fuss about *banias* and their extortionate rates of interest. I may point out that the average rate which is charged by *banias* is about 19 per cent, but you would be surprised to find that Government makes as much as double profits out of some of its canals. The average interest that Government is receiving on the capital outlay on canals is no less than 16 per cent. This shows that Government extorts much more than the *sahukars*. In other provinces like Bombay Government is running its canals at a loss in those districts where the agriculturist are not very well off. I would ask that our Government should also follow this example. It is no use to pass Usurious Loans Acts when Government itself practises usury. Why should not Government itself abandon this system of extorting high rates on canal water ?

Moreover, the land has lost much of its productive power, and the produce is also on decrease as compared with previous years. Prices have also gone down, and proper attention is not paid towards the needs of the zamindars. In certain places outlets (*mogas*) are being narrowed and, if complaints are submitted, nobody cares for them. Canal committees do not hold their meetings regularly, otherwise one would have found occasion to ventilate one's feelings and express one's grievances. Corruption is also

rampant in the canal department and I need not dilate upon this matter as it is well known to all. I had a mind to speak more but as much has already been said about this question of abiana I would like to resume my seat.

3 P.M.

Mr. President : Grant under consideration, reduction moved : —

"That the total grant be reduced by Re. 1."

The question is that that reduction be made.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu) : Sir, my honourable friend Chaudhri Duli Chand has raised two issues about Bhakra Dam and about *abiana*. I shall make a few remarks in Urdu about the Bhakra Dam. We have long been hearing of the Bhakra Dam Project, but it is neither feasible nor profitable. Indeed it is like—

Sanam sunte hain teri bhe kamar hai

Kahan hai kis taraf ko hai, kidhar hai

(They beg say, O beloved mine, that you have a waist, but its whereabouts I do not know). Sir, this is what we know of the Bhakra Dam. A big dam is to be built to store water therein from Sutlej River which on completion will be the highest and biggest dam in the world. The water accumulated in this dam will irrigate the lands of Karnal, Hissar and Rohtak Districts and Bikaner, Jind and Patiala States as well. It will cost 14 crores of rupees on completion. But so far the engineers themselves do not know where to raise this dam and that is why I quoted the verse. Sir, I submit this dam is not going to pay unless the zamindars of Rohtak, Karnal and Hissar give away half of their lands to the Government or agree to pay to the Government at least sixty rupees per acre by way of *nazrana*. No understanding has so far been arrived at with the native states. In the case of the Sutlej Valley Project a decision has now been arrived at with the Bahawalpur State after sixteen years of long deliberation. Bhakra Dam is not a paying concern. The Patiala State has refused to have anything to do with it. Let us suppose the dam is completed. What profits can we expect ? There are no crown waste lands in that part of the country that can be sold out. It will yield only 5 or 6 per cent. on the total outlay. Financially it will never pay even a reasonable rate of interest. The dam will silt up within 60 years. Sir Frederick Gebbie, Irrigation Advisor to Government of India and our late Chief Engineer and the present head of the Irrigation Department are all opposed to it. It is a Project which hangs on the border line of protective and productive works. On the other hand, there is the Thal Project, the construction of which we must begin at once. In 1902 an Act was passed by the first Punjab Legislative Council. This Act is called the Sindh Sagar Doab Colonization Act. It is really a very arbitrary and one sided Act. Under the provisions of this Act the unfortunate Thal proprietors must surrender $\frac{1}{4}$th of their shamilat lands in the event of the promised Sind Sagar Canal, commonly known as Thal Project is constructed. The area which is to be surrendered comes to 17 lakhs of acres, the value of which will be when irrigated nearly, 30 crores of rupees. The total cost of the entire Project will amount to 12 crores. The Thal proprietors have also to pay high water rates and land revenue to the Government. Further, the unfortunate Thal proprietors cannot partition their shamilat lands. They cannot sink wells therein, and cannot

[Mian Muhammad Shah Nawaz.]

improve them in any way. Twenty-four years have passed and up till now there is no sign of the beginning of any construction. In 1922 this Council had passed a resolution to the effect that construction of Thal Project must begin as soon the work on Sutlej Valley Project was well advanced. This resolution was accepted by the Government in a *Communiqué* which was published in the *Punjab Gazette* of February 1923.

The Government promised to begin the construction of the entire Thal Project in October 1925. Our Standing Canals Committee has recommended its construction. Surveys are complete. The papers were to be forwarded to the Government of India and Secretary of State for India for sanction. Suddenly there is a change of grant. The interests of the proprietors of Thal tract are completely ignored. Injustice is being perpetrated. Now, the Government proposed to dig a small experimental section of the big canal. After a period of 24 years the Government has awakened from its slumbers and have thought now to make an experiment. The project is perfectly straightforward and highly remunerative. Solemn agreements embodied in the Act and the promises made from time to time have been broken. Delay is causing great loss to the helpless Thal proprietors. Either the Government must begin the construction of the Thal Project in its entirety or repeal the Act forthwith. The proprietors are not at all in favour of making any experiment. They do not want to surrender ¼th of Shamilat lands if experiments are being tried now after a period of 24 years. They rightly believe that agreements referred to in the Act are void on account of uncertainty and for want of consideration and the Act itself cannot be enforced because a subordinate branch of the legislature cannot take away the rights and interests of the owners in their property in this manner. On behalf of the proprietors I beg to say that their position should be re-adjusted. The Government should make up its mind to begin the construction of the entire project or at least of a section of Thal Project which will at least irrigate 1½ millions acres. That is to say, the Government must begin and complete the Indus Branch and Dullawala branch of the Thal Canal. Unless and until this is done we will refuse to surrender our lands. If necessary, we will go to court of law. Justice is completely on the side of the Thal proprietors. It is a pity that Government does not care a straw for the Thal proprietors who materially, legally and equitably are interested in the construction of this big project. I respectfully and earnestly, appeal to the Government to do justice to Thal proprietors, to fulfil their part of the obligations without further delay. The Thal proprietors still can trust your kindness in spite of the fact that so far Government has completely ignored them and their rights and interest. I have made these remarks in good faith and in the interest of all parties concerned. The Government should go ahead with the entire project which is really an extremely profitable concern. It should also make a strong representation to the Government of India with regard to the apportionment of water of the Indus between the provinces of Bombay and the Punjab. So far the Bombay Government has had its way. Our case is very strong and we must fight it out successfully and without further delay. I cannot understand why the recommendations of the Council and that of the Irrigation Department are not given effect to. We all know that the Council and the head of the Irrigation Department and the Honourable Revenue Member are in favour of the construction of the Thal Project in its entirety. Our late Chief Engineers, Mr. Woods, Mr. Ives, Mr. Bat were of opinion

that the Thal Project was perfectly feasible from the engineering point of view and highly remunerative from the financial point of view. The late Lieutenant-Governor Sir Michael O'Dwyer, and the *ex*-Governor, Sir Edward Maclagan were very keen about it and were in favour of its construction. Sir Fredrick Fagan, our late Financial Commissioner, was of opinion that the Thal Project was a project of high order and highly remunerative. In the face of the authority of these experts it will be a waste of time to start an experimental work and postpone the construction of the entire scheme. No Thal owner is going to agree to such an experimental scheme on such a small scale.

I want to say, with your permission, a few words in English (Cries of No. No).

Dr. Gokul Chand Narang: These gentlemen can follow in urdu. They have to pass examinations in urdu.

Mian Muhammad Shah Nawaz (continued): Now, Sir, I desire to say a few words about *abiana* which has been recently enhanced by the Government to the tune of 56 lakhs. I have gathered the following facts from Mr. Darling's book entitled "The Punjab Peasant in Prosperity and Debt" (pages 75 to 81). This is a very interesting book and it has been distributed by the Government among the members of this Council free of charge.

The total debt of the proprietors of the Punjab is 75 crores, which is 5½ times the land revenue. The land revenue demand absorbs at least ⅛th of the annual net income. Hence the total debt of the proprietors is equal to four years' net income. The landed property which the proprietors own comes to eight or ten acres per proprietor on an average. The water charges are realised from occupiers or cultivators, most of whom own no lands. The holdings of peasant proprietors in some districts, particularly in the district of Lahore, which I have the honour to represent in this Council, are extremely small. The peasant proprietor has to maintain his family and fight against malaria and other epidemics. In these circumstances the water rates should not have been enhanced. We all know that Government is realising nearly 12 per cent. on the total outlay on all systems of canals put together. In fact, it notified separately 44 per cent. from Lower Chenab, 17 per cent. from Upper Bari Doab and so on. The Government should look to the interests of the poor people who also work hard.

Mr. Darling's conclusions are these:—(1) The Punjab cultivators and peasant proprietors "are born in debt, live in debt and die in debt."

(2) The average ownership of eight or ten acres per proprietor is quite insufficient to keep him in decency, independence and comfort. (See pages 279 and 280). A man who is always harassed by his creditors who is ignorant, ill-fed and ill-clad cannot possibly be happy. He simply eke out an existence. At the same time I am of opinion that *abiana* should be remitted partially, say 20 or 25 lakhs should be remitted out of 56 lakhs. My reasons are these Illiteracy and ignorance are the root cause of all evils. Illiteracy must be removed *at all cost*. Primary education should be made compulsory and universal within the next 5 years. This cannot be done unless we have funds in hand. Therefore, if we were to remit the entire sum of 56 lakhs, there should be no talk of making education universal and compulsory within the next 5 years. We can make a partial remission of 25 lakhs and at the same time we can go on with our educational scheme. A portion of the surplus budget we can easily spend on sanitation. Thus the surplus we will be spending for the benefit of the zamindars.

[Mian Muhammad Shah Nawaz.]

Sir, I have expressed my opinion candidly and without fear. I endorse the view of the Punjab Government which was expresed in the note which was forwarded to the Reforms Enquiry Committee. The allegiance of the zamindars is shaking. Remit *abiana* partially and introduce legislation in respect of land revenue and settlement and you will find everything normal. Sir, I thank you for the kind attention I have received. With these remarks, I resume my seat.

Mr. President I would ask the honourable members who wish to speak on this question to remember that to-day they have very little time at their disposal. I would therefore like them to speak as briefly as possible.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] : Sir, I will speak only for ten minutes on this question of *abiana*. I would like to make a few observations on the question of *abiana*. At the outset I should like not to be understood that I am in favour of any taxation. What I want to submit is that at a time when Government is in need of money what are the sources which are to be taxed and what should be the even distribution of taxation ? In the matter of *abiana* I submitted my view sometime back and I shall repeat it again. My friends who have been trying their best to ask the Government for remitting or reducing the *abiana* have not had the courage to meet the arguments put before them already. Do my friends mean to say that the water is the privilege of a few who happen to possess land ? Do they mean to say that the Government which invests money should not get a return for their capital ? Do they want to tell us that there is no difference between irrigated and unirrigated lands ? Do they mean to say that the value of the crop is the same now as it was when *abiana* was first introduced ? Do they mean to say that we the consumers of the produce of the land do not pay for it ? Is the incidence of this *abiana* only on them ? Water is the property of the state and the zamindars are as much entitled to it as any others. If the Government constructs canals and puts certain privileges in their way for increasing the productive capacity of the land they must be prepared to pay for it (hear, hear). They cannot expect to have these privileges free at their door. As I said before, the question is one of capital. If a private company is to be started for the purpose of constructing canals do my friends mean to say that that company is not entitled to interest on the capital ? If the company or for the matter of that the Government is entitled to have interest they should have a reasonable amount of interest. I do not say it should be exorbitant as put by my friend.

They should also take into consideration the increase in the cost of maintenance of the canals. I quoted certain figures on this subject on the last occasion and I shall repeat them now. The working expenses were :—

Western Jumna Canal	...	...	74 per cent.
Sirhind Canal ..	...	...	100 do.
Upper Bari Doab Canal	...	...	85 do.
Lower Chenab Canal	...	...	123 do.

These figures are of course subject to correction by the Government if, I am wrong.

The Honourable Sir John Maynard : Quite right.

Lala Mohan Lal : Then, Sir, I submitted on the last occasion the ratio of the value of the products then with their value at present. I shall repeat it again. Rice has risen by 82 per cent. wheat by 75 per cent, sugarcane by 157 per cent. cotton by 123 per cent. and oil-seeds by 27 per cent. If this is the ratio in which the prices of the crop that is produced by irrigation of land has been increased the question arises, what is the Government actually taking from the zamindars on the enhanced prices. I am sorry I have not got the figures, but I remember that the maximum enhancement is on cotton area. If I am not wrong the highest maximum is 23 per cent.

Then, Sir, what is the enhancement on the price of land on account of the enhanced value of the produce. Lands which were sold at Rs. 100 per acre when they were unirrigated are now being sold at Rs. 1,000 per acre. In the face of these facts, do my friends still contend that there should not have been an increase in *abiana* ?

Then the last argument that I used in my last speech was to show how much the zamindar has to sell in order to pay the present *abiana* and how much he had to sell when the old rates of *abiana* were first introduced, that is in 1894. I shall repeat the figures again. In 1894, the zamindar had to pay Rs. 7-8-0 for sugarcane, Rs. 6-4-0 for rice, Rs. 3-12-0 for cotton, Rs. 3-12-0 for wheat and Rs. 3-12-0 for oil-seeds. Now he pay Rs. 12 for sugar cane, Rs. 7-8-0 for rice, Rs. 5-12-0 for cotton, Rs. 5-12-0 for wheat and Rs. 4-12-0 for oil-seeds. The quantity of produce he had to sell for the payment of the *abiana* in 1894 was 2 maunds 6 seers of sugarcane, 1 maund 35 seers of rice, 6 maunds 35 seers 10 chittaks of cotton and 1 maund 23 seers 12 chittaks of wheat. Now for the payment of *abiana* he has to sell 1 maund 23 seers of sugarcane, 37 seers 8 chittaks of rice, 11 seers 8 chittaks of cotton and 1 maund 14 seers 10 chittaks of wheat. With these figures do my friends who are in favour of the reduction of *abiana* mean to say that the Government has been unjust to the extent of enhancement of the water rates? After all what charge do our Tiwanas collect from their tenants for getting water from inundation canals. The tenants are charged 25 per cent. of the produce. Compare this charge with that of the Government. In these circumstances do my friends mean to say that the Government is unjust in enhancing the *abiana* to the extent to which they have done ? As I submitted at the beginning of my speech, I do not want to prolong the discussion. I do not also want to be understood that I advocate the Government enhancing the water rate. What I do say is that when Government stands in need of money it is justified in tapping the various sources and in enhancing the *abiana* and nobody can complain of any hardship or injustice.

Mian Abdul Aziz [Lahore (Muhammadan), Urban] (Urdu) : Sir, I rise to support the amendment of the honourable member my friend Chaudhri Duli Chand. I have no personal knowledge of the Bhakra Dam mentioned by my honourable friend Mian Muhammad Shah Nawaz and I have, therefore, nothing to say on the subject, but I would make a particular mention of one thing which is about the increase in the water rate. I would not waste the time of the House by repeating what I said at the time of the resolution on *abiana* rates during the last session of the Council or what has already been advanced by other members. I shall, however, answer a few mis-statements made by my honourable friend from Simla. If, Sir, notice has been taken of the rise in the produce and the income of zamindars derived from their produce, I regret that the corresponding, nay more than corresponding rise, that has occurred in the cost of agriculture

[Mian Abdul Aziz.]
has entirely been ignored. Perhaps, my honourable friend Lala Mohan Lal knows that a cooly who could be hired a few years ago at four annas a day now demands nothing less than two rupees per diem during the season. This means an increase of 800 per cent. in the expenses of agriculture. Then take the case of a plough. A few years back you could hire it for a rupee and a quarter or so, but you cannot have it now for anything short of seven or eight rupees? My honourable friend should have paid more regard to the all-round increase in the cost of agriculture, of which I have quoted only two instances by way of example. Then again if there is an increase in the produce and an inflation in the prices, who reaps the profit? Surely, not the zamindars whose standing crops are sold away to or taken possession of by money-lenders. Certainly it is the latter who make huge profits and pocket it. They buy these crops at ten or twelve seers a rupee and sell at four or five seers a rupee as is now-a-days. Sir, my friend Lala Mohan Lal has, to my astonishment, stated that the water is the property of the State.....

(Many voices :—Question, question). Yes, I am going to take it up. Sir, he has made much of this argument. But I state if water is the property of the State, as is land, then so would be air and sunlight. I go further and say that everything God gives for human beings would be the property of the State. But is it not true that water, air, light, etc., are free gifts of God? Nobody on earth has a monopoly over these, nor the State. Of course you can charge for its carriage and supply from one place to another, otherwise everything belongs to God, and is a free gift to human beings.

Dr. Gokul Chand Narang : Not salt.

Mian Abdul Aziz (continued in Urdu) : Sir, if the principle applied by my honourable friend is to be followed, then I am afraid that light and air and every such other thing which is the gift of Providence would be taxed. Now, Sir, as to salt about which a remark was made and if it is also the property of the State like water and if it is true, why was such a hue and cry raised over the increase in its tax? Surely the State could tax it as much as they liked. I wonder at the inconsistency of these people. Whenever they find it is to their interest to declare a thing as their own they dub it as private property otherwise they brand it as State property. This State property theory is a dangerous principle, when applied to God-given gifts. Have a look at the income of the Punjab Government and see what portion of it comes out of the pockets of the poor agriculturists. I admit that where the Government invests some money it does spend to get something in return by way of profits to a certain extent. But, can any one deny that 70 per cent. of the provincial revenues are derived from land both by land revenue and the *abiana* and the rest 30 per cent. only comes from other sources. Sir, most of this 30 per cent. is derived from liquor trade, Stamps, Court Fees and such like taxes. They all come out proportionately of the agriculturists' pockets also. I do not deny that non-agriculturists also pay a portion of the land revenue, but as the agriculturists also pay a good deal in the form of other taxes, hence that 70 per cent. of income can fairly be inferred as a pure income from agriculturists. But, then, look at the amount which zamindars pay otherwise. Every year we find something added to their burdens. I represent Lahore, and I will cite it as an example. Hardly ten years have passed since the rates of land revenue were enhanced and now they are again being revised and enhanced. Over and above this the size of holdings in

Lahore is fast shrinking due to its extension mostly for public purposes. What is left with the poor zamindars is being acquired under the Land Acquisition Act, for which only half or so of the price of land is paid. But, Sir, my grievance lies in the fact that as prices paid for such acquired lands are much less than what can be obtained in the bazar, the zamindars, especially proprietors of small holdings on which they depend are not duly compensated. This leaves the poor zamindar a real kegger after his land has been acquired by the Government at a very low price.

During the debate on the enhancement of the water in the last session I made a few suggestions and I thankfully admit that the honourable member the Chief Engineer, I mean Mr. Sangster took notice of these suggestions and informed me that he was prepared to make inquiries about the same to which I replied, but I do not know what happened afterwards. Coming to the *abiana* question, originally the *abiana* was so imposed, as to leave a big margin for a subsequent reduction in order to quiet the clamourings of the zamindars. A self-constituted deputation waited upon the Government at Simla during the last summer and we do not know how and what they pledged, but the net result was that the zamindars were burdened to the extent of over 50 lakh of *abiana*, notwithstanding the remission of 25 lakh margin, which, as a matter of fact, was no remission at all.

Sir, I submit that the zamindars are the backbone of the Government and it should protect their interests. They form a vast majority of the people and their estrangement from the Government is likely to create serious troubles. Education and sanitation are things which should be looked after, but then a remission of 61 lakh made by the Government of India should not all be utilised for that purpose only. This means that the zamindars will be beaten with their own shoes. A substantial portion of this remission should be spent on the reduction of *abiana*. It is really very sad that Government should spend lakh of rupees on urban education and sanitation out of its own pockets but when the question of rural education comes the agriculturists themselves should be asked to pay for it. Is it not the duty of the Government to spread education and improve sanitation in the villages, though the zamindars may be asked to contribute their proportionate and proper share? Then coming to income-tax, the urban people pay only 4 lakh and 94 thousands, which includes a certain amount from the zamindars also.

The Honourable Sir John Maynard: That is a misapprehension. Four lacs and 94 thousand is only a small fraction of Income-tax that goes from the Provincial Government.

Mian Abdul Aziz (continued in Urdu): I thank Sir John Maynard for correcting me. Still my point is that rural people pay far more taxation than the urban people. The proceeds from Income-tax are much less than those from land revenue. I do not mean to say that Income-tax should be enhanced. I am in fact against all sorts of taxes (hear, hear), except those which are absolutely necessary, but I do submit that the poor zamindars should not be further taxed with every new moon. Government, before enhancing water rate, should have paid particular regard to the expenses of the agriculturists. You should have considered their usefulness and their services to the State and you should also have considered that they pay more taxes than any other community. Moreover, each one of them pays something much more than contained is mentioned records. Just think

[Mian Abdul Aziz.]

what they pay on 8 or 10 acres of land that each of them owns, per head at the average and a very small net profit which they gain for their maintenance.

Mr. President: The honourable member need not repeat the arguments used by other honourable members.

Mian Abdul Aziz (continued in Urdu): I shall then take another point. Let us take the case of Lahore. It is to be considered tomorrow. I mean the question of the Terminal Tax. The burden of this even shall fall more on the zamindars.....

Mr. President: Will it not be better to discuss that point when it comes?

Mian Abdul Aziz (continued in Urdu): For these considerations I submit that Government should not take these things lightly. They are likely to create great agitation among the zamindars. If they have once paid the enhanced rates, Government should not think that they are going to pay them on for ever so meekly. This thing is breeding in their minds and is creating a very sore point which may at any time burst and poison the whole structure. With these words I resume my seat.

Sardar Gurbakhsh Singh: My honourable friend Lala Mohan Lal has raised many doubts about the question of *abiana*. But, Sir.....

Rai Bahadur Lala Sewak Ram: Sir, I submit that a time limit of five minutes may be prescribed for each honourable member.

Mr. President: I have already made an appeal to the good sense of honourable members. That is all I can do in a debate of this kind.

Sardar Gurbakhsh Singh [Ambala Division (Sikh), Rural]: Sir, my honourable friend Lala Mohan Lal has admitted in his own speech that two main principles are to be the guiding factors in this case, firstly whether water is the property of State or not, and secondly whether there is an even distribution of taxation in this Province or not. Taking it for granted that water is the property of the State, does it not show that because it is the property of the State, therefore for that reason alone the State should not use it on commercial basis, but on administrative basis, and while using it with that point of view is it not necessary for Government to see whether the people who are going to pay that taxation are fit to bear this extra burden or not? Time and again this question has been brought up in this Council and it has been shown to the satisfaction of everybody that the zamindar is no longer able to pay any further taxation. This question is reduced at once to one point, and that is this that the charging of the enhanced water rates is not justifiable.

My second point is—and this has been dealt with by my friends Mian Abdul Aziz and Mian Shah Nawaz at great length—that the distribution of taxation in this Province is not at all fair and even. The major portion, to quote Mian Abdul Aziz, or 70 per cent. of the whole taxation comes from the pocket of the zamindar. Then with what face—I may be excused for the use of this expression—with what face do some of the members come and say that the zamindar should be taxed still further, and that more money should be squeezed out of his scanty pocket, and that he should be tried to the last point. Sir, I earnestly place before the revenue authorities of this Province and,

as a matter of fact, before all the revenue authorities everywhere a suggestion and dare to ask from them as to whether it is not time to change the revenue policy of Government? When you do not levy other taxation on each and every person concerned, why is it necessary that every zamindar must be made to pay something? There is no tax on those whose income does not exceed Rs. 2,000 a year, why is it that the poor zamindar who gets Rs. 200 or Rs. 300 per year must contribute something to the public coffer. Rs. 2,000 a year is a very good sum for one to support himself and his family decently and meet the ordinary requirements, but we know, that very few zamindars get that income per year. Is it not necessary for Government to revise that policy and see that all zamindars who do not make Rs. 2,000 a year may not be made to pay any land revenue, and to distribute taxation as evenly as possible between the zamindar and the non-zamindar? I would ask my friend Lala Mohan Lal whether he does not agree with me that the zamindar has been tried to his maximum and is being robbed of everything that he possesses.....

The Honourable Sir John Maynard: Sir, I rise to a point of order. Are we discussing the general question of revenue policy or are we discussing the question of *abiana*?

Mr. President: The question of *abiana* is under discussion.

Sardar Gurbakhsh Singh: As I undertood, Sir, this was a general question of policy. I was taking these points to show that *abiana* should be remitted and these are the two points on which I wanted to strengthen my case, that is the uneven distribution of taxation and the question whether water is the State property or not.

Then, Sir, I refer to the remarks made by Mian Muhammad Shah Nawaz. Am I not right in quoting Sir John Maynard when he said the other day, that it was really a case of letting the cat out of the bag? He opposed the construction of the Bhakra Dam, and, Sir, I will presently refute his arguments. I will not make it a personal question and I will not impute any motives, but still it is clear to everybody that all his arguments against the Bhakra Dam have no force because certainly certain people are interested in the Thal Project and it is their wish that so long as the Thal Project is not constructed, no other project should be taken in hand. He said that no profits are likely to accrue from the Bhakra Dam, and that one does not know whether this dam can at all be built up or not? Do we not have such able persons at the head of this Irrigation Department of Government as Mr. Sangster and others? Is it not only just and reasonable to leave all these questions to them and take their decision and act up to it. May I inform my friend the Honourable Mian Muhammad Shah Nawaz that they have fully satisfied themselves that this dam is something which can materialise and that it is not a fancy dream which will come to nothing? They have spent a lot of time in making surveys, geological and other, and most probably they will be finishing their experiments very soon and so far as I know they understand that the scheme is one which can be acted upon. Then, Sir, western and central districts of this Province have had more than their share in the way of irrigation. The eastern districts have had very little out of the irrigation projects of this Government and it is high time that the attention of the Irrigation Department were drawn to those districts. We know that the problem of sufficient drinking water and sufficient well water in these districts is very acute. We know the miserable plight of the Sirsa Tahsil and the miserable condition of

[Sardar Gurbakhsh Singh.]

Ambala which might have to be deserted for want of drinking water, and yet my friend who has plenty of drinking water and well water to irrigate his lands comes forward and says that the Thal Project should be given preference to the Bhakra Dam Project. Why should he grudge our having some small share of the water of the State? Then, Sir, the question of distribution of lands in the colony was raised by Chaudhri Duli Chand (A voice: That was a previous question, it has nothing to do with the present motion).

Mr. President: That question has been discussed already.

Sardar Gurbakhsh Singh: With these few remarks about the Bhakra Dam and the revenue question I close my speech.

Mr. C. M. King (Financial Commissioner): Sir, after hearing the speeches of the last three speakers the question that I ask myself is, why does anyone wish to be a zamindar? According to what they have stated he is the most oppressed person in the whole province. Even the daily labourer who earns a rupee a day is far better off than he is. He has to bear the whole burden of taxation of water rates and of everything. One would think that such a man would hasten to throw off this burden by ceasing to be a zamindar. Yet if we look round, do we see anything like that? We find that whenever land is being sold, the price is worked up until now it has been sold for Rs. 478 or nearly Rs. 500 per acre. Does it not seem strange that if there are all these burdens upon land especially upon irrigated land, that people should come forward and be willing to pay Rs. 500 per acre just for the pleasure of paying the *abiana* to Government? Does not that fact bring it to the notice of the people who argue so vehemently in favour of reduction of *abiana* that there seems to be some fallacy in their argument, that it cannot be that the zamindar is really such an oppressed person as they wish to make out? If it is a fact that the burden upon the zamindar is much more than he can bear, why do they vehemently oppose, whenever any such suggestion is made, why do they oppose the repeal of the Land Alienation Act? Why do they regard the Alienation of Land Act as their palladium? These are the questions to which I shall like to have an answer and on which I should have liked to have the opinion of the zamindar members who have spoken. I think, Sir, there is another point that has been made by some of the speakers, I think by the mover of this resolution specially. He deprecated Government's acting like a money-lender of the worst descriptions and exacting from his victim a percentage far in excess of what the worst of money-lenders exact. Sir, does the money-lender ever put his victim in a position to make a very much larger sum per annum than the amount which he exacts from him? Does the money-lender allow a man who has borrowed from him, say Rs. 1,000 to make from that thousand a profit of Rs. 2,000 or Rs. 3,000? (A voice: certainly).

Well, Sir, I am glad to hear it, but if that is so, the victim can well afford to pay the interest which is charged him. But, Sir, if we look at the zamindar, the lands occupied by him, the land for which he pays the water rates which have been condemned to-day, we see that the prices paid for these lands are out of all proportion to the prices paid for lands which do not pay any water rate at all. Is that not a significant fact? Why is it that *nehri* land, land in *nehri* tracts is always so much more valuable than *chahi* land or *barani* land? Surely if there is this heavy burden upon *nehri* land, people will rather buy *chahi*

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or *barani* land and they will avoid *nehri* land. But here we see them pressing forward eagerly to buy *nehri* land. Sir, in the* answers to the questions to-day there was a very significant answer given by Rai Sahib Chaudhri Chhotu Ram. It gives a comparative statement of the cost of irrigation per acre of land irrigated from canals and land irrigated from wells. That statement is to my mind a most illuminating one. It will be observed in actual practice that canal irrigation costs Rs. 4-4-0 per acre on an average while well irrigation (with bullocks) costs Rs. 35-7-0. If we have tube-well irrigation the price comes to Rs. 24-8-0 per acre. Now, Sir, examine those figures. Are those figures any evidence that the price charged by Government is excessive? Are those figures evidence that Government is acting the part of a Shylock? Surely, Sir, that fact is the answer to those who say that Government is acting like a Shylock, that it is pressing its monopoly to the utmost and taking its pound of flesh from the unfortunate zamindar. I need not dwell further on that point and I hope that its significance is fully appreciated by those who have urged that Government is in the same position as that of a money-lender.

Chaudhri Duli Chand: What percentage do you get on the Lower Chenab Canal?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: You can put questions later on.

Mr. C. M. King: I am not attempting to take the question of percentages that Government gets on each of the canals. I do not think that is a fair way of judging of what Government are doing. There are other factors which go into the calculation and Government has to take account of them.

Sir, I turn now to the actual water rates which have been attacked. I will take the canals as they come one after another. Because, I think this House should realise the fact which I am afraid is not always brought home, I think this House should realise thoroughly that all that we have actually done in the matter of water rates is to equalise, with one exception in the case of cotton about which I will deal later. In all other cases Government has only raised the rate to what it was in some other canals in the province. Now examining this matter a little closely we find that in the Sirhind Canal the rates generally were already so high that the effect of this enhancement of water rates generally throughout the province has been to increase the gross amount of water rates on the Sirhind Canal by ·81 (or less than one) per cent. That is the increase which has been derived from the Sirhind Canal in consequence of these new rates. That fact shows (the Sirhind Canal was assessed at this rate and has been paying this assessment for the last 20 years) that fact that we have raised the rate by ·8 per cent. surely shows that in making our increase we have not gone beyond all limits. Here you have a Canal, the produce of whose lands is by no means greater than it is on canals in the Western Punjab. Here you have a canal paying those rates for the last 20 or 25 years. People have paid them without a murmur and when we come to raise the rates on other Canals so as to make them somewhat similar to what they are on the Sirhind Canal there is at once this outburst. Is it not because there has been an increase? It cannot be because the people cannot pay, for, the Sirhind Canal rates show that the people can pay and pay without a murmur. But naturally every one feels an increase whenever

* *Vide* Question No. 1666, pages 771-772 *ante*.

[Mr. C. M. King.]

it is imposed whether that increase is in the course of equalising or not, because still it is an increase and naturally there should be a murmur and there should be some objection. But surely when that objection is made, it is up to the objectors to consider what is being done. They are not paying a charge at all higher than is charged somewhere throughout the province. Why, then, should they raise this outcry as if something unheard of has been done, something has been done which has never been done before?

I said there was one single exception where a higher rate was imposed than is being imposed in the case of any canals. That exception is the case of cotton. The rate for cotton has been raised to Rs. 6-4-0 per acre, Rs. 5-8-0 on the Sirhind Canal and Rs. 6-4-0 in other canals. Now, Sir, surely any one who knows anything about cotton and the enormous profits that have been derived from cotton by the land owners from the cultivation of cotton, surely no one will come forward and say that the water rate is too high. Of all the rates in the province I can most confidently defend the water rate of Rs. 6-4-0 on cotton. I think any one who considers this matter coolly and calmly must come to the same decision. Of all the rates that we have charged, I think this rate on cotton is the one least liable to attack. If you go through the main rates on the canals of the Punjab, Sir, you will find that in no case, in no single case has there been an increase over what the rate was in one or other of the canals. Take rice for example. It is Rs. 7-8-0 on the Upper Jhelum Canal, the Upper Chenab Canal pays Rs. 7-8-0 per acre per harvest. It is not a very excessive price to pay for this crop. Wheat, Rs. 5-4-0 an acre, the rate paid by the Sirhind Canal for the last 20 years. If land is going bad, if land is falling in value, if land is not producing now the crops which it produced some 20 or 30 years ago then surely that will be an argument for a lower rate on the Sirhind Canal which has been paying Rs. 5-4-0 an acre with ease for the last 20 or 25 years. Yet no one has suggested that the old Sirhind Canal rate should be lowered. I will not weary the House with more figures. But the House can take it from me that in no case except cotton has a higher rate been imposed on any canal without a counterpart to that rate on some other canal somewhere in the province. One fact is certain. The soil of the irrigated areas is alluvial soil of very much the same description throughout the province. There may be differences and there are, but those differences are trifling compared with the differences due to water. If there is sufficient water, it does not matter whether the land is in the Rohtak District from which my friend Chaudhri Duli Chand comes or whether the land is in the Lyallpur District or whether it is in the Lahore District, provided there is sufficient water the outturn of crop is very much the same. Then the question arises, why should you charge a higher rate on the Sirhind Canal while you charge less elsewhere? There is no answer to that question. Either you have got to reduce the rate in the Sirhind Canal, and no one has yet suggested that there should be a reduction, or you will have to level up the rates on other canals if you want to do justice. Sir, I have dealt exclusively with the question of water rates. I do not think the House will want me to go into the other matters raised by my friend Chaudhri Duli Chand. There is just one point made by my friend Lala Mohan Lal. I think his speech clearly laid before the House reasons which can be argued in favour of the theoretical water rates, but we are not now dealing with theoretical water rates. If we had theoretical rates which are suggested in Lala Mohan Lal's speech I need not say we should go very much higher than we have already

gone. We have not yet attempted to take from the zamindar anything like what we think can be legitimately taken from him for the water which, I say, is being supplied to him at an extraordinarily cheap rate. We do not attempt to take that. All that we have done by the increase in these water rates is some measure of justice to those people who are already paying a high rate and a greater measure of justice to those people who are not on the canals or rather whose lands are not on canals and who can claim from Government their share in the form of schools or in the form of better agricultural facilities, a fair share of the income which is justly due to Government from the water of the rivers of the Punjab, (cheers).

Malik Firoz Khan Noon [Shahpur East (Muhammdan), Rural]: Sir, before I proceed to say anything on the subject of water-rates, I wish to make it clear to the Government on behalf of the zamindar members that it is with a sense of gratitude that we look at the personal services rendered by the irrigation officers who have grown grey in the service of this province by digging these canals for us and by bringing water to the fields where there was no water before and by bringing prosperity to the tracts which were deserts and wastes before the canals came. All these things we acknowledge and for that we all feel grateful. Do not let it be misunderstood that by the attack that the zamindars are making against the Government to-day, we wish to show our ingratitude in any way whatsoever for the services that have been rendered for this province. But, I think, Sir, you will also sympathise with us when we come forward with various complaints that we have against the Government as far as the administration of the departments which mainly concern the zamindars are concerned, namely the canal and the land revenue departments of this province. I do not wish to go into the great details that have already been gone into, nor do I wish to controvert each particular matter that has been put forward on behalf of the Government. There is no doubt that lands which were not irrigated before and which are now irrigated by means of these canals have gone up in their price. There is no doubt that the zamindar who was receiving no income from these lands is now receiving very large annual income to-day on account of these canals. On the other hand Government should also remember that the Government is receiving a price for the water which was flowing waste in the river right down to Karachi. Do not let it be forgotten at the same time that the Government are receiving land revenue which is theoretically amounting to 50 per cent. of the produce of the lands which were waste in those days but which are now being brought under cultivation.

The Honourable Sir John Maynard: It is not as much as 50 per cent., Sir.

Malik Firoz Khan, Noon: Even theoretically?

The Honourable Sir John Maynard: Even theoretically it is only half of the net profits.

Malik Firoz Khan, Noon: So theoretically the Government is deriving 50 per cent. of the net profits of a zamindar, which comes to perhaps 25 per cent. of the total produce. Now, Sir, is it not fair for the zamindars to get up and say that if the price of the land has gone up and if they derive income from the lands which produced nothing before, that on the other hand the Government is deriving an annual income by way of land revenue on lands which were lying waste before and which did not yield any revenue? Moreover the Government derived very large profits by sale of these canal

[Malik Firoz Khan Noon.]

lands which lay waste before. So, it cannot be said that only one side has earned profits entirely. Both sides have earned profits, both the zamindar and the Government. The Government do not dig these canals simply for the purpose of benefiting the zamindars. The Government, like a regular *bania* first sat down in their office and calculated the profits that it would derive by launching the canal schemes and it was only after they were assured of a clear profit that they began to dig these canals. The one grievance that the zamindars have against the Government is this: Why should not the Government come forward and say that they will realise a fixed proportion of the income of the zamindar by way of water-rate. At present the Government sits in its office and by an executive order it raises the water-rate by 25 per cent. Has the Government put forward any arguments for increasing the water-rates? The argument that has been brought forward by Mr. King is this, because the rates were high in the Sirhind Canal, therefore we wanted to equalise the rates of other canals also. That argument does not at all appeal to me.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Very naturally.

Malik Firoz Khan, Noon: The only reasons that can be advanced for increase in water rate are these. For instance the Government can come forward and say that the cost of labour and wages of the subordinate services and of the Engineers have gone up and therefore the value of water which the Government are selling should be increased. But this is not at all the allegation of the Government. The water that is flowing in the river is without price. The price of the water in the river has not gone up. The Government cannot come forward and say: we are buying this water from the river at a higher price than before, therefore you must pay more. All that I am willing to concede to the Government is this. The Government have incurred a certain amount of capital expenditure in digging these canals and they are entitled to six per cent. interest on this sum and they are also entitled to the working expenses of these canals over and above these items. Whatever the Government charge from the zamindars over and above this is not the price of the water, but it is taxation. The cost of the water is represented by the interest on capital and the money spent by way of working expenses and if the Government collect over and above this, it is all on account of their profit, and I think this is nothing but taxation. My submission is there should be some limit to that taxation. The Government should not raise the water-rate according to their whims.

Pandit Nanak Chand: What do the Maliks charge for water in Shahpur?

Malik Firoz Khan, Noon: I do not want to enter into details just now. The canals that were dug in the Shahpur District by the private canal owners were dug in 1857 when there was absolutely no canal dug by the Government in that district in those days. It was at the special request of the Government that these Maliks dug those private canals ....

Pandit Nanak Chand: I only wanted to know the rate charged by the Maliks. I do not want all the past history.

Malik Firoz Khan Noon: My honourable friend wants only to know that which is favourable to him. He does not want to know the whole history. Anyhow I will not be led into these side issues. What I wish

finally to submit before you, Sir, is this : the Government should fix the proportion that they will charge the zamindars by way of water-rate in future so that we may know where we are and how much we have to pay. Secondly the Government should bring into legislation the various amendments that have been suggested on the Land Revenue Bill. They should frame a Bill. . . .

Mr. President : The honourable member will keep himself to the point now under discussion on the amendment.

Malik Firoz Khan Noon: I will obey your ruling, Sir, and I hope I will get another chance of pushing that wedge in. Finally I sub nit that it is the duty of the Government to come forward and say definitely that they would charge so much of the produce by way of water-rate and not more and until the Government do that, I think the zamindars will go on fighting.

Chaudhri Afzal Haq : I move, Sir,

"That the question be now put."

Mr. President : Before putting the question to the House, I should like to know whether any honourable member speaks on behalf of the Government besides Mr. King who already spoke.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : Sir, I will first deal with what my honourable friend Chaudhri Duli Chand said about the Bhakra Dam. I need not detain the House long on the subject. I need only read to the House the resolution which was passed by this House after being amended. The amended resolution* runs thus—

"That for the original resolution the following be substituted—

'This Council recommends to the Government that the construction of Bhakra Dam be taken in hand as soon as the construction of the Thal Project has sufficiently advanced to admit of the work on this project being undertaken subject to the proviso that the Council votes money, and that the project should be found suitable from an engineering and financial point of view and has received the sanction of the Government of India.'"

This House has thus committed the Government to this plan of work.

The second point that I wish to submit is this. In the western districts we have lands to sell and interest on sales of land is credited to the income of canals thus giving higher percentages of income of our canals and it is this which sometimes gives wrong impression in the minds of the members that we are getting profits from our canals which amount to usurious rates. On the last occasion when this question was discussed I made it very clear that that was not the case. In fact I made it clear from facts and figures that I laid before the House that we were not making huge profits. I gave the gross receipts from these canals from the year 1918-19 to 1923-24 and out of these I deducted the working expenses. The working expenses do not include the interest on capital and they are actually the expenses incurred for working these canals. Deducting the working expenses, I showed this House that we were making 7·44 per cent. in 1918-19, 8·41 in 1919-20, 8·52 in 1920-21, 6·76 in 1921-22, 8·40 in 1922-23 and 8·69 in 1923-24.

* Vol. VI, page 190.

Mir Maqbool Mahmood: What are the indirect charges?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I answered this question last time. The indirect charges came from the sale of lands which I have just stated in the case of Bhakra Dam that there will be none. Leaving that question aside, I now come to the working of the canals. I do not know whether my honourable friend Mr. King has left anything for me to say on the subject and I do not like to repeat the arguments already advanced. Some honourable member in the course of the debate said that the Government of Bombay were running the canals at a less cost. I think I gave the House sometime back a statement.

Mian Muhammad Shah Nawaz: The Government of Bombay are charging Rs. 5-4-0 per acre on the Sakarwala.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I will now give a few figures to show what people are getting on these canals in the different parts of the Province. Perhaps I stated in my speech in the last session that while in Egypt and other places one-seventh of the produce is taken, we take one-twelfth or one-thirteenth under the new rates. In the United Provinces sugarcane is being charged at Rs. 12 and that is the rate which has been paid for sugarcane on the Sirhind Canal for the last twenty five years and is now being charged on the other canals. In the Central Provinces where the irrigation is not from river supply but from tank supply, the rate for sugarcane is Rs. 20 and in Madras the rate is Rs. 14-1-0 and in Bombay Presidency the rate is Rs. 50. The rate for maize in Madras is Rs. 9-6-0, in Bombay Presidency it is Rs. 8-8-0 and I will tell this House a little later what we are charging at the present moment.

Coming to the rates which have been already given by Mr. King, I wish to bring this pointedly to the notice of this House that on water nuts the rate has been in the past Rs. 9 and now we are charging Rs. 7-8-0. For gardens and orchards the rate that has been paid on the Western Jumna Canal is Rs. 5-8-0 and that is what we have been charging throughout. Coming to rice, Rs. 7-8-0 was paid on the Lower Bari Doab Canal, the Upper Jhelum Canal and the Upper Chenab Canal and that is the rate taken on other canals. As regards wheat Rs. 5-4-0 was the rate on the Sirhind Canal and that is what we are charging throughout now. In the case of indigo Rs. 5-8-0 was the rate and we are now charging Rs. 5-8-0, in some cases Rs. 6-4-0 which is slightly higher than the rate prevailing before and indigo being a valuable product can well afford to bear this charge. Coming to oil-seeds on the Lower Chenab Canal we were charging Rs. 4-4-0 and that is the rate that we are charging now at the present moment. I may point out that hitherto the rate for grass was Rs. 1-8-0, but it has now been reduced to Re. 1 throughout. Then another reduction which has been made in the rates is on that well-known term, the *wad wattar* rates, which Government used to charge before, but at the present moment it is not charging anything at all.

Now, Sir, I will answer some of the points which have been raised by certain members of the Council. My friend Mian Abdul Aziz said I think I am correct in saying that *pani Khuda ka hai, hava Khuda ki hai*. May I ask my friend whether grain is not also made by God. On the above analogy why should he expect that zamindars should sell this grain

too? If they are allowed to sell the grain, similarly the water of the rivers must be harnessed for the use of the Province as a whole. On the other hand some of my friends had not realised that before this, water was allowed to go waste into the ocean. Government harnessed it and what is the difference? We have tracts of land where irrigation is not available at the present moment. I receive reports of crops from all over the province, and I find that reports about unirrigated land read poor, below average, bad. These are the sort of reports I get about unirrigated land. On the other hand, the reports on irrigated land are good, average, 75 per cent. in some cases 80 per cent. and in some cases 90 per cent. Sir, only the other day you will remember that we passed through a tract which is being irrigated by the lift irrigation. Sayad Muhammad Husain has land on that canal which is going to be served by this lift irrigation. What was he getting from the land and what will he be getting from the land—which is not made by him but made by God and given to him by God? Is he not going to get more profits by this water being brought into his land? He is going to get heavy profits out of the land and does he expect that Government should not take a share of his profits?

(*At this stage some members interrupted.*)

I am in possession of the House and I claim my right of speech. Sir, the water which is being made available to Sayad Muhammad Husain will make him a millionaire like Sir Ganga Ram. Are we going to leave all these extra profits which will result from the water being made available to him?

We have been hearing so much of the poverty of the zamindars, but, Sir, as has already been pointed out by Mr. King, why do people come forward and are willing to pay high prices for land? Surely that does not show, in the words of my friend Mian Shah Nawaz, that they are born in debt, that they live in debt and that they die in debt. If that is really the condition of the zamindars, why do they come forward and ask for land? There ought to be some reply to that and I must say that none in this House has given this reply. An endeavour has been made to show that the zamindars are poor and therefore Government should not charge them heavily, but not a single argument has been placed before this House to show that the zamindars are poor. One of my friends mentioned that the expenses of the zamindars have increased. Let us see, how. They have to pay Rs. 7-8-0 instead of Re. 1-4-0 for a plough. That difference goes either to the tenant who cultivates the land or it goes to the zamindar who owns it. It means it comes from one pocket and goes to the other of a zamindar or cultivating tenant. Similarly we have to pay for the upkeep of the canal higher amounts than what we have been paying hitherto. Our expenditure has gone up by 59 per cent. on the Western Jumna Canal, 61 per cent. on the Sirhind Canal, on the Upper Bari Doab Canal by 73 per cent. and the Lower Chenab Canal by 119 per cent. Could this House expect Government after this rise in expenditure in the maintenance of these canals to continue to charge the same rates that were charged before? I claim that our expenditure has gone up very much and on that score alone we are entitled to get more from the people who derive so much benefit from the irrigation provided by our canals.

Mr. President: Does the Honourable Finance Member wish to speak?

The Honourable Sir John Maynard: I am quite prepared Sir, but nobody has so far attacked the financial side of the question. I would much rather wait till the end.

Mr. President: Does the honourable member realise that there is very little time left?

The Honourable Sir John Maynard: Do I understand that the question will be put at 5?

Mr. President: Yes.

The Honourable Sir John Maynard (Finance Member): If that is the position, Sir, then I would prefer to speak at once. Sir, I have listened to this debate with extreme pity for the poor Bhakra Dam doomed to walk hand in hand with the enhanced *abiana*, while people from behind who wanted to throw stones at the enhanced *abiana* had no choice but to hit the Bhakra Dam. I felt a very great sympathy for the Bhakra Dam and I also felt great sympathy for those honourable members who will be called upon presently to vote on the subject. If they want the Bhakra Dam and do not want the *abiana* they will find it hard to make their choice. It is a very difficult situation and they have my most hearty sympathy. Sir, I assume that most of those who have attacked the enhancement of *abiana* although none of them have dealt with the financial question, I assume that in their minds there is a double question. In the first place, presumably they ask themselves and ask the Government, was the money wanted? In the second place, they ask themselves, should it have been taken in the form of *abaina*? Nobody has spoken on the question whether money was wanted and yet I suppose that the idea must have been present in the minds of those who condemn *abiana*, otherwise it would have been somewhat unreasonable to say that money was wanted and yet we do not think that you ought to have taken it I assume therefore that although it was unexpressed, yet deep down in the minds of those who opposed the *abiana* was the conception that money was not wanted by Government at all. If I may be permitted to do so, I shall deal very briefly with that side of the case. The first question, then, Sir, which I propose to touch is whether money was wanted. As to that, Sir, I can well imagine honourable members saying to themselves, you have certain figures indicating that you enjoyed in 1923-24 and are now enjoying a series of surpluses.

You have also a sudden accession of resources from the Government of India which has placed you in the position of not requiring *abiana* at all. It is obviously necessary to separate these two things. We must not mix up the question "what our position would have been if we had known six months ago that there was going to be a remission of the provincial contribution" with the question "what were the actual necessities of the position before the provincial contribution was reduced. I hope I shall find time before I close my speech to make an announcement to this House as to the precise steps which the Government intends to take in consequence of that substantial accession to the provincial resources which we now can reasonably believe will actually be realised. But for the moment I am going to deal with the question as it was at the time when the budget was framed, that is, before we actually knew that this accession of resources would accrue to us. I think probably some honourable members have at the back of their mind some idea of this sort, that because there has been in 1923-24 a realised surplus and because we had shown in 1924-25

an estimated surplus, and because we forecast a surplus for 1925-26, therefore there was no need for the enhancement of the *abiana*. Now, Sir, it is very easy when things have been made right for you, when fortune has been kind to you, when the harvests have been plentiful, it is very easy to say that a particular measure of taxation was not necessary. But we must examine our figures more closely in order to see whether any accession of resources was needed by the province. Now, let us take the figures of 1923-24 in which there was actually a realised surplus, and then suppose that things had been arranged otherwise both by Government and by providence which looks after the harvests and the fortunes of the province. At the beginning of 1923-24 when the budget was under preparation a very large and drastic cut was made in the expenditure. No less than 60 lakhs were cut out of the expenditure budget by me before the budget came before the House. The result was of course that very many departments were shorn of almost all their requirements, and the expenditure was cut down to a degree which could not be maintained for any considerable period without affecting the standard of administration. If that reduction of 60 lakhs had not been made, the position at the end of the year would have been very different, and yet I cannot think honourable members who have the interests of education and sanitation and other beneficent objects at heart would be pleased to see similar drastic economies repeated in after years. Not only was this extraordinary drastic cut of 60 lakhs made on the expenditure side of the budget, but the year was an extraordinarily good year and so the land revenue receipts came to as much as 4,75 lakhs of rupees whereas in the preceding two years they had been only 4,48 and 3,79 lakhs. Now contrast the receipt figure of that year with the figures of the two previous years. Any one who looks at these figures, will realise to what extent we were favoured by the monsoon and to what extent our best forecasts are liable to be falsified. To understand what a province is or is not able to do and what its financial requirements are it is necessary to look at a series of years and not at a single year. Sir, I do not desire to delay the House by going into similar details in the year 1924-25, but in many respects the figures present similar phenomena. This year was a very prosperous one, the increased cultivation of cotton gave us a very high revenue from the canals in the *kharif*, we actually imposed and collected extra *abiana* rates in the *kharif* and in addition to that there was a windfall at the very last moment in the shape of 36 lakhs unexpectedly repaid by the Bahawalpur State. What I wish to bring home to the House by quoting these figures is this, that when you have a good year, a lucky year you are very apt to be misled by its results. You cannot say that because in any particular year you did particularly well and there was a surplus in that particular year, you cannot say that a particular scale of taxation is not necessary in order to keep up the equilibrium on the average of a series of years. If anybody seriously doubts that, I would refer them very briefly to the figures of an earlier year. The figures of the year 1921-22 show a process exactly the reverse of that which we witnessed in the two years of which we have been speaking, that is to say, we made our budget as usual on the assumption that it would be a normal year, but our actual receipts fell enormously below our expectations. Our receipts according to the budget (of course there was then no separation of capital and revenue and therefore no exact comparison is possible), were to have been 11,31 lakhs and the actuals were 9,21 lakhs, that is Rs. 2,10,000 worse than our estimate and all because of the conditions of the year which no one could possibly have foreseen. In

[Hon'ble Sir John Maynard.]

expenditure the difference was not so great, but we had an actual difference of 2 crores in our expectation and realisation of receipts. Now, Sir, when one is considering what one is to do on a series of years it is necessary to take into account the bad years as well as the good. We must not fly to the conclusion because in two successive years we have been lucky enough to achieve a surplus, therefore our scale of taxation ought to be pitched upon a scale which would not meet average requirements.

(*At this stage some members were talking to one another.*)

Mr. President: Order, order, Honourable members should not go on talking to one another when the speech is going on.

The Honourable Sir John Maynard: The upshot of this is that in order to meet the actual requirements on the average of a series of years we have to consider what the normal requirements are and what the normal expenditure is to be and on that basis we are to calculate our requirements in respect to extra taxation. In the course of the debate on a similar question closely allied and possibly identical to this some one suggested that the normal requirements of the province had been substantially over-stated. I pointed out, in reply, to the fact that the expenditure has increased by post-war requirements by as much as 2 crores of rupees and that our extra taxation including *abiana* and the other items came to only 90 lakhs, the remainder of the deficiency of one crore and ten lakhs has been made up for by the natural growth of revenue and also by the process of retrenchment.

I trust, Sir, that those who have been good enough to attend to me and not talk to one another during the time I have been speaking have been able to realise that I have put forward arguments showing that this money was actually required. Those who have not been so good as to listen to me will possibly require me at some future occasion to say very much the same again. I shall be prepared to do so and I hope they will pay more attention on that occasion.

Now, I shall proceed very briefly, I know that my time is short, I shall proceed very briefly to touch one or two arguments on the subject of the selection of *abiana* for the purposes of increased revenue. One gentleman said that he did not like taxation at all. I, for one, do not like to pay taxes either. Another gentleman said that the rate of profit earned on the canals as a whole was very much too great. And some one mentioned the figure of 44 per cent. Sir, the actual figure of interest received on our perennial canals taken together varies from 6 per cent. in one year to 8·7 per cent. in another. I think, the honourable member on my right has more than once enquired "what about indirect receipts?" My answer to that is this. Does any one suggest that because your canals are bringing you a certain direct rate of return on your outlay, therefore if you have any Crown lands you should not sell them for their full price or if you have lands which pay land revenue you should not charge land revenue upon them. It appears to be suggested by those who say that the indirect charges are too high that we should not sell our Crown lands for the full price or charge land revenue at the normal rates. But I say that in the interests of the province as a whole we should make proper charges for the assets which belong to the province as a whole. Sir I am one of those, as I have said before and I say it again, when the title of *kania* is applied

to me as the guardian of the finances of the province, I am not ashamed of it, rather I am proud of the title (hear, hear). I will not sacrifice to any section of the community that which should properly belong to the whole community (hear, hear). I am pleased that these functions and qualities are attributed to me and I trust that those who will succeed me in the future will have a similar character and will maintain it. (Hear, hear).

Now, Sir, there remains to me an important function and that is to read to the House a statement which has a very close bearing to the subject of this discussion. I have put it in writing because my experience is when I say anything somebody comes forward and says "You said something quite different". I have put it in writing so that there cannot be any accusation of my having said anything different from what I actually said. I would ask the House to be so good as to listen to me while I read it.

"With reference to the discussion which recently took place in the Council on the application of the estimated revenue surplus of the current year, it has been decided to mix the portion of it which Government will spend upon non-recurring objects of a beneficent character from 12 lakhs to 15. In using the word 'beneficent' I do not limit consideration to works in the transferred departments. For instance rural sanitation in the form of drainage is beneficent though it happens to be reserved. It is now virtually certain that the resources of the province in 1925-26 will be increased by the remission of the provincial contribution by the net amount of some 56 lakhs, and that this will be a recurring gain. As announced in my speech before this Council on November 24th, 1924, Government will now reconsider the whole financial position, the rural and urban taxation, including the water-rates; and this Council will have the opportunity of passing judgment upon the result of that reconsideration. It is desirable that that opportunity should be given at as early a date as possible, and when this Council adjourns to-morrow or the next day it is proposed to ask you, Sir, to announce that it will meet again on some day, to be fixed hereafter, in May."

At the May sitting the Government will, as far as possible, place before the Council supplementary demands for the non-recurring expenditure of 15 lakhs, representing the proposed outlay out of the current year's surplus. It will also give to the Council the opportunity of discussing concrete proposals for the application of the addition made to the recurring resources of the province by the remission of part of the contribution. Though it seems improbable that the proposals will be complete by May, they will, it is hoped, be so far advanced as to give to the Council sufficient material for recording definite recommendations on the general issues involved. Additional expenditure, if undertaken out of these additional recurring resources, will be beneficent; subject to the explanation of the meaning of the word which I have already given (Cheers).

Mr. President: In the face of this assurance do you wish to withdraw your motion?

Chaudhri Duli Chand: Do I understand that the Honourable the Finance Member is giving an assurance that the question of *abiana* will be considered?

Mr. President: Yes, he said all taxation including *abiana*.

Chaudhri Duli Chand: In view of this assurance, I beg leave to withdraw my motion.

The motion was by leave withdrawn.

Mr. President: The question is :—

"That a sum not exceeding Rs. 3,61,60,800 be granted to the Governor in Council, to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Irrigation (both Revenue and Capital)."

5 P.M.

The motion was carried.

REGISTRATION GRANT.

Mr. President: The question is :—

"That a sum not exceeding Rs. 1,05,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Registration."

The motion was carried.

FOREST (REVENUE AND CAPITAL) GRANT.

Mr. President: The question is :—

"That a sum not exceeding Rs. 26,19,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Forest (Revenue and Capital)."

The motion was carried.

STAMPS GRANT.

Mr. President: The question is :—

"That a sum not exceeding Rs. 1,52,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Stamps."

The motion was carried.

EXCISE GRANT.

Mr. President: The question is :—

"That a sum not exceeding Rs. 19,22,800 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Excise."

The motion was carried.

LAND REVENUE GRANT.

Mr. President: The question is :—

"That a sum not exceeding Rs. 45,81,600 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Land Revenue."

The Council divided : Ayes 27 ; Noes 29.

Ayes 27.

Mr. W. P. Saunders.
Colonel C. R. Bakhle.
Mr. C. A. Barron.
Mr. C. M. King.
Mr. W. Mayes.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Khan Bahadur Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. H. D. Craik.
Dr. C. A. Owen.
Mr. Owen Roberts.
Mr. J. Coldstream.
Sardar Bahadur Sardar Jowahir Singh.
Khan Bahadur Nawab Muhammad Jamal Khan.
Rai Bahadur Sir Gopal Das Bhandari.
Sardar Randhir Singh.
Mr. V. F. Gray.
Rai Sahib Lala Ganga Ram.
Mr. E. Maya Das.
Lala Mohan Lal.

Noes 29.

Malik Firoz Khan, Noon.
Nawab Sayad Muhammad Mehr Shah.
Munshi Fazl Khan.
Mir Maqbool Mahmood.
Chaudhri Saadullah Khan.
Rai Shahadat Khan.
Sayad Husain Shah.
Shaikh Faiz Muhammad.
Chaudhri Najib-ud-Din Khan.
Chaudhri Ghulam Muhammad.
Chaudhri Nur Din.
Chaudhri Sahib Dad Khan.
Chaudhri Muhammad Shafi Ali Khan.
Mian Abdul Aziz.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Shaikh Muhammad Sadiq.
Makhdumzada Sayad Muhammad Raza Shah, Gilani.
Sayad Muhammad Husain.
Professor Ruchi Ram, Sahni.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Lala Diwan Chand.
Lala Mohan Lal, Bhatnagar.
Mr. Labh Singh.
Chaudhri Duli Chand.
Rao Pohap Singh.
Chaudhri Kesar Singh.
Chaudhri Tek Ram.

The motion was lost.

ANNOUNCEMENT FROM THE CHAIR.

ELECTION TO THE PUBLIC ACCOUNTS AND STANDING COMMITTEES.

Mr. President: I wish to inform the members that the elections for the Public Accounts Committee and the Standing Committees will be held to-morrow at 2 P. M. Only the non-official members are to partake in the elections and therefore the official members need not be present at that hour. Voting papers for the committees will be distributed at 2 P. M. as soon as the Council meets. When voting papers are handed in by the members, the division bell will be rung which will be an indication to the official members that it is time for ordinary business to commence. This will probably be about at 2-30 P. M.

ANNOUNCEMENT BY THE REVENUE MEMBER.

COMMITTEE *RE.* SHAHPUR BRANCH CANAL.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): With your permission, Sir, in supplementing what I said the other day, I would give the terms of reference to the committee.

His Excellency has decided to appoint an independent committee on which there should be no officer of the canal department or a local officer such as the Deputy Commissioner and no resident of the district (hear, hear). The terms of reference are —

(1) to assess terms of compensation to be paid if lands lying within the boundary of private canals and now paying *chaharmi* are given water from Government canals;

(2) to enquire into measures necessary to be taken to prevent water logging owing to the opening of the Shahpur branch; and

(3) to report on any additional measures that require to be taken to prevent injury caused by spill or flood water passing the line of the Shahpur branch.

The Council then adjourned till 2 P. M. on Tuesday, the 24th March 1925.

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PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 24th March 1925.

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 :—

Lt. Col. A. W. Greig : Official, nominated.

ANNOUNCEMENT FROM THE CHAIR.

ELECTIONS TO THE PUBLIC ACCOUNTS AND THE STANDING COMMITTEES.

Mr. President : The number of nominations received for the Public Accounts Committee as well as for the twelve Standing Committees exceeds the number of vacancies to be filled, and election will therefore be held in every case.

There will now be distributed to members thirteen ballot papers, one of each committee. The name of the committee is written at the top of each paper which also contains the names of 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 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. Members are warned that the writing of anything but the number against the names of the candidates will render the ballot paper invalid. If any member wishes to ask any questions, I shall be glad to answer them or the Secretary will do so.

After filling the ballot papers, members should fold them and drop them in the ballot box provided for that purpose.

The results cannot naturally be announced to-day. As soon as they are known they will be notified to honourable members.

The voting for the various committees concluded at 2-30 P.M.

QUESTIONS AND ANSWERS.

PAYMENT OF LAND REVENUE IN INSTALMENTS.

1668. Makhdumzada Sayad Muhammad Raza Shah, Gilani: Is it a fact that land revenue was paid in instalments by the lambardars in the past and that that system of instalments has now been abolished? If so, why?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Land revenue is almost invariably paid in at least two instalments, one being collected at the *Kharif* and one at the *Rabi* harvest. In the few estates where the whole revenue is paid in one lump sum the villagers themselves prefer this method of payment.

KHARABA ALLOWED IN MULTAN DISTRICT.

1669. Makhdumzada Sayad Muhammad Raza Shah, Gilani: (*a*) Will the Government please say why no *kharaba* is allowed for the crops which are really *kharaba*? If *kharaba* is allowed, will the Government be pleased to lay on the table the figures showing the average *kharaba* allowed in each tahsil of the Multan district during the last six years, *i.e.*, from 1919 to 1924?

(*b*) Will the Government please say how many meetings of the Canal Advisory Committee were held during the year 1924 in connection with the Lower Sutlej and Chenab Canals in the Multan district and how many meetings should have been held under the rules during the year in question?

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.

DISTRIBUTION OF LANDS ON THE LOWER BARI DOAB CANAL.

1670. Makhdumzada Sayad Muhammad Raza Shah, Gilani: Is it a fact that in distribution of lands on the Lower Bari Doab Canal, claims of the poor zamindars of Mailsi, Multan, Lodhran and Shujaabad tahsils for shares of land were not considered? If so, does the Government now propose to consider their claims in preference to any other zamindars when distributing lands on the new canals?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Yes, because the Lower Bari Doab Colony did not extend into the tahsils mentioned in the question. The claims of the indigenous population will be considered in due course along with others on the lines of paragraphs 75 to 77 of the Colony Manual, Volume I.

AKALI PRISONERS RELEASED ON TENDERING APOLOGY.

1671. Lala Sham Lal: (*a*) Will the Government please state if Akali prisoners, other than those referred to in reply to question No. 1088, * were released before the expiry of their term of punishment on tendering apology in 1923? If so, will Government please lay on the table a list of the names of these prisoners?

(*b*) Will the Government please state if the Akalis so released tendered their apology in the prescribed form referred to in the above question?

The Honourable Sir John Maynard: (*a*) Yes. The total number so released was 216. The preparation of a nominal roll would involve more labour than the result would justify.

(*b*) Yes.

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*Vol. VII, page 569.

HOURS OF WORK IN THE FACTORIES OF CENTRAL JAIL, MULTAN.

1672. Lala Sham Lal: Will the Government be pleased to state if the number of hours of work in the factories in Central Jail, Multan, were increased during the time of Major M. D. Wadia, Superintendent, Central Jail?

(*b*) Will the Government please state when Major Wadia took over charge of Central Jail, Multan, and when he left?

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.

COMPLAINTS *RE* INFERIOR QUALITY OF KHADDAR SUPPLIED BY SUPERINTENDENT, MULTAN JAIL.

1673. Lala Sham Lal: Will the Government please lay on the table a copy of the letter written to Superintendent, Central Jail, Multan, on receipt of complaints made by Superintendents of several jails referred to in question No. 1173* as well as the explanations made by the Superintendent and Jailor in reply to above letter?

(*b*) What are the terms and form in which censure was administered to Jailor as referred to in part (*d*) of reply to question No. 1178*?

The Honourable Sir John Maynard: The Government thinks it unnecessary to communicate any particulars other than those already communicated in the answer to question No. 1173.*

HYDRO-ELECTRIC COMMITTEE.

1674. Rai Bahadur Lala Sewak Ram: Will Government be pleased to state the names of the non-official members of the newly appointed Hydro-Electric Committee and the professions to which they belong?

The Honourable Rai Sahib Chaudhri Chhotu Ram:

The names and professions are:—

1.	Sir Sayad Mehdi Shah, M.L.C.	... Railway Engineering Contractor.
2.	Lieutenant Sardar Sikandar Hayat Khan, M.L.C.	Landowner, member of Sohan Hydro-Electric Syndicate.
3.	Sir Gopal Das Bhandari, M.L.C.	... Chairman, Amritsar Municipal Committee, controlling the Amritsar Municipal Electric Supply.
4	Raja Narendra Nath, M.L.C.	... Jagirdar.
5.	Chaudhri Duli Chand, M.L.C.	... Educationalist.

* Vol. VII, page 673.

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6.	Sardar Randhir Singh, M.L.C. ...	Landowner.
7.	Sardar Gurbakhsh Singh, M.L.C. ...	Legal.
8.	Khan Bahadur Chaudhri Shahab-ud-Din, M.L.C.	Legal.
9.	Chaudhri Muhammad Shafi Ali Khan, M.L.C.	Landowner.
10.	Pir Sayad Muhammad Husain ...	Landowner.

The following attended in an un-official capacity to assist the Committee :—

E. N. Webb, Esq., A.M.I.C.E., M.I.E. (India), Manager for India of Boving and Company Water Power Engineers, Kingsway, London.	Hydraulic Engineer.
Sir Frederick St. J. Gebbie, C.I.E., M.I.E. (India), Consulting Engineer to the Government of India.	Irrigation Engineer.
Captain H. Whittaker, A.M.I.M.E., A.M.I.E.E., Mem. Soc. des Ing., Civ. de France, Principal, Maclagan Engineering College, Lahore.	Civil and Electrical Engineer.

COMMITTEE FOR RURAL SANITATION.

1675. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if they contemplate appointing a special committee to go into the question of rural sanitation ?

The Honourable Mian Sir Fazl-i-Husain : No. Of the non-official members of the Sanitary Board all but one either represent rural constituencies in the present Council or represented such constituencies in the last Council.

APPOINTMENT OF PROVINCIAL CIVIL SERVICE OFFICERS TO THE SUPERIOR POST RESERVED FOR INDIAN CIVIL SERVICE OFFICERS.

1676. Sardar Tara Singh : (*a*) Is it a fact that this Council passed a resolution recommending to the Government to appoint 25 per cent. of the Provincial Civil Service officers to the superior posts reserved for Indian Civil Service officers ?

(*b*) Is the Government aware of the fact that a similar resolution was passed by the Legislative Assembly ?

(*c*) Will the Government please state if any correspondence has passed between the Government of India and the local Government in order to give effect to the above resolution ? If so, what decision has been arrived at ?

Mr. H. D. Craik : (*a*) and (*c*) The honourable member is referred to the answer given to Council question No. 1627*.

(*b*) Yes.

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*Page 527 *ante*.

RESERVATION OF SUPERIOR POSTS FOR PROVINCIAL CIVIL SERVICE OFFICERS.

1677. Sardar Tara Singh: (*a*) Is it a fact that the Lee Commission recommended that 20 per cent. of the superior posts in the Indian Civil Service should be filled by promotion of Provincial Civil Service officers?

(*b*) If so, will the Government please state as to what action it has taken or contemplates taking to give effect to this particular recommendation of the Lee Commission?

(*c*) Will the Government please state what percentage of the superior posts it intends immediately to reserve for the Provincial Civil Service officers and from which date the latter are to be appointed to fill these posts?

Mr. H. D. Craik: The honourable member is referred to the answer given to Council question No. 1627.*

INCREASING THE NUMBER OF SELECTION POSTS ON THE EXECUTIVE SIDE OF THE PROVINCIAL CIVIL SERVICE.

1678. Sardar Tara Singh: Is it a fact that there are 5 selection posts on the judicial side of the Provincial Civil Service as compared with 4 on the executive side, and there are 157 time scale posts on the judicial side as compared with 159 on the executive side? If so, will Government be pleased to increase the number of selection posts on the executive side to the same number as on the judicial side?

Mr. H. D. Craik: The reply to the first portion of the question is in the affirmative. The figures quoted in the second portion are not accurate; the question of increasing the number of selection grade posts for the Provincial Civil Service (Executive Branch) is already under the consideration of Government.

TEMPORARY ADDITIONAL EXTRA ASSISTANT COMMISSIONERS.

1679. Sardar Tara Singh: (*a*) Will Government be pleased to state how many of the 38 Temporary Additional Extra Assistant Commissioners are needed permanently owing to increase of work or other reasons?

(*b*) Will Government be pleased to state when those Temporary Additional Extra Assistant Commissioners who are needed permanently will be appointed to the Provincial Civil Service Cadre permanently?

Mr. H. D. Craik: (*a*) Of the 38 officers shown in the Punjab Civil List as Temporary Additional Extra Assistant Commissioners several are officiating in vacancies in the regular cadre. Their appointment as such will be notified shortly. Only 21 temporary additional posts of Extra Assistant Commissioner were sanctioned for the current financial year and 27 such posts have been budgetted for during the year 1925-26.

(*b*) These temporary appointments are required partly because of the shortage of Indian Civil Service Officers and partly to meet demands from districts for additional staff to cope with increased criminal work and for other causes. In this connection the honourable member's attention is invited to the remarks at pages 25-6 of the schedule of new expenditure

* Page 527 *ante*.

[Mr. H. D. Craik.]

for 1925-26, a copy of which has already been laid on the table. The question of adding some of these temporary appointments to the permanent Provincial Civil Service Cadre will be considered by Government if and when it is satisfied that it is not possible to withdraw the additional magistrates now posted to district staffs as a temporary measure.

PROVINCIALISATION OF DELHI-ROHTAK ROAD.

1680. Mr. E. Maya Das: Arising out of the answer to question No. 1011,* will Government be pleased to state whether any enquiry has been made from the authorities of the Ferozepore district? If so, with what result?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The general approval of Government to the reclassification scheme has not yet been accorded. The enquiry has not therefore been made.

AGRICULTURAL ASSISTANTS, FEROZEPORE DISTRICT.

1681. Mr. E. Maya Das: Arising out of the answer to question No. 1014,† will Government be pleased to consider the advisability of paying the cost of employing one or more Agricultural Assistants, as may be necessary, in the Ferozepore district?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Yes.

FEROZEPORE-FAZILKA ROAD.

1682. Mr. E. Maya Das: Arising out of the answer to question No. 1168,‡ will Government be pleased to state if it is now in a position to state something more definite regarding the construction of a new unmetalled road from Ferozpore to Fazilka?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Under the road reclassification scheme an arterial road is proposed between Ferozepore and Fazilka. As to whether this road should follow the line of existing district roads, or be laid out along the new canal, no decision has been made. The metalling of this road will have to take its turn with other urgent demands, and there appears to be no prospect of the necessary funds being available for some years.

MILITARY SCHOLARSHIPS.

1683. Mr. E. Maya Das: Will Government be pleased to state if it is a fact—

(*a*) that certain scholarships known as military scholarships are granted to certain children in the province;

(*b*) if so, since when are these being granted;

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*Vol. VII, page 500. †Vol. VII, page 501.

‡ Vol. VII, page 535.

(c) what sum year by year has been spent on these scholarships;

(d) under whose supervision it was and is being spent;

(e) whether the accounts of these military scholarships are audited, if so, since when?

(f) In case these accounts are not audited, will Government be pleased to consider the advisability of ordering that they be audited in future?

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

(b) Since 1919.

	Rs.
(c) 1919-20	9,193
1920-21	39,277
1921-22	81,267
1922-23	4,61,296
1923-24	4,45,624
1924-25	4,00,000

(d) Up to 31st March 1923, these amounts were spent under the supervision of the Deputy Commissioners. From 1st April 1923, they have been disbursed under the supervision of Deputy Commissioners in consultation with Advisory Committees formed in each district.

(e) The Inspecting officers of the Education Department are required to check the accounts at the time of the annual inspection of schools and in some district the Examiner, Local Fund Accounts, has audited the accounts of these scholarships. An officer has recently been placed on special duty to investigate the accounts and to suggest means of improving the system of disbursement and audit.

SARAGARHI MEMORIAL AT FEROZEPORE.

1684. Mr. E. Maya Das: Will Government be pleased to state if it is a fact—

(a) that the Saragarhi memorial at Ferozepore is being maintained by Government;

(b) that the three main roads leading up to the memorial have never been repaired since the memorial was erected and that the roads are badly in need of repair;

(c) if so, will Government be pleased to consider the advisability of taking necessary action in the matter?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (a) Yes.

(b) Government have no information. The roads in question are in the charge of the Ferozepore Cantonment Board.

(c) The matter will be brought to the notice of the Cantonment Board.

APPROACHES TO CANALS.

1685. Mr. E. Maya Das: Will Government be pleased to state—

(*a*) what department is responsible for the maintenance of approaches to canals;

(*b*) whether the responsibility for such maintenance lies with the department in charge of the canal or with the department in charge of the road passing across it?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: (*a*) and (*b*). In the case of unmetalled roads by the Irrigation Branch and in the case of metalled roads by the road authority, *i.e.*, the District Board or Municipality as the case may be.

PENSION OF HAVILDAR KHEM SINGH.

1686. Chaudhri Afzal Haq: (*a*) Will Government please state whether the pension of Havildar Khem Singh of Sarhala Khurd, District Hoshiarpur, has been withheld for the past two years and more at the instance of the Punjab Government?

(*b*) If so, will the Government be pleased to consider the desirability of recommending to the military authorities that his pension may again be restored?

The Honourable Sir John Maynard: (*a*) The Punjab Government has no information. It did not recommend the withdrawal of the pension.

(*b*) Does not arise.

ARREST OF ABDUL KARIM AT GURDASPUR.

1687. Chaudhri Afzal Haq: (*a*) Is it a fact that a certain person named Abdul Karim was arrested at Gurdaspur?

(*b*) Will the Government be pleased to state the charge against Abdul Karim for which the arrest was made at Gurdaspur?

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

(*b*) He has been detained under a warrant issued under Regulation III of 1818.

CONSULTING ARCHITECT TO GOVERNMENT.

1688. Lala Bodh Raj: Will Government be pleased to state—

(*a*) (*i*) when the post of Consulting Architect to Government was created;

(*ii*) when the first incumbent was appointed on the post;

(*iii*) who is the present incumbent and what is his grade of pay;

(*iv*) what are the educational qualifications of the present incumbent and what salary he is drawing;

(*v*) what are the main duties of work of the Consulting Architect to Government; and

(*vi*) whether he is a whole-time Government servant or a part time one;

(*b*) the strength and the monthly expenditure of the staff of the Consulting Architect;

(*c*) (*i*) if it is a fact that the present incumbent of the post is doing private work and rendering service to various local bodies and charging remuneration on that account;

(*ii*) if so, does he transfer the remuneration so charged to Government or does he keep it for himself;

(*iii*) In case he keeps such remuneration for himself, is he allowed to do so under the service rules?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) (*i*). The post of Consulting Architect to Government was created by the Secretary of State for India in September 1913.

(*ii*) The first incumbent was appointed to the post from 19th January 1914 on arrival from England.

(*iii*) The first incumbent still holds the post. His grade of pay is Rs. 1,625—2,150 according to the scale accepted by the Secretary of State for officers with non-Indian domicile trained in England and recruited in England, and holding a first class specialist appointment. This scale is detailed in Government of India Circular No. 1 P. W., dated 29th March 1921.

(*iv*) By educational qualifications it is presumed that professional qualifications are intended. Mr. B. M. Sullivan after passing through the advanced and honours schools of the Royal College of Art, London, was articled for two years to Messrs. Collcutt and Hamp of London and during that period completed his professional training in the Royal Academy Schools, London. He then worked as an Assistant with various Architects practising in London, and at the time of his appointment to India by the Secretary of State for India was Chief Assistant to Messrs. Lanchester and Rickards. He had then passed the final examination of Associate of the Royal Institute of British Architects, and since he has been in India he has been elected a Fellow of the same Institute. He is also an Associate Member of the Town-Planning Institute. His appointment by the Secretary of State for India was at the nomination of Sir Reginald Blomfield, President of the Institute of British Architects.

(*v*) The duties of the Consulting Architect to Government are detailed at paragraph 3·28 to 3·35 of Chapter 3 of the Buildings and Roads Branch, Manual of Orders. A copy of Chapter 3 of the Manual of Orders is laid on the table.

(*vi*) He is a whole-time Government servant.

(*b*) The information asked for was supplied in answer to question No. 1234,* dated the 17th January 1925, by Sardar Gurbakhsh Singh, and will be found in volume VIII No. 2 of the official report of the Punjab Legislative Council Debates.

(*c*) (*i*). The present incumbent of the post does on occasion do private work and charges remuneration on that account. He is also called upon to render service to Local Bodies, but receives no personal remuneration on that account. Fees payable by local bodies for such service are credited to Government in full.

*Pages 25-27 *ante*.

[Hon'ble R. S. Chaudhri Chhotu Ram.]

(*ii*) Does not arise.

(*iii*) Under the terms of his contract with Government he is allowed to undertake private work with the permission of Government.

COMPENSATORY ALLOWANCE TO GOVERNMENT SERVANTS DUE TO RISE IN THE PRICES OF FOODSTUFFS.

1689. Chaudhri Afzal Haq: (*a*) Is the Government aware of the fact that lately the price of wheat and other kinds of food stuffs has gone up considerably?

(*b*) If so, when does the Government intend to give the necessary compensatory allowance to Government servants?

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

(*b*) As soon as the average price of five foodgrains in any district selected according to the rules touches 7 seers per rupee.

CONFISCATION OF PRINTING PRESSES.

1690. Chaudhri Afzal Haq: (*a*) Is it a fact that a few printing presses of Lahore were confiscated under the Press Act?

(*b*) Is it a fact that the provisions of the Press Act relating to the confiscation of the printing presses have been repealed?

(*c*) If the answer to the above is in the affirmative, will the Government be pleased to state whether they have considered the advisability of returning the presses to their proprietors?

The Honourable Sir John Maynard:

(*a*) One press was confiscated 11 years ago.

(*b*) The Act was repealed in 1922.

(*c*) No.

REFUND OF THE SECURITIES OF PRESSES CONFISCATED UNDER THE PRESS ACT.

1691. Chaudhri Afzal Haq: (*a*) Will Government please lay on the table a statement showing—

(*i*) the names of those papers from which security has so far been demanded under the Press Act;

(*ii*) the amount of the security demanded on such occasion;

(*iii*) the amount of security confiscated.

(*b*) Is it a fact—

(*i*) that orders of confiscation of securities were given by executive authorities, and

(*ii*) that the provisions relating to securities have now been repealed?

(*c*) Will the Government be pleased to say whether they have considered the advisability of refunding the securities confiscated?

The Honourable Sir John Maynard: (*a*), (*i*), (*ii*) and (*iii*), the statement laid on the table contains the information asked for by the honourable member.

(*b*) (*i*) Yes.

(*ii*) Yes in 1922.

(*c*) No.

Statement showing the demand and forfeiture of securities from newspapers in the Punjab under Act I of 1910.

No.	Name of newspapers which were ordered to deposit security.	Amount of security.	Whether security was deposited or not.	If security was forfeited.
	1910.	Rs.		
1	Mujjadad (Lahore)	2,500	Not	...
2	Al Hidayat (Delhi)	2,500	,,	...
3	Benat (Delhi)	500	Deposited	...
4	Sanyasi (Amritsar)	500	,,	...
5	Shanti (Rawalpindi)	500	,,	Refunded.
6	Punjab Advocate (Mianwali)	2,000	,,	Forfeited.
	1911.			
1	Al Haq (Delhi)	1,000	Deposited	...
2	Jhang Sial (Jhang)	1,000	,,	Refunded.
3	Bahauma	600	Not	...
	1912.			
1	Al Muin (Amritsar)	1,800	Not	...
2	Raushni (Delhi)	500	,,	...
3	Islam (Delhi)	500	,,	...
4	Sat Dharam Parcharak (Delhi)	500	Deposited	...
5	*Zamindar (Lahore)	1,000	,,	*Subsequently transferred to press.
	1913.			
1	Ahir Patrika (Gurgaon)†	500	Not	...
2	Al Falag (Amritsar)†	2,000	,,	...
3	Army Gazettere (Rawalpindi)†	500	,,	...
4	Brahman Samachar (Ambala)†	500	,,	...
5	Jam-i-Jahan Numa (Lahore)†	600	,,	...
6	Jat (Lahore)†	500	,,	...
7	Kashmiri (Lahore)	500	,,	...

† Did not start publication owing to the demand of security on original declaration.

* NOTE.—The securities of all newspapers other than those forfeited, were refunded on the repeal of the Press Act in 1922.

[Hon'ble Sir John Maynard.]

No.	Name of newspapers which were ordered to deposit security.	Amount of security.	Whether security was deposited or not.	If security was forfeited.
	1913—*concluded.*	Rs.		
8	Reformer (Lahore)*	500	Not ...	...
9	Sud Gazette (Lahore)*	500	" ...	...
10	Sud Samachar (Lahore)* ...	500	" ...	...
11	Sukh Data (Amritsar)*	500	" ...	...
12	Saltana (Lahore)*	500	" ...	...
13	Hindu (Lahore)	500	Deposited ...	...
14	Ahl-i-Hadis (Amritsar)	2,000	Not ...	...
15	Jhang Sial (Lahore)	1,000	" ...	...
16	Badr (Qadian)	3,000	" ...	...
	1914.			
1	Bhatia Magazine (Lahore)* ...	500	Not ...	...
2	Hindu (Lahore)*	1,000	" ...	...
3	Insaf (Lahore)*	3,000	" ...	...
4	Sikh (Lahore)*	500	" ...	...
5	Public Gazette (Lahore)* ...	1,000	" ...	...
6	Bijli (Lahore)	3,000	" ...	...
7	Usha (Lahore)	500	Deposited ...	...
8	Sanatan Dharam Parkash (Ferozepore) ...	500	" ...	...
9	Khalsa Sewak (Lahore) daily ... / " " " weekly ...	2,000	Not ...	...
	1915.			
1	Agni (Lahore)*	2,000	Not ...	...
2	Brahman Hitkari (Lahore)* ...	500	" ...	...
3	Daily Mail (Lahore)*	1,000	" ...	...
4	Arya Pritinidhi Sabha Journal (Lahore)*	1,000	" ...	...
5	Patwar Gazette (Lahore)*	500	" ...	...

*Did not start publication owing to the demand of security on original declaration.

NOTE.—The securities of all newspapers other than those forfeited, were refunded on the repeal of the Press Act in 1922.

No.	Name of newspapers which were ordered to deposit security.	Amount of security.	Whether security was deposited or not.	If security was forfeited.
	1915—*concluded.*	Rs.		
6	Sat Dharam Parcharak (Lahore)* ...	...	Not ...	...
7	Chakitsa Darpan (Montgomery)* ...	500	„ ...	...
8	Faruq (Qadian)	500	Deposited ...	...
9	Akhbar-i-Am (Lahore)	1,000	„ ...	...
10	„ „ „	2,000	Not ...	...
11	Nirbal Sewak (Lahore)	500	„ ...	...
12	Haq Prasand (Amritsar)	500	„ ...	...
13	Vyas (Jullundur)	500	„ ...	...
14	Rafiq-ul-Sahat (Peshawar)	500	Deposited ...	...
	1916.			
1	Simla Herald (Simla)	500	Deposited ...	Refunded.
2	Mohyal Sehaik Patrika (Lahore) ...	500	Not ...	...
3	Dar-ul-Kutab and Ishait-ul-Ulam (Lahore).*	500	„ ...	...
4	Fasana (Lahore)*	1,000	„ ...	...
5	Krishan (Lahore)*	1,000	„ ...	...
6	Prem Parcharak (Lahore)*	500	„ ...	...
7	Hindu Sewak (Lahore)*	500	„ ...	...
8	Akhuwat (Lahore)*	500	„ ...	...
9	Dodhare Khanda (Amritsar) ...	1,000	„ ...	...
10	Arya Gazette (Lahore)	1,000	„ ...	...
	1917.			
1	Kishan (Lahore)	1,000	Not ...	...
2	Observer (Lahore)	1,000	Deposited ...	Forfeited.
3	Sadiq (Qadian)	1,000	Not ...	...
4	Jotish Martand (Gurgaon)*	1,000	„ ...	...
5	Khalsa Akhbar (Lahore)*	500	„ ...	...

* Did not start publication owing to the demand of security on original declaration.

NOTE.—The securities of all newspapers other than those forfeited, were refunded on the repeal of the Press Act in 1922.

[Hon'ble Sir John Maynard.]

No.	Name of newspapers which were ordered to deposit security.	Amount of security.	Whether security was deposited or not.	If security was forfeited.
	1917—*concluded.*	Rs.		
6	Narankari (Amritsar)*	...	Not ...	...
7	Punjab Akhbar (Lahore)*	500	,, ...	...
8	Sharif Mian*	500	,, ...	...
9	Sri Nam Dev Patter (Amritsar) ...	...	,, ...	...
	1918.			
1	Pindi Mail (Rawalpindi)	500	Deposited ...	...
2	Observer (Lahore)	5,000	Not ...	...
3	Punjab Chronicle (Lahore)	500	,, ...	...
	1919.			
1	Bharti (Jullundur)	1,000	Deposited ...	...
2	Liberal (Lahore)	500	,, ...	...
3	Tribune (Lahore)	2,000	,, ...	...
4	Punjabee (Lahore)	2,000	Not ...	...
	1920.			
1	Cantonment Advocate (Ambala) ...	500	Deposited ...	...
	1921.			
1	Rangarbia Gazette (Simla) ...	500	Deposited ...	...
	1922.			
	Nil.			

* Did not start publication owing to the demand of security on original declaration.

NOTE.—The securities of all newspapers other than those forfeited, were refunded on the repeal of the Press Act in 1922.

OFFICIALS BELONGING TO EDUCATION DEPARTMENT IN THE JULLUNDUR DIVISION.

1692. Chaudhri Afzal Haq: Will the Government be pleased to state the period for which the officials at present occupying the following posts have been working in the Jullundur Division :—

1. Inspector of Schools.
2. Deputy Inspector of Schools.
3. District Inspector of Schools, Jullundur.
4. A. D. I., Jullundur.

5. D. I. S., Kangra.
6. Head Master, Normal School, Jullundur,
7. A. D. I., Ludhiana,
8. D. I. S., Ludhiana,
9. D. I. S., Hoshiarpur,
10. A. D. I., Moga,
11. A. D. I., Hoshiarpur.

The Honourable Mian Sir Fazl-i-Husain : The required information in regard to Nos. 1-3, 5-6 and 8-9 is laid on the table. With regard to the remainder it is being collected and will be communicated to the honourable member when ready.

Designation.	Approximate period.
	Years.
Inspector of Schools, Jullundur	6½
Deputy Inspector of Schools, Jullundur	7¾
District Inspector of Schools, Jullundur	6½
District Inspector of Schools, Kangra	6
Headmaster, Normal School, Jullundur	13 1/12
District Inspector of Schools, Ludhiana	2 1/12
District Inspector of Schools, Hoshiarpur	9¾

TEACHERS DISMISSED BY THE INSPECTOR OF SCHOOLS, JULLUNDUR DIVISION.

1693. Chaudhri Afzal Haq: Will Government kindly state the number according to communities of teachers in the Government and Board Anglo-Vernacular Middle and High Schools in the Jullundur Division dismissed by the present Inspector of Schools, Jullundur Division, and also the number according to the communities of those suspended and then reinstated ?

The Honourable Mian Sir Fazl-i-Husain : The Inspector of Schools is not empowered to dismiss teachers in Government Schools. A statement of the required information regarding Board Anglo-Vernacular schools is laid on the table.

NUMBER OF TEACHERS DISMISSED.				NUMBER OF TEACHERS SUSPENDED AND REINSTATED.			
Hindus.	Muhammadans.	Sikhs.	Total.	Hindus.	Muhammadans.	Sikhs.	Total.
2	1	1	4	2	...	2	4

TEACHERS, INSPECTING OFFICERS AND HEAD MASTERS TRANSFERRED FROM JULLUNDUR DIVISION.

1694. Chaudhri Afzal Haq: Will Government kindly give a list of teachers, Inspecting officers and Head Masters, according to the communities, transferred on the report of the present Inspector of Schools, Jullundur Division?

The Honourable Mian Sir Fazl-i-Husain: The reports of inspectors are confidential.

APPOINTMENT OF DOGRA RAJPUTS AS DEPUTY SUPERINTENDENTS OF POLICE.

1695. Chaudhri Ram Singh: Will Government be pleased to state—

(a) the number of persons who have been appointed permanent or officiating Deputy Superintendents of Police since the year 1921;

(b) the number of Dogra Rajputs amongst them;

(c) if there is no Dogra Rajput amongst the Deputy Superintendents of Police, will Government be pleased to consider the desirability of appointing Dogra Rajputs as Deputy Superintendents of Police in the near 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.

SUPERINTENDENTS IN THE POLICE DEPARTMENT AND DOGRA RAJPUTS.

1696. Chaudhri Ram Singh: Will Government be pleased to state the number of Sub-Inspectors, Inspectors, Deputy Superintendents and Assistant Superintendents appointed in the Police Department since the year 1920 and the number of Dogra Rajputs amongst them?

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.

SPECIAL CONSIDERATION TO THE CLAIMS OF ZAMINDAR AND MILITARY CLASSES IN THE POLICE DEPARTMENT.

1697. Chaudhri Ram Singh: Will Government be pleased to state whether in accordance with the Government circular special consideration is paid to the claims of zamindar and military classes in the matter of recruitment and promotion in the Police Department? If not, Why not?

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.

DOGRA RAJPUTS ON REGISTER C OF CANDIDATES FOR EXTRA ASSISTANT COMMISSIONERSHIP.

1698. Chaudhri Ram Singh: Will Government be pleased to state the number of candidates for Extra Assistant Commissionership whose names have been brought on to Register C since the termination of the great war, and the number of Dogra Rajputs amongst them?

The Honourable Sir John Maynard: Out of the ten candidates accepted for the post of Extra Assistant Commissioner on Register C since 31st August 1921 none is a Dogra Rajput.

Chaudhri Ram Singh: Will the Government please take into consideration the claims of Dogra Rajputs?

The Honourable Sir John Maynard: Undoubtedly.

REPRESENTATIONS FROM ZAMINDARS *RE* SHAMILAT FORESTS.

1699. Chaudhri Ram Singh: Will Government be pleased to state whether the Financial Commissioner has received a representation or representations from the zamindars of the Kangra district relating to the Shamilat forests?

If so, what action has been taken thereon?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: No such representations have been received.

GRANT-IN-AID TO PRIVATE COLLEGES AND D. B. SCHOOLS, ETC.

1700. Chaudhri Ram Singh: Will Government be pleased to lay on the table a statement showing for the years 1920-21 to 1924-25—

(*a*) the amount of annual grant-in-aid given by Government to each of the various private first grade and second grade colleges;

(*b*) the amount of annual grants-in-aid given by Government to each of the District Board Schools, and to each of the private high, middle and vernacular middle schools?

The Honourable Mian Sir Fazl-i-Husain: (*a*) The necessary information is laid on the table:—

	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.
1. Forman Christian College, Lahore.	20,000	20,000	20,000	20,000	20,000
2. Islamia College, Lahore	30,000	30,000	50,000	50,000	50,000
3. Khalsa College, Amritsar.	57,819	60,526	69,472	62,809	15,000 11,875
4. Gordon College, Rawalpindi.	12,000	12,000	12,000	12,000	12,000
5. Murray College, Sialkot.	8,000	8,000	8,000	8,000	8,000
6. Kinnaird Girls College, Lahore.	4,800	4,800	4,800	4,800	4,800
7. Sanatan Dharm College, Lahore.	12,000	6,000	12,000	12,000	12,000

(*b*) The honourable member is referred to Appendix III in answer to question No. 1350.*

* Page 111 *ante*.

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

(c) The grants for vernacular Middle Schools are ordinarily given by district boards.

WORKING OF CHOS ACT IN HOSHIARPUR.

1701. Chaudhri Ram Singh : Arising out of the answer given to question No. 2578* put on 22nd October 192 ', will Government be pleased to lay on the table the report of the Committee appointed to consider the working of the Chos Act in the Hoshiarpur district ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The report of the Committee is being printed and a copy will be supplied to the honourable member as soon as it is ready.

DETENTION OF CERTAIN TELEGRAMS SENT BY S. G. P. C.

1702. Sardar Tara Singh : Is it a fact that telegrams addressed to "The Swaraj", "The Hindu" of Madras and "The Bombay Chronicle" of Bombay and cablegrams to the Prime Minister, Mr. Stanley Baldwin and others on or about the 19th February 1925, by the Shiromani Gurdwara Parbandhak Committee were detained ? If so, why and by whose orders and under what law ?

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.

CANCELLATION OF THE RESOLUTION PRESCRIBING ENHANCED WATER RATES.

1703. Sardar Tara Singh : (a) Have the Government received information directly or indirectly from the Government of India about the remission of 61 lakhs from the Provincial Contribution ?

(b) Will the Government please now consider the advisability of cancelling its resolution prescribing enhanced water rates ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (a) Government have received no information other than that contained in the Budget speech of the Honourable Member, Finance Department, of the Government of India.

(b) If and when a remission of contribution is made Government will consider the manner in which it should be utilised.

"THE SIKH" OF LUDHIANA.

1704. Sardar Tara Singh : Will the Government please state —

(a) what is the present circulation of "The Sikh," a Gurmukhi paper issued from Ambala ;

(b) if it is a fact that Wasil Baqi Navis of Tahsils in Ludhiana district do not receive revenue from lambardars unless the lambardars pay their subscription of "The Sikh" to these officials ?

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*Vol. V. Page 106.

(*c*) will the Government please consider the advisability of issuing a *communiqué* or some similar pronouncement to the effect that the zaildars, lambardars, patwaris and other similar officials are free to subscribe or not to this paper ?

The Honourable Sir John Maynard : If the honourable member's[S] question refers to the paper called the "Sikh," published at Ludhiana, the reply is :—

(*a*) About 500.

(*b*) Government have no information as to this.

(*c*) Government does not consider that any such *communiqué* is required.

Sardar Tara Singh : Did the Government prepare the answer to this question after making enquiries of the district officer at Ludhiana ?

The Honourable Sir John Maynard : The Government have no information as to this.

Sardar Tara Singh : My question was whether Government made any enquiries of the district officer ?

The Honourable Sir John Maynard : The Government did not think it necessary to make enquiries of the local authorities.

Sardar Tara Singh : Will the Government please make enquiries now ?

The Honourable Sir John Maynard : No, Sir.

"THE PAINDU" OF AMRITSAR.

1705. Sardar Tara Singh : (*i*) Will Government please state—

(*a*) what is the present circulation of "The Paindu" of Amritsar ;

(*b*) if it is a fact that bundles of this paper are despatched to zaildars for distribution bearing service stamps? If so, why and to what head of expenditure the amount so spent is charged ?

(*ii*) Will the Government please consider the advisability of issuing a *communiqué* or some similar pronouncement to the effect that zaildars, lambardars, patwaris and other similar officials are free to subscribe or not to this paper ?

The Honourable Sir John Maynard : (*i*) The attention of the honourable member is drawn to the reply to his question No. 1471*

(*ii*) Does not arise.

PAY OF SADAR QANUNGO.

1706. Sardar Tara Singh : (*a*) Is it a fact that at the time of the general revision of the pay of subordinate services in 1918 or thereabout the pay of Sadar Qanungo was 60—4—80 and that of the Sadar Wasil Baqi Navis, District Nazir and Record-keeper was Rs. 60, 80 and 75, respectively ?

*Pages 281-82 *ante*.

[Sardar Tara Singh.]

(*b*) Is it a fact that after the revision the grade of Sadar Qanungos was fixed at Rs. 75—5/2—100 and that of the latter group at 75—5—125 ?

(*c*) Will the Government please state why the Sadar Qanungo's pay was fixed at a lower scale as compared with the scale of the latter group at the time of revision ? Will the Government consider the advisability of placing the Sadar Qanungo on the same footing as the latter group, *viz.*, Rs. 75—5—125 ?

(*d*) Is it a fact that at present Tahsildars and Naib-Tahsildars get Rs. 50 and Rs. 40, respectively, as fixed monthly travelling allowance and they have to be in camp for 15 days while Sadar Qanungos get only Re. 1-4-0 per day and they have to tour for the same period ? If so, will the Government kindly consider the advisability of granting the same travelling allowance to Sadar Qanungos as is granted to Naib-Tahsildars, *viz.*, Rs. 40 ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) Yes. The pay of the Sadar Qanungos was Rs 60—4—80 in 1918. As to the Sadar Wasil Baqi Nawis, the District Nazir and the Record-keeper, though in individual instances the pay of Rs. 60—75 or 80 was drawn, no special grade was allotted for these posts. The Deputy Commissioner had discretion to appoint the most suitable man without reference to pay.

(*b*) The pay of Sadar Qanungos was raised to Rs. 75—5/2—100 from 1st April 1920. A grade of Rs. 75—5—125 was sanctioned for Deputy Commissioners' offices from 1st October 1920.

(*c*) and (*d*) Because Sadar Qanungos have a chance of rising to be Tahsildars whereas the purely clerical establishment rarely reaches that rank, Government is not prepared to raise the grade from Rs. 75—5/2—100 to Rs. 75—5—125. Tahsildars and Naib-Tahsildars get a fixed travelling allowance of Rs. 50 and Rs. 40, respectively, as a general rule. They are required to keep horses. Sadar Qanungos are allowed Re. 1-8, Rs. 2 and Rs. 3 per diem travelling allowance according to locality (see paragraph 24 of Standing Order No. 19). Government is not prepared to allow them fixed travelling allowance admissible to Naib-Tahsildars, because they are not required to keep horses.

ENGLISH AND INDIAN LADIES IN THE I.E.S. AND P.E.S.

1707. Lala Banke Rai : Will the Government be pleased to state—

(*a*) the number of English and Indian ladies with their educational qualifications employed in the Punjab in the Indian Educational Service, Provincial Educational Service and in the selection grades ;

(*b*) the number and the names of lady professors with their qualifications and grades employed in the Government Intermediate College for Women, Lahore ?

(*c*) If the number of Indian ladies in the Indian Educational Service employed in the Punjab is *nil*, will the Government be pleased to state the reasons for the same ?

The Honourable Mian Sir Fazl-i-Husain : (*a*) and (*b*). The required information is laid on the table.

A.

Nationality.	Indian Educational Service.		Punjab Educational Service.		Selection grades.	
	No.	Qualifications.	No.	Qualifications.	No.	Qualifications.
English ...	1	B.A. (Punjab), Senior Anglo-Vernacular, High Proficiency Urdu, High Proficiency Hindi, High Standard Punjabi.	1	Matric (London), High School Examination, Punjab, Cambridge Higher Local and Cambridge Teachers' Diploma.	..	*Nil.*
...	1	B.A. (Hons.), London and London Teachers' Diploma.	1	Matriculation (U.P.)	...	...
Indian ...	...	*Nil.*	2	B.A. (Punjab), B.T.	...	*Nil.*

B.

Serial No.	Name.	Qualifications.	Grade of pay.
1	Miss G. Harrison	B. A. (Hons.), London and London Teachers' Diploma.	Rs. 400—25—850 plus overseas pay Rs. 50.
2	Miss C. H. Howe	Matric (London), High School Examination (Punjab). Cambridge Higher Local. Cambridge Teachers' Diploma.	Rs 200—20—400—25—500.
3	Miss Lajwanti Sant Singh.	B.A., B.T.	Rs. 200—10—250.
4	Mrs. Hem Raj...	B A. (Allahabad) ...	Ditto.
5	Miss R.K. Christie	M.Sc.	Ditto.
6	Mrs. E. Mall ...	B.A., B.T. (L.C.P.) ...	Rs. 140—10—190.
7	Miss N. Ghosh...	B.A. (Allahabad) ...	Ditto.
8	Mrs. Raja Abdul Aziz.	Munshi Fazil Middle School, Vernacular.	Rs. 110—5—135.

(c) Appointments to the Indian Educational Service are made by the Secretary of State.

CARRIAGE OF JAMABANDI PAPERS TO TAHSIL HEADQUARTERS.

1708. **Chaudhri Ram Singh**: Arising out of the answer given to question No. 1452,* will Government be pleased to say whether they are prepared to issue instructions to the lambardars and patwaris of all the districts in the province and especially of the Kangra District not to force Chamars or other labourers to carry for them jamabandi papers to tahsil headquarters and back?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The issue of such instructions does not seem to be necessary.

Chaudhri Ram Singh: When the Government has declared it the duty of chaprasis and patwaris to take their jamabandi papers to tahsil headquarters has it arranged for donkeys for the purpose?

Mr. President: The honourable member is merely repeating the question already put. This is not a supplementary question.

NEW GOVERNMENT HIGH SCHOOLS IN THE PROVINCE.

1709. **Chaudhri Ram Singh**: Will Government be pleased to state —

(*a*) the number of Government High Schools which are proposed to be opened in the province in the course of the current year;

(*b*) the places where such high schools are to be opened;

(*c*) whether these schools will be opened in places which are backward in education, or whether they will be opened in areas which are sufficiently well advanced in education?

The Honourable Mian Sir Fazl-i-Husain: The opening of new Government High Schools during the year 1925-26 is contingent on the funds being available for the purpose.

Chaudhri Ram Singh: Will the Government please consider the advisability of opening a school in Kangra District at Hamirpur as soon as funds permit?

The Honourable Mian Sir Fazl-i-Husain: Yes, the Government would consider the matter after fully considering the main points at issue.

AGRICULTURAL FARM IN KANGRA DISTRICT.

1710. **Chaudhri Ram Singh**: Will Government be pleased to state if it is a fact that there is no Government Agricultural Farm in the Kangra District? If so, will Government be pleased to consider the desirability of opening an agricultural farm at some suitable place in the Kangra District.

The Honourable Rai Sahib Chaudhri Chhotu Ram: There is no Agricultural farm in the Kangra District. Government will consider the question of opening one if, and when, funds are available.

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*Pages 824-25 *ante*.

PREFERENTIAL TREATMENT TO GOVERNMENT SERVANTS FOR WAR SERVICES.

1711. Chaudhri Ram Singh: (*a*) Will Government be pleased to state whether in 1919 any promises were given to Government servants that preferential treatment would be meted out to those who offered themselves for war services overseas or in India?

(*b*) Will Government please say whether the promises made were fulfilled? If not, will the Government please say whether it is aware of the fact that there is great discontent amongst the Government servants who rendered war services in response to the Government of India, Home Department, resolution No. 1099, dated 8th August 1919?

(*c*) Will Government please say what steps it proposes to take with a view to remove such discontent in the Punjab province?

The Honourable Sir John Maynard: The honourable member is referred to the answer given to Council question No. 1598.*

DEFAMATORY PASSAGES AGAINST MAHATAMA GANDHI IN THE BOOK ENTITLED "MUSHIR-I-HIND."

1712. Captain Dhan Raj Bhasin: (*a*) Has it come to the notice of Government that a book named "Mushir-i-Hind" published in 1923 by Munshi Husain Bakhsh, Appeal Navis, Batala, contained defamatory passages against Mahatama Gandhi?

(*b*) Is it a fact that Government purchased 500 copies of that book for free distribution?

(*c*) If the replies to clauses (*a*) and (*b*) be in the affirmative, will the Government kindly state its reasons for purchasing the book for free distribution?

The Honourable Sir John Maynard: (*a*) No.

(*b*) Government bought 100 copies which were distributed to certain Deputy Commissioners.

(*c*) Does not arise.

Captain Dhan Raj Bhasin: Will the Government kindly state its reasons for purchasing these books and distributing them to the Deputy Commissioners?

The Honourable Sir John Maynard: It was regarded as a very interesting book.

BENCH OF HONORARY MAGISTRATES, SIRSA.

1713. Sardar Gurbakhsh Singh: (*a*) Will Government please state whether there is a bench of honorary magistrates at Sirsa, district Hissar? If so, will it please give the names of the gentlemen on this bench?

(*b*) Is it a fact that a vacancy has recently occurred in this bench and that proposals are being made to fill that vacancy?

(*c*) If so, will the Government please consider the desirability of appointing a suitable Sikh to the vacancy?

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* Page 474 *ante*.

The Honourable Sir John Maynard: (*a*) Yes. The names of the present members are—

1. Rao Sahib Chaudhri Nand Ram.
2. Khan Sahib M. Yakin-ud-Din Khan.
3. Lala Kishan Lal.

(*b*) Yes, but official proposals have not so far reached Government.

(*c*) Government can give no definite undertaking, but will bear in mind the claims of the Sikh community when considering proposals for filling up the vacancy in question.

DRINKING WATER IN TAHSIL SIRSA.

1714. Sardar Gurbakhsh Singh: (*i*) (*a*) With reference to the Government's reply to question No. 502* regarding drinking water in tahsil Sirsa, district Hissar, will Government please lay on the table the proposals submitted by the District Board in the matter and the entire correspondence between the District Board, the Sanitary Board and the Government?

(*b*) Will the Government consider the desirability of appointing a small committee of three engineers to go into the whole question of the supply of drinking water to tahsil Sirsa of the Hissar district?

(*ii*) Is it a fact that the tails of Sirhind Canal reach—

(*a*) village Raya in Patiala State at a distance of nearly one mile from village Phaga in tahsil Sirsa;

(*b*) village Hyana in Patiala State quite contiguous to the British territory; and

(*c*) village Kabnawala in Patiala State touching village Rohri in Hissar district;

(*iii*) Has Government considered the question of extending these distributaries further in the Sirsa tahsil for the purpose of supplying drinking water to the villages in the tahsil? If not, will the Government please have the possibilities of the matter examined by an engineer at an early date?

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.

LANDED GENTRY GRANTS IN COLONY DISTRICTS TO JAGIRDARS OF AMBALA DIVISION.

1715. Sardar Gurbakhsh Singh: (*a*) Will the Government please state what landed gentry grants in colony districts did it make to jagirdars of Ambala division during the past 15 years, giving the name of the recipient and the number of rectangles given to each?

*Volume VII, pages 38-39.

(*b*) Is it a fact that proposals are being considered to make further grants under this head? If so, will the Government please give the number of rectangles reserved for each district in Ambala division?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) The number of grants on landed gentry terms given to hereditary land-owners of the Ambala division in the Lower Bari Doab Colony was 38. The grants varied from 10 to 5 rectangles. Government does not consider it necessary to publish the names of the recipients.

(*b*) Not at present.

ILL-TREATMENT OF PRISONERS IN CENTRAL JAIL, MULTAN.

1716. Lala Bodh Raj : (*i*) Will Government please state —

(*a*) the number of cases in which the prisoners in Central Jail, Multan, were flogged in the time of Major Wadia, Superintendent, for the alleged breach of jail-rules or jail discipline;

(*b*) how many of them were Akali Sikhs and how many of other communities;

(*c*) what is the maximum number of stripes allowed to be administered to a prisoner under the Jail Manual;

(*d*) In how many cases the maximum number of stripes, allowed under Jail Manual, were administered to prisoners in Central Jail, Multan, in the time of Major Wadia, and will Government please state the names of such Akali prisoners?

(*e*) If the reply to part (*d*) be in the negative, will Government please state the maximum number of stripes administered to prisoners in the time of Major Wadia, with the name of such prisoners?

(*ii*) Will the Government please lay on the table such figures as are asked for above for three years previous to the time when Major Wadia took over the charge of Central Jail, Multan?

(*iii*) (*a*) Will Government please state if any prisoner of the name of Khairo or Khair Muhammad, belonging to Dera Ghazi Khan district, was admitted into Central Jail, Multan, in the time of Major Wadia?

(*b*) Is it a fact that he died a few days after his admission?

(*c*) If so, will the Government please state (*i*) how many days after his admission he died; (*ii*) if any *post-mortem* examination was held on his body? If so, what was the result of it?

(*d*) Will Government please lay on the table the entries in his history ticket during his confinement in Central Jail, Multan?

(*e*) Will Government please state if he was put on work of pumping-well?

(*f*) If the reply to part (*a*) above be in the negative, will the Government please state if there was any prisoner who on being transferred from Dera Ghazi Khan to Central Jail, Multan, in the time of Major Wadia, Superintendent, met the fate referred to in other parts of the question? If so, will Government please state his name and give the information asked for above regarding him?

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.

FOREST SUBORDINATES' DISMISSED FROM RAWALPINDI EAST FOREST DIVISION.

1717. Chaudhri Najib-ud-Din Khan: Will the Government please state how many Forest subordinates have been dismissed from Rawalpindi East Forest Division since January 1923? How many of them are Muhammadans, Sikhs and Hindus, respectively?

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.

MUSLIM DIVISIONAL FOREST OFFICERS FOR RAWALPINDI EAST DIVISION.

1718. Chaudhri Najib-ud-Din Khan: Is it a fact that the Kulu and Bashahr Forest Divisions where the population mostly consists of non-Muslims, non-Muslim Divisional Forest Officers are always posted? If so, is the same policy pursued in Rawalpindi East Division where the population consists almost entirely of Muhammadans? If not, why not?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Postings are not made on communal considerations. The general qualifications of an officer to hold charge of any particular division are what are considered in making appointments.

FOREST OFFICERS OF RAWALPINDI EAST DIVISION.

1719. Chaudhri Najib-ud-Din Khan: Is it a fact that several complaints were made by certain inhabitants of Kahuta and Cherah against certain Forest officials of Rawalpindi East Division? If so, what action has been taken on them? If no action has been taken, will Government be pleased to state their reasons for not doing so?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: One such complaint has been received lately, and enquiries with regard to it are being made.

SIRHIND CANAL, FEROZEPORE DIVISION.

1720. Chaudhri Najib-ud-Din Khan: Is it a fact that Sirhind Canal, Ferozepore Division, remained closed for about 1½ months for annual repairs and that the *Rabi* harvest in this area was damaged especially at the tail? If so, what action do Government propose to take to relieve the zamindars of Ferozepore district?

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.

BARA LAND ALLOTTED NEAR KAHUTA FARM.

1721. Chaudhri Noor Din: Will Government be pleased to state—

(*a*) the conditions on which the Bara land was allotted by the Agriculture Department, Punjab, to Bara lessees near Kahuta Farm in 1919;

(*b*) whether it is a fact that ten or twelve *killas* of culturable land were given to the lessees for each rectangle of Bara land on the understanding that the same will be allotted to them after the Bara is reclaimed and at market price to be determined by the Government;

(*c*) whether it is a fact that the lessees have been able to reclaim the Bara land successfully but the culturable land promised to them has not been allotted to them;

(*d*) whether it is a fact—

(*i*) that some of the waterlogged Bara land was taken by some of the lessees on their own responsibility with no guarantee from the Agriculture Department;

(*ii*) that some of them got the land in the year 1922 and others in 1924 and that those who got the Bara in 1924 are now being given culturable land and that those who had got the land in 1922 are being deprived of it?

(*e*) If so, will the Government be pleased to let the culturable land remain with those who took leases earlier?

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.

GRANT OF LAND TO LAND-OWNERS OF THE LYALLPUR DISTRICT.

1722. Chaudhri Noor Din: (*a*) Will the Government be pleased to state if they are aware of the fact that the land-owners of the Lyallpur district possess small holdings? If so, will Government be pleased to consider the desirability of granting them lands on the occasion of *abadkari* grants or on the Sutlej Valley Project?

(*b*) Will Government kindly grant land to the tenants residing since long in the Lyallpur district?

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.

AGRICULTURAL ASSISTANTS.

1723. Chaudhri Noor Din: Will Government be pleased to lay on the table a list showing the number of Muhammadan, Sikh and Hindu Agricultural Assistants working in the Agriculture Department at the present time and the number of agriculturists and non-agriculturists amongst them?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The desired information is to be found in the statement laid on the table in connection with the answer to question No. 1202.*

DELAY IN PAYMENT OF TRAVELLING ALLOWANCE TO AGRICULTURAL ASSISTANTS.

1724. Chaudhri Noor Din: (*a*) Is is a fact that the Agricultural Assistants in the Agriculture Department, Punjab, are not paid their travelling allowance bills monthly in spite of Government orders but are generally paid after three or four months?

(*b*) If so, will Government please issue necessary instructions to the heads of different sections of the Agriculture Department for the early payment of their bills?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) No. Delay, however, occurs if claims are not yet made in due time and if objections are raised against them.

(*b*) Instructions for the prompt payment of such claims are being issued to all heads of sections by the Director of Agriculture.

THE PUNJAB BORSTAL BILL.

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

> "That the Punjab Borstal Bill as reported by the Select Committee be taken into consideration."

Sir, this Bill has received very patient and careful attention from the Select Committee and the Select Committee was assisted during its deliberations by certain persons having expert knowledge of the subjects connected with the Bill. No changes of major principle were made in the Bill by the Select Committee but it made some very important changes in what may be called minor principles and incorporated certain new matter with the object of making the Bill a self-contained one. The most important feature of the Bill as it stands and indeed as it stood before the Select Committee began to deal with it is that it provides for adolescent offenders of a certain class, a certain special system of what may be called a curative or preventive treatment. The class which is concerned is the adolescent offender with criminal habits or tendencies or who is believed to have association with persons of bad character, that is to say that class of young persons who may be regarded as being already in the way of moral corruption It does not include those who are not considered to be in the way of moral corruption, that is to say, it does not include those who are not regarded by the courts concerned as having criminal habits or tendencies or as being in the habit of associating with persons of bad character. Perhaps the most important question in connection with the Bill is, what is the reason for dealing under it only with adolescent offenders of this particular type? Why does it not include for instance the young man who has injured another in a riot for land or for water or who is a casual offender of some other type? The reason why the scope of the Bill has been limited to persons who are already in the way of moral corruption may be put thus:

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*Volume VII, page 690.

In the first place, the experience of other countries indicates that this particular class ought to be dealt with in a special and separate manner by way of curative or preventive treatment. We follow the English law and the English practice in assigning the treatment in Borstal institutions only to those persons who have criminal habits or tendencies or who are found to have been associating with criminals.

The Borstal institution under the principles which this Bill incorporates is conceived as a sort of a hospital for the curing of criminal tendencies in their incipient state. That is the object which we have in view. It is a kind of mental hospital for the incipient criminal. Those who decided that in our Bill we should follow the same principles which have been followed in other countries in this respect did not overlook the fact that the result of their recommendations might be to deprive the ordinary adolescent offender who has not the special tendency towards moral corruption of the special benefits which the Bill confers and it is for that reason that one of the recommendations of the Select Committee in the report which this House has before it was that other adolescent offenders should also receive the benefit of those provisions which make it possible to release conditionally. For that reason it is not immediately relevant to the subject before us, but it seems necessary to explain it. Government proposes to undertake separate legislation with the object of securing the benefits of conditional remission on certain recognised conditions to other adolescent offenders whose cases are not covered by this particular Bill. That, it is believed, will remove the objection which possibly some members might feel, to giving certain conditions to the incipient offender who is already in the way of moral corruption which will not be equally enjoyed by his more innocent fellow who is not in that way.

I should explain, Sir, that the Bill as it now stands does not provide primarily for dealing in the same way with female adolescent offenders as it proposes to deal with male adolescent offenders. It will be within the memory of the House that the Bill was originally designed to deal equally with female adolescent and male adolescent offender. On further examination of the question it seemed evident that the number of female adolescent offenders, with whom in the Punjab it would be necessary to deal, was small. It was equally uncertain whether any of them outside the ranks of the criminal tribes would be found to fall within the category contemplated by this Bill and it was considered that it was hardly reasonable to suggest to this Council that separate expensive institutions should be provided for dealing with a very small number of female adolescent offenders of a particular type. At the same time we look also to the future and we recognise the possibility that this class may have to be dealt with later on and the Bill makes provision for extending its provisions also to the case of female adolescent offenders.

There is only one more point that I need mention in proposing that this Bill as reported by the Select Committee be taken into consideration, and that is that the Select Committee upon full consideration of the facts decided to alter the maximum age limit within which an offender on conviction is to be treated as suitable for detention in the Borstal institution. It will be remembered by the House that we originally proposed to fix that age at 23. Seeing that it was possible for an adolescent offender to be detained as long as 7 years, it was possible that with the age of 23 as the maximum age of admission we might have adolescent offenders remaining

[Hon'ble Sir John Maynard.]
in the institution up to the age of 29 or 30 years. That was not considered desirable. It was considered to be better to reduce the maximum age to 21 and that has accordingly been done in the Bill as presented to the House.

At the same time in case future experience should show it to be desirable to raise the age limit, the Bill does provide, as is the case in the United Kingdom, for the subsequent raising of the age by notification from 21 to 23.

Mr. President: The question is—

"That the Punjab Borstal Bill as reported by the Select Committee be taken into consideration."

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]: Sir, I rise to oppose the motion. I have appended a minute of dissent to the report of the Select Committee, and I think the honourable members must have read this minute of dissent. The Bill divides the criminals into three classes—(1) the ordinary adolescent offenders, (2) men with criminal tendencies and (3) the incorrigible offenders. What I wish the House to do in connection with this Bill is that first of all a Bill should be passed for benefitting those who come in the first category. We are told that a Bill will be provided for them or that some sort of legislation is under contemplation by Government. But my submission is that so long as we are not aware what that legislation is going to be, we should not take into consideration this Bill. What will be the effect if this Bill is passed into law? The result will be that instead of there being three classes in the jails there will be two classes; the first class ordinary criminals and the second incorrigibles. This intermediate class will be placed in the Borstal institution. Thus the result will be that these incorrigibles will always be trying for the moral downfall of the men of the first class. With regard to the jail administration the greatest grievance is this, that when men are sent to jail, ordinary criminals who have by chance committed some sort of crime which does not show any moral turpitude come in contact with confirmed criminals. For instance, two men have a quarrel and in the heat of anger one deals the other a blow which results in a serious injury to the other, he is sent to jail for two or three years, then he has to live with criminals of various kinds, confirmed criminals, criminals who have exhibited criminal tendencies. The result of that is that when this man has lived in the jail for two or three years he comes out of it imbibed with the spirit of a criminal. The grievance of the people is that there should be some sort of protection for men of this kind and if there is going to be any legislation, my submission is that those people should be dealt with and this intermediate class which stands between the incorrigible and the ordinary criminal should not be eliminated in the first instance. It is admitted that this Borstal institution is an expensive institution and Government will have to spend more money on an institution of this kind than on ordinary institutions which exist at present. Therefore if any class is to be admitted into these Borstal institutions, it should be the first offenders and not the second class. What I want is that the consideration of this Bill should be postponed till Government brings forward that other Bill, so that both may be considered together. Unless we know what is going to be done with respect to those who are ordinary criminals, who have not exhibited criminal tendencies or who have

not bad associations, unless we know how such men are going to be treated, I am afraid I cannot give my consent to the consideration of the report of the Select Committee.

Mr. J. M. Dunnett (Home Secretary) : Sir, I do not think that there is any radical difference of view between my friend who has just sat down and the honourable member who introduced this Bill. We are agreed that there are these two classes of criminals; we may roughly call them the clean and straight criminal and the warped criminal. We are agreed that for the casual criminal, the clean and straight criminal, all that is necessary is segregation, keeping him apart from the others. This Bill is meant for the reformation of adolescent offenders whose criminal habits or tendencies or whose association with bad characters render their special treatment necessary. The Pandit says that this is an expensive process. True. He then says that it ought to be given to the straight and clean criminal and the other criminal should get cheaper treatment. That is not the basis of any medical treatment that any doctor would give. The expensiveness or otherwise of the treatment, and the nature of the treatment required are determined by the nature of the disease. The Pandit wants to know what is the nature of the legislation that is proposed for other adolescents. The legislation simply aims at segregation and at reducing the term of imprisonment according to the good conduct of the adolescent convict. The only necessity for legislation in that case is a legal point which I have no doubt members on the opposite benches will appreciate and that is that you may not release a prisoner under section 401 of the Criminal Procedure Code except on conditions which he accepts at the time and on conditions, I believe, which he continues to accept during the period of his licence. I believe that it is the intention of the Finance Member to introduce a Bill. It is, I think, no breach of confidence to say that it has been drafted and gives Government wider powers under section 401 to release adolescent criminals.

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It is proposed that the licence system and particularly the provisions for after-care should be precisely similar to those which have been provided for warped criminals in this Bill. Now, Sir, I trust that that will satisfy my friend as to the nature of the legislation that is proposed. We are all engaged on this work of beneficence and it would be a pity if for want of understanding we should defer this measure which has been on the anvil for more years than anybody in this House cares to remember. The correspondence and the file on the subject are monumental and the delay that has already taken place is very great. I hope my honourable friend is satisfied by this explanation that Government really intends to treat the adolescents who have gone wrong, by chance as it were, with greater generosity than it is proposed to treat those who are habituated to crime. Then, Sir, is it fair,—I do not ask is it just or logical,—is it really benevolent to postpone this curative treatment of the unfortunate youngmen who have gone hopelessly wrong? Is it fair to postpone it until we can provide for another class who have their own dangers and for whom we will make a sincere and heartfelt effort? You will see in the Bill that the date on which the Bill is to be brought into operation is left to the discretion of Government. The intention of that was that we should be able to mature our arrangements such as buildings, trade organisations, after-care societies and all the organisations necessary in order that we should get into working order before we abolish the present arrangements. I have

[Mr. J. M. Dunnett.]

no doubt that if this Bill is passed in this House and if then it is at all likely that its effect will be to put the clean and straight young criminal back with all the hardened criminals in the jails, the Honourable the Finance Member will be prepared to take that into account in announcing the date on which the Bill will come into operation and to ensure that this Bill designed to save the unfortunate habitual class will not be disadvantageous to the other class whose interests also we have at heart.

Sardar Gurbakhsh Singh [Ambala Division (Sikh), Rural]: Sir, I do not stand to oppose any of the provisions of this Bill but my object is identically the same as that put forward by Pandit Nanak Chand. I suggest that the consideration of the Bill be postponed on the grounds given by my friend, and also on grounds I am going to submit before this House. It is a well known fact, Sir, that when the report of the Select Committee on this Bill was presented to this House it was not even printed and circulated. It was only a hand-written document and if I am correct, Sir, this report did not reach us on that day. This House has been very seriously engaged in the discussion of the budget and the time of the members was spent in considering the budget and the reductions therein and discussions arising therefrom. The report of the Select Committee in the printed form has been circulated some time during these days and I think very few members have had any time to go through it thoroughly, and very few members of this House have made up their minds on this Bill. As the Honourable the Finance Member suggested that there is a parallel legislation to be brought forward in this House by the Government I think both these legislations should be considered at one and the same time. By that time the members will have ample time to consider the pros and cons of this measure also. So, as suggested by Pandit Nanak Chand, I suggest that the postponement of the consideration of this Bill be allowed. I do not really understand how this postponement will be injurious to the persons for whose benefit it is meant and how it will cause inconvenience to the official members. After all, all this time things have been going on and this particular sort of offenders have been detained in jails and it is not impossible to keep them there for another couple of months or six months or any reasonable time which may be taken by the Government in introducing that legislation. This will allow the members some time to consider the measure. The point raised by Mr. Dunnett has not got so great a force that we should on that one point alone hasten the passing of this Bill to-day. With your permission, Sir, I suggest to the House that the consideration of this Bill be postponed to some other time.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan), Urban]: Sir, I would like to say a few words in connection with this Bill. I endorse the remarks which were made by Pandit Nanak Chand that the most important class of persons are those unfortunate persons who do not possess any criminal tendencies and cannot be described even as incipient criminals. It is really their case which deserves more attention than the case of those persons who have already offended against society and have gone down the way of moral decline. There is no doubt that it is the duty of the nation that it should do all it can for the reformation of those who have gone down in the scale of morality and have become more or less offenders against the laws of society. Yet it is really a question of comparative necessity. If the Honourable the Finance Member had said that there was no necessity for any separate legislation for those who are morally sound but who have become criminals by a fortuitous concourse of circumstances, then it would have been

a different thing, but we find that the Government has in contemplation the bringing forward of a Bill to apply to the case of those adolescent offenders who are morally sound but are classed among offenders by unfortunate circumstances. If that is so, my submission is that both these Bills, if the Government is really serious and earnest in its desire to provide for legislation for that class of offenders also, should be placed together before the House, so that the House can see how much money will be required for both and judge the comparative merits of both and decide how much to spend on one institution and how much on the other. So far as I am aware there is a Borstal jail in existence in Lahore and there may be some other institution elsewhere also. Thus there is some sort of provision to deal with adolescent offenders of the kind whose case this Bill is contemplated to cover. So there does not seem to be any mortal hurry about this Bill. As announced, perhaps yesterday, a session will be held in May. Nobody will suffer if in the meantime a separate Bill for the other class of offenders is also prepared and both these Bills are placed before the House in May or some other session of this Council. I entirely agree with Sardar Gurbakhsh Singh that the members of this House have not had sufficient time to give to the consideration of this Bill. That is an additional reason why this Bill should not be hurried through at this stage. Nobody will suffer and I think the House will be perfectly satisfied if it had some time to consider both the Bills and will be in a better position to vote on both. Also those people who have any doubt as to the Government's intentions in the matter of bringing forward any such Bill will be satisfied when the Bill is actually placed before the House.

Rai Bahadur Sir Gopal Das Bhandari (Non-official, nominated) : Sir, I must frankly admit that a Bill of this kind which has got about 35 sections with sometimes 14, 15 and 23 sub-clauses requires great consideration at the hands of the members of this Council I for my part must say that I just now got the Bill from Sardar Tara Singh, and if a bird's-eye view is to be accepted I can say that there is no obvious defect in it. But I must say that mature deliberation may possibly show how far the Bill is defective in law. If we have time to examine the Bill we will be of help to the Government in passing a perfect law. If that is not to be done and if the Bill is to be passed to-day I can only say that our opinion will be only of an immature type and if the Government is satisfied with that, then I lend my support to the Bill and to the report of the Select Committee.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I had the privilege of being a member of the Select Committee on the Borstal Bill and as a member of that committee I have supported the principle underlying the Bill even though I object to a particular clause of the Bill itself. As a member of this committee, I know, and the House knows too, that the whole principle underlying the Bill has been modified and I think the House is entitled to demand the postponement of the consideration of the Bill because of the importance of the issues that have been raised therein and the changes effected in the Select Committee.

Mr. J. M. Dunnett : Sir, I regret very much that I have to make an interruption, but I want to point out that the fundamental principle of the Bill has not been altered. In clause 5 the operative words stand in the amended Bill precisely as in the original Bill.

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Mir Maqbool Mahmood (continued) : My honourable friend the Home Secretary will forgive me if I say that the change made in the Bill is a change on principle and I think he will agree with me it is a change almost amounting to a change of principle. Practically the whole gist of the Bill does not apply to important section of the criminals for whom it is intended to apply. I admit that the Bill even in its present form is useful, but the question which has been left out is equally important and I hope the Government will see its way to accept the very reasonable request of my friend that greater time be given to this House to consider this important question.

Malik Firoz Khan Noon [Shahpur East (Muhammadan), Rural] : Sir, I heartily associate myself with those members of this House who ask for the postponement of the consideration of this important measure. We do not like to rush through a Bill of that importance at the fag end of a long and wearisome budget session (hear, hear). I am sorry to say we are to blame, but we have not really studied the Bill and I may frankly admit that if I vote one way or the other in connection with the Bill it will be for the sake of my friends opposite or the Government without exerting my own judgment. I think that will be the position of a good many other members who have been taking some part in the budget session. I hope the Government will consider the advisability of giving us some time to consider the Bill and enable us to make up our minds which way to vote. The Government will thereby go a long way to meet the wishes of a large number of members of this House.

The Honourable Sir John Maynard (Finance Member) : Sir, as honourable members say definitely that they have not studied the Bill, I am bound to accept the fact that they have not done so. Perhaps I might say that this Bill in one form or another has been on the anvil since 1916, that is to say for 9 years. In the first place it had to be postponed because it was desired to await the results of the report of the Jail Commission which visited many prisons, both in India and outside India. That is the reason why the delay was so great and it has not been for a considerable time before the notice of the members of this Council. It was introduced in the November session and then the select committee sat and effected changes which though substantial were yet not changes of principle. The select committee thought that the Bill ought to be re-published and accordingly the Bill was re-published. I do not know whether honourable members have the leisure to look occasionally at the somewhat uninteresting volume of the Gazette where the Bill was re-published. The Bill was re-published in the Gazette and copies were placed in the hands of honourable members on March 5. I have myself observed that when a case is delayed it does not necessarily mean that anybody gives any attention to it. What happens when a case is delayed is that it is put aside and the day before it is actually coming up again somebody looks it up and says : 'I cannot now rush through it.' I do not wish to be unreasonable and I do not wish to hurry this matter. As honourable members have said that they want the matter delayed I am not at all anxious to stand in the way of their studying the Bill further, but what I do wish to say is this. I do ask honourable members now that they are going to have an opportunity to study the Bill not to postpone its study until the day before it comes up for consideration again and then find themselves in the same position as on this occasion.

I have forgotten to mention something which my honourable friend Mr. Dunnett has reminded me of just now, that is not only did the select committee study the Bill but it also called for opinions from individual

members of Council and received, I believe, a certain number of opinions from them. Several members of the Council sent their opinions and it is rather strange to find that honourable members so completely forget the matter as to say that they did not have any opportunity of studying the Bill. If I am in order in doing so—as I am now agreeing to postpone this measure—I should like to say one word in regard to certain remarks which have been made by honourable members in discussing this motion. In the first place, I think some honourable members thought that we were going to have our innocent first offenders and our incorrigible offenders classed together in the ordinary jail, whereas the young criminal who was perverted without being incorrigible was to be put into an institution by himself. In the first place, I should like all honourable members to understand that our first offenders are not, if our magistrates carry out the spirit of the law, sent to jail at all. There is a provision that young first offenders are to be dealt with in a particular manner and are to come up for judgment when called upon to do so; that is to say, it is not a question of herding together first offenders with incorrigible cases. As far as possible, we try to deal with first offenders by not sending them to jail or to any institution at all. If they are sent to jail, as I admit, owing to the errors of the magistracy, they occasionally are .....

Pandit Nanak Chand: Generally.

The Honourable Sir John Maynard (continued): .....of course, in the matter of statistics, I have no doubt that, though the honourable member opposite has not had enough time to study the present Bill, yet he has nevertheless had time to study a considerable mass of statistics of adolescent crime—if some first offenders are sent to jail owing to some unfortunate accident, then care is taken in the jails to separate habitual offenders from ordinary offenders. Therefore there is not, and there will not be, in any instance of that herding together of the innocent first offenders with the incorrigible offenders which some honourable members seem to apprehend. That is all I should like to say, except to repeat the expression of my hope that honourable members will, in the interval that will now be given, study the Bill and make up their minds as to the form in which it should be passed. I am rather anxious that nothing should occur which will invalidate the proceedings hitherto taken and I assume that the postponement will take the form of an amendment to be moved to the effect that the consideration of this motion be postponed. If that is so, I shall raise no objection to such an amendment and I have no doubt it will be carried with the full assent of the House. This Bill will be taken in May or such other time as may be convenient.

Dr. Gokul Chand, Narang: I move, Sir—

> "That the consideration of the Punjab Borstal Bill as reported by the Select Committee be postponed."

Shall I say to May?

The Honourable Sir John Maynard: It is better not to give any date for some accident may occur.

Dr. Gokul Chand, Narang: Then, I shall simply say be postponed.

Mr. President : The question is—

"That the consideration of the Punjab Borstal Bill as reported by the Select Committee be postponed."

The motion was carried.

AMENDMENT OF STANDING ORDERS.

Sardar Mohindar Singh (Deputy President) : Sir, I beg to move—

"That the draft amendments to the Punjab Legislative Council Standing Orders as recommended by the Select Committee be taken into consideration."

Mr. President : The question is—

"That the draft amendments to the Punjab Legislative Council Standing Orders as recommended by the Select Committee be taken into consideration."

The question is that that motion be adopted.

The motion was carried.

Mr. President : Is it the wish of the House that these Standing Orders as amended be gone into item by item or that the next motion* be moved ?

The Honourable Sir John Maynard (Finance Member) : I think I should, ask that this be postponed. Owing to business connected with the budget and also owing to business connected with the Borstal Bill, I must frankly admit that I have not had an opportunity of scrutinising these amendments to the Standing Orders.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : There are many honourable members of this House who are in the same position as the Honourable the Finance Member so far as the study of these amendments to the Standing Orders is concerned.

Mr. President : The House will please remember that the suggestion which the Honourable the Finance Member has made comes a little too late. The motion that the report of the Select Committee be taken into consideration has already been passed. There only remains the next course, to proceed to the next stage of dealing with the amendments item by item.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : May I say a word on this point ? The question on which you desired to ascertain the wish of the House is whether the amendments to the various Standing Orders should be passed *en bloc* or should be considered item by item separately. Supposing this House answers this question by saying that each item should be considered separately. If there is any technical difficulty in meeting with the wishes of the Honourable the Finance Member, who in this respect voices the opinion of most of the honourable members present here, that technical difficulty could be met by this House defeating every item that is put before it, and I submit this would not be a desirable course. I think it is in your hands, Sir, even at this stage to allow an amendment to the effect that the further consideration of the report of the Select Committee may be postponed for the present.

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*That the draft amendments to the Punjab Legislative Council standing orders be adopted.

Malik Firoz Khan, Noon: Is there no convenient rule available in the Constitutional Manual by which we can adjourn this debate?

Mr. President: With reference to the observations made by the honourable member Dr. Gokul Chand, Narang, that there was the possibility of the House negativing every clause simply because postponement cannot be granted, I just want to say one word, and that is that the House had an opportunity when the first motion was put before it to express the desire that it now does, but the House failed to do so. I have a better opinion of the reasonableness of the House than the honourable member Dr. Gokul Chand, Narang, seems to have. He has said that, just because the House had neglected to take advantage of the opportunity duly offered to it and makes a suggestion for postponement at a stage when the time for that suggestion is over, it would take any such an unreasonable course as that of rejecting all the amendments proposed by the Select Committee. This report of the Select Committee was presented at the last session and it appeared in the published proceedings of the debate of the last session and honourable members have had ample opportunities of considering the amendments. I propose therefore to read the amendments item by item and thus give the honourable members an opportunity of considering those amendments on their merits.

Mr. President: The question is—

"That Standing Order 4 (1) as amended by the Select Committee be adopted."

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, I may be permitted to say a few words before you proceed with the consideration of the amendments. The first motion moved by the Honourable the Deputy President related simply to this: that the draft amendments to the Punjab Legislative Council Standing Orders as recommended by the Select Committee be taken into consideration. That motion was passed. I do not think it necessary to explain why an objection was not raised at that time or a motion for postponement was not made at that time. One reason may have been that, having got one subject, *i.e.*, the Punjab Borstal Bill, postponed, the Council, like the counsel who has succeeded in getting one case postponed in a court, feels shy to ask for his next case also being postponed, felt reluctant to suggest the postponement of the subject under discussion. However, my humble submission is that, so far as the general method of business is concerned, when in any committee or any House a certain motion is made if there is no objection by the members present, then the President can give any ruling that the House unanimously wants without the violation of the Standing Orders or general rules either of Councils, or committees or companies in this matter. So far as I can judge, every honourable member of this House was willing that the consideration of the clauses might be postponed, and, so far as the mere question of rules was concerned, there would not be any violation of the rules if the Honourable the President agrees to the postponement of the consideration of these clauses. Moreover, the President of a Council, like the President of every committee, has an inherent power to postpone or adjourn the consideration of any subject which is before the House, so that I still submit—without in any way showing any disrespect to the ruling which the Honourable the President has given—the consideration of the various clauses can still be postponed, or in any case adjourned. Even if the matter is placed before us to-morrow, I think the wishes of the House would be met,

[Dr. Gokul Chand, Narang.]

I think, that, so far as an adjournment is concerned, no difficulty whatsoever can arise, and I understand that to-morrow is also one of the days available; and, in case of necessity, this matter can be taken up to-morrow. If you do not see your way.....

The Honourable Mian Sir Fazl-i-Husain : There is no agreement on that.

Dr. Gokul Chand, Narang : I should like to know, Sir, whether that is a statement of fact. Does that represent the view of the Honourable the Finance Member on this point, that to-morrow was not available in case of necessity ?

Mr. President : To-morrow is available for business that may remain unfinished to-day.

Dr. Gokul Chand, Narang : As I have submitted, under the general law and under the inherent powers of the President of a Council, you can adjourn the consideration of this subject till to-morrow and proceed with the next business, and part of to-morrow can be utilised for this purpose without doing any violence to any rule or.....

The Honourable Mian Sir Fazl-i-Husain : Except the purse.

Dr. Gokul Chand, Narang : My learned friend does not like to detain members for to-morrow. That is what he means, but it is just possible that otherwise also a further strain may have to be put on the public purse if the business of the House is not finished. So that, if it is the wish of the non-official members of this House, and that wish is also shared by the Government members, I do not know why the consideration of the subject should not be postponed. If that is the unanimous wish of the members of this House, I think the monetary consideration of expense should take a subsidiary place.

Mr. J. M. Dunnett : May I ask whether there should be a special session to take up this question ?

Dr. Gokul Chand, Narang : As I have already submitted, Sir, to-morrow is also one of the days available in case of necessity and, as I have submitted that you have an inherent power to adjourn any business that is before the House, you can adjourn it till to-morrow. The only objection that the Honourable Minister for Education could suggest was not on any technical grounds, but on economic grounds. Economy is a very laudable object in itself, but, if this difficulty has arisen and if the members are unanimously of the opinion that the consideration of the amendment of the Standing Orders should be postponed in order to give them further time for consideration, then my submission is that the mere consideration of a few hundred rupees should not stand in the way of the adjournment of the subject which is now before the House. No other objection has been suggested.

Next, Sir, with respect to the remarks which you were pleased to make as to the reasonableness of rejecting these motions, I would submit that my view as to the reasonableness of this House is not adverse to this House. I believe that this House can be reasonable, and, except on certai n occasions, it is as a rule reasonable. I do not mean any disrespect to th e

House at all and I do not hold that this House is unreasonable; but there is a very good reason why these clauses, if put before the House now practically against their wishes, should be negatived. There are certain rules already existing. They have been serving their object for the last four years and, no very serious difficulty has arisen in working them. Now, when a change is sought to be made in these rules, a very good case ought to be made out, and, when members are called upon to vote, it is a *prima facie* presumed that they considered the thing before they were called upon to vote. It is immaterial for the purposes of this point, but a confession has gone out that a majority of the members, including the Finance Member, have not been able to devote that attention to the amendment of these Standing Orders as they deserved, and therefore, if they vote now in favour of these amendments being accepted, it would mean that they vote blindfoldedly like unreasonable creatures, and not like reasonable men—men endowed with a sense of responsibility. Without knowing a thing, without understanding a thing, if any honourable member is so bold as to give his vote in favour of a change, then he would be acting as an unreasonable being, and not if he gives his vote against the change. If a thing is not known to you, if you have not given thought to it, you cannot vote that such and such a thing should be substituted in place of a rule which has already been in existence and which has been working well for the last four years. I would ask the Honourable the President to adjourn the consideration of these Standing Orders at least till to-morrow, so that the honourable members of this House may have time to consider them, or to postpone it *sine die*. It may be taken up along with the Bill the consideration of which we have just now postponed and we know no harm is done. After to-morrow these rules will only be lying in the office of the Secretary or in your office, Sir. There will be no occasion for their application whether they are passed to-day or on the first day when the Council meets next. It would not make the slightest difference, except perhaps of the proceedings which would be taken up on the first day of the next session. Otherwise they will be as good as a dead-letter because there is not going to be any session very soon; so that, whether these rules are passed or whether they are not passed, would not make the slightest difference. So I would ask you, Sir, in the first place, to adjourn the consideration of this matter; but, Sir, if you are not pleased to adjourn it, then I would ask the honourable members of this House to act as reasonable beings and not vote on a thing which they have not considered and not to substitute a new rule without knowing what the new rule is going to be and what its effect would be on the rights and privileges of the honourable members, for, without knowing what these rules are, they might be curtailing their own rights by passing these amended rules without thoroughly understanding them. I would ask the Honourable the President to adjourn their consideration, or, failing that, I would ask the honourable members to reject them altogether.

Mr. President: Do I understand that the motion already passed by the Council was passed under some misapprehension and that the Council wishes to upset that decision? If so, the matter rests entirely with the Council.

The Honourable Sir John Maynard: Speaking for myself, I can say that I myself did not understand the nature of the motion moved by the Deputy President. If I had realised what it was about, I would have probably raised this point at an earlier stage.

Mr. President: In the circumstances, I would allow an amendment to that motion being moved or a formal motion put forward to the effect that the Council wants to postpone the consideration of the amendments of the Standing Orders.

Dr. Gokul Chand, Narang: Sir, I beg to move—

"That the consideration of the report of the Select Committee on the amendment of Standing Orders be postponed."

The motion was carried.

THE PUNJAB DISTRICT BOARDS (AMENDMENT) BILL.

Mr. President: I hope that honourable members will now be on the alert and declare at the proper time what their attitude is with regard to this Bill, and whether they have studied this Bill or not, before we proceed any further with the motion.

Dr. Gokul Chand. Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, lest judgment should go by default, I hasten to get up and say that, although I did go through this draft Bill when it was handed over to us on the first occasion, I have had absolutely no time to go through it for the purpose of to-day's debate and I think that would be the case with a large number of honourable members of this House, and, if that is so, and I find, Sir, from the observations made on this side of the House that it is so, I would like, with your permission, to move an amendment, if the motion is made, for the consideration of the Bill.

The Honourable Sir John Maynard: Sir, on this point I am indifferent. I am perfectly prepared to proceed with the Bill and I am also prepared to accept the general wish of the Council.

The Honourable Mian Sir Fazl-i-Husain: Sir, I do not know whether there is a general desire that the House should do no work this afternoon. I know several members have spoken to me that they do not want to stay here another day; and it must clearly be understood that, if the work fixed for to-day is not finished to-day, it is bound to be taken up sometime later on. We are all busy men, either lawyers with a large practice in the High Court, or medical men with patients waiting to be cured or officials having duties to perform in the office. Therefore our position is a little bit different, if I may so point out from the position of those happy individuals amongst whom I counted myself something like 35 years ago, when I was in school, when a holiday on any pretext whatsoever was the occasion of great and unalloyed satisfaction. But those days, for me at all events, are no more. Therefore, unless there is a unanimous demand on the part of the House, I would request you, Sir, to let me proceed with the motion that stands in my name.

Mr. President: I am afraid I cannot ascertain the unanimous demand unless there is a motion before the House.

The Honourable Mian Sir Fazl-i-Husain: In that case, may I proceed with the Bill? I beg to present the report of the Select Committee on the Punjab District Boards (Amendment) Bill.

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

"That the Punjab District Boards (Amendment) Bill as reported by the Select Committee be taken into consideration."

Sir, in making this motion I should like to point out that the report of the Select Committee is a unique document. It is unique in the sense that it recommends that no alteration whatsoever be made in the Bill which was committed to its care. The committee has found the Bill so perfect as to stand in need of no alteration. On that Select Committee there were members from this House representing every nook and corner of it and the Bill was originally published in the Gazette and later on circulated amongst the members; and then two motions were made in this House and adopted: one, permission to introduce the Bill, and the other, reference to the Select Committee. Therefore the request for adjournment on the ground that it is an important measure cannot apply to this Bill. It is a non-controversial measure and is exactly on the same lines as the Punjab Municipal (Amendment) Bill which was passed by this House recently.

Mr. President: The question is—

"That the Punjab District Boards (Amendment) Bill as reported by the Select Committee be taken into consideration."

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, I beg to move—

"That the consideration of the Punjab District Boards (Amendment) Bill be postponed."

Mr. President: The question is—

"That the consideration of the Punjab District Boards (Amendment) Bill be postponed."

Rai Bahadur Sir Gopal Das, Bhandari (Non-official, nominated): Sir, I am against this amendment; because this Bill is more or less on the lines of the Municipal (Amendment) Bill which the House recently passed; besides, the amendments proposed therein are only of a formal and technical character. When once the House has passed the Punjab Municipal (Amendment) Bill, there is no reason why the Punjab District Boards, (Amendment) Bill which is on the same lines should not be passed. Besides, if we postpone the consideration of the Bill to the next session, we will only be adding to our burden for the next session. There is no sufficient reason for postponing the consideration of the Bill and so I am opposed to the amendment that has been moved.

Mr. President: The question is—

"That the consideration of the Punjab District Boards (Amendment) Bill be postponed."

The Council divided: Ayes 11, Noes 36.

AYES, 11.

Maulvi Mazhar Ali, Azhar.
Pandit Nanak Chand.
Dr. Gokul Chand, Narang.
Professor Ruchi Ram, Sahni.
Lala Sham Lal.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Lala Mohan Lal, Bhatnagar.
Mr. E. Maya Das.

NOES, 36.

Mr. W. P. Sangster.
Colonel C. R. Bakhle.
Lt.-Col. A. W. Greig.
Mr. C. M. King.
Mr. W. Mayes.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lt.-Col. C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. H. D. Craik.
Mr. Owen Roberts.
Mr. J. Coldstream.
Malik Firoz Khan, Noon.
Munshi Fazal Khan.
Mir Maqbool Mahmood.
Sardar Bahadur Sardar Jowahir Singh.
Rai Shahadat Khan.
Sayad Husain Shah.
Khan Bahadur Nawab Muhammad Jamal Khan.
Subedar-Major Farman Ali Khan.
Chaudhri Najib-ud-Din Khan.
Chaudhri Nur Din.
Rai Bahadur Sir Gopal Das, Bhandari.
Mian Muhammad Shah Nawaz.
Sardar Randhir Singh.
Mr. V. F. Gray.
Shaikh Muhammad Sadiq.
Makhdumzada Sayad Muhammad Raza Shah, Gilani.
Sayad Muhammad Hussain.
Sardar Mohindar Singh.

The motion was lost—

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: The question is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 3 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 4 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 5 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 6 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 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."

The motion was carried.

Mr. President: The question is—

"That these be the title and the preamble to the Bill."

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain: Sir, I beg to move—

"That the Punjab District Boards (Amendment) Bill be passed."

The motion was carried.

THE LAHORE TERMINAL TAX VALIDATING BILL.

Mr. J. G. Beazley (Secretary, Transferred Departments): Sir, I beg to introduce the Lahore Terminal Tax Validating Bill.

Mr. J. G. Beazley: Sir, I beg to move—

"That the Lahore Terminal Tax Validating Bill be taken into consideration."

4 P.M.

In making this motion, I wish to apologise to the House for having to cause them to spend some time owing to a mistake which was made in the office of which I am in charge. The notification imposing a terminal tax in Lahore was intended to be issued in the last week of November and the date from which the tax was to come into force was given in the notification as the 1st March, thus providing a full three months from the date of the notification to the imposition of the tax. Owing to the delay which took place in getting the long schedule of the tax through the press, the notification actually appeared bearing date 6th December. In consequence of this, and for various other reasons, a suit has recently been brought against the Lahore municipal committee asking for an injunction restraining the committee from collecting this tax. As this matter is now *sub judice*, I cannot enter into the merits of the case, but, in order to save the Lahore municipal committee from the very great administrative inconvenience which would ensue if, through an injunction of the court, the collection of this tax had to be postponed for three or four months, it is thought desirable to remove by this Bill any doubts that there may be as to the validity of this tax. I do not think it necessary to say any-

[Mr. J. G Beazley.]

thing more as to the reasonableness of the Bill, which is really in the nature of correcting a clerical error in a notification. That course was not possible, and therefore this single-clause Bill is being introduced. Lest the House should consider that this involves some sort of hardship for the person who is engaged in the suit, I may mention that the party to this suit against the Lahore municipal committee himself petitioned Government to substitute a terminal tax for octroi as soon as possible, and it was largely owing to the desire felt by Government to meet this wish at the earliest possible opportunity that perhaps less care than usual was taken in seeing the notification through the press.

Mr. President: The question is—

"That the Lahore Terminal Tax Validating Bill be taken into consideration."

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural]: Sir, I desire to oppose the motion that has been made just now. The measure that is sought to be introduced is in the nature of a validating measure and all such measures should be looked upon with considerable suspicion. The explanation that has been given by the honourable member who has made the motion is that it is a clerical error and, as such, it is condonable. I agree that a mere clerical error of this description may under ordinary circumstances be condoned. But this clerical error relates to the terminal tax schedule that has been imposed by the municipal committee, Lahore, to which there are some strong and inherent objections. In view of the objections that may be taken to the terminal tax that has been imposed, I take this opportunity of opposing this motion. The schedule as devised is practically and obviously a mischievous one. Due consideration has not been given to the rates that have been imposed and the rates are not based on proper statistical data. As it is, the schedule levies most haphazard rates of taxation and it is likely to prove seriously detrimental to the trade of the town of Lahore. Terminal tax as distinguished from octroi duties is a light tax on trade and, as such, it deserves to be very carefully handled and it should not be imposed *ad hoc* with a view to collect a particular quantum of revenues from the people I understand that, as soon as the schedule came into operation, it was discovered that it was full of serious mistakes and was highly discriminative. I learn also that it is already being revised and, as it comes out from the process of revision, it will have so utterly changed, if the revision is impartially and scientifically conducted, that it will be altogether a new schedule. As the present schedule, in my opinion, is likely to do a lot of harm to the trading interests of this town, I submit that the rejection of this validating measure will do no serious harm. On those grounds therefore I oppose the consideration of this measure.

Rai Bahadur Sir Gopal Das, Bhandari (Nominated-Non-Official): Sir, I do not see any reason why any objection should be raised against the motion to take the Bill into consideration. The imposition of the tax is within the power of the municipality and only the approval or sanction, in some cases of the Local Government and in some other cases of the Governor-General in Council, is required. The Lahore municipal committee had the right to impose the tax and the only technical objection with regard to this is given in the clearest terms in the Statement of Objects and Reasons attached to the Bill. In supporting the passing of this measure, I hope I will not be considered, as I have often been considered, and even complimented by a certain honourable gentleman of this House as a habitual supporter of

Government; for, after all, a habitual supporter of Government is not an habitual offender. What I beg to say is that, if five days before the notified time the tax has been collected, I do not see why any objection should be raised to the levy of this tax in an objectionable way. Honourable members of the Council are aware—and I do not wish to improve their knowledge on this point—that the imposition of the terminal tax is most beneficial to traders and to all citizens generally. I have got experience of octroi; my opinion is: It is full of difficulties in cases where we have to give a refund. Where octroi is substituted by terminal tax, it is really a boon. I do not think any objection should be raised to this Bill. We should not deprive the residents of Lahore of this boon of terminal tax. I therefore submit that this Bill should be passed without any demur.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association Commerce): I rise to ask only one question. So far as the remarks made by the two honourable members who have preceded me as to the merits of octroi and terminal tax, I think this is hardly the proper occasion to discuss them. We may, many of us, dislike the rates in the new schedule of terminal tax, and I understand there are a few that are not acceptable. But I do not think it is much within the province of this House to discuss this at this moment. The point before us is that Government have made a mistake and they are trying to rectify the mistake. The point I want Government to make clear is this. I am not a lawyer and my question may be a foolish one. There is an action in the court questioning the legality of the action of the Lahore municipality in enforcing the terminal tax owing to this mistake. My question is: Will our passing this Validating Bill have any effect on that particular case? Will this Bill have retrospective effect? Will the people who have spent money in conducting that case, if they have a very good case now, find that, because of our passing this Bill, that case falls to pieces? I should like to have an answer to that question.

Sardar Gurbakhsh Singh [Ambala Division (Sikh), Rural]: Sir, the consideration of this Bill has been opposed by some of the speakers before me on two grounds: either on the merits or demerits of the schedule of terminal tax which has been introduced in the municipality of Lahore or with respect to the consequences of the passing of this Bill on a particular set of cases now *sub judice*. I know from the business that has been transacted to-day that the House is not in a mood to enter into any lengthy discussions on any subject, and therefore I will try to put my points as briefly as possible. I want to oppose the consideration of this Bill on quite distinct grounds. I will not take you, Sir, into the allegations which have been made in the press and on the platform and outside about the administration of the municipal committee, Lahore. I will refrain from doing that on this particular occasion. I wish to oppose the introduction of this Bill on the ground that the action of a committee on which a very important, and a major, community of this province is not represented is not to be validated by this House. We, as a protest, should show that, unless and until this committee is made fully representative of all the communities inhabiting this important capital of the province, so long we are not prepared to validate its actions or help its municipal administration in any way. We know, Sir, that for a couple of months now the municipal committee is composed of only a section or two....

Professor Ruchi Ram, Sahni: The honourable member means probably a couple of years, and not a couple of months.

Sardar Gurbakhsh Singh: Months will include years. Representation on this municipal committee has been confined to definite sets of communities and all the other communities have so far been debarred and their demands on this point have mercilessly been ignored. No attempts have been made on the part of responsible officers in charge of the administration of the province to come round in any way to meet the demands of these communities. On this general principle it is not only this particular municipal committee of Lahore that is suffering, but the case of the municipality of my own city, Ambala, is exactly on the same lines as the Lahore municipality. The principle of communal representation, instead of being applied to the protection of minorities, has been deliberately applied to give a permanent majority to a set community, and this, you see, Sir, is clearly a wrong application of this principle. The Hindus of Ambala have not been given adequate representation on the municipal committee and the Sikhs none. No attention has been paid to the rights of the two major communities in the matter of allotment of seats. Although I had an intention of taking this point and developing it, as long as possible, as I said in my preliminary remarks, I do not wish to be lengthy on this subject, especially in view of the fact that the House is not in a mood to sit long. I have made my point perfectly clear. I strongly protest against the action of Government in barring the representation of very important communities inhabiting this province on the municipal committee of Lahore as well as on other sister municipal committees. The claims of these communities are not at all looked after by Government, and therefore we in a body should enter our emphatic protest on this particular occasion against the municipal administration of this province, and we, who form a very important major community in the province, should demand that these grievances should be redressed on a very early occasion.

Mr. Owen Roberts (Non-official, nominated): Sir, as a member of the Lahore municipal committee I perhaps ought to feel a wave of indignation pass over me at the very idea that anybody should attempt to deprive us of our revenue; and, if the circumstances were otherwise than they are, I probably should; but, unfortunately, though for reasons differing from those of other speakers, I am compelled to admit that I share their conclusions. The municipal committee is not what I should call a competent body for the administration of public money (Hear, hear). I am not going to occupy a great deal of your time over this question, but the handling of public money resolves itself into three things—

(1) the collection of money by way of revenue;

(2) its expenditure; and

(3) its accountancy.

On the point of collection: during the last few months we have had a statement circulated to us, as the result of an enquiry by a member, which shows that under the system of metering water the municipal committee has recovered amounts varying from 9 pies to Re. 1 or Re. 1-8-0 per mensem from large consumers such as soda-water factories and laundries. I cannot believe, Sir, that charges on this scale can be explained by mere negligence. In the matter of expenditure, it is only a few weeks ago that certain members

made serious allegations in the committee against one of its officers. These matters are under enquiry, and I have therefore no intention of referring to them in detail, but I should like to read you a part of a note issued by the Examiner of Local Fund Accounts in relation to this department. He says: "As the following instance will show, the supervision of accounts in this department is practically *nil* and calls for the serious consideration of the committee, particularly as this is perhaps the largest spending department".

Now, Sir, I have no wish to labour the point; ordinarily, I should feel bound to vote with the opposition, but I have to look facts in the face. We must have money to carry on the administration; we have a large establishment, and we have two watering carts that must be the pride of the province. We may not know much about mending your roads, but we know a great deal about trying to wash them away. This establishment has to be kept up and the running of these carts paid for, and all this requires money. Before closing what I have to say, I should like to put the honourable member who opened this debate at ease on one point. In connection with the imposition of terminal tax, Government was, I understand, at a great disadvantage. The negotiations in this connection appeared to be interminable and all that could be done was to accept the best schedule obtainable at the moment. This schedule will certainly come under revision, and it is hoped that it will be possible to make considerable adjustments in it. In conclusion, Sir, I will support the Bill because I must, but my support is based on expediency, and expediency alone.

Rai Bahadur Sir Gopal Das, Bhandari (Non-official, nominated): Sir, I only spoke with regard to the rectification of the clerical error caused by acting against the notification, but, if the merits or demerits of the terminal tax are to be discussed by this Council, as has been done by other members, then I should like to be given another opportunity to offer a few remarks on that point.

Mr. President: I am afraid this cannot be done.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, ingenious arguments have been advanced by many honourable members against the proposal of my honourabe friend and I shall start by answering the one raised by Sardar Gurbakhsh Singh. He says that, as certain members representing certain communities are non-co-operating with that particular committee which is under discussion, therefore we, as a vote of disapproval of that conduct should refuse this Bill. I, for one, regard that state of affairs in this committee as really unfortunate, but I feel that I would be justified in refusing the Bill if the majority that is now sitting in the committee used that power against those communities which are not represented there. If that had been the case, I would have been justified, and I would never have failed in my duty to stop my support to any legislation of that kind; but what are the facts in this case? A particular tax, call it terminal tax or anything you like, has been imposed. We are not at this stage to go into the merits or demerits of the terminal tax or the octroi tax system. That system has been fixed, and we have it on the authority of one of our most distinguished Presidents of the Amritsar Municipality, Sir Gopal Das, Bhandari, that the octroi system is better replaced by the terminal tax. As to the schedule, Mr. Roberts has told us that it was the best available at the time that could be adopted without amending the schedule. In view of that, I feel that after all we cannot presume that Government or committees are incapable of committing some technical blunder, and I feel that it is only reasonable and fair that we should give them support, which we can in the legitimate and reasonable discharge of their duties.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural] (Urdu): Sir, I rise to explain in Urdu the object of this Bill for the benefit of those who have not followed the debate. I support this Bill. This has been introduced to rectify a little mistake; that is, instead of the *Gazette* being issued on the 1st, it was issued on the 6th. To reject this Bill for this small mistake is not proper. This has not been introduced to alter the schedule of rates or to remove the grievances put forth by my honourable friend Sardar Gurbakhsh Singh. Nor has it been introduced to remove the incompetency of the committee. It is to rectify a mistake in the dates, therefore opposition to this Bill on any other ground is not justified. Are we going to suffer any serious loss on account of this Bill being passed? Mr. Labh Singh wants the schedule to be amended. Well, I think, it is going to be done. Then, there is that trouble about the Hindu members that is also going to be settled. So many representations have been made. There is therefore no further need of opposing this motion. We should therefore support the passing of this Bill.

Dr Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, so far as the Bill itself is concerned, there is not the least doubt that it is of a most ordinary and technical character. A mistake was made by someone in the office of my friend Mr. Beazley, and, if that mistake had not been made, certainly we would not have been discussing it now; but I do not agree with my friend Rai Bahadur Lala Sewak Ram that any discussion which has been raised by some of my predecessors while speaking on this subject is not relevant to the issue. Here is a body of municipal commissioners—an embodiment of local self-government—in charge of the local affairs of a large city of this province. It has imposed a certain tax, it has imposed that tax by means of a notification which either by accident or by negligence is so framed that it does not authorise the realisation of that tax. The question now is whether the mistake which has been made by that body ought or ought not to be rectified. It does not mean any reflection either on the honourable mover of the Bill or on the staff of his office; but, before we are called upon to vote on this measure, I respectfully submit that it is our right to express an opinion as to the justification of the rectification of this mistake considering the body in whose interest this mistake is sought to be rectified. This is a Bill which relates to a notification which is intended to raise money, which money is to be used by the municipal committee of Lahore. Several objections have been raised against this measure by the honourable speakers who have preceded me and I have not the slightest doubt that every one of those objections was valid and relevant to the present discussion. The municipal committee indirectly is asking our consent for the raising of money by means of a terminal tax, and this is an occasion for us to say whether the municipal committee has or has not the right to raise that money, and, even if it has that right, whether it ought to be allowed to exercise that right purely from the propriety point of view. So far as the schedule of rates is concerned, my honourable friend Mr. Labh Singh has made it clear that it is highly discriminative, by which he meant that that schedule is so framed that it would work extra hardship on a certain class of people and would be particularly mild so far as the members of another class are concerned. That is a perfectly valid objection. It has been pointed out that in their solicitude for a certain class of people and in their anxiety to mulct the other class with as much taxation as possible, they went so far as to devise a schedule which by its absurdity appeared to be unworkable, and it has become absolutely necessary for the municipal committee to revise it.

Then, Sir, my friend, Mr. Gray pointed out that there are certain cases pending in the court questioning the justification and the validity of the notification under which this terminal tax is raised. He asked whether the passing of this Bill would not have retrospective effect. I think my honourable friend did not read the only clause of this Bill with sufficient care. Otherwise he would have seen that the very object of this Bill is to give it retrospective effect and to make the notification issued sometime ago valid so as to defeat the persons who are refusing the payment of this terminal tax. So, if that was the ground on which my learned friend was prepared to object to the passing of this Bill, he was perfectly on solid and safe ground because it would have effect on those cases which are pending and it would have an effect which would be adverse to the tax-payers. . . .

Mr. J. G. Beazley: Sir, I rise to a point of order. The honourable member appears to be attempting to dictate to the civil courts the course they should take if this Bill is passed.

Dr. Gokul Chand, Narang: With due deference to my learned friend, I must say that it is neither what I was trying to do, nor would that be the effect of my speech. But, so far as the Bill itself is concerned, if it is passed, it would mean that the technical objection raised (I do not know by the plaintiffs or the defendants in the cases which are pending) whoever are the parties who have raised the objection as to the validity of the notification will certainly be prejudicially affected. We are not in any way influencing the judgment of the courts in which these cases are pending, nor discussing the merits of the cases which are under consideration, but that is the effect which this Bill is sought to produce so that on that ground also my submission is that this Bill should not be passed. Sardar Gurbakhsh Singh was again on very solid ground when he said that the municipal committee, which is practically half of the committee which the law intended it to be, a committee in which one entire community is conspicuous by its absence, except for one or two nominated members, is not to be trusted with any funds which it may raise by any sort of taxation. This point was supported by my friend Mr. Owen Roberts. He has definitely referred to matters of all kinds, and has said that the funds which this municipal committee is raising are not being properly used, no proper accounts are being kept; and it seems that the larger the amount placed in the hands of this committee the greater would be the reason for supposing that the funds would be misapplied by that municipal committee. Mr. Owen Roberts said that this municipal committee was incompetent to deal with the funds placed in its hands. If a substantive motion was before the House, or even some resolution relating to the Lahore municipality, facts and figures could be quoted to show how the funds realised by the committee, which consists almost entirely of one community, are being misused if not treated in a worse manner, how, distinction has been made between one class and another, how even in giving contracts communal discrimination has been made, how even in the matter of service in the municipal committee discrimination between class and class is made and how in almost every respect the rules of equitable and fair distribution of the funds of the municipality have been set at naught. I do not want to go into the details, but everything I have stated now can be substantiated. Almost every day we notice internecine quarrels in which members of this municipality indulge and, if we had the power, we would certainly stop every penny by way of taxation going into the hands of this municipality unless the wrongs of one particular community as against the municipal committee are righted and until the present members of the committee mend their ways in such

[Dr. Gokal Chand Narang]

a manner that there is no chance of the funds being wasted, misused or misapplied, if not used otherwise. I would therefore submit, Sir, that on these grounds this Bill ought to be defeated. The hands of this municipal committee should not be strengthened whose President does not possess the confidence not only of the Hindus, but not even of one-half of the Muhammadan members of that committee, who are always flying at each other's throats when they are discussing the simplest of proposals in connection with the local administration. It is time that this committee is mended or ended and the administration taken into its hands by Government if it does not find itself sufficiently strong, sufficiently courageous and sufficiently just and fair to right the wrongs of the community which has suffered by the existing state of affairs in Lahore for the last two or three years. It is time that the Honourable Minister should take his courage in both his hands and set right the wrongs from which one important community is suffering on account of the municipal committee indulging in all sorts of maladministration.

Rai Bahadur Sir Gopal Das Bhandari: Sir, may I know how much has been realised from this terminal tax during these five or six days which ought not to have been realised?

The Honourable Mian Sir Fazl-i-Husain: The figures are not available.

Pandit Nanak Chand: 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.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education): Sir, the Lahore Terminal Tax Validating Bill has, I believe, been perused by the members of this House, and in particular by the members in the front benches. I notice from the course of the debate, that on this Bill at all events, there is no lack of co-operation. I find, Sir, that attempts have been made from different parts of the House to entangle me into a discussion on a number of side issues which, so far as I can judge, are quite irrelevant to the motion before the House. It is not a question of authorising any local body to levy taxes which it cannot levy unless this Bill were passed. The tax is being levied lawfully. The question that was to a certain extent doubtful was as to the validity of the tax collected during the first six days of March. That was all. Therefore, whether you pass this Bill or not, the Lahore municipality is not going to starve, and for that reason I really see no relevancy whatsoever in a tirade of malicious abuse directed against a municipality or its President, who happens to be a member of this Council. Because he does not happen to belong to a community to which the last speaker belongs that is no justification for vilifying him in his absence in this House. Why the present circumstances have come into being and who is responsible for it is an old story of non-co-operation. . . . .

Professor Ruchi Ram Sahni: It is not non-co-operation in the ordinary sense. It is a direct protest against the action of the Minister.

The Honourable Mian Sir Fazl-i-Husain: I have still to learn from the representative for the University that refusing to go to the polls and refusing to get returned to the municipality is not non-co-operation with

that local body in the ordinary sense of the word. I have still to learn from the member for the University that there is an ordinary meaning attached to the word "non-co-operation" and there is an extraordinary meaning attached to that word (Hear, hear). I have no doubt that at some public function he will make clear what the ordinary and the extraordinary meanings of that word are. Meanwhile, I understand by the word "non-co-operation" as explained in ordinary dictionaries, namely," refusing to co-operate in accordance with the laws of the land". So far as the local bodies are concerned, the law of the land is that under the new rules framed by the Local Government voters of the Lahore municipality shall elect their representatives in a particular manner. If any particular community, it does not matter which community it is, refuses to excercise that right, no one can blame it nor can it blame anybody, and, until the rules governing the elections are modified or changed, those rules must be acted upon.

I will not, Sir, proceed to discuss the question whether those rules are reasonable or unreasonable because all those who have attacked the municipal constitution have not said a word against the reasonableness of those rules.

Professor Ruchi Ram, Sahni: Question.

The Honourable Mian Sir Fazl-i-Husain: As a matter of fact, I will go so far as to say that neither the members of this House nor the interested educated public outside this House have offered any intelligible criticism against those rules.

Professor Ruchi Ram, Sahni: Question.

The Honourable Mian Sir Fazl-i-Husain: Those who question the reasonableness of those rules, the constitutional character of those rules, the impartiality of those rules want to achieve the impossible. On the one hand, they have to perform the difficult task of basing their criticism on democratic lines, and, on the other hand, they have to achieve the object of the monopolists who want something far more than democratic principles permit. Well, Sir, such acrobatic performances have ceased to impress even the bystanders. But for this innocent Bill which an honourable member of the House presented to-day before this Council, no one would have heard anything about it. I have been anxiously looking for the last two years at the list of resolutions which the honourable members of the House from time to time send to the Secretary of the Council in order to be balloted and discussed in this Council, and this subject has never found expression in the long list of resolutions so that the problem could be discussed in all its nakedness on the floor of this House and a decision arrived at. That has been, as a matter of fact, my grievance. While criticism on the constitution of the Lahore municipality has been made in more or less irresponsible journals which do not represent facts correctly, yet no honourable member of this House who entertains any doubt as to the justice, or the validity or the reasonableness of these regulations has ventured to bring the matter before this Council and have it discussed on the floor of the House. As I have already said, this is a side issue. This is a matter which has got nothing really to do with the Bill now introduced in the House. If any honourable member wants to have this matter considered by this Council or anyone else, I am prepared to have it threshed out in all its details and in every aspect of it, and I am prepared to defend that constitution and to demonstrate that no valid or just criticism can be levelled against it.

Professor Ruchi Ram, Sahni: I accept that challenge.

The Honourable Mian Sir Fazl-i-Hussain: Next, we come to what was said about the Lahore municipality. I am not here standing to defend the actions of the municipality, firstly, because criticism has been made in such vague general terms that it exhibits more the temper of the speaker than the facts on which those allegations may be based. I have had occasion to see excellent reports from the local officers as to the working of the committee which, if I am not mistaken, were incorporated in the Government reports on the working of the municipalities in the Punjab. It is not correct to say that there is but one community which is directing the Lahore municipal affairs. As a matter of fact, perhaps honourable members are not aware that (out of the four or more communities) there is but one community which is boycotting the constitution. There is an elected representative of the Sikh community working now on the committee, and I understand he is a valuable member of it. Another Sikh elected member of the Lahore municipal committee is like one of our colleagues in the Council undergoing imprisonment in His Majesty's jail and I hope, when he is released, like our colleague of the Council, he will try to make up for the time he has lost. There are elected representatives of Christians and Europeans and there are also nominated members from all the communities—Muslims, Hindus and Christians. Therefore to say that no other community except one is represented on the municipality is a travesty of facts. I have tried to show that not only is the Muhammadan community represented in full, but the Sikh, the Christian and the European communities are also represented in full; as a matter of fact, to a fuller extent than ever before in the history of the Lahore municipality. Is it too late for me to appeal to the reasonableness of the Hindu community in this matter with the hope that they will cease to non-co-operate in the matter of the Lahore municipality as they have ceased to non-co-operate in many other matters? These things are probably the result of certain mental epidemics of the non-co-operation type which prevailed in a serious form at one time. At that time we all more or less fell victims to that epidemic. That is a fact. Is it any reason now why, when once we have fallen victims to the epidemic, we should persist in succumbing to it again? The epidemic wants to leave us, and why should we say: "We shall not leave the epidemic". I hope we will leave this epidemic alone and behave like ordinary rational mortals. Mistakes are often made by me, or by you, or by individuals or by communities, and it is never too late to mend them; and I hope and trust that the great community which is a valuable asset to the political life of the Punjab, in fact, to the economic life of the Punjab, would cease to non-co-operate in these civic affairs as it has ceased to non-co-operate in political affairs, and thus bring about.....

Pandit Nanak Chand: My honourable friend cannot refer to the whole Hindu community as having been non-co-operators. Even during the time when non-co-operation was at its full height there were Hindu co-operators.

The Honourable Mian Sir Fazl-i-Husain: I am much obliged to my honourable friend for the correction. I agree that there were honourable exceptions in those days, and I assert that there are honourable exception to-day I refer to those members who are co-operating with the constitution of the Lahore municipal committee and I trust that they will continue to do so, and I further think that others will join them. As a matter of fact, I hope their number will be ever increasing and I have no doubt that, within the

next few months, if interested agitators cease to agitate, you will see union brought about among the members of the four communities which will be to the good of the Lahore city as a whole, and, as a matter of fact, to the whole of the Punjab. It is a great pity that this debate has been more or less sprung upon me in this manner. What a change, Sir, from the light mood prevailing nearly two hours ago in this House when everybody wanted to have a free holiday, and the last hour or so when we have been more or less trying to tease each other into violence and anger! As I said before, I am not going to be entangled in any acrimonious discussion on the subject. For, I think it is not good for one's health to be entangled in that way. I trust that whatever has been said in the House, has been said more by way of debate, and not seriously at all to hurt any honourable member's feelings.

Now to revert to this innocent Bill which has been the cause of this display of an afternoon's amusement, I do not think I need say anything more except this: let this innocent Bill come into being and pass on to maturity, and then die at once, for not only is it born, but it has grown up, and, in fact, has been dead and buried now quite 17 days ago.

Mr. President: The question is—

"That the Lahore Terminal Tax Validating Bill be taken into consideration."

The motion was carried.

Mr. President: The question is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That these be the title and preamble to the Bill."

The motion was carried.

Mr. J. G. Beazley (Secretary, Transferred Departments): I move, Sir—

"That the Lahore Terminal Tax Validating Bill be passed."

The motion was carried.

The Council then adjourned *sine die*.

PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 1st May, 1925.

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

OATH OF OFFICE.

The following members were sworn in :—

Mr. H. P. Tollinton : Official, nominated.

Mr. A. M. Stow : Official, nominated.

Mr. M. V. Bhide : Official, nominated.

Mr. D. Milne : Official, nominated.

Sardar Dhira Singh : Lahore (Sikh), Rural.

Mr. H. W. Webb : Non-official, nominated.

ANNOUNCEMENT FROM THE CHAIR.

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

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

The Punjab Municipal (Amendment) Act, 1925.

The Opium (Punjab Amendment) Act, 1925.

The Punjab Excise (Amendment) Act, 1925, and

The Punjab Small Towns (Amendment) Act, 1925.

I have also to acquaint the Council that His Excellency the Governor has been pleased to give his assent to the following measures :—

The Lahore Terminal Tax Validating Act, 1925.

The Punjab District Boards (Amendment) Act, 1925.

QUESTIONS AND ANSWERS.

POULTRY-BREEDING IN THE PUNJAB.

1795. **Lieutenant Sardar Sikandar Hayat Khan :** (*a*) Will Government please state if any steps have been taken to encourage poultry-breeding in the Punjab ?

(*b*) (*i*) whether there is a poultry-breeding farm in existence ?

[Lt. Sardar Sikandar Hayat Khan.]

(*ii*) if so, what results have been obtained, and has any research work been done on poultry breeding?

(*iii*) is the farm a paying concern?

(*iv*) will the Government lay on the table a statement showing the income and expenditure of this poultry farm during the last five years, and also give rates for the poultry produce from the country breeds and the imported breeds?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) Efforts were made in 1921 through selected district boards to encourage poultry-breeding in the Punjab, but the results were so disappointing that the scheme was abandoned. However, Government is considering what practical steps may be taken to encourage poultry-breeding.

(*b*) (*i*) There is no Government poultry breeding farm in the Province.

(*ii*), (*iii*) and (*iv*) do not therefore arise.

VEGETABLE FARMING AT THE AGRICULTURAL COLLEGE, LYALLPUR.

1726. Lieutenant Sardar Sikandar Hayat Khan: (*a*) Will Government please state if vegetable-farming has been tried at the Agricultural College, Lyallpur?

(*b*) if so,—(*i*) what is the area under cultivation?

(*ii*) what is the annual income and expenditure per acre?

(*iii*) is the produce sold in the local market or is it sent to out-stations also?

(*iv*) How does the quality and price of the produce compare with the produce of local vegetable growers?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Practically no work has yet been done on vegetable-farming at the Agricultural College, Lyallpur.

OPENING OF AN ENGINEERING COLLEGE IN THE PUNJAB.

1727. Malik Firoz Khan, Noon: (*a*) Will Government please say if it is a fact that a large number of young men in the Punjab fail to secure admission into the Engineering College at Roorkee for want of accommodation in the college?

(*b*) If so, will the Government consider the advisability of opening an Engineering College in this province on the lines of the Roorkee College?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) The answer is in the affirmative.

(*b*) The advisability of training engineers in the Punjab on the lines of the Roorkee College is under consideration.

MUSLIM CLERKS IN THE MEDICAL DEPARTMENT.

1728. Khan Muhammad Abdullah Khan: Will Government be pleased to state—

(*a*) the total number of posts of (1) clerks in the various grades of Rs. 100—450 in the office of the Inspector-General of Civil Hospitals, Punjab; (2) Head Clerks in the offices of Civil Surgeons; and (3) Assistant Clerks in the offices of Civil Surgeons in the province;

(*b*) how many of these posts are held by Muslims ; and

(*c*) if the answer shows that 40 per cent. of the posts are not held by Muslims, whether Government proposes to take steps to arrive at this percentage ?

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

VACANCIES IN THE MEDICAL DEPARTMENT.

1729. Khan Muhammad Abdullah Khan : (*i*) Will Government be pleased to state—

(*a*) the total number of vacancies that occurred from 1st July 1922 to 31st January 1925 among (1) Assistant Surgeons ; (2) Sub-Assistant Surgeons ; and (3) Clerks in the office of the Inspector-General of Civil Hospitals, Punjab, and offices subordinate to him ;

(*b*) how many of these vacancies were filled by the members of each of the three communities (Muslims, Hindus and Sikhs) ?

(*ii*) If this information shows that 40 per cent. of the vacancies were not filled by Muslims, will Government be pleased to state the reasons for the same ?

The Honourable Mian Sir Fazl-i-Husain :

(*a*) (1) 2
(2) 94
(3) 14

(*b*) (1) 2 Muslims.
(2) 26 Muslims.
39 Hindus.
27 Sikhs.
2 Christians
(3) 5 Muslims.
6 Hindus.
3 Sikhs.

(*ii*) All eligible Muslim candidates who applied for service were engaged. Lack of suitable applicants.

SHIFTING OF TAHSIL HEADQUARTERS FROM NAROWAL TO ZAFARWAL.

1730. Khan Muhammad Abdullah Khan : (*a*) With reference to the answers given by Mr. C. M. King on the 5th of August last in connection with the resolution* *re* the shifting of the tahsil headquarters from Narowal to Zafarwal, will Government be pleased to state whether the committee appointed to report on the question have since submitted their report to Government ? If so, will Government kindly lay it on the table ?

(*b*) If the committee has favoured the retention of the headquarters of the tahsil at Narowal, will Government kindly state what action they have so far taken, or intend to take to mitigate the inconvenience caused to the public of the Zafarwal Ilaqa, and what action has been, or is intended to be taken on the numerous memorials submitted by the people of that Ilaqa to Government ?

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* Volume VII, page 119.

[Khan Muhammad Abdullah Khan.]

(c) Will Government kindly consider the desirability of establishing a sub-tahsil at Zafarwal for the present?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (a) Yes. The report is laid on the table.

(b) Government do not think that any such steps are necessary.

(c) Government do not think that the establishment of a sub-tahsil at Zafarwal is necessary.

Report of the Committee appointed to examine and report upon the question of the tahsil boundaries of the Sialkot district.

REPORT.

The Committee apppointed by Government, and consisting of the Deputy Commissioner, Sialkot, Khan Bahadur Chaudhri Shahab-ud-Din and Sardar Randhir Singh, to examine and report regarding the tahsil boundaries of the Sialkot District, sat on the 1st, 3rd and 6th November 1924:—

(1) The main point for decision is whether Zafarwal or Narowal should be the tahsil headquarters of that part of the district which lies to the south-east.

We are unanimously and decidedly of opinion that Narowal should be the tahsil headquarters for the following reasons:—

(*i*) Narowal is a large and growing town, which will increase greatly in importance when, as we understand is likely to be the case, it is connected up by a rail or tramway with Shahdara or Amritsar, or both.

(*ii*) Except as regards the northern portion of the tahsil, *i.e.*, the country around Zafarwal, it is in the centre of the tract lying to the east of the Degh Nallah, *i.e.*, of the present tahsil.

(*iii*) It is connected by road with the villages and towns of the district, and is also a main road to Amritsar.

(*iv*) The country around Narowal is the most fertile in the tahsil.

(*v*) The inhabitants of the villages in the neighbourhood are inclined to be less law abiding than those living in the northern part of the tahsil, and the tract is easily accessible from the Amritsar district; hence it is desirable that for criminal administrative purposes the headquarters should be at Narowal.

(*vi*) The town is well served with schools and hospitals, has a municipal committee, and, as regards trade, occupies the second position in the district.

We are inclined to attach importance to two arguments only which have been adduced on behalf of Zafarwal. The first is that a homogeneous tahsil consisting of all the Salehria Zails should be formed in the north-eastern portion of the Pasrur and Narowal Tahsils with Zafarwal as the headquarters. If, however, a tahsil headquarters were formed at Zafarwal it would necessarily mean that either Pasrur or Narowal would be abandoned and, independently of the insuperable difficulties which would attend the sub-division of the remainder of the district into 3 tahsils, we are not disposed to concede that Zafarwal has better claims than either Pasrur or Narowal to be the headquarters of a tahsil.

The second argument which has some force in it is that Zafarwal is at some distance from Narowal and that Lambardars and others are put to considerable trouble in having to go to Narowal, especially as the inhabitants around Narowal are inclined to lawlessness. Our reply to this argument is that the land revenue can be sent by post, that a Bench of Honorary Magistrates has been constituted at Zafarwal, and that if it is a long distance from Zafarwal to Narowal, it is an equally long distance from Narowal to Zafarwal.

We are therefore definitely of opinion that Narowal should be the tahsil headquarters.

(2) We have considered the advisability of giving Zafarwal a sub-tahsil but, after mature consideration and after hearing the leading men of the Zails likely to be included in the sub-tahsil if formed, we are of opinion that no real demand or cogent reason exists for the proposal.

(3) We are of opinion that no other arrangement of the Tahsil boundaries of the district is necessary.

DEGH NALLAH.

1731. **Khan Muhammad Abdullah Khan:** Will Government kindly lay on the table the answer to question No. 1239* asked on the 17th January 1925?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The reply is placed on the table.

*Answer to Question No. 1239.**

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Government are aware that damage is caused by the Degh Nallah in the rainy season. This damage is considerable when, as was the case last year, the rainfall is heavy. The damage to the town of Zafarwal has, however, not been great owing to the fact that it is situated at some distance from the channel of the Degh Nallah.

(*b*) A bund was built several years ago in close proximity to the town. It suffered some damage last year, and this damage will be repaired.

(*c*) Government do not consider that any useful purpose would be served by the appointment of a committee. A statement showing the loss of landed property within the last twelve years is laid on the table. The records for previous years were burnt when the Sialkot Record-room was destroyed by fire. No record with regard to the loss of houses and other property is kept. About 150 squares of land have already been given to persons whose lands have been swept away by this nallah, but Government can accept no responsibility in the matter, and can give no assurance that land will be granted in future. Suspensions and remissions of land revenue are given as occasion demands.

(*d*) A bund has already been constructed. It is not a practical proposition to divert the flow of this nallah in another direction.

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* Pages 27-8 ante.

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

List of villages suffering from Nullah Degh's action.

Serial No.	Name of village.	Year.	Loss by way of dilution.		Gain by alluvion.		Remarks.
			Area in acres.	Land revenue.	Area in acres.	Land revenue.	
1	Wadhala	1911-12	...	...	...	...	...
		1914-15	...	...	...	Rs. 8 Tahdil Haisiyat.	Rs. 8 Khalis hasil.
		1915-16	...	...	...	...	...
		1920-21	5	5	8	12	Rs. 7 Khalis hasil.
2	Zafarwal	1911-12	...	...	...	...	No loss.
		1912-13	...	...	...	...	
		1913-14	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1916-17	...	...	...	...	
		1920-21	...	...	...	...	
3	Mohal Jaisalpur	1911-12	...	...	...	...	
		1912-13	...	...	...	...	
		1913-14	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	...	...	...	...	
		1920-21	...	...	9	4	
		1923-24	...	...	...	...	
4	Manpur	...	...	...	...	...	The whole land of this village has come under the dilution effect of the Nullah Degh.
5	Sakrar	1911-12	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	9	14	...	...	
		1923-24	6	8	...	...	

List of villages suffering from Nallah Degh's action—continued.

Serial No.	Name of village.	Year.	Loss by way of diluvion.		Gain by alluvion.		Remarks.
			Area in acres.	Land revenue.	Area in acres.	Land revenue.	
6	Lahri Khurd ...	1911-12	...	...	...	...	
		1914-15	...	1	...	...	
		1915-16	...	...	...	...	
		1920-21	4	6	1	1	
7	Lahri Kalan ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1920-21	9	12	...	...	
8	Eubak ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	...	...	...	...	
		1923-24	4	7	7	14	
9	Usha Kalan ...	1911-12	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1916-17	5	9	3	6	
		1917-18	20	38	2	4	
10	Chak Khokar ...	1911-12	...	...	...	...	
		1913-14	...	...	...	...	
		1915-16	...	...	...	...	
		1917-18	9	8	...	...	
		1922-23	...	1	1	2	
11	Pindi Deonia ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1920-21	34	51	15	48	
12	Chak Ghogar ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	...	...	10	9	
		1923-24	...	...	6	7	

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

List of villages suffering from Nallah Degh's action—concluded.

Serial No.	Name of village.	Year.	Loss by way of diluvion.		Gain by alluvion.		Remarks.
			Area in acres.	Land revenue.	Area in acres.	Land revenue.	
13	Bhadyal ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	2	2	...	...	
		1923-24	2	2	...	...	
14	Saidayal ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	...	...	...	...	
		1923-24	...	...	...	...	
15	Bagli ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1918-19	5	9	...	...	
		1923-24	8	13	2	1	
16	Tera ...	1911-12	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1917-18	...	...	...	...	
		1923-23	3	4	...	...	
17	Bijapur ...	1911-12	...	...	...	...	
		1915-16	...	...	...	...	
		1920-21	3	4	13	23	
18	Degli ...	1911-12	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1917-18	23	33	...	...	
		1919-20	...	...	...	...	
		1920-21	17	28	...	...	
19	Ismailpur ...	1911-12	...	...	...	...	
		1914-15	...	...	...	...	
		1915-16	...	...	...	...	
		1917-18	11	15	10	9	
		1923-23	...	...	...	...	

CHEHLUM HOLIDAY.

1732. **Khan Muhammad Abdullah Khan:** With reference to the answer to question No. 1210* asked on the 17th January 1925, will Government kindly say whether they have considered the advisability of issuing instructions to all heads of departments in the Punjab to the effect that at least all the Shia Muhammadans serving under them should be allowed to observe the "Chehlum" day as a holiday?

The Honourable Sir John Maynard: Government has considered the suggestion, but is unable to act on it.

INDIAN DEPUTY COMMISSIONER FOR SIALKOT DISTRICT.

1733. **Khan Muhammad Abdullah Khan:** (*a*) Is it a fact that no Indian Deputy Commissioner has ever held charge of the Sialkot District?

(*b*) Is it a fact that an Indian Deputy Commissioner has been holding charge of the Gujrat District for a long time and in several other districts Indian Deputy Commissioners have been, and are holding, charge? If so, will Government consider the advisability of posting an Indian Deputy Commissioner to Sialkot at an early opportunity? If not, why not?

The Honourable Sir John Maynard: (*a*) No.

(*b*) The answer to the first part of the question is in the affirmative. As to the second part of the question, whenever the posting of a Deputy Commissioner is to be made the qualifications of all the officers available including Indian officers are always considered.

ELIGIBILITY OF SUPERINTENDENTS OF DEPUTY COMMISSIONERS' OFFICES FOR EXTRA ASSISTANT COMMISSIONERSHIPS.

1734. **Khan Muhammad Abdullah Khan:** Will Government be pleased to state whether the Superintendents of Deputy Commissioners' offices are eligible for nomination to the post of Extra Assistant Commissioner, and, if so, to state the names of those who have been recommended or accepted as Extra Assistant Commissioners during the past ten years?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Superintendents of Deputy Commissioners' offices are eligible for nomination to the post of Extra Assistant Commissioners on Financial Commissioner's register A. In the last ten years 11 candidates have been so accepted by the Financial Commissioner, of whom 5 have been accepted by Government. Government is not prepared to give names.

PERIODICAL TRANSFER OF EXTRA ASSISTANT COMMISSIONERS, ETC.

1735. **Khan Muhammad Abdullah Khan:** (*a*) Will Government be pleased to lay on the table a copy of the rules or orders, if any, prescribing the period of stay of Extra Assistant Commissioners, Tahsildars, Inspectors and Sub-Inspectors of Police at one station?

(*b*) If any period is fixed, will Government kindly state whether these rules or orders are being adhered to in regard to the transfer of the above officials, and, if not, why not?

* Page 28 *ante*.

[Khan Mohd. Abdullah Khan.]

(c) Will Government kindly lay the following information on the table :—

(i) the names of Extra Assistant Commissioners, Tahsildars, Inspectors and Sub-Inspectors of Police serving at present in the Lahore Division ;

(ii) the date of their taking over charge of the present posts in the stations where they are at present serving ; and

(iii) the names of the places where they are at present posted.

(d) Are Government prepared to make it a rule that none of the above officers should be kept stationed at one station for more than three years ?

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.

EXTENSION OF SERVICE OF CERTAIN SUPERINTENDENTS OF DEPUTY COMMISSIONERS' OFFICES.

1736. Khan Muhammad Abdullah Khan: (a) Is it a fact that certain Superintendents of Deputy Commissioners' offices in the Lahore Division have been given extensions after they had completed their term of service ?

(b) Will Government also state the names of the Superintendents of the Deputy Commissioners' offices in the Lahore Division whose term of service expired on or about the 31st March 1925 ?

(c) Does Government propose to give them extensions of service, and if so, how much in each case ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :—

(a) The power to grant extensions to Superintendents of Deputy Commissioners' offices is with Commissioners of Divisions. Government is not aware if any extensions have been given in the Lahore Division.

(b) The information required is not obtainable from the Secretariat office, and Government do not think it necessary to obtain it from the Commissioner's office.

(c) Government do not at present see any cause to interfere with the Commissioner's discretion in the matter.

RAILWAY CONNECTION BETWEEN SHAHDARA TO JAMMU OR FROM SIALKOT TO GURDASPUR.

1737. Khan Muhammad Abdullah Khan: (a) Is it a fact that there is no direct railway connection from Shahdara to Jammu or from Sialkot to Gurdaspur ?

(*b*) If so, will Government kindly consider the advisability of moving the railway authorities to take into consideration the construction of a direct railway line from Shahdara to Jammu *viâ* Qila Sobha Singh and Zafarwal and from Sialkot to Gurdaspur *viâ* Zafarwal and Shakargarh?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Yes.

(*b*) The Railway line suggested by the Honourable member has not so far been surveyed and without a detailed investigation it is not possible to say whether it would be advisable for the Government to construct it. There is at present no proposal to carry out such investigation.

TRANSFER OF CERTAIN HINDU OFFICERS OF THE SIALKOT DISTRICT.

1738. Khan Muhammad Abdullah Khan: (*a*) Will Government kindly state (*i*) the names of the tahsils or stations in the Sialkot District where the Tahsildar, Sub-Inspector of Police, Sub-Assistant Surgeon, Sub-Overseer and one of the Honorary Magistrates are all Hindus; and (*ii*) the period of their stay at such station in each case separately?

(*b*) Will Government kindly so arrange the transfers of such wholesale staff of Hindu officials wherever they exist in the Sialkot District so that due representation may be given to each community?

The Honourable Sir John Maynard: (*a*) There is no such tahsil or station in the Sialkot District.

(*b*) Does not arise.

EXCISE POLICY.

1739. Chaudhri Afzal Haq: (*a*) Has it come to the notice of Government that the Bombay Government is adopting, or proposes to adopt, a policy of total prohibition in respect of its administration of the Excise Department?

(*c*) Will Government be pleased to say whether they propose to adopt a similar policy?

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(*a*) Yes.

(*b*) No. But Government will watch the results of the Bombay experiment with keen interest.

LAND REVENUE BILL.

1740. Chaudhri Afzal Haq: With reference to the answer to question No. 883 asked on the 18th November 1924, will Government be pleased to say whether the Government of India has since given their assent to the Land Revenue Bill or not?

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*Volume VII, page 481.

[Ch. Afzal Haq.]

(*b*) If the answer *is* in the negative, will Government be pleased to state the causes of delay ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :

(*a*) No.

(*b*) Questions of principle are involved the decision of which cannot be made without reference to the interests of other provinces. Government will, however, endeavour to obtain an early decision on the subject.

GRANT FOR THE EDUCATION OF MUHAMMADANS IN THE JULLUNDUR DIVISION.

1741. Chaudhri Afzal Haq : (*a*) Is it a fact that the Muhammadan community gets a very small share of the grant-in-aid for education as compared with other communities, including Christians, in the Jullundur Division ?

(*b*) Will Government be pleased to say what they have done, or propose to do, to give the Muhammadans in that division a fair share of the grant-in-aid ?

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

(*b*) All that Government can do is to consider sympathetically all claims for a grant-in-aid.

READING-ROOMS IN RURAL AREAS.

1742. Chaudhri Afzal Haq : Will Government be pleased to state—

(*a*) whether they ever considered the desirability of opening public reading-rooms in rural areas; and

(*b*) the number of reading-rooms, if any, started by Government in rural areas in the province ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Government have not so far considered the desirability of opening public reading-rooms in rural areas, and the only reading-rooms established by Government are those mentioned in the answer given to the honourable member's question No. 1402.*

CORRUPTION IN GOVERNMENT DEPARTMENTS.

1743. Chaudhri Afzal Haq : Will Government be pleased to state—

(*a*) if they are considering the desirability of summoning a round-table conference of the heads of departments, members of the Legislative Council and some other Government servants and public men to suggest effective measures to root out corruption from all Government departments ?

(*b*) if not, what other course does Government propose to adopt for wiping out this evil ?

The Honourable Sir John Maynard :

(*a*) No.

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*Pages 165-66 *ante*.

(*b*) Government is adopting the measures described in the resolution on the report of Mr. King's committee.

FINANCING OF RAILWAY BRANCH LINES.

1744. Mr. Owen Roberts: Will Government please say whether it has received a copy of resolution No. 2131-F., Government of India, Railway Department (Railway Board), dated 19th February 1925, *re* the financing of branch lines, and if so, whether it has taken any action on the document?

If the answer to the second part of the question is in the affirmative, will it be pleased to lay on the table copies of correspondence that has passed between it and the Government of India on the subject?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The Local Government has received copies of the Government of India, Railway Department, Railway Board, resolution No. 2131-F., dated 19th February 1925, regarding the financing of branch lines, and is considering how far its provisions will affect the Provincial Tramway Projects.

No correspondence has yet passed between this Government and the Government of India on the subject.

BRIDGES ON THE UPPER JHELUM CANAL.

1745. Rai Bahadur Lala Sewak Ram: (*a*) Will Government be pleased to state if it is a fact that the people of Shadiwal, District Gujrat, made a representation to the Chief Engineer requesting him to construct bridges on the Upper Jhelum Canal where it crosses the road from Khutala to Kunjah and Gujrat to Kadirabad?

(*b*) Is it also a fact that the Chief Engineer promised to comply with the above request?

(*c*) If so, will Government please say what action has been taken in the matter since the promise was made?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes, regarding construction of a bridge on the Bhimber Diversion to accomodate the roads mentioned in the question.

(*b*) The Chief Engineer promised to consider the matter.

(*c*) The matter has received attention and plans and estimate for the construction of a bridge at the Bhimber Weir Site have been received from Superintending Engineer, Upper Jhelum Canal Circle, and are under consideration.

CASES OF THEFT AT CHINIOT.

1746. Lala Bodh Raj: Will Government please lay on the table a statement showing the number of cases of theft at Chiniot in the Jhang District during the last five years?

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.

MURDER OF LALA HAKIM RAI KAPOOR OF CHINIOT.

1747. Lala Bodh Raj: (*a*) Is it a fact that in December 1924 a report was made to the police of the murder of Lala Hakim Rai Kapoor of Chiniot?

(*b*) Is it a fact that his body has not as yet been traced?

(*c*) Will Government please state what steps have been taken up till now for tracing out the body of the said Lala Hakim Rai?

(*d*) What has been the result of police investigations?

(*e*) Does Government intend to take any further steps in the matter?

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.

SCHOLARS WHOSE EXPENDITURE IS MET FROM THE GRANT FOR EDUCATION.

1748. Lala Bodh Raj: Will Government please lay on the table a statement showing on 31st March 1925—

(*i*) the number of scholars, males as well as females, of various institutions under the heads University, Secondary, Primary and Special whose expenditure is met from grant No. 14 "Education (European and Anglo-Indian Education)";

(*ii*) the corresponding figures referred to in (*i*) above for the various institutions whose expenditure is met from grant No. 15 "Education (excluding European and Anglo-Indian Education)";

(*iii*) a statement of expenditure incurred during the year 1924-25 by Government on account of the education of the scholars referred to in (*i*) and (*ii*) above, respectively; and

(*iv*) a statement of budgetted expenditure for the year 1925-26 sanctioned by the Council on account of the education of the scholars referred to in (*i*) and (*ii*) above, respectively?

The Honourable Sir John Maynard: The honourable member is referred to the Report on the Progress of Education in the Punjab for 1923-24, a copy of which has already been sent to him. A copy of the report for 1924-25 will be sent to him as soon as it is published.

NOTIFIED AREA COMMITTEES IN THE MULTAN DIVISION.

1749. Lala Bodh Raj: Will Government please lay on the table the answer to my question No. 1417* asked on the 2nd March last?

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*Page 180 *ante*.

The Honourable Mian Sir Fazl-i-Husain: A reply is laid on the table :—

Answer to Question No. 1417.*

The Honourable Mian Sir Fazl-i-Husain: A statement giving the information required by the honourable member under heads (a) to (e) is laid on the table. As regards head (*ee*), the honourable member is referred to clause (*d*) of sub-section (*i*) of section 242 of the Punjab Municipal Act, 1911, from which he will see that no notification as to the composition of notified area committees is required. The power conferred by this clause has been delegated to Commissioners, who may appoint from time to time such number of members as they may think fit.

* Page 180 ante.

Statement showing notified areas in the Multan Division with dates of their constitution and names of members, Presidents and Secretaries, etc.

(i) Name of district.	(ii) Name of notified area committee.	(iii) Date of original constitution of notified area committee.	(iiii) Present strength.				(iv) Names of Members.	(v) Name of President.	(vi) Secretary, honorary, or paid.	
			Ex-officio.	Appointed.	Elected.	Total.			Name.	Honorary or paid.
Montgomery...	Okara ...	15-9-93	3	4	...	7	1. Deputy Commissioner. 2. Tahsildar, Okara. 3. Sub-Assistant Surgeon. 4. Lala Kanshi Ram. 5. Sheikh Muhammad Sadiq. 6. Bhai Dayal Singh. 7. Dr. J. Hari Ram	A. V. Askwith, Esquire, I.C.S., Deputy Commissioner (*Ex-officio*).	Lala Bhagwan Das.	Pay Rs. 225 per mensem.
Ditto ...	Chichawatni	7-1-16	3	3	...	7	1. Revenue Assistant ... 2. Naib-Tahsildar, Colony 3. Sub-Assistant Surgeon 4. Lala Charan Das. 5. Chaudhri Lakhi Ram. 6. Chaudhri Ghulam Haidar. 7. Lala Wasir Chand.	Chaudhri Muhammad Ismail, B.A., Revenue Assistant (*Ex-officio*).	Sardar Ranjindar Singh.	Pay Rs. 70 per mensem.

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

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Statement showing notified areas in the Multan Division with date of their constitution and names of members, Presidents and Secretaries, etc—concluded.

Name of District.	(i) Name of notified area committee.	(ii) Date of original constitution of notified area committee.	(iii) Present strength.				(iv) Names of Members.	(v) Names of President.	(vi) Secretary, honorary or paid. If paid on what salary.	
			Ex-officio.	Appointed.	Elected.	Total.			Name.	Honorary or paid.
Multan ...	Khanewal ...	20-8-19	6	5	...	10	1. Sub-Divisional Officer, Khanewal. 2. Executive Engineer, Lower Bari Doab Canal. 3. Tahsildar, Khanewal. 4. Assistant Surgeon, Khanewal. 5. Khan Sahib Muhammad Farid Khan. 6. Mr. P. L. Rajpal, Pleader. 7. Lala Amir Chand. 8. Mr. W. Roberts. 9. Mr. Muhammad Bakhsh.	Sub-Divisional Officer, Khanewal.	Mr. J. C. Cutting	Pay Rs. 100—10—150, per mensem.

RAI BAHADUR SETH PRABH DAYAL, BAIS AND MILLOWNER, MULTAN.

1750. **Lala Bodh Raj:** Will Government please lay on the table the answer to my question No. 1506* asked on the 9th March last?

The Honourable Sir John Maynard: The answer to question No. 1506 is laid on the table.

Answer to Question No. 1506.

The Honourable Sir John Maynard: (*a*) Yes. Since 7th December 1924 Thakar Bhana Ram, Vakil.

(*b*) Government will not communicate the recommendations made by its officers.

(*c*) Rai Bahadur Seth Prabh Dayal, whose term of office had expired, was not re-appointed as he had paid no visits to the jail for over a year.

(*d and e*) The remarks made by Rai Bahadur Seth Prabh Dayal and by Mr. Fyson, Deputy Commissioner, are available for inspection by the honourable member.

Lala Bodh Raj: In view of the reply to part (*c*) of question No. 1505, will Government please state whether it is not a fact that Seth Prabh Dayal stopped visiting the Central Jail, Multan, by way of protest against the Superintendent's treatment?

The Honourable Sir John Maynard: I am not aware of the reasons which caused Seth Prabh Dayal to cease visiting the Jail.

DR. CHHABIL DAS OF THE SHUJABAD MUNICIPAL COMMITTEE.

1751. **Lala Bodh Raj:** Will Government please lay on the table the answer to my question No. 1518† asked on the 9th March last?

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

LAND ACQUISITION OFFICER, MULTAN.

1752. **Lala Bodh Raj:** Will Government please lay on the table the answer to my question No. 1616‡ asked on the 14th March last?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The answer to question No. 1616 is laid on the table.

Answer to Question No. 1616‡.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia:—

(*a*) Since September 1923.

(*b*) Monthly pay of officer Rs. 540 till March 1924.
Monthly pay of officer Rs. 580 since March 1924.

*Page 837 *ante.*
†Page 847 *ante.*
‡Page 522 *ante.*

[Hon'ble S. B. S. Sundar Singh, Majithia]

Monthly pay of staff (average) Rs. 474.

(c) Rupees 2,709 up to January 1925.

(d) 54, excluding 6 cases of departmental transfers of land.

RETIRING OF NON-GAZETTED OFFICERS AT THE AGE OF 55.

1753. Lala Bodh Raj: Will Government please lay on the table the answer to my question No. 1621* asked on the 14th March last?

The Honourable Sir John Maynard: A copy of the answer to question No. 1621 is laid on the table.

Answer to Question No. 1621.*

The Honourable Sir John Maynard: (a) and (b) The collection of the information asked for would involve an expenditure of time and money which Government does not consider would be justified by the importance of the subject.

(b) Government has delegated under Fundamental Rule 56 to heads of departments power to sanction extensions of service in the case of officials whom heads of departments are empowered to appoint. It follows that ordinarily it is unnecessary to refer to Government when it is proposed to grant an extension of service to a non-gazetted official.

CULTIVATION OF UNPRODUCTIVE LANDS IN THE LOWER BARI DOAB CANAL.

1754. Lala Bodh Raj: Will Government please lay on the table the answer to my question No. 1623† asked on the 14th March last?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: A copy of the answer given to Council question No. 1623 which was communicated to the honourable member through the Punjab Legislative Council is laid on the table.

Answer to Question No. 1623†.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(a) Lists of persons who had been cultivating land in the Lower Bari Doab Canal Colony, whether productive or not, on temporary cultivation for eight or more harvests, were prepared in 1922.

(b) The object was to consider the claims to permanent land grants of local men from among such persons.

(c) No proprietary rights have yet been granted to any of these persons in the lands under their cultivation. Practically all the temporary cultivators of eight harvests' standing who were locals have, however, been granted lands on ordinary peasant conditions; that is, on the conditions published in *Punjab Government Gazette* notification No. 132, dated 11th December 1916. The few men excluded (about ten in number) were non-agriculturists.

(d) No special instructions have been issued by Government regarding the grant of proprietary rights, which will be earned in due course, as provided in the statement of conditions for peasant grants.

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*Page 525 *ante*.

†Page 526 *ante*.

ANNOUNCEMENT *RE* DISTRIBUTION OF SURPLUS REVENUES.

The Honourable Sir John Maynard (Finance Member) : Sir, with the permission of the chair I desire to make a statement to the Council regarding certain matters in respect to which pledges were given on March, the 23rd, 1925. If the honourable members will look at page 803, volume VIII, of the Proceedings of this Council, they will see what those pledges were ; but I will recapitulate them briefly in order that those who have not the volume before them may realise precisely what is the subject of this statement. On that occasion I made three promises. One of those was that Government would reconsider the whole financial position, both as regards rural and urban taxation, including the new abiana rates. The second point was that supplementary demands to the extent of 15 lakhs out of the last year's balance would be laid before this Council. And the third point was that an opportunity would be given to the Council of discussing concrete proposals for the application of the new accessions of revenue which have accrued by the remission of part of the Provincial contribution to the Government of India. These were the three pledges and I now proceed to explain to the Council in what manner they are being fulfilled.

Government had promised a reconsideration of the whole financial position in the light of the new accessions of revenue. I must state to the Council what are the conclusions to which that reconsideration has led. In the first place, Government is impressed by the necessity of a more rapid progress under certain beneficent functions of the Government, more particularly in the spheres of education, medical, public health, agriculture, industries, communications and drainage in rural areas. There is a necessity for an acceleration of progress in all those departments. That is the first conclusion reached. The second is that it is only by applying a portion of the new accessions of revenue to these beneficent purposes that the necessary acceleration can be procured, that is to say, a portion of the new resource ought to be used for producing acceleration in these beneficent departments.

The third conclusion to which Government's re-consideration of the position has brought it is that the new scale of water-rate which equalises the charges on the different canals and brings the charges upon those canals, which were formerly lower, up to the scale of those which have for a long time been somewhat higher, is a far more equitable arrangement than the old system under which the cultivators on some canals were fortunate in escaping with a low rate while others had to bear a high rate. That is to say, generally speaking, the new scale of water-rates is definitely more equitable in every way than the old one which has been superseded.

The next conclusion is that in spite of the general decision that the new scale of water-rates on the perennial canals is definitely more equitable than the old one, there is one direction in which it is desirable that a general remission of some importance should be given. But it is not in the direction of reducing the new charges, but rather of reducing one of the old ones.

The next conclusion to which Government's reconsideration of the position has led it is this, that it is not only the fortunate cultivators of land situated on the perennial canals who ought to benefit by any remission that may be made, but also it is necessary to extend a part of the benefit, even though it may be small, to cultivators who are not so fortunate as to have perennially irrigated lands, cultivators of *barani* and *chahi* lands.

[Hon'ble Sir John Maynard.]

The next conclusion is that there is no justification for reducing that class of burdens which is ordinarily regarded as resting upon the urban population in particular, except in one very small point and even that cannot be said to be the peculiar relief of the urban population, because it also extends to the rural population. To that form of motor transport which is used for trade and commerce, the Government has decided it to be desirable to give some relief.

Those are the conclusions that have been reached in regard to taxation. Now, as regards the particular form which the remission of water-rate is to take. That was a matter for the most careful consideration. Every particular crop was in turn considered and its claim for remission reviewed. Ultimately after very careful and anxious consideration it was decided that the proper form in which remission should be given is upon fodder crops over all the eight perennial canals. Fodder crops have been selected for this remission although they are not included in those particular crops upon which the rates have recently been raised. There are two reasons which will commend themselves to almost all the members for selecting fodder crops for the whole of this remission. One is obvious, namely that fodder is eminently the cultivator's own crop. It is not the rich man's crop, it is not the landlord's crop, it is the cultivator's crop. It is fodder which feeds the cattle which are actually concerned in carrying out the operations of cultivation, or in providing food to the cultivator and his family. That is one reason for selecting fodder for this remission. There is a second reason also and that is this. The remission of *abiana* on fodder tends to relieve certain economic conditions which are very frequent causes of complaint. It is very often represented that the spread of cultivation and other causes have reduced the number of cattle available and have raised the prices of milk and butter to the people in general. It is therefore a benefit from this point of view, not only to the cultivator himself but also, I think, it may be said to the province as a whole.

I next come to the announcement to the Council of the amount of remission of *abiana* on fodder. It has been decided to make it a substantial sum so that there will not be a mere frittering away of the benefit, but it will be perceptibly felt by all those who receive it. The remission will be one rupee per acre for the whole area of fodder production on the eight perennial canals, that is, one-third of the whole charge now existing upon fodder. This remission, I may explain to the Council, will cost Government something like 17½ lakhs of rupees.

Now I come to that item in which it is attempted to benefit not merely the well-to-do cultivator on the perennial canals but also the cultivator whose land is less fortunately situated. For him it has been decided that the proper measure is to reduce the scale of mutation fees. Perhaps the Council will recollect that prior to the financial stringency the mutation fee was fixed at a particular rate which brought in to the Government something like 3 lakhs of rupees a year. As one of the measures for relieving the financial stringency those rates were doubled and at present the amount which the mutation fees are calculated to bring in is something like 6 lakhs. It has now been decided to return to the old scale and to reduce the amount that is being collected now from 6 lakhs to 3 lakhs. That means a reduction of 3 lakhs in the receipts of the Government.

As regards the remaining item, relief of commerce and trade transport which as I have said is likely to benefit all classes alike in a certain measure, I am not yet in a position to make a definite declaration to the Council, because it is a matter which requires a little working out. I think the sacrifice of revenue from this head will not exceed half a lakh. Anyhow it is a matter which we shall now proceed to work out.

Honourable members will have noticed that the remissions which are being made will amount to something between 20 and 21 lakhs of rupees per annum. I shall now explain briefly the figures which show what remains available for expenditure in the beneficent departments. Honourable members will remember that the actual remission of the provincial contribution to the Government of India was calculated to be 61 lakhs of rupees per year. But that is in a small measure counterbalanced by the abolition of certain rebates on account of customs duty on imported stores, more particularly on plant for the canals, which we put at 5 lakhs; that is to say, the net benefit which we receive from the remission amounts to 61 lakhs *minus* 5 lakhs, that is 56 lakhs. From that if we deduct 20 lakhs of remission of taxation, honourable members will see that only 36 lakhs remain. To these 36 lakhs we have to add 15 lakhs which are to be expended on non-recurring objects of a beneficent character from the balances of last year in accordance with a pledge which I made to the Council. 36 *plus* 15 amounts to 51 lakhs; this is the amount which is available during the current year for expenditure on those particular classes of objects which, as I have already said, it is the object of the Government to improve. Now honourable members have before them a volume of supplementary demands which show how Government means to spend this money. In case there should be any misunderstanding, let me explain that it is only part I, of the volume which is relevant to the present question. Part I, of the volume deals with the beneficent expenditure which it is contemplated to incur against the 51 lakhs, the calculation of which I have just explained to the Council. Part I, provides actually for 50 lakhs and not 51 lakhs. Of course it is possible that in view of the decisions that may be reached by the Council next week or for some other reason we may add later on additional items to the expenditure when necessity arises.

Honourable members who are interested in the distribution of this expenditure between recurring and non-recurring objects will observe that this year the recurring expenditure which is proposed against 51 lakhs is only 13¾ lakhs. That is, of course, partly because in the first year of introduction of any recurring expenditure we have not a complete year before us. But the actual recurring expenditure in next year's accounts which is involved by our proposals is 19¼ lakhs, that is to say, we are proposing what will commit the Council to an expenditure of 19¼ lakhs. It is obvious that the proportion which might have been expended upon objects of recurring expenditure might have been larger than that which we have put before the Council. It would have been possible to have gone up to 36 lakhs on recurring and 15 lakhs on non-recurring expenditure. The reason why we have not at once gone to that figure is that it is not easy at a very short notice to make ready the type of proposals which is most likely to give the province the best returns for its expenditure. We shall accordingly next year increase the amount of recurring expenditure out of this new accession to our revenue.

[Hon'ble Sir John Maynard.]

I realise that the members of this Council will like to know what sort of guarantee there is that this addition to the recurring portion of the expenditure will actually be spent upon the objects which I have defined. In order that there may be no misunderstanding on that point, in order that everybody may understand perfectly clearly what is being done, it is proposed in issuing the budget volume each year to give a sort of a *pro formæ* account showing exactly how the new accession to the revenues is being expended. This *pro forma* account will show what is being done with the 36 lakhs of recurring expenditure for which our new resources provide in addition to the 15 lakhs non-recurring.

In conclusion I want to explain why it is that I have made this statement to-day rather than later on seeing that the Council will not have the supplementary demand before it until Tuesday next. My reason for doing this is this. It seems to me desirable that the members who have met here to-day should have a full opportunity of considering the proposals jointly and that honourable members should be in a position to put in their motions for amendments on the proposals to-morrow. If they are put in to-morrow, I would point out sufficient notice will have been given for their discussion on Tuesday next which is the day on which the supplementary demands will come forward. That is the reason why I make this statement at the present time.

THE ADOLESCENT CRIMINALS PROBATIONAL RELEASE BILL.

The Honourable Sir John Maynard (Finance Member): I regret to say that the assent of the Governor-General has not yet been received for the introduction of the Adolescent Criminals Probational Release Bill and I therefore ask permission to postpone this Bill.

The Bill was accordingly postponed.

THE PUNJAB BORSTAL BILL.

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

> "That the Punjab Borstal Bill as reported by the Select Committee be taken into consideration."

It will be within the recollection of the Council that this matter was discussed in March and it was found necessary to postpone it as honourable members had not had sufficient time to study the Bill. In moving that this Bill be taken into consideration, perhaps it will be well if I remind the Council very briefly what are the particular matters of importance that it would find in the Bill. The main object of the Bill is to provide for adolescent offenders of a certain class a special system of what I may call a curative or preventive treatment. The class is the one which suffers from a species of disease and this is a kind of hospital treatment for that disease. This is a class having criminal habits and tendencies and a habit of associating with persons of bad character, that is to say, a class which may be said to be in danger of moral corruption. We do not propose to deal in this Bill with adolescent criminals of another kind, that is to say, for instance, we do not propose to deal with any rioter or a person who has broken

another person's head in a dispute. He is not the class of persons for whom we propose to make provision in the Bill. Several honourable members have already put the question why is it that we propose in this Bill to include one particular class only? That is to say, why do we propose to deal in it only with those who are already to some extent in the way of corruption? The answer to that is this. In the first place it is always wise in matters of this kind to learn by the experience of other countries. When one is instituting a system of this kind, it is always well to see what has been done elsewhere and to borrow from it if the circumstances show that the precedent is applicable to our own conditions. With regard to this particular principle in the Borstal Bill we follow the English law and the present English practice. The object, as I have already said, is to treat the Borstal institution as a sort of hospital for the cure of criminal cases. The youth who is sent to it will not be technically imprisoned, but he will become an inmate of the institution and he will undergo there a certain special treatment likely to improve his character and strengthen the weakening moral fibres. In doing this we quite recognise that it is not right to deprive the other adolescent criminals of the benefits which are to be secured to the special type of criminals under the Borstal Bill. In order that the other kinds of criminals may not be deprived of the benefits of the Bill—the chief one of which of course is a systematic provision for conditional release under conditions which promise the development in the patient of certain industrious and other civilised tendencies—we have as the honourable members are now aware, prepared another Bill which unfortunately I have not been able to move to-day, for the purpose of securing the same advantages also to others. When this Bill was discussed in the House before, one or two honourable members expressed some apprehension that it was the intention of the Government to separate off the class of those who are in the way of moral corruption, but at the same time to leave the absolutely incorrigible offender in company with the ordinary casual adolescent criminal. It was argued that there were three classes of adolescent criminals. The one is the boy who under our system is not bad enough to be put in the Borstal institution, the second is the boy whom we propose to put in the Borstal institution because he has got criminal habits or tendencies or because he has been associating with persons of bad character and the third is the absolutely incorrigible one whom we propose to exclude from the Borstal institution because his influence with the other boys may be extremely bad. I want to remove from the minds of honourable members any notion that under the new system which is to be introduced we propose to get the boy who is too good for the Borstal and the boy who is bad for the Borstal, both together. That is not the intention. The intention is to establish in addition to Borstal institutions a suitable juvenile or adolescent jail with separate wards for the different classes of boys who are confined there. I trust this will give the honourable members the assurance which they are seeking and that this will show them that there is no intention of mixing up together the boy who is too good with the boy who is too bad. They will be kept separate. That assurance I am prepared to give. It only remains for me to say briefly to the House that the Bill does not provide for females. We originally intended that it should deal with females. But the class of female criminals of the particular type under consideration being a very small one, it was not considered proper to ask the Council to provide funds for an expensive institution for a very small number of potential female criminals of a very limited class. Therefore the Bill has been so modified as to provide later on for the extension of its provisions to female offenders.

[Hon'ble Sir John Maynard.]

For the present it applies only to men. There is only one more point that I wish to say before I sit down, that is, to remind the Council that we have modified the Bill by reducing the maximum age for admission to the Borstal institution from 23 to 21. That is because we thought that by putting too high an age we should be having practically grown-up men, men ranging as high as to 30 years of age in close association with boys on whom they would very likely have very undesirable influence. In considering the Bill, I trust that honourable members would bear inmind the ages of the persons who are to be confined or who will become inmates of the Borstal institution. They may be sent there as late as 21 years of age and they may sometimes remain there for seven years. That is to say, we may possibly have a certain number of boys as young as 16 years of age and we may also have a certain number who may be as old as 27 or 28 years of age. That has a very important bearing on the Bill particularly when we come to consider those portions of it which deal with the maintenance of discipline in the institution.

Mr. President: The question is—

"That the Punjab Borstal Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President: The question is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 3 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 4 stand part of the Bill."

The motion was carried.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I beg to move that—

"In sub clause (1) of clause 5, line 9, *after* the word 'class' the words 'specially empowered by the Local Government to exercise the powers conferred by this Act' *be inserted.*"

Sir, by virtue of this section, power, is proposed to be conferred upon a Sessions Court, a Magistrate with powers under section 30 and a first class Magistrate to try cases and award punishments under this Act. I propose a minor amendment to it which I hope even Government will not object to. My proposal is that every first class Magistrate should not have the power to hear cases and pass sentences under this Act. My reasons are as follows:—All the first class Magistrates have not the requisite experience and they are not able, all of them to exercise this power judiciously and justly. Many are the instances of the unwise exercise of authority

vested in these first class Magistrates. I object particularly to inexperienced officers being empowered to try cases under this Act. It is given in section 29 (*b*) of the Criminal Procedure Code:—

> "Any offence other than one punishable with death or transportation for life committed by any person who at the date when he appears or is brought before the Court is under the age of fifteen years, may be tried by a District Magistrate or a Chief Presidency Magistrate, or by any Magistrate specially empowered by the Local Government to exercise the powers conferred by section 8, sub-section (1) of the Reformatory School Act 1897, or in any area in which the said Act has been wholly or in part repealed by any other law providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby."

Under this section, even the principle of my amendment has been recognised. Government too agrees with it. These first class Magistrates are not always appointed on the strength of any experience of courts or knowledge of law or their literary or other qualifications, but often for quite other reasons; therefore, they are still less fit to be appointed Magistrates for the purposes of this Act, for it requires a special judicial experience to be worked justly. The trying Magistrates must be experienced, otherwise great difficulties will arise. This Bill is intended to reform the present system of punishment. But if the first class Magistrates get a right to try cases under this Act, their powers will be increased and they will be put in a position of being able to award three years' detention where they could originally give only two years of imprisonment. This will necessarily curtail the liberties of the people. There will be people who would prefer to be placed in the Borstal institution for, it would mean less hardship to them, but there will be others on whom this will fall more heavily for it would mean a longer term of detention to them. I, therefore, submit that a magistrate specially appointed by the Government should only have the power to pass sentences under this Act. With these words I move my amendment.

Mr. President: Clause under consideration, amendment moved—

> "In sub-clause (1) of clause 5, line 9, *after* the word 'class' the words 'specially empowered by the Local Government to exercise the powers conferred by this Act' *be inserted*."

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member): Sir, the honourable member thinks it desirable to take precautions against first class Magistrates being too freely empowered to pass orders detaining persons in Borstal institutions instead of sending them to jail. I think, Sir, this idea is really based on a misapprehension. It is far better for a boy of a certain type to be subjected to the particular kind of curative treatment which we contemplate and not to be sent to the jail, and therefore it is not desirable to throw obstacles in the way of the adoption of that method of treatment as an ordinary and normal proceeding. The honourable member thinks that because the period of detention given by a first class Magistrate may amount to as much as three years, whereas the term of imprisonment which he is empowered to award is only two years, therefore his powers are being dangerously extended. But detention in a Borstal institution is a very different matter from imprisonment in an ordinary jail, in this way that after a certain term he becomes on the recommendation of the committee of visitors entitled to conditional release as a matter of course if his conduct is

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sufficiently good. Therefore there is no sound reason for treating it as a dangerous thing to empower ordinary first class Magistrates in the discharge of their ordinary duties to deal with boys in this manner. As a matter of fact the adoption of a limitation such as this which the honourable member desires the Council to make would have very unfortunate results in actual practice. The number of criminals of the adolescent age is something like 2,500 to 3,000 all over the Province and it would be very unfortunate if Government were required to limit powers under this Bill to a very limited number of magistrates to whom special powers have been entrusted because it would mean that we shall not be able to get the work done and therefore the Bill would be to that extent inoperative. I trust that the House will not accept this amendment.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural] : Sir, I oppose the amendment proposed by my learned friend. The question is from what point of view should we look at the Bill. Do we regard it as a beneficial measure or do we regard it as a bad measure ? The House has accepted the principle that it is a beneficial measure. Therefore to limit these powers to a certain class of people, I submit, would be to limit the benefit. This question was considered very carefully in the Select Committee and after a long discussion it was thought necessary that the benefit of this Bill should be extended to as large a number of people as possible. Moreover with regard to these special powers we sometimes find that Government on account of oversight or overwork is unable to make the necessary notifications in time and therefore those young men who are brought before the courts will have to be kept in the *hawalat* for a longer time or they will have to go to ordinary jails. In both these cases my submission is that great hardship would result and therefore on these grounds I oppose the amendment.

Mr. President : Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 9 *after* the word 'class' the words 'specially empowered by the Local Government to exercise the powers conferred by this Act' *be inserted*."

The question is that that amendment be made.

The motion was lost.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, I beg to move that—

"In sub-clause (1) of clause 5, line 11, *after* the word 'behaviour' the words 'under section 110 of Act V of 1898' *be inserted*."

In this section power is conferred, to try cases under section 108 as well, over and above those mentioned in section 3. The words "good behaviour" may cover sections 108, 109 and 110 of the Criminal Procedure Code. This Bill in its very principle does not at all touch political crimes covered by chapter VI of the Indian Penal Code and the securities demanded under section 108 are mostly if not all of them from seditionists for their political beliefs. When section 124-A and other sections of similar intent have been excluded from the purview of this Act, I find no reason why section 108 should be included in the list of such crimes. In section 3 all such offences have already been excluded.

Then comes the question of those youngmen who will be bound down under section 109. The number of such youngmen will be a very small one and there would hardly be any occasion to apply this section to these. But even in the case of such men I do not see why the term of imprisonment should be

raised, say, to three years. Instead of placing sections 108, 109 and 110, all the three of these within the cognizance of this section, I propose that section 110 only be kept in it. I, therefore commend my amendment to the consideration of the House.

Mr. President : Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 11, *after* the word 'behaviour' the words 'under section 110 of Act V of 1898' *be inserted*."

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member) : Sir, with a portion of what the honourable member has said I am in cordial agreement, but with another portion I am in complete disagreement. If he says that sections 109 and 110 should remain and section 108 should be excepted, I quite agree. As it is, I am compelled to resist this amendment. That is to say, if he wishes that a person who is ordered to find a security under section 109 as a vagrant or a person who had an intention of committing an offence should not be dealt with under this Bill, I differ from him most emphatically. That is the very thing which one wants to bring within the Borstal Bill; that is precisely the kind of boy whom the Borstal authorities would be very wise to get hold of; that is the sort of criminal to whom this section is eminently applicable. I am therefore compelled to resist this amendment.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural] : Sir, I think my learned friend is trying to defeat the very object which he has in moving this amendment. The section refers to offences like sedition and other connected offences. As far as this Bill is concerned, it provides a kind of jail which is more lenient than the ordinary jail for the adolescent criminal and if my learned friend wishes that the people who are connected with political offences should not receive the benefits of this Bill he is defeating his own object, and I believe that he is doing more harm by trying to keep them out of the jail. Probably he will not press this amendment.

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Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I beg to differ from the statement which has just been made by my honourable friend who has preceded me. He seems to think and I also thought so before I went to the Select Committee, that this Bill is giving a sort of concession to those who are brought under it. But I am sure that the honourable member in charge of the Bill will support me when I say that this is intended to be not a beneficent measure but as a punishment. Those persons who come under this Bill will be entitled to be detained longer than they would otherwise be. I think my honourable friend means that those who are convicted of political offences should be included in the new Bill which it was proposed to be introduced to day but has been postponed, namely the Adolescent Criminals Probational Release Bill. But I do not see the particular point which my honourable friend opposite wants to gain by insisting upon this amendment. If the next amendment* on the agenda is to be accepted, I do not see what advantage is to be gained by pressing this amendment.

Maulvi Mazhar Ali, Azhar : Sir, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

*Vide page 890 *infra*.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I beg to move that—

"In sub clause (1) of clause 5, line 11, *after* the word 'behaviour' the words 'under sections 109 and 110 of Act V of 1898' *be inserted.*"

I have already had enough to say on the subject covered by this amendment. I, therefore, move this amendment formally.

Mr. President: Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 11, *after* the word 'behaviour' the words 'under sections 109 and 110 of Act V of 1898' *be inserted.*

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member): Sir, I have nothing to say against this amendment.

Mr. President: Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 11, *after* the word 'behaviour' the words 'under sections 109 and 110 of Act V of 1898' *be inserted.*"

The question is that that amendment be made.

The motion was carried.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan), Urban] (Urdu): Sir, I beg to move—

"In sub-clause (1) of clause 5, line 11, *between* the word 'behaviour' and the word 'and' the words 'otherwise than for political activities' *be inserted.*"

Sir, the object of my amendment so far as it concerns section 108 of the Criminal Procedure Code, has been realized but I would require something more to be done in this connection. It is my personal experience that during the last few years the political workers were not only ordered to furnish securities under section 108, but they were even proceeded against under section 109 of the Criminal Procedure Code on the ground that they had shown some criminal tendency. It is not proper to deprive persons of their freedom for their political views. I have seen that the Council has accepted the amendment in connection with 108, Criminal Procedure Code, and I believe that my amendment would also be accepted. I do not think there is any harm in accepting this amendment. The object of the Bill is reformation and I think the insertion of the words "otherwise than for political activities" can never affect it adversely.

Mr. President: Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 11, *between* the word 'behaviour' and the word 'and' the words 'otherwise than for political activities' *be inserted.*"

The question is that that amendment be made.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]: Sir, I support this amendment. I submit that Government has already accepted this principle in the Bill. The Bill excludes political offenders and now that another Bill is going to be introduced in the Council very shortly I submit that these words be inserted so that there may be no confusion.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I support the amendment. Malik Firoz Khan Noon, has remarked that the amendments moved by us would defeat our own object. Sir, in reply to this I would submit that if there are advantages they are not free from dis-advantages. We are not prepared to allow political workers to be detained for longer terms of imprisonment under the guise of reformatory treatment. We do not want political reformation, but only moral reformation. In each case imprisonment that could be inflicted would be for a shorter term as compared with Borstal detention. Hence the Government should not be empowered to detain the political offenders for a longer term in the Borstal Jails.

Mr. M. V. Bhide (Legal Remembrancer): Sir, I believe the expression "political activities" has nowhere been defined. I do not know what the honourable member means by 'political activities'. Under the Criminal Procedure Code people are bound down so far as political activities as ordinarily understood are concerned under section 108, Criminal Procedure Code and that section has already been omitted by amendment* No. 3 being accepted. I am unable to see what further object the honourable member has in view in moving this amendment.

The Honourable Sir John Maynard (Finance Member): Sir, I am in entire sympathy with my honourable friend opposite in desiring the exclusion from the operation of this Bill of all those who are engaged in activities which are commonly known as political. (Hear, hear). But I do not like the way in which they are trying to achieve this object. If the honourable members will look at clause 2 of this Bill and the definition of the word 'offence' they will see what points were taken to be excluded from the operations of this Bill, the kind of action which is ordinarily associated with political activities. We have excluded altogether the offences punishable under Chapter VI of the Indian Penal Code, that is to say, offences against the State. Those are the commonest type as far as I know of political offences. By the amendment which I have just accepted we have also excluded altogether security under any section other than 109 and 110. Some honourable members seem to think that political offenders might be dealt with under sections 109 and 110 of the Criminal Procedure Code. There is not within my experience any case of the kind happening and I believe if honourable members will look at sections 109 and 110 they will see that it is hardly conceivable that the particular kind of offenders called political offenders could be charged under those sections. Section 108 and even section 107 are quite different matters. It is quite possible that political offenders may be bound over to keep the peace under section 107, it is quite possible that they may be bound over to abstain from public seditious speeches under section 108. But it is not conceivable, and it is not within my range of experience that such a person should come under the provisions of sections 109 and 110. If any member feels any doubt in the matter let him read the sections. Section 109 refers to "person who is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and there is reason to believe that such person is taking such precautions with a view to committing any offence, or that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself." Section 110 refers to a "person who is by habit a

Vide page 890, *ante*.

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robber, house-breaker or thief, or is by habit a receiver of stolen property knowing the same to have been stolen, ...or is so desperate and dangerous as to render his being at large without security hazardous to the community." Probably the honourable member means that these are political offences. But that is not the way in which these sections are generally interpreted. I trust this House will not introduce an expression into the Bill which would be extremely difficult to understand. I am not quite sure if everybody heard or understood what my honourable friend Mr. Bhide said. What he said was that there is no definitely ascertainable legal meaning assignable to the expression "political offences" and so this amendment will make the Bill difficult to understand and will really introduce a stumbling block into the working of the Act. Besides it is a meaningless suspicion that these sections will be used against political offenders.

Rai Bahadur Sir Gopal Das, Bhandari (Non-official, Nominated): Sir, I wish to say a few words about this amendment. It is really a most regrettable fact to hear that the intention of the introduction of this Bill is certainly to have more period of detention for a certain class of people. If it is really the intention of the Government to keep political offenders for a period longer than they can remain in jail under the ordinary procedure, I beg to say: Is it not easy for Magistrates to punish under section 110. I fail to understand what is the object of all these amendments. If there is an under current of a malicious nature, then there are quite open ways to bring about the desired result. It is really most regrettable that the amendment should be pressed. There is the ordinary law to deal with political activities and my submission is that no provision should be made in this Bill as is proposed in the amendment.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural]: I understand the intention of the Government is not to bring the political offenders within the purview of the present Bill. I have known of several cases in which section 110, clause *f*) has been interpreted in different ways by the Magistrates. For instance in the case of picketting of liquor shops, some of them have found that picketting of liquor shops is really hazardous to the community and that therefore the offenders should be put on security under section 110. If the intention of the Government is real and clear that political activity should not be brought within the purview of this Bill, then I submit that the present amendment ought to be accepted. By accepting the amendment the meaning will be made clear.

The Honourable Sir John Maynard (Finance Member): Sir, I only want to say that the result of passing this amendment would be to introduce an expression into the Bill of which the meaning is not legally ascertainable and therefore it would be a most disastrous and unsatisfactory result.

Mr. President: Clause under consideration, amendment moved:—

"In sub-clause (1) of clause 5, line 11, *between* the word 'behaviour' and the word 'and' the words 'otherwise than for political activities' *be inserted*".

The question is that that amendment be made.

The Council then divided: Ayes 31, Noes 25.

AYES 37.

Malik Firoz Khan, Noon.
Munshi Fazal Khan.
Mir Maqbool Mahmood.
Chaudhri Najib-ud-Din Khan.
Chaudhri Nur Din.
Chaudhri Sahib Dad Khan.
Sardar Narain Singh.
Mian Abdul Aziz.
Mian Muhammad Shah Nawaz.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Raja Firoz-ud-Din Khan.
Sardar Dhira Singh.
Shaikh Muhammad Sadiq.
Pandit Nanak Chand.
Professor Buchi Ram, Sahni.
Diwan Bahadur Raja Narendra Nath.
Captain Dhan Raj, Bhasin.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Lala Mohan Lal, Bhatnagar.
Rai Bahadur Lala Dhanpat Rai.
Rai Bahadur Lala Bhagat Ram.
Mr. Labh Singh.
Chaudhri Duli Chand.
Lala Mohan Lal.
Chaudhri Ram Singh.
Chaudhri Kesar Singh.
Chaudhri Tek Ram.

NOES 25.

Mr. W. P. Sangster.
Colonel C. R. Rakhle.
Lieut.-Col. A. W. Greig.
Mr. A. M. Stow.
Mr. H. P. Tollinton.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Donnett.
Mr. D. Milne.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Sardar Bahadur Sardar Jowahir Singh.
Lieutenant Malik Muzaffar Khan.
Khan Bahadur Sir Sayad Mehdi Shah.
Sardar Bute Singh.
Rai Bahadur Sir Gopal Das, Bhandari.
Mr. B. Maya Das.

The motion was carried.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu) : Sir, I beg to move—

"In sub-clause (1) of clause 5, line 20, *for* the words 'in lieu of' the word 'after' *be substituted.*"

The Bill under consideration empowers the magistrates to send an offender to Borstal Jail instead of sentencing him to imprisonment. Of course the Bill is a beneficent one. But with all its benefits it fixes no proportion between the term of imprisonment and the term of detention. Would it be just if a magistrate, instead of sentencing an offender to three months imprisonment according to the ordinary law sends him to the Borstal institution for three years? No, it would be sheer injustice to do so. Even the Appellate Court in that way would not be able to know the real circumstances under which an offender was sent to Borstal institution; neither the offender nor the public would know.

The object of this and the next amendment is that the magistrates should first of all pass the sentence of imprisonment according to the ordinary law and then commute it to a sentence of detention in the Borstal institution. The offender as well as the visiting committee would be aware of the circumstances and facts of the case under which the former is sent to Borstal institution. In this way the Appellate Court and the visiting committee would be in a better position to give their decision in each case. If the Council would not accept my amendment there would be no uniformity and certainty in the sentences awarded to adolescent offenders and the object of the Bill would be defeated. The magistrates would in many cases abuse their powers. Injustice would be done in the name of reformation. I think there should be some restrictions imposed on the powers conferred on the magistrates by section 5 of the Bill. I hope that the Council would accept the amendment and the Government would also not object to it.

Mr. President : Clause under consideration, amendment moved—

"In sub-clause (1) of clause 5, line 20, *for* the words 'in lieu of' the word 'after' *be substituted.*"

The question is that that amendment be made.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan), Urban] (Urdu) : The proposed amendment would not only give the inspection committee better opportunities to know the real facts, but it would further furnish Courts of appeal better data to judge the gravity of offence. Therefore in addition to the arguments put forward by my honourable friend Maulvi Mazhar Ali Azhar I support the amendment under consideration on the ground that it would be easier for the Appellate Court to give decision on the merits of each case.

Ordinarily first class magistrates can only award a punishment of two years' imprisonment at the most, but under the provisions of the Bill their powers would be enhanced so that they would be able to send an offender to Borstal Jail for three years. In order that they should administer justice in each case it is necessary that some restrictions be imposed on the powers conferred on them by section 5.

Mr. J. M. Dunnett (Home Secretary) (Urdu) : Sir, I rise with a feeling of disappointment after the speeches which have been delivered especially when I remember all that passed in the Select Committee. Not

only the Select Committee but all the members of this House know well that one of the chief objects of this Bill is to avoid the stigma, the brand of conviction being placed on the names of young men when they in misguided moments violate the law of the land. If Maulvi Mazhar Ali's amendment is accepted they will be convicted, branded as jailbirds and one object of this Bill will be defeated. The House will set foot on a course which will lead it to abandon this Bill and to content itself with the Adolescent Criminal Probational Release Bill alone.

I do not feel the difficulties visualised by Maulvi Sahib and Rana Sahib. There are in fact no difficulties. The court of appeal will have all the facts connected with the case placed before it. It will have all the evidence on which the conviction has been obtained and it can have no difficulty in determining whether the crime was actually perpetrated or not. The question of punishment will also be easy to solve. The present Act is not likely to stand in the way of appeals. On the contrary if the amendment is passed a great amount of the good proposed to be done by this Bill will be set aside.

Rai Bahadur Sir Gopal Das Bhandari (Nominated, non-official): Sir, I beg to say that a great amount of labour has been spent in putting the amendments with regard to this section, but at the same time I cannot refrain from making the remark that the proper amendment which should have been put and by putting which the object would have been gained has not been put. (A voice: you do it then). It is over and over again said that a first class magistrate can detain a person for three years, but when we read this section what we find is that, as a matter of fact, the detention in no case can be less than two years. Now it is urged that quite consistent with the punishment which is to be awarded the detention order should be given, but it is not taken into consideration that in the case of section 323 where punishment is given only for ten days there, if the order of detention is to be passed, it cannot be for less than two years.

Pandit Nanak Chand: This Bill will not apply.

Rai Bahadur Sir Gopal Das Bhandari: The amendment cannot be useful and unless and until that part is deleted and a new one put in laying down that detention can be for a period less than two years, certainly your object cannot be gained. You say, pass a sentence of ten days, then you. . . .

Mr. President: Is the honourable member speaking on the amendment?

Rai Bahadur Sir Gopal Das Bhandari: I am speaking on the amendment and showing that this amendment should not be accepted for certain lengthy reasons. The other argument which I have advanced is with a view to bring the mover of the amendment to the right path. His argument has no force whatever. The amendment should not be adopted by this House. If the sentence is light, the order of detention of two years will have to be passed. This cannot be done away with at all. Therefore what is the object of moving this amendment? At the same time the detention is meant to make the offenders give up their criminal tendencies. In certain cases, detention will be more beneficial than if the offender is handed over to an individual or to a society. The longer he is detained the better chances he has of forming good habits. I think that he ought to be

[R. B. Sir Gopal Das, Bhandari.]
detained for a reasonable period as it will be for his own good. I beg to say that if the amendment had been made to lessen the period that would have been better, but otherwise all these amendments at least ultimately will prove to be useless.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I beg to oppose the amendment because it affects the very principle of this Bill. And when I do so I want to make it clear that I perfectly sympathise with the suspicions advanced by my friend who has moved the amendment that this clause may in some cases be abused and the only safeguard which I would suggest is that as far as possible curtail the limitations of giving the release which is sanctioned in section 15 of this Act. Normally a criminal may either be punished or treated. Punishment implies that he has sinned against society, and that society wants to take revenge from him in the way of imprisonment. An adolescent offender has not really sinned against society but has inherited certain criminal tendencies to remove which he deserves treatment. Now, Sir, if we are giving benefit of treatment to adolescents how can we condemn him to imprisonment at the same time? I dare say my learned friend will see to this point of mine. He has said that it is likely that a man who would normally be sentenced to six months or three months would be sentenced to two years, but a man who is imprisoned cannot be released on probation while a man in a Borstal institution, if he is able to mend himself, may be released on probation. In view of these considerations I beg to oppose the amendment.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural] (Urdu) : Sir, I support this amendment. Sir Gopal Das seems to have failed to grasp the full significance of the amendment. In fact, it tends to solve the difficulty to be experienced by the working of section 20 of this Bill. Suppose an accused had originally to be sentenced to two years, but is ordered for detention for 7 years under the present Bill, what will be the effect of section 20 which reads :—

> "Where an inmate is reported to the Local Government by the visiting committee to be incorrigible, or to be exercising a bad influence on other inmates of the institution or is convicted under section 19 of this Act, the Local Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description not exceeding such unexpired residue as the Local Government may direct."

Now, let us consider this point. Suppose a man has to be sentenced for the commission of an offence for a period of two years. But due to the passing of this Act he has been ordered to be detained in a Borstal institution for 7 years. But after the expiry of two years he is branded as incorrigible, what will be the effect of this. Instead of being released after two years as he ought to have been in the ordinary course of things, he shall now be sent to some jail to serve a term of imprisonment which may extend to five years. This means that he may undergo an imprisonment of five years for an offence punishable in the first instance with two years' imprisonment. The same difficulty was experienced in the Select Committee.

I appended a minute with regard to clause 20 of the Bill and wanted the power of sentencing incorrigibles to be given to the High Court, for Local Government cannot have the benefit of hearing the arguments of lawyers. But I did not for certain other obvious difficulties make the amendment. But this amendment will solve all these problems. It would simplify matters for the Government if the trial court passes alternative sentences. If after serving 1½ years out of the original sentence of two

years he is found to be incorrigible he shall have to pass a further period of six months only and not a day more in the jail than what the law demands him to do. Otherwise a great injustice will be done to the prisoner. While I am in perfect agreement with Mr. Dunnett as to the beneficial nature of the Bill I submit that this is a new Bill and it is possible that sentences of varying duration may be passed by different trying magistrates. Every body knows the necessity of uniform sentences being passed by different courts for the commission of similar crimes. In the other criminal cases a uniformity has been achieved after long practice. To achieve uniformity in the award of sentences it is desirable that some standard be placed before the courts and I am afraid this will not be achieved unless the following words are added. . . . .

Mr. President: Will the honourable member leave the other amendment alone at this time and proceed with the amendment under discussion.

Pandit Nanak Chand (continued in Urdu): I submit, Sir, that both the amendments are necessary to bring about a uniformity in sentences passed. With these words I support the amendment proposed.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, I would like to express my views on the amendment under consideration. The chief object of the Borstal Bill is to reform the adolescent offenders by detaining them in Borstal institution for a certain period. The Bill is certainly a beneficent one, but there is a possibility of the powers conferred by section 5 being abused. The offences enumerated in section 3 are beyond the scope of the present Bill. On the other hand, there are certain offences under sections 147, 325 and 323 which can be punished with slight punishments, say one month's imprisonment or fine. But under the provisions of the Bill an offender would be detained in a Borstal Jail for two years, for a magistrate is not empowered to send an offender there for a period less than two years. Even the court of appeal cannot reduce this term of two years' detention. The inspection committee as well is not empowered to remit the whole term of detention. An offender can show good behaviour and learn a carpenter's work within a short time say a month or two. We should very carefully look to section 5, which has caused great apprehensions. A trying magistrate should first of all see how much punishment should be awarded to an offender under the existing law and then he may commute it to Borstal detention. In this way the magistrate on the one hand, would never dare to send an offender liable say for ten days imprisonment to Borstal Jail, and on the other the inspection committee who have to remit the term of detention, would come to know the real circumstances under which the offender is sent to Borstal Jail. I am of opinion that we should restrict the powers conferred on the magistrates under section 5 and the restriction proposed by the amendment is a sound one and may be accepted.

The Honourable Sir John Maynard (Finance Member): Sir, this Bill has in some respects had rather sad fortunes. When it was first put forward nobody had studied it. Now it is put forward a second time. It is extremely hot to-day and I think there is a certain amount of mental confusion produced by the temperature. (Laughter). This proposal which we are actually discussing on this particular amendment amounts to this. The Bill contemplates the court passing, in certain cases, provided certain conditions are fulfilled, an order not of imprisonment but of detention in a Borstal institution. Detention in a Borstal institution means detention under very special conditions and there is the chance for a well-conducted inmate to

[Hon. Sir John Maynard.]

obtain conditional release after one-third of the sentence has been passed. Now these provisions for some reason fill certain members with dire suspicions as to the intentions of Government. Some people think, "we see before us the prospect of shutting up all the political activities of the province in the Borstal institution." Some of them think that magistrates will in certain cases, give a very light punishment of 15 days or less imprisonment, whereas they will order long term detention in a Borstal institution. Therefore the honourable member who proposed this amendment and some of those who understood what he meant and supported him have said "instead of our saying that the magistrate or the court shall pass an order of detention in a Borstal institution, let the court pass a sentence of imprisonment and in due course let it commute that sentence into one of detention in a Borstal institution." Now it is always easier to think in the concrete than to think in the abstract. Therefore, I think the best way is to give an actual concrete example of the way in which this change might work in practice. Let us say that a court has sentenced a certain adolescent offender to two years' imprisonment and then proceeds to commute that order into three years borstal detention. Of course there is one disadvantage as pointed out by Mr. Dunnett that the sentence of imprisonment does actually stand against that man, and that is one of the things we want to avoid. But this is by no means the whole result. Let us ask ourselves what that boy who has been sentenced to two years' imprisonment or three years' borstal is likely to do if he desires to obtain complete release after two years' detention? When he has spent two years' in the Borstal institution, that is a period equal to the whole term of imprisonment to which he was sentenced before the order of commutation was passed, if he wants immediate release, all that he has to do is to commit a series of offences which will give an impression that he is incorrigible. Then it will be absolutely necessary to release him altogether because the two years' term for which he was punished has already passed and there is no power which can extend the period beyond that. Therefore the result of what has been suggested is that at a certain time in the course of detention at a borstal it may be to the great advantage of the inmate to be absolutely undisciplined and absolutely incorrigible in order that he may obtain immediate release. This could not happen under the operation of the Bill as drafted, because section 2 gives indeterminate powers.

Mr. President: Clause under consideration, amendment moved—

"In sub-clause (1) of clause 6, line 20 *for* the words 'in lieu of' the word 'after' *be substituted.*"

The question is that that amendment be made.

The Council then divided: Ayes, 26; Noes, 32.

Ayes 26.

Chaudhri Najib-ud-din Khan.	Pandit Nanak Chand.
Chaudhri Nur Din.	Professor Ruchi Ram, Sahni.
Chaudhri Sahib Dad Khan.	Diwan Bahadur Raja Narendra Nath.
Sardar Narain Singh.	Captain Dhan Raj, Bhasin.
Sardar Tara Singh.	Lala Bodh Raj.
Mian Abdul Aziz.	Rai Bahadur Lala Sewak Ram.
Mian Muhammad Shah Nawaz.	Dr. Nihal Chand, Sikri.
Maulvi Mazhar Ali Azhar.	Lala Diwan Chand.
Chaudhri Afzal Haq.	Lala Mohan Lal, Bhatnagar.
Rana Firoz-ud-Din Khan.	Mr. Labh Singh.
Sardar Partap Singh.	Lala Mohan Lal.
Sardar Dhira Singh.	Chaudhri Ram Singh.
Shaikh Muhammad Sadiq.	Chaudhri Tek Ram.

Note 32.

Mr. W. P. Sangster.	Mr. D. Milne.
Colonel C. R. Bakhle.	Mr. H. W. Webb.
Lt.-Col. A. W. Greig.	Mr. Owen Roberts.
Mr. A. M. Stow.	Mr. M. V. Bhide.
Mr. H. P. Tollinton.	Malik Firoz Khan, Noon.
Khan Bahadur Nawab Muzaffar Khan.	Mir Maqbool Mahmood.
Sir George Anderson.	Sardar Bahadur Sardar Jowahir Singh.
Lieut.-Col. C. A. Gill.	Khan Muhammad Saifullah Khan.
The Hon'ble Rai Sahib Chaudhri Chhotu Ram.	Lieut. Malik Muzaffar Khan.
The Hon'ble Mian Sir Fazl-i-Husain.	Subedar-Major Farman Ali Khan.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.	Khan Bahadur Chaudhri Fazl Ali.
The Hon'ble Sir John Maynard.	Chaudhri Ghulam Muhammad.
Mr. J. G. Beazley.	Rai Bahadur Sir Gopal Das, Bhandari.
Mr. Miles Irving.	Sardar Randhir Singh.
Mr. J. M. Dunnett.	Sardar Mangal Singh.
	Mr. E. Maya Das.
	Chaudhri Duli Chand.

The motion was lost.

Mr. President: It seems to me that the next amendment (Amendment No. 6*) falls through in consequence of the result on amendment No. 5. The question is:—

4 P.M.

"That clause 5, as amended, stand part of the Bill."

The motion was carried.

Mr. President: With regard to clause 6, the honourable member Professor Ruchi Ram has given notice of an amendment,† but that does not give sufficient notice. Does any honourable member object to that amendment being moved?

Professor Ruchi Ram, Sahni: My amendment is a very small one.

The Honourable Sir John Maynard: I must object to amendments being moved without due notice.

Mr. President: The objection must prevail and the amendment is ruled out.

The question is—

"That clause 6 stand part of the Bill."

The motion was carried.

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* "In sub clause (1) of clause 5, line 23 *for* the word 'pass' the words 'commit such sentence into' *be substituted*."

† "At end of clause 6, the following proviso *be inserted*—'Provided he has not been previously convicted for bad behaviour'."

Mr. President : The question is—

"That clause 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. M. V. Bhide (Legal Remembrancer) : Sir, I beg to move —

"In sub-clause (1) of clause 10 *after* the figures '1898' the following words *be inserted* :—'relating to appeal, reference and revision.'"

This amendment is purely of a formal character. The words proposed in the amendment were by oversight omitted in the Bill and they are needed to make the meaning of the clause clear. The object of the clause as will be seen is to make the order of detention subject to appeal, reference and revision in the same manner as a sentence of imprisonment. These words will make the object clear. As the amendment is of a formal nature, I hope it will be accepted by the Council.

Mr. President : Clause under consideration, amendment moved —

"In sub-clause (1) of clause 10, *after* the figures '1898' the following words *be inserted* :—'relating to appeal, reference and revision.'"

The question is that that amendment be made.

The motion was carried.

Mr. President : The question is—

"That clause 10, as amended, stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 11 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 12 stand part of the Bill."

The motion was carried.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu) : Sir, I beg to move :—

"In clause 13, the words following the words 'finding thereon' *be omitted*."

Sir, in this section it has been provided that a magistrate shall enquire into the question of the age of the offender and decide after taking necessary evidence, but a proviso has also been added which shows that once a certain finding is arrived at as to the age of the offender it will not be reconsidered. This means that even if the case is referred to an appellate court the finding of the lower court shall not be interfered with. My submission is that this pro-

cedure is open to serious objections. It is possible that lower courts may commit mistakes and it would be quite unjust to maintain their findings. In my opinion it is quite just and reasonable that appellate courts should be vested with such powers that may enable them to alter the wrong findings of the lower courts. The object of this Bill is that young offenders should not be mixed with older ones but if a lower court wrongly finds the age of an older offender to be less than 21 and sends him to the Borstal Jail the object of the Bill will be defeated. I would, therefore, strongly recommend that appellate courts should be authorised to reconsider the question of age. It would be in the interest of justice and equity if this proviso is removed. It is not just and proper and there is no need of its being added to section 13 of the Bill.

Mr. President : Clause under consideration, amendment moved :—

"In clause 13, the words following the words 'finding thereon" *be omitted*."

The question is that that amendment be made.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] (Urdu): Sir, as far as I have understood, this section does not refer to the appellate courts in any way. I think that when an appeal is lodged with regard to an offence the question of the age could be taken up and considered by the appellate court.

Mr. J. M. Dunnett (Home Secretary) (Urdu): Sir, I regret I cannot agree with my friend Pandit Nanak Chand although his arguments help my conclusion. The interpretation put on this section by Maulvi Mazhar Ali Sahib is undoubtedly the correct one. It is proposed that no appeal shall be heard in cases where a magistrate has decided that the age of the offender is below 21. There will be no appeal as regards the determination of age. This section does not refer to that category of crimes in which the age of the criminals forms an essential part. These particular sections of this Act discuss the manner of treatment to be meted out to the criminals. That is why age has to be determined beforehand. But it is not essential for the proof or nature of the crime. A similar precedent in which there can be no appeal against the decision of a court as regards age can be found in the Reformatory Act of 1897. In section 16 of this act it is given that if a magistrate once decides that the age of the criminal is less than 15 years and orders him to be sent to a Reformatory Settlement no appeal can be heard about his age. The section runs as follows :—

> "Nothing contained in the Code of Criminal Procedure, 1882, shall be construed to authorise any court or magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment".

Sir, when in this case no appeal is allowed, I find no reason why appeals should be admitted in the case of adolescent offenders. In my opinion there is a very little possibility of any error in determining the age whether the court is a subordinate court or court of appeal. Medical evidence or the birth certificates will have to be considered. Therefore, having regard to the facts that age has to be considered only to determine the kind of treatment to the prisoner and that a precedent exists in the case of Reformatory Act, I hope this amendment will not be adopted.

Mian Abdul Aziz [Lahore City (Muhammadan), Urban] (Urdu): Sir, my honourable friend the Home Secretary has already removed the misunderstanding which was likely to be created by the speech of Pandit Nanak Chand. If the view taken by Pandit Sahib had been the correct one, there was no occasion for such an amendment. Now as the misunderstanding has been removed, I shall talk no more of it.

Sir, the question before us is about the age of the accused. Once a magistrate has fixed the age of an accused, there can be no appeal against this finding as the clause lays down that it shall be final and conclusive. This is, I submit, highly unjust. Hindus keep horoscopes (janam patries), but the Muslims have nothing to record the birth of a child. This proviso has great potentialities of being misused. For instance, if any court or person desires to deprive some accused from the benefit of section 562, Criminal Procedure Code, where an accused can be set at large on his own recognizance for a very much shorter period, it can be done very easily. The only thing he has to do is to get a final order about his age being even one day less than 21 years and send him or get him sent to the Borstal institution for good many years. Section 562 enjoins for no supervision or authority of any other person than his own personal surety for good behaviour, while under this Act the accused shall have to remain confined, which would be most unjust to keep him for three years in the Borstal Jail.

Sir, every conviction can be appealed against, and there is no reason why no appeal should be allowed against the determination of the age, which is the first principle of law, especially of criminal law. Can't you imagine a magistrate fixing on account of misrepresentation or misjudging or, I may go further, out of some grudge or otherwise, intentionally, the age of a criminal at a day less than 21 years and sending him to three years' detention in the Borstal Jail? Will it then be just to leave room for such arbitrary exercise of the judicial powers? It would be highly unjust to make a magistrate the final court of appeal in matters of age, even if he decides impartially. In my opinion it would be sheer injustice to make such decisions about age of the offenders as final and irrevocable. Sir, when an appeal is allowed in even worst crimes, I find no grounds on which such a right is being denied in this case. I strongly support the amendment, which is moved by my honourable friend M. Mazhar Ali, Azhar.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural]: Sir, I beg to support the amendment and in doing so I fully realise the departmental difficulties of those who will be in charge of the institutions. There is yet another point. According to the Indian Penal Code, supposing a particular boy who is of eight years and six months appears before a court and is sentenced to detention and the court holds that he is about eighteen because he looks big he is deprived for all times of acquittal in consideration of his age which the Penal Code promises him. I submit it would not be fair to have that finding conclusive. Even on a matter of principle so far as it lies within the power of this Council we should not allow that finding to be conclusive. For these reasons I support the amendment.

Subedar-Major Farman Ali Khan (Rawalpindi (Muhammadan), Rural] (Urdu): Sir, I wish to say something about this matter. There is no doubt that our British officers know the situation much better than the Indian officers.

Mr. President (Urdu): Order, order. The question is whether the finding of the court as to the age of the offender should be considered as final or not. If the honourable member wants to speak on this point, he may do so, but he need not go into other matters.

Subadar-Major Farman Ali Khan (Urdu): Now, Sir, I shall try to be very brief. My point is that in this country there is utter lack of sympathy and under the circumstances if this section is passed people will find opportunities to wreak vengeance upon one another. It is just possible that a man is entangled in a case and proof is provided for his being under 21, then he will surely be deprived of the benefit which is offered by Section 562 of the Criminal Procedure Code and will be sent to the Borstal Jail for three years. This would be sheer injustice. With these words I support the amendment.

The Honourable Sir John Maynard (Finance Member): Sir, I again say that this bill is very unfortunate. All sorts of points have been raised against it. I hope it is merely a passing phase and not a permanent block. The last speaker has suggested that the bill is meant to deprive adolescents of the benefits of section 562 of the Code of Criminal Procedure. That is an entire misconception. We are now discussing only a question of age whether the court's decision on that point is to be final or not.

Mian Abdul Aziz: I rise to a personal explanation. I think the Honourable Finance Member misunderstood me. It was I who referred to section 562, so it must be to me that he is referring. What I said was this: that supposing the age is one day less than 21, then this Act would apply. But it would be very difficult to ascertain the exact age. In case where the age is one day less, he is sentenced to three years. If he is above 21, then he will get the benefit of section 562. That is what I meant and nothing else.

The Honourable Sir John Maynard: I understand the honourable member to say that a court dealing with a Borstal case might decide that the young man was one day over 21 years and therefore hold that section 562 is not applicable to him. That is his meaning. I suppose that such a finding is conceivable, however, improbable it may be.

There is one other point which has been mentioned by another member, Mr. Maqbool Mahmood. He was afraid lest some court might think that a boy was 17 years of age, although he was only 8½ and therefore not liable to be convicted of an offence at all. I do not think there is any serious danger of that and I trust that that possibility will not influence the vote on this amendment. One more point which has already been mentioned by Mr. Dunnett. I think it is important to know that we have in another similar law a similar provision. Under the Reformatory Act, section 16, a finding of this character in regard to age is deemed final for the purpose of committing a boy to a reformatory school. The case under discussion is similar to this and in introducing this provision into our present Bill we only followed the Reformatory Act.

Mr. President: Clause under consideration, amendment moved—

"In clause 13 the words following the words 'finding thereon' *be omitted*."

The question is that that amendment be made.

The Council then divided; Ayes 31, Nos. 23.

AYES, 31.

Malik Firoz Khan, Noon.
Munshi Fazal Khan.
Mir Maqbool Mahmood.
Subedar-Major Farman Ali Khan.
Chaudhri Najib-ud Din Khan.
Chaudhri Nur Din.
Chaudhri Sahib Dad Khan.
Sardar Narain Singh.
Sardar Tara Singh.
Mian Abdul Aziz.
Mian Muhammad Shah Nawaz.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh.
Sardar Dhian Singh.
Shaikh Muhammad Sadiq.
Sayad Muhammad Husain.
Pandit Nanak Chand.
Professor Ruchi Ram, Sahni.
Captain Dhan Raj, Bhasin.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Dr. Nihal Chand, Sikri.
Lala Mohan Lal, Bhatnagar.
Raizada Bhagat Ram.
Mr. Labh Singh.
Chaudhri Duli Chand.
Lala Mohan Lal.
Chaudhri Ram Singh.
Chaudhri Tek Ram.

NOES, 23.

Mr. W. P. Sangster.
Colonel C. R. Bakhle.
Lieut.-Col. A. W. Greig.
Mr. A. M. Stow.
Mr. H. P. Tollinton.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Hon'ble Rai Sahib Chaudhri Chhotu Ram.
The Hon'ble Mian Sir Fazl-i-Husain.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. D. Milne.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Sardar Bahadur Sardar Jowahir Singh.
Lieut. Malik Muzaffar Khan.
Rai Bahadur Sir Gopal Das, Bhandari.
Mr. E. Maya Das.

The motion was carried.

Mr. President: The question is—

"That clause 13, as amended, stand part of the Bill".

The motion was carried.

Mr. President: The question is—

"That clause 14 stand part of the Bill".

The motion was carried.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana Muhammadan : Rural) (Urdu): Sir, I beg to move—

"In clause 15, the words 'after the expiration of one third of the period of the detention or of two years, whichever is shorter' *be omitted*".

The debate that has taken place up to the present is based on the idea that an offender is detained in the Borstal Jail for some offence for a longer period than he deserves. Some members on this side think that the amendment is somewhat wrong, and that the best thing would be to curtail the period of detention. It has been said, Sir, that the juvenile offenders in

western countries are detained in Borstal institutions for a long time. I agree with the principle underlying this Bill. We should take care that while seeking to do good to the juvenile offenders we may not unconsciously do them ill, *i.e.*, an offender who deserves six months' detention may not be detained for two or three years. The visiting committee will be there. It will be appointed by Government and it will be open to it to discharge an inmate on license, after the expiration of one-third of the sentence, provided it has reason to believe that the offender will behave well, and that his behaviour is improving. We are, however, making the observance of section 15 binding upon the committee. There is no reason why the committee should not be empowered to discharge an inmate on license at any time it likes. Such a provision will give satisfaction even to the opponents of the Bill and the object of the Bill will also be achieved. What I mean is that if at any time the visiting committee comes to know that the inmate has got rid of his criminal tendencies and is improving in his behaviour the committee should have power to discharge him at once. If the object of detention is the reformation of offenders and not detention for any particular period there is no reason why the committee should not have the option of an expression of opinion before the expiry of one-third of the sentence. The committee should, therefore, be given power to visit the inmates and discharge them after enquiry at any time. The amendment is a very good one and is quite harmless. Government should accept it without hesitation as it stands.

Mr. President: Clause under consideration, amendment moved—

"In clause 15, the words 'after the expiration of one-third of the period of the detention, or of two years, whichever is shorter' *be omitted.*"

The question is that that amendment be made.

Mr. J. M. Dunnett (Home Secretary) (Urdu): Sir, every time that an amendment is moved I am constrained to talk about the principle underlying the Bill not because it is unintelligible, but because I find that some of the members seem to be under the impression that the Bill is intended to inflict punishment on the juvenile offenders although it is quite otherwise. It is based on a just and sound principle, and that is to reform the criminals and, therefore, I cannot persuade myself to agree with the honourable member Chaudhri Afzal Haq when he says that righteousness and justice demand that the limitation of "one-third of the period of detention" be removed. I agree with him so far as his contention about the reformation of the juvenile offenders goes. I might tell him that I am as anxious about the reformation of these offenders as he is, but I can not accept the amendment moved which appears to me to be based on the assumption that as soon as an offender has been admitted into a Borstal institution, he is reformed and is eligible for being discharged on licence. I ask of him how that can possibly be? He will not find among these offenders any "dog of the men of the cave" who merely by a few days' association with good men became a man. How can a person of criminal habits or tendencies be expected to reform in a day or in a week or even in a month. In other countries too where these institutions have been established the offenders are not let off the next day they are admitted into such institutions. There also the offenders are first placed in the ordinary class by the order of the courts. After a period of detention their conduct is examined and if they are found to have reformed, they are placed in the special class and then into the star class and then alone are they eligible for being released on licence. It is only gradually that offenders are reformed and not at once. In

[Mr. J. M. Dunnett.]

my opinion there is no better procedure than the one adopted in the Bill. You cannot judge a person from his face or even judge from his talk that he has reformed. It is essential that an offender be placed under training for some time before he can be expected to lead a useful and industrious life outside the institution.

Then there is another difficulty from the practical side of the question. If the words proposed be omitted, it will become binding on the visiting committee to examine every inmate on every occasion it goes to visit the Borstal institutions. I think that is a burden which the committee would find it difficult to discharge. It would become impossible for the committee to carefully examine any of the inmates and if careful examination is aimed at, and that ought to be the aim, the committee should be required to examine only those cases which are placed before it for the purpose. I, therefore, oppose the amendment not only on the ground of principle but also from the point of view of administration.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]: Sir, I am afraid, I cannot support this amendment. The amendment really means that this Bill should be used as a means of taking out the offenders from the punishment which they deserve. Now, Sir, here is a committee which goes to the Borstal institution. It examines a number of young men after, say, a month's detention in the Borstal institution. Some of the members of the committee come to the conclusion some under pressure of their friends no doubt, some on account of other kind of *ishas* and some others as a result of their enquiries that all these young men should be let out. If this proposal be accepted, that means practically there is no chance for the reformation of these young men. Somehow or other there seems to be an idea underlying my honourable friend's brain that the Borstal institution will really be an infliction. On the other hand, the point of view from which I regard this institution is this. This institution is a reformatory school where these young men should spend their time and get themselves accustomed to habits of diligence and should learn some industries and also mend their character. If you give power to this visiting committee, undoubtedly, in the beginning, this power is likely to be abused. My submission is that this amendment will really defeat the purpose of this Bill. Let us see how the Bill works. Let us see how these boys who are sent to the Borstal institution are benefitted. If the boys show by their conduct and by their industry that they deserve some concession at the hands of the visiting committee, then the benefit which is contemplated in the amendment can be given to them. My honourable friend will admit that not only in this country but in other countries also people who have got anything to do with the judicial administration would like to oblige their friends on some such occasion or other. Supposing a member of the visiting committee is approached by a number of people some high, some low requesting that a particular young man should somehow or other be taken out, then that member of the visiting committee will not be able to form a correct opinion of the ability or the conduct of the young man who is put in the Borstal institution. This limitation which has been placed on the powers of the committee is a very sound one and it ought to be retained.

Sayad Muhammad Husain [Montgomery (Muhammdan), Rural] (Urdu): Sir, it is more than clear that the Bill is intended to reform the criminals rather than inflict punishment upon them, and as such I can-

not support the amendment proposed for I think it goes a long way in defeating the purpose of the Bill. One-third of the period of detention in the Borstal institutions is the least period in which a criminal can be expected to reform and therefore to cut short that period is not advisable. I would therefore request my honourable friend Chaudhri Afzal Haq to withdraw his amendment.

Rai Bahadur Sir Gopal Das Bhandari [Non-official, Nominated] : Sir, I am sorry to say that it has fallen to my lot to oppose each and every amendment. It seems to me that if the amendments are really unsubstantial, it is my duty to oppose each and every one of them. If we accept this amendment, it is really going against the provisions of the law. What for are we enacting this Borstal Bill ? From the very first moment when the Bill has been under discussion, it appeared to me that some honourable members considered this Bill to be an infliction. I do not wish to repeat the arguments which have already been advanced by the Home Secretary. The real object of the institution is to train young men who are of condemnable habits. It does require time to train these young men and bring them to good ways.

Then, Sir, much has been said about the magistrates. After all, what has been said against the magistrates can equally be said against the members of the visiting committee. If the visiting committee is influenced to take a boy out of a borstal institution, is it proper to make a provision in the Bill which would help the members of the visiting committee to be amenable to such influence. I will condemn the visiting committee in the same way as some others have condemned the magistrates. The real object of the Bill is to train young men of bad habits to imbibe good ways and manners and this cannot be done in a minute. Provision is already made in the Bill that after the expiration of one-third of the period of detention or of two years, whichever is shorter the young man can be released and handed over to a society. Under these circumstances I submit it will be very appropriate on the part of the mover of this amendment to leave the provision in the Bill as it is.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu) : Sir, I cannot understand how the honourable members who have opposed the amendment have assumed that a criminal cannot reform in a period less than one-third of the period of detention. The Bill provides that a criminal can be detained in an institution for a minimum period of two years and for a maximum period of seven years. Now supposing a convict has been ordered to be detained in a Borstal Institution for two years, one-third period of his detention comes to about 8 months. Do the members opposing the amendment mean while an inmate can be reformed in 8 months he cannot be reformed in seven or seven-and-a-half months ?

Sir Gopal Das had an occasion to remark that the magistrates were very likely to be approached and influenced by the persons interested and it may be said that the same remark can apply to the visiting committee entrusted to recommend the discharge of the inmates in a borstal institution. I am aware of that objection and in reply to it I may say that the committee will consist of more than one person. Besides there is another safeguard against this sort of corruption and that is that the visiting committee shall have to obtain the sanction of the Inspector-General of Prisons before it could discharge any inmate. Now if the Inspector General of Prisons has been told by his subordinates, who is in charge of a Borstal institution, that a certain inmate has reformed and the visiting committee is also of opinion that that inmate be discharged, I ask, will it be right and just to detain him for a longer period simply because one-third of his period of detention has not expired.

[Rana Firoz-ud-Din Khan.]

There is yet another point in this connection to note. According to the provisions of clause 5 of the Bill, three classes of persons, *viz.*, of criminal habits, criminal tendencies and having association with persons of bad character, can be ordered to be detained in the Borstal institution. Now, if a person can become a bad character by association for a few days with bad characters, can he not be reformed within a few weeks or say a few months? Is it essential that a long time must pass before such a person can be expected to reform? Moreover magistrates are likely to make mistakes while passing orders of detention of offenders by reason of their association with bad characters and to rectify such mistakes it is necessary that the visiting committe be not circumscribed with limitations.

Before resuming my seat, I might tell those who oppose the amendment that it is not intended to compel or dictate to the committee that such and such an inmate must be discharged. This amendment is intended to give sufficient powers only in cases in which it is expedient to discharge an inmate before one-third period of his detention has expired.

With these few words I support the amendment.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu): Sir, I have been really surprised to hear the discussion that has been so far carried on in regard to the amendment under consideration. Sir Gopal Das has been pleased to remark that only unsubstantial amendments are being moved while the substantial ones have been left out. I really wonder how he can change his views about a certain matter at once. Only a few minutes ago he was of opinion that the period of detention in the Borstal institutions should not in any case exceed the term of imprisonment for which an accused would be sentenced for the offence he has committed, but now it appears that that opinion of his has undergone an entire change.

Rai Bahadur Sir Gopal Das, Bhandari: I am afraid my honourable friend has not understood me correctly. I never said that if such an amendment had been moved, I would have supported it. I said that substantial amendments were not put forward. I did not say if there were substantial amendments, I was going to support them.

Maulvi Mazhar Ali, Azhar (Urdu): This explanation only supports the statement of facts made by me. Sir, if Sir Gopal Das, Bhandari, considers that the amendments put forward are not substantial and that better amendments could be moved, I ask of him as to what was there that prevented him from doing so. We admit that we are raw youths as compared with him, he being an old experienced hand, and as such we should have been spared this trouble in the presence of men like him. It was his duty to have moved such amendments which in his opinion are substantial, but if he is going to do nothing, I fail to understand why he should discourage others doing at least something.

If I have rightly understood those who have objected to the amendment, it appears that they are labouring under the fear that if the amendment is carried, it will bind the visiting committee to recommend the discharge of even those inmates of the Borstal institutions who have not yet reformed. Certainly that is not the intention of the amendment. It only means that wherever it is found expedient and advisable that a certain inmate be discharged on licence, the committee may be in a position to recommend the discharge of such person although one-third of the period of his detention has

not expired. Supposing an accused has been ordered to be detained for five years in a Borstal institution. Soon after his detention he gives ample proof of his good conduct and thereby removes all the causes for which he was detained and at the same time the Inspector-General of Prisons has come to form a favourable opinion about him and he has already undergone one year of detention, I ask, would it be right and just to detain him for a longer period simply because one-third period of his detention has not yet expired and eight months still remain to make up the required one-third period?

Then the honourable members opposing the amendment have lost sight of another important point in this connection. They have overlooked the fact that a person discharged on licence is not allowed to proceed to his house direct. He is to be placed under the supervision of some person or society for the unexpired period of his detention and if during that period he is found to be unfit for release his licence can be forfeited. In the presence of this safeguard I do not understand why any of the members should oppose the amendment.

Much has been said about the likelihood of the visiting committee being approached and influenced. I do not give weight to that argument.

Then the Honourable Sir John Maynard has not once but many times said that the Bill is an unfortunate Bill and it is sure to be opposed at every step. We do not oppose the Bill because we doubt the soundness of the principle underlying it. We are anxious that no loopholes be left to give opportunity to those who have to work it to do anything undesirable, because we know that the men who are to work the Bill are going to be selected from men like us with all our limitations.

Then the Honourable Mr. Dunnett has said that the task of the visiting committee will become very difficult. I am rather of opinion that the task of the committee will be facilitated by visiting every inmate; from the very beginning. The task will be facilitated because the committee will have gained a personal knowledge about the inmates and therefore it will be in a better position to decide whether an inmate is likely to lead a useful life outside the institution. After what I have said I am sure no one will oppose the amendment proposed.

5 P. M.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural]: There seems to be an impression that this Bill is intended to butcher away some poor innocent and harmless lambs and we seem to be forgetting the fact that we are dealing with men who can be classed as ordinary criminals. If this Bill were not to be brought in, these criminals under the ordinary law would have to go to Jail and undergo sentences of rigorous imprisonment and solitary confinement. This Bill deals with people who are up to the age of 21. As far as I know a man of 19 or 20 is quite a mature person and he knows the *pros* and *cons* of certain things that he is doing and he realises the consequences of his actions. To try and fritter away the clause of this Bill is to make it possible for young men to commit an offence with impunity and if they are sent to a reformatory school it will be possible for them to come away half a month or so after their sentence has been served. If that were to take place, then I submit all the preventive effect of punishment will be entirely done away with. As it is we have already shown them consideration to the effect that instead of sending them to an ordinary

[Malik Firoz Khan Noon.]
jail to undergo rigorous imprisonment we are allowing them to go to a school where there will be no such thing. This is a very considerable step forward.

The third consideration is that if a man is an ordinary criminal, he cannot be let out except under the powers of mercy vested in the Governor or the Governor-General. Here we vest those powers in a Judge and the Inspector General can let the fellow off. Unless you fix a period which the boy must serve before he is let off, you will be defeating your own object. Supposing a man has enmity with another, he can make a boy cut off the nose of his wife. That boy will be sent to a reformatory school and the members of the committee will be pested with *sifarish* to let the boy off. By doing this you will probably be sending up crime by juvenile offenders by leaps and bounds.

The Honourable Sir John Maynard (Finance Member): There are two functions and two stages in the judgment that is to be formed upon this young adolescent offender with whom this Bill deals. The first function, the first stage, is that of the court which after hearing all the circumstances of the crime, noticing and observing the offender and taking into account any other information that comes to light in the course of the trial, arrives at the conclusion that he is a person suitable for treatment by the particular curative treatment which we design in this Bill. That is one stage, one function. Then comes the second function which is quite a different one. It is not merely based upon facts as they disclose themselves at the trial, it is not merely based upon the appearance and manner of the young offender but it is based upon the knowledge which is gradually obtained in course of time by those who watch his actual conduct. If you mix up these two things, if you assume that the visiting committee is to discharge the functions of the court that is to say, decide, without having observed during a lengthy period the actual conduct and habits of the young offender, if you confuse the functions in this way, you reduce the functions of this committee to something very different from those which the Bill contemplates. The court sees the circumstances of the case and arrives at a certain conclusion as regards the offender's criminal tendencies and so forth, and on that basis puts him into a Borstal institute instead of a jail. If the visiting committee has merely to repeat what the court has done and without any information derived from lengthy observation of the conduct of the offender it arrives at another conclusion, parallel to that arrived at by the court, surely it is obvious that where one function is to determine from the facts of the case and the manner of the offender and the other is to decide after actual observation of his daily conduct for a considerable period, the very objects of the Bill are defeated. You must not confuse these two functions together and therefore you must provide in your Bill for a certain period during which there will be actual observation of the habits and conduct of the offender before the visiting committee reaches its conclusion.

Mr. President: Clause under consideration, amendment moved:—

> "In clause 15 the words 'after the expiration of one-third of the period of the detention or of two years, whichever is shorter, be *omitted*."

The question is that that amendment be made.

The Council then divided: Ayes 20, Noes 30.

AYES, 20.

Munshi Fazal Khan.
Mir Maqbool Mahmood.
Chaudhri Najib-ud-Din Khan.
Chaudhri Sahib Dad Khan.
Sardar Tara Singh.
Mian Abdul Aziz.
Mian Muhammad Shah Nawaz.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Dhira Singh.
Shaikh Muhammad Sadiq.
Professor Ruchi Ram, Sahni.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Lala Mohan Lal, Bhatnagar.
Raizada Bhagat Ram.
Mr. Labh Singh.

NOES, 20.

Mr. W. P. Saogster.
Colonel C. R. Bakhle.
Lieut.-Col. A. W. Greig.
Mr. A. M. Stow.
Mr. H. P. Tollinton.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Hon'ble Rai Sahib Chaudhri Chhotu Ram.
The Hon'ble Mian Sir Fazl-i-Husain.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. D. Milne.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Malik Firoz Khan, Noon.
Sardar Bahadur Sardar Jowahir Singh.
Lieut. Malik Muzaffar Khan.
Subedar-Major Farman Ali Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghulam Muhammad.
Rai Bahadur Sir Gopal Das, Bhandari.
Sayad Muhammad Husain.
Pandit Nanak Chand.
Mr. E. Maya Das.
Chaudhri Duli Chand.

The motion was lost.

Rana Firoz-ud-din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, I beg to move:—

"In clause 15, lines 13-14 *between* the word 'person' and the word 'named' the words 'professing the same religion as the inmate' be *inserted*."

Sir, in moving this amendment I do not think any lengthy speech is required to explain the intention underlying it. It means only that an inmate who is discharged from the Borstal institution on licence should be placed under the charge of a person or society professing the same religion as the inmate. The amendment is quite reasonable and I am sure it will be readily accepted.

It has been repeatedly remarked that the Bill under consideration is an unfortunate Bill and that doubts are likely to arise at every step. I might assure the Government that we do not doubt the good intention with which the Bill has been framed and introduced, but at the same time we are anxious that every effort should be made to provide safeguards against any corruption or abuse that is likely to crop up. It is very likely that a youth who is only of 21 years of age may be influenced by the views, religious or otherwise of the society or person under whose supervision he is placed and thus

[Rana Firoz-ud-Din Khan.]
influenced he may give up the religion he first professed. Even in these degenerate days when the European culture and civilization ave estranged us from religion a good deal, no Indian of any class or creed would tolerate the conversion of his co-religionists.

With these few words I commend the amendment to the House and hope that it will be accepted without the least hesitation.

Mr. President: Clause under consideration, amendment moved—

"In clause 15, lines 13-14, *between* the word 'person' and the word 'named' the words 'professing the same religion as the inmate' be *inserted*."

The question is that that amendment be made.

Mr. J. M. Dunnett (Home Secretary) (Urdu): Sir, it is an open secret that Government has given due consideration to the political views of the people while framing this Bill and if it is so, is it possible that the Government will not pay due regard to their religious feelings? Certainly the Government has the same object in view as the Rana Sahib has, but the consideration as to who will take charge of the inmates after they have been discharged on licence from the Borstal institutions cannot be conveniently ignored. In this connection I might inform the House that Government has been trying for the last three years to organise an after-care society in the city of Lahore, but so far, all its efforts have failed to achieve any result and the Commissioner has always been giving the old hackneyed reply that he has not succeeded in organising such a society. Perhaps it will interest the members to know that there is nobody in Lahore who is prepared to take charge of these *ex*-inmates

That is not all. There is yet another difficulty to be surmounted. Besides supervision, the inmate after his having been discharged from the institution, is to be provided with some employment. For example we are at present sending the licensed convicts to work in the Government Printing. If Rana Sahib means by his amendment, and I think that is what he means, that no Muhammadan discharged from an institution be employed in a factory under the supervision of a Christian or a Hindu and that likewise no Hindu be sent to work in a factory run by or under the supervision of a Muhammadan, then I ask of him where are they to be sent? Further the amendment will close to the inmates such places as the Railway Workshops and the Government Printing Press. I am prepared to give this assurance to the honourable member Rana Sahib that if there is a society professing the same religion as the inmate does and that society is prepared to shoulder the responsibility of supervising as well as providing for the *ex*-inmate, preference shall be given to such society. But so long as there are no such persons or societies forthcoming, it is not proper that any limitations be placed on the discretionary powers of the Government. If such restrictions are placed, Government will be unable to carry out the purposes of the Act. Taking into consideration the difficulties enumerated and the assurance given I hope the honourable member Rana Sahib will not press further his amendment.

Rana Firoz ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, I have very carefully listened to the speech made by the Honourable Home Secretary and the assurance given by him, but I find that the assurance given by him does not fulfil the object I have in view. I would rather prefer . . . . .

Mr. President: The honourable member is not to make another speech. What does he wish to say about the suggestion made by Mr. Dunnett?

Rana Firoz-ud-Din Khan (Urdu): I was just going to say, Sir, that the suggestion made by the Honourable Mr. Dunnett, is not acceptable. I would rather have the inmate detained in the institution for full term than to place him in charge of any society or person not professing the same religion as himself.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban]: Sir, I agree with Mr. Dunnett when he says that if we go on restricting the power of the Government, Government may become an *apahij*. But Rana Sahib makes a reasonable demand. What is desired is that a person who is released from the Borstal Jail should not be handed over to a missionary society. The fear of Rana Sahib and some of us who support this amendment is that the inmates may be handed over to a missionary society. We have no objection to their being entrusted to a railway institution or Government institution. For instance, there is the Arya Samajist institution but the Muhammadans won't like the Muhammadan inmates to be entrusted to them. People won't like even a boy of the Sunni sect to be entrusted to a society of the Shia sect although they belong to the same religion. If the institutions are worked on merely commercial lines and not on religious lines there is no serious objection. But there are some institutions which are working on religious lines such as the Arya Samaj, the Salvation Army and so on. Of course these are doing very useful work. But Muhammadans won't like their boys to be entrusted to these societies. For these reasons, I strongly urge the Government to accept the amendment for want of a better one or at least an equally good one, so that in this way no Muhammadan will be entrusted to a Hindu institution or a Hindu to a Muhammadan institution or a Christian missionary institution and so on. These are the reasons why I strongly recommend the amendment for acceptance.

Mian Abdul Aziz [Lahore City (Muhammadan) Urban] (Urdu): Sir, the question before the House is an important one so much so that not a few Indians would be prepared to shed their blood for it. The Honourable Home Secretary has understood it in a different way. My learned friend, the mover of the amendment, has fully explained and made it clear that no parents in India would like to have their sons entrusted to the care and supervision of persons or societies professing a different religion from their own. They would rather prefer their sons remaining in a Borstal institution or even in a Jail, to their being given over to such persons or societies. It is a matter of common understanding that a youth at the age of 20 or 21 is sure to be influenced by the views of the persons or societies under whose supervision he is placed. At this age he is apt to fall in with their tendencies religious or otherwise. In addition to that, the Shudhi movement on the one hand and Tablig movement on the other have unfortunately created very unpleasant situation and if the Government will not give effect to the wishes expressed by means of this amendment, it will aggravate the situation. To place a Muhammadan or a Hindu youth under the care of a missionary or religious society which professes a different religion is not only against the canons of religion but against the principle of Government itself.

Government perhaps thinks that we are opposing the Bill because we consider the Bill to be harmful. That is not so. We oppose certain clauses because we find that there is room for corruptions being introduced. If the

[Mian Abdul Aziz.]

Honourable Mr. Dunnett is not convinced of the truth of what has been said I would request him to accompany me to the heart of the city of Lahore where he will, on enquiries, find that no one is in favour of the *ex*-inmates of an institution being placed under the care of a society professing a different religion. To be more plain, we do not wish that any Indian be placed under the care of societies like the Salvation Army. There is an impression created in the minds of the public to the effect that it is intended to place the *ex*-inmates of the Borstal institutions under the care of Christian missionary societies. I would request the Government to remove this impression and that can be done only if the amendment is accepted.

The Honourable Sir John Maynard (Finance Member) : Sir, I do not want at present to reply. But I should like to know at this stage whether a particular method of meeting this difficulty would be acceptable. No one wants to prevent the boys from being sent to the railway or to the Government Printing Press merely because the head of the railway is a Christian or because the head of the Government Press is not a Hindu, nor a Muhammadan. I do not think honourable members object to that. I understand what the honourable members want is some sort of undertaking that the boys will not be sent to the charge of missionary bodies. Supposing I give a definite undertaking that in no circumstances will a boy be entrusted to the charge of a missionary body, whether that body be Christian or Arya Samaj or Qadian or the Salvation Army or of any other religious denomination, will that meet the case ?

Mian Abdul Aziz (Urdu) : In reply to the proposition put forward by the Honourable Sir John Maynard, I may say that we want only this much that the *ex*-inmates of the Borstal institutions should under no circumstances be placed under the care of religious or missionary societies when such societies profess a different religion from that of the *ex*-inmates.....

Mir Maqbool Mahmood : Is the honourable member entitled to make a second speech ?

Mr President : I did not understand the honourable member to finish his speech. The Honourable Finance Member merely interrupted him to make a suggestion.

Mian Abdul Aziz (Urdu) : I was saying that we have no objection if the *ex*-inmates are employed, as for example, in the Railway Department ; we do not object even if their services are utilised by that department in these days when some of its employees are on strike. Nor do we object to their services being utilized by any other Government or Public Department. But we seriously object to their being placed under the care of religious societies like the Salvation Army and other societies of that kind.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] (Urdu) : Sir, the proposition put forward by the Honourable Sir John Maynard does not fully give effect to the wishes of the honourable mover of the amendment. On the other hand it is also clear from the speeches made that the Government is in sympathy with what is being demanded. I would therefore suggest that some *vid media* be found and some such words be added as to give the Government also power to employ the *ex*-inmates in Government workshops and factories.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, I think there seems to be some confusion so far as the amendment is concerned. In the first place the impression was created that my honourable friend, the mover of the amendment, would not like that any inmate of this institution should be allowed to work in any place which was not under the authority or the supervision of his co-religionists. That impression has already been removed. So far as I understand there would be no objection to any inmate of this institution when he is out on licence to be allowed to work under the supervision of a Government officer who is in charge of a factory or a workshop or a press as has been indicated. What the amendment is understood to mean, at least I understand it, is this The clause as it stands runs thus :—

> ". . . . permit him to be discharged from the Borstal Institution on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of him."

My submission is that if the words that are suggested in the amendment are inserted, then it would not in any way interfere with the spirit of the clause. If a person has a son or a brother, he would be keeping him under his authority or his supervision, but he would have no objection to send him to work in any Government factory or in a railway where he can find suitable employment for his ward ; so that if the words suggested in the amendment are introduced they will not stand in the way of an *ex*-inmate of a Borstal institution being sent to find employment elsewhere. The objection that was raised by my honourable friend Mr. Dunnett has not been expressly discussed by any of the speakers who have preceded me. The suggestion was that there were no societies outside perhaps the Christian missionary societies that are so well organised as to be prepared to take charge of such inmates. I think to a great extent that is correct. Taking it for granted that that is correct, even then my submission is that so far as the placing of an inmate of the Borstal institution under the supervision or authority of a person or a society is concerned, it ought to be kept in view that that person or society belongs to the same religion as the inmate. All persons, particularly in India and to a greater or less extent in other countries also, are touchy about matters pertaining to religion and unfortunately we find that so far as the after-care societies are concerned, they are at present mostly Christian societies. Most of the convict settlements are at present under the charge of the Christian missionary societies. I know that the Hindu Sabha was also asked to take charge of certain convicts and I know there is some sort of convict settlement under the care of the Hindu Sabha. . .

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : I presume the honourable member is referring to the criminal tribes settlement.

Dr. Gokul Chand, Narang : If you take the criminal tribes, they are potential criminals. So far as the question of principle is concerned, there is no difference, but the fact is that non-Christian societies are not well organised and there are very few who are capable of taking charge of either the *ex*-convicts or the criminal tribes or these inmates who may come out of this institution on licence. This may be taken for granted. But still the words proposed in this amendment ought to be adopted so that all alarm on this point may be set at rest. The introduction of these words will not in any way

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interfere with the seeking of employment of these inmates. That was the point on which Mr. Dunnett seemed to be very particular. A person or society even though that person or society belongs to the same religion as the inmate would not stand in the way of his or its ward seeking employment in any of the Government institutions or in any other institutions where work is available. After all that ward would be *in statu pupillaris* to the person or society in whose care he is entrusted. I am sure that that person or society would take paternal care of his or its ward and just as that person would be particular to see that his own son finds employment elsewhere similarly that person or society would be equally particular or would be expected to be equally particular to find employment for such an inmate. In that matter the Government would help that person or society in whose care such a ward is placed. Even if he is not placed in the care of a person or a society belonging to the inmate's religion, even then Government would be responsible or would try to find suitable employment for such an inmate. That care, that interest on the part of Government need not be relaxed. Just as in the railway workshop the son goes and works and returns home in the evening, so will this inmate do. Therefore the amendment which has been moved is a very reasonable one and I do not think any further discussion would be necessary and I expect as my learned friends who have preceded have expected that this amendment would be accepted by Government.

The Honourable Sir John Maynard (Finance Member): I am very much afraid that this matter is quite vital to the Bill. The whole idea of the Bill is that it shall be possible to release boys from this Borstal institution after a certain period of probation and hand them over to a society or person to find for them some employment which they can take up. If we fail to find people who will take charge of them and find some employment for them which it is desirable to give them, then I am very much afraid that the whole Bill falls to the ground and the whole time of the Council must be completely lost. It is suggested by my friend opposite that it might be quite possible to find guardians of the same religion as the boy, although there may be no hope of finding employers of his religion. I am very much afraid that our previous experience in trying to get hold of people to take charge of young men under these circumstances shows that it is too optimistic a view of the situation. What we have yet so far been able to do in regard to the inmates of the present Borstal institution shows how extremely difficult it is to get anybody who is willing either to take charge of the boy or to find employment for him. No philanthropic institution will be forthcoming for the purpose. This is in accordance with the actual facts of the situation. I am afraid it follows from that if there is insistence on the present amendment in its present form, that would mean that we must abandon all hopes at present in the existing conditions of the province to give effect to the system which we have at heart. I can only say and suggest that the matter might perhaps be dealt with by giving the House, as I have already proposed to give to it, an absolute assurance that in no circumstances will a boy be made over to the charge of a missionary or a religious body. But when I ask myself what is the kind of arrangement which in practice can be made for boys of this kind, I find that we are restricted to an extremely narrow range. There are one or two philanthropists who are willing to do this sort of thing, but not always of the same religion as the majority of the boys. There are active philanthropists of some religions but not of all religions. It is quite possible to

exclude purely missionary societies but a philanthropist is a rarity. Whether Hindu or Muhammadan he is of a rare occurrence and we have to find him out and take him. It is a mistake to suppose that we can duplicate him. Here a Sikh, there a Sunni, there a Shia, there an Arya Samajist, there a Qadiani, all these will not be forthcoming and as I have already said I am very much afraid unless some sort of compromise can be arrived at, I shall have regretfully to conclude that in the existing state of society in the province, a measure of this kind is premature. I am obliged to oppose the amendment, at the same time, I am perfectly ready and anxious to give any assurance which will allay the anxieties or apprehensions of those who fear that this may be used as a means of missionary enterprise. I trust that the assurance that no person or society whose primary object is missionary or religious shall be eligible to take charge of an inmate of a Borstal institution will quite satisfy honourable members opposite. I trust that something of this kind will be accepted.

Dr. Gokul Chand, Narang: Sir, can the Honourable Finance Member suggest any society which is absolutely non-religious and which is prepared to take charge of such inmates in considerable numbers?

The Honourable Sir John Maynard: I know of no societies. I can name one philanthropist who is prepared to take charge of such boys. There are one or two bodies of employers who are of a non-sectarian character. If they are anything, they are Christian; but they cannot be called Christian. Government is not specifically of any religion.

Dr. Gokul Chand, Narang: But will they provide them with a home? That is what I do not find easy in the case of Government taking over charge of these inmates. Government may find employment but it will not provide them with a home. I do not know of any institution which would provide them with a home.

The Honourable Sir John Mayard: The nearest approach to that is the railway. If a boy enters railway service he will be given quarters in the railway lines and some foreman of the gang would look after him. There might also be a Government Parole Officer who would look after boys. If you take a philanthropist I have one particular philanthropist in my mind, and I can say that I will endeavour to see that the person who will be put in his charge will be looked after.

Dr. Gokul Chand, Narang: I am personally prepared to give an undertaking that I will take charge for five years of any Hindu inmates released from the Borstal institutions. I stand surety for taking charge of them and for providing them with employment and also providing them with suitable care and supervision. I am prepared to give that undertaking for five years. Of course that depends upon my continuing to live. So after all, it is not so hopeless. I am speaking deliberately knowing the responsibility.

The Honourable Sir John Maynard: It is not a matter of half a dozen. Will it be possible for the honourable member to take charge of boys in considerable numbers, say 100 or 120?

Dr. Gokul Chand, Narang: That does not matter.

Lala Mohan Lal: On behalf of the Arya Samaj, I am prepared to give an undertaking that the Arya Samaj will take charge of any number of Hindu boys that may be released from the Borstal institution on a licence.

Mr. President: I am afraid that all this, though very enlightening and interesting, is beside the point and irrelevant. We are not in a position at this stage either to invite offers or to decide upon those individual offers. Here is an amendment before us. It has been very thoroughly discussed and unless any *vid media* could be found by mutual agreement between the mover of the amendment on the one side and Government on the other, I am sure the only course open to me is to take a vote on the amendment.

Dr. Gokul Chand Narang: I submit, Sir, that it was intended to point out to the Finance Member that the matter was not quite as hopeless as he considered it to be. An inmate would be far better cared for if he was in charge of Lala Mohan Lal than if he was living in a railway quarters in the care and supervision of a gang master, a mate of coolies.

Malik Firoz Khan, Noon: My suggestion is this that if we accept the amendment as put forward by Rana Firoz-ud-Din Khan it will mean that we shut out all Government institutions. I would suggest that suitable words be inserted to achieve the object which Rana Firoz-ud-Din has in view without at the same time shutting out Government bodies from taking charge of these boys. The following words perhaps would suit the purpose ..... permit him to be discharged from the Borstal institution on condition that he be placed under the supervision or authority of any society or person professing the same religion as the inmate or any Government institution named in the licence.....

Mr. J. M. Dunnett: Sir, I would like to know if the offer made by the Honourable Finance Member to keep these boys out of the hands of missionary and religious societies is accepted by the mover of the amendment. Will the honourable mover tell us if he accepts the honourable member's offer?

Rana Firoz-ud-Din Khan: That is not acceptable to me, Sir.

The Honourable Sir John Maynard: Before the question is put, I would like to mention that the amendment which has been sprung upon us is a very difficult and complicated one. It really involves the whole life of the Bill. Anyhow as it is six o'clock and we are postponing further consideration of the Bill until Monday next, I would very much like that a vote on this amendment be postponed to the next sitting.

The Council consenting, the vote on the amendment was deferred.

HOURS OF SITTING OF THE COUNCIL.

Mr. President: Before we adjourn, I want to ascertain the wishes of the House on another small matter. It has been represented to me this morning that there are certain members who prefer or would have preferred if the sitting of the Council began at 7 o'clock and ended at 11 instead of beginning at 2 and ending at 6 as at present, in view of the weather. I want to know how the various groups in the Council would like that idea and whether that suggestion is acceptable. At the same time, I must mention that if any wish in that respect is expressed by the House I will have to receive the directions of His Excellency the Governor on that point before I can make any definite arrangements, but still I want to know what the wishes of the House in this matter are.

6 P. M.

Dr. Gokul Chand Narang: I suggest that our sittings might begin at 4 and end at 8.

Malik Firoz Khan, Noon: On behalf of a great many members I was already intending to make a request to the effect that the hours of sitting might be changed from 2 o'clock in the afternoon to 7 in the morni ng.

Rai Bahadur Sir Gopal Das, Bhandari: It may be very convenient for those who reside in Lahore to agree to the change proposed, but the convenience of mofussil members has also to be taken into consideration. I am afraid it may be inconvenient to mofussil members to attend early in the morning at 7 A. M. I seriously object to the hour of sitting being changed.

Mian Muhammad Shah Nawaz: It is very inconvenient during this hottest part of the day to sit in the Council. I would very much like the sitting to commence at 7 in the morning.

Mian Abdul Aziz: I submit it would be most inconvenient to attend the Council in the morning. It is all right for an honourable member like Malik Firoz Khan, Noon, who is very rich or for my honourable friend Mian Shah Nawaz who is not obliged to attend to any cases in court having already amassed a good fortune, to say that they can attend the Council in the mornings. But it is very difficult for a man like myself or other practising lawyers who have to attend courts in the morning or for my honourable friends of the medical profession and so on who have to attend to their patients to leave their work and attend the Council in the morning.

Raizada Bhagat Ram: Sir, the change suggested will be inconvenient and I am against it.

Mr. President: I do not think we need spend any more time over this matter. If honourable members are satisfied that there is a considerable number in favour of the present arrangements, we had better stick to them. If any of the honourable members want a vote on that point I am willing to take votes.

Malik Firoz Khan, Noon: May we know the Government views as it will help us in making up our mind as to which side we should vote?

The Honourable Sir John Maynard: Government as such has no opinion on the subject, but its unfortunate servants may have.

Mr. President: I think under the circumstances we must stick to the present arrangements.

The Council then adjourned till 2 P. M. on Monday, the 4th May 1925.

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PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Monday, the 4th May, 1925.

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

QUESTIONS AND ANSWERS.

ELECTION OF PANDIT SHIV DATTA RANGA AS MUNICIPAL COMMISSIONER.

1755. **Lala Bodh Raj:** Will the Government please lay on the table the answer to my question No. 1626* asked on the 14th March last?

The Honourable Mian Sir Fazl-i-Husain: The answer to question No. 1626 is laid on the table.

(*Answer to Question No.* 1626.)

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

(*b*) No.

(*c*) After the enquiry the election was found to be void on account of this candidate's corrupt practices.

CORRUPTION IN BHIWANI MUNICIPAL COMMITTEE.

1756. **Lala Bodh Raj:** Will the Government please lay on the table the answer to my question No. 1646† asked on the 23rd March last?

The Honourable Mian Sir Fazl-i-Husain: The answer to question No. 1646 is laid on the table.

(*Answer to Question No.* 1646†).

The Honourable Mian Sir Fazl-i-Husain: Yes.

COMPLAINTS AGAINST THE PRESIDENT OF BHIWANI MUNICIPAL COMMITTEE.

1757. **Lala Bodh Raj:** Will the Government please lay on the table the answer to my question No. 1647† asked on the 23rd March last?

Mr. J. G. Beazley: It is regretted that the answer to question 1647 is not yet ready. It cannot therefore be laid on the table.

* Page 527 *ante*.
† Page 702 *ante*.

CASES OF ARSON AND CRIMINAL BREACH OF TRUST AGAINST LALA TARA CHAND AND MURLI DHAR.

1758. Lala Bodh Raj : Will the Government please lay on the table the answer to my question No. 1648* asked on the 23rd March last ?

The Honourable Sir John Maynard : The answer to question No. 1648 is laid on the table.

(Answer to Question No. 1648).*

The Honourable Sir John Maynard : (*a*) In July 1924, the Police of Hissar District sent up to court the following cases against Rai Bahadur Tara Chand and Murlidhar, his son, and, in some cases, others for commitment or trial, as the case should appear to be :

3 cases of Criminal breach of trust.

2 „ Arson.

2 „ Cheating.

1 „ False report.

1 „ Relating to excisable duty due to Government not paid.

The details are as under :—

(1) *Criminal breach of trust*, in respect of an amount of Rs. 1,64,000 (round figures) being the price of 800 bales of cotton purchased from the funds of the company accompanied with falsification of accounts.

(2) *Criminal breach of trust* in respect of an amount of Rs. 88,005 being the price of 1,000 bags of cotton, dishonestly misappropriated (Section 409, Indian Penal Code).

(3) *Criminal breach of trust* in respect of an amount of Rs. 31,500 being the price of 500 bags of cotton dishonestly misappropriated (Section 409, Indian Penal Code).

(4) *Cheating*, the Fire Insurance Company out of a sum of Rs. 1,77,026 by means of the commission of arson in 1922 (Section 420, Indian Penal Code).

(5) *Arson* case of 1922 (Section 436, Indian Penal Code).

(6) *Cheating* the Fire Insurance Company out of an amount of Rs. 7,96,099 by the commission of arson in 1924 (Section 436, Indian Penal Code).

(7) *Arson* case of 1924 (Section 436, Indian Penal Code).

(8) *Cheating* Government of cotton excise duty, Section 25, Act II of 1896.

(9) *False information report* case, Section 211-182, Indian Penal Code.

(*b*) One Rai Bahadur Tara Chand was acquitted. Murlidhar was convicted and sentenced to rigorous imprisonment for three years, and a fine of Rs. 1,000.

*Page 763 *ante*.

(c) No. The late Deputy Commissioner thought that justice had been sufficiently vindicated. His recommendation was not accepted.

DISPOSAL OF LAND USED AS PLAY GROUND BY THE BOYS OF GOVERNMENT SCHOOL, MULTAN.

1759. **Lala Bodh Raj**: Will the Government please lay on the table the answer to my question No. 1649* asked on the 23rd March last?

The Honourable Mian Sir Fazl-i-Husain: The answer to question No. 1649 is laid on the table.

[Answer to Question No. 1649.]*

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

(b) No decision has been arrived at.

(c) & (d) The local authorities have been asked for a report.

STREETS IN GUJRAT CITY.

1760. **Lala Bodh Raj**: Will the Government please call for the further report referred to in part (d) of reply to question No. 1133,† and lay it on the table?

The Honourable Mian Sir Fazl-i-Husain: The further report has already been called for. The information called for has not yet been received.

CANDIDATES FOR EXTRA ASSISTANT COMMISSIONERSHIP FROM MULTAN.

1761. **Lala Bodh Raj**: (a) With reference to the answer to question No. 1624‡ (a) will the Government please state the number of candidates from the Multan Division for Extra Assistant Commissionership who have been taken on Register C during the last five years?

(b) Will the Government also state which of the educational standards referred to in the answer to question No. 1624 (c) each of the candidates referred to in (a) above satisfies?

(c) With reference to the answer to question No. 1624 (b) will the Government please say why they are not prepared to disclose the names?

Mr. J. M. Dunnett: (a) Three.

(b) Government has nothing to add to part (b) of the reply given to the honourable member's question No. 1624.

(c) Government does not consider that the disclosure of individual officers' names is in the public interest.

* Page 763 *ante*.

† Volume VII, pages 619-20.

‡ Page 526 *ante*.

FEE CONCESSION TO CHILDREN OF MEMBERS OF THE TEACHING STAFF OF VARIOUS SCHOOLS.

1762. Lala Bodh Raj : With reference to the reply to question No. 1651* (*c*) asked on the 23rd March last, will the Government please state if any extension of the concession referred to is now under contemplation due to the new accession to the provincial revenues ?

The Honourable Mian Sir Fazl-i-Husain : The matter is still under consideration.

EDUCATION IN THE MULTAN DIVISION.

1763. Lala Bodh Raj: Will the Government please lay on the table a statement showing the strength of various schools in the Multan Division on the 1st January 1925, *i.e.*, the number of boys reading in each of the schools that are in receipt of grant-in-aid from the Government ?

The Honourable Mian Sir Fazl-i-Husain : The total number of boys reading in Secondary anglo-vernacular aided schools in the Multan Division on the 31st March, 1924, was 8,442. The grants-in-aid given to each school have already been furnished in answer to Council Question No. 1350.†

FILLING UP OF A VACANCY IN THE LYALLPUR MUNICIPAL COMMITTEE.

1764. Lala Bodh Raj : With reference to the reply to question No. 1457,‡ will the Government please state if any enquiry has been made from the Commissioner, Multan, regarding the filling up of vacancy caused by the removal of Khwaja Abdul Rahman Ghazi, an elected member of Lyallpur Municipal Committee ?

(*b*) Will the Government also please state if the vacancy is to be filled up by election or by nomination and by what date the vacancy is to be filled up ?

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

(*b*) The vacancy will be filled up at the next election.

BOY SCOUTS ASSOCIATION AND GRANT-IN-AID.

1765. Lala Bodh Raj : Will the Government please state if any Boy Scouts Association is receiving any grant from the Government ? If so, will the Government please state who is in charge of that Association and what annual grant has been sanctioned for it, and on what grounds that grant is sanctioned ?

(*b*) Is the Government prepared to consider similar claims of other Boy Scouts Associations in the province ?

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

(*ii*) Mr. Justice Fforde is the Chief Commissioner ; and there is an Executive Committee.

(*iii*) Rupees 9,250 per annum. This grant is to encourage the Boy Scouts Movement.

(*b*) No. The main object of the Boy Scouts Movement is to encourage unity and concord.

*Page 764 *ante*.

†Page 111 *ante*.

‡Page 276 *ante*.

GOVERNMENT SERVANTS' CONDUCT RULES.

1766. Lala Bodh Raj: (*i*) Will the Government please lay on the table the copy of rules 2 and 4 of the Government Servants' Conduct Rules as they stood before 10th February 1925?

(*ii*) Will the Government please lay on the table the names of Government servants who, during the past 15 months beginning from 1st January 1924, accepted directly or indirectly or permitted any member of his family so to accept any gift, gratuity or reward from an (*i*) Indian and (*ii*) Indian Prince or Chief?

(*b*) What were the occasions of such gifts, etc.?

(*c*) Was the necessary sanction of the authorities obtained in each case.

(*d*) Will the Government please state if any action was taken in cases in which the necessary sanction was not obtained. If so, will the Government please state what action was taken?

(*iii*) Will the Government please lay on the table a list of names of the Judicial and Executive officers under the Punjab Government in whose honour garden parties were given during the past 15 months?

(*b*) Was the necessary sanction of the higher authorities obtained in each case?

(*c*) Will the Government please state if any action was taken in cases in which the necessary sanction was not obtained. If so, what was the nature of that action?

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

SUB-INSPECTORS OF POLICE, MULTAN DIVISION.

1767. Lala Bodh Raj: Will the Government please lay on the table a list of Sub-Inspectors of Police, who have been in charge of one thana for more than three years in the several districts of the Multan Division?

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.

POLICE OFFICIALS EMPLOYED IN THEIR HOME DISTRICTS.

1768. Lala Bodh Raj: Will the Government please lay on the table a list of Sub-Inspectors and Police officials of rank higher than Sub-Inspectors, who are posted in their home districts?

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.

POLICE OFFICIALS AND ACCELERATED PROMOTION.

1769. Lala Bodh Raj: Will the Government please lay on the table the names of police officials, if any, who have been given accelerated promotion during the past 15 months?

The Honourable Sir John Maynard: Government is not prepared to give the names of officials to whom promotion has been given or withheld for any reason.

Lala Bodh Raj: Will the Government please state why it is not prepared to give the names?

The Honourable Sir John Maynard: It is not in the public interest to give the names.

LIST OF PERSONS ENTITLED TO LICENCES FOR KEEPING ARMS.

1770. Lala Bodh Raj: Will the Government please state if the Deputy Commissioners of several districts in the Multan Division are maintaining any lists of persons who are entitled to obtain licences for keeping arms, without enquiry and without delay?

(*b*) If so, will the Government please lay them on the table?

(*c*) Will the Government also please state if the several Deputy Commissioners referred to above have fixed any limits in the number of licences to be issued by them for revolver and if so, what those limits are?

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.

EXEMPTION OF CERTAIN CLASSES OF PEOPLES FROM THE OPERATIONS OF THE INDIAN ARMS ACT.

1771. Lala Bodh Raj: Is it a fact that the members of the Legislative Council and the Gazetted officers of Government were exempted from the operation of the Arms Act before the issue of the new rules?

(*b*) What amendments have been made in the rules under the Arms Act so far as the exemption of such members and officers from the operation of the Act is concerned?

(*c*) From which date such amendments came into force?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*), (*b*) & (*c*). The members of the Legislative Council and certain officers of Government were exempted from the operations of the Arms Act under the Indian Arms Rules of 1909. In the rules of 1920 these exemptions were abolished and under the rules of 1924 which came into force on the 1st January all members of Legislative Council and the Gazetted Officers as such are required to take out licences for the possession of arms.

APPLICATIONS FOR LICENCES FOR KEEPING ARMS IN THE MULTAN DIVISION.

1772. **Lala Bodh Raj**: Will the Government please lay on the table a statement according to districts in the Multan Division showing—

(*i*) how many applications for the issue of licences for keeping arms were made during the past 15 months;

(*ii*) how many of them were rejected?

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.

PARTICIPATION OF GOVERNMENT SERVANTS IN THE CONDUCT OF ARYA SAMAJ AND SIMILAR SOCIETIES.

1773. **Lala Bodh Raj**: With reference to the reply to question No. 1473,* will the Government please state if it has no objection to the Government servants organizing and participating in the conduct of Arya Samaj or other similar societies?

The Honourable Sir John Maynard: In so far as the activity in which it is proposed that Government officers should join is not political, there is no objection.

KHARABA ALLOWED IN MULTAN DISTRICT.

1774. **Lala Bodh Raj**: Will the Government please lay on the table the answer to question No. 1669† asked on the 24th March last?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer to question No. 1669 is laid on the table.

(*Answer to Question No. 1669.**)

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Kharaba is allowed for crops in accordance with rules which have received the sanction of Government. If the honourable member will give particulars of any crop for which a kharaba allowance should have been made under the rules and was not made, further enquiries will be instituted. A statement showing the average kharaba allowed in each Tahsil of the Multan District during the last 6 years is forwarded herewith.

(*b*) Two meetings of the Canal Advisory Committee were held in 1924 in connection with the Lower Sutlej Canals. None in connection with the Chenab Canals in the Multan District. Ordinarily four meetings of each committee should have been held; but owing to lack of interest and the failure of members to bring forward any business for discussion, the full number of meetings did not take place.

*Page 282 *ante*. †Page 808 *ante*.

[Hon'ble S. B. S. Sundar Singh, Majithia.]

Statement showing averages of areas irrigated, assessed as well as of Kharaba allowed in each Tahsil of the Multan District during 1918-19 to 1923-24.

Name of Tahsil.	Average area irrigated per annum 1918-19 to 1923-24.	Average area assessed per annum, 1918-19 to 1923-24.	Average yearly kharaba of each Tahsil, 1918-19 to 1923-24.	Percentage of average annual kharaba on average annual irrigation column 4 × 100 / column 2	Remarks.
1	2	3	4	5	6
	Acres.	Acres.	Acres.		
Kabirwala ...	179,338	140,264	39,054	21·78	
Multan ...	168,120	150,260	37,860	20·18	
Khanewal ...	66	61	5	7·58	
Shujabad ...	82,124	65,346	16,846	20·49	
Lodhran ...	135,647	112,721	22,926	16·90	
Mailsi ...	122,769	92,886	29,883	24·18	

HOURS OF WORK IN THE FACTORIES OF CENTRAL JAIL, MULTAN.

1775. Lala Bodh Raj: Will the Government please lay on the table the answer to question No. 1672* asked on the 24th March last?

The Honourable Sir John Maynard: The answer to Question No. 1672 is laid on the table:—

(Answer to Question No. 1672.)*

The Honourable Sir John Maynard: (*a*) Government has no reason to believe that the hours of labour were increased.

(*b*) 25th September 1922.

28th January 1924.

ILL-TREATMENT OF PRISONERS IN CENTRAL JAIL, MULTAN.

1776. Lala Bodh Raj: Will the Government please lay on the table the answer to question No. 1716† asked on the 24th March last?

*Page 809 *ante*. †Page 831 *ante*.

The Honourable Sir John Maynard : The answer is laid on the table :—

(Answer to Question No. 1716.)*

The Honourable Sir John Maynard : (*i*) (*a*) Fourteen prisoners were flogged in the time of Major Wadia.

(*b*) One Akali and 13 others.

(*c*) Thirty stripes.

(*d*) Ten prisoners including one Akali, named Kabul Singh, were awarded the maximum number of stripes.

(*e*) Does not arise.

(*ii*) Forty ordinary prisoners were flogged during the three years previous to the tenure of Major Wadia, of whom 22 received the maximum number of stripes.

(*iii*) (*a*) No.

(*b*) Does not arise.

(*c*) Does not arise.

(*d*) Does not arise.

(*e*) Does not arise.

(*f*) No.

ELECTION OF PANDIT SHIV DATTA, RANGA, AS MUNICIPAL COMMISSIONER.

1777. Lala Bodh Raj : (*a*) With reference to the reply to part (*b*) of question No. 1626,† will the Government please state the reasons why it does not propose to lay on the table the recommendations of the Deputy Commissioner and the decision of the Commissioner and of the Government thereon ?

(*b*) (*i*) Is it a fact that Pandit Shiv Datta, Ranga, the candidate concerned applied for a copy of the decision of the Commissioner ?

(*ii*) If so, was he supplied such a copy ? If not, why not ?

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

QUARTERS FOR GOVERNMENT SERVANTS AT SIMLA.

1778. Lala Bodh Raj : With reference to the reply to part (*a*) of question No. 1618‡ asked on the 14th March 1925, will the Government please state —

(*i*) the number of quarters built up till 31st March 1924 for the Anglo-Indian Subordinates and the Indian Subordinates, respectively, and

(*ii*) the total expenditure incurred by the Government on them, respectively ?

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*Page 831 *ante.* †Page 827 *ante.*

‡Page 523 *ante.*

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(i) The number of quarters built up till 31st March 1924 is 10 quarters for Anglo-Indian Subordinates and 22 quarters for Indian Subordinates.

(ii) The total expenditure on Anglo-Indian quarters amounts to Rs. 1,62,911 excluding the expenditure on furniture and sanitary and electric installations and on Indian quarters Rs. 67,300.

ENGINEERS AND UPPER SUBORDINATES IN THE IRRIGATION BRANCH OF THE PUBLIC WORKS DEPARTMENT.

1779. **Lala Bodh Raj:** Will the Government please lay on the table a list of permanent and temporary Engineers and Upper Subordinates in the Irrigation Branch of the Public Works Department who have not passed from any Engineering College?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The list is laid on the table:—

PERMANENT ENGINEERS.

(Punjab Engineering Service.)

1. Lala Jai Gopal, Chopra.
2. Lala Amrit Rai.
3. Mr. F. R. J. Connolly.
4. Bhai Karm Singh.
5. Haji Nur Ahmad Khan.
6. Bhai Sham Singh.
7. Lala Sham Sundar Lal.
8. Munshi Jowala Singh.

Temporary Engineers.

1. Mr. C. G. May.
2. Mr. J. H. F. Pitzherber, A. M. I. C. E. (This is equivalent to a University degree).
3. Mr. M. L. Lawson, A. M. I. C. E. (This is equivalent to University degree).
4. Mr. E. H. Jeffries.
5. Mr. M. J. Webster.
6. Mr. S. P. N. Hardon.
7. Mr. G. H. Hayfield.

Upper Subordinates.

1. Bhai Kesar Singh.
2. Lala Sheo Ram.
3. Qazi Iltaf Hussain.
4. Maulvi Abdul Ghani (1).
5. Bishamber Nath.
6. Khushi Muhammad.
7. M. Abdul Ghani (2).

MUHAMMADANS IN THE INDIAN ENGINEERING SERVICE, IRRIGATION BRANCH.

1780. Nawab Sayad Muhammad Mehr Shah: (*a*) What is the proportion of Europeans, Muhammadans and Hindus, including Sikhs, in the Indian Service of Engineers in the Punjab Irrigation?

(*b*) Is it a fact that no Muhammadan has been appointed to the Indian Service of Engineers since 1916 from the rank of Temporary and Provincial Service of Engineers?

(*c*) How many qualified Engineers (Roorki and England) amongst Muhammadans are on the rank of Temporary Engineers and the Punjab Engineering Service, and what is the duration of the service of each?

(*d*) Is it a fact that in 1922 when two posts in the Indian Service of Engineers were available for appointment from Temporary Engineers, none of these was given to Muhammadans and both were filled up by Hindus?

(*e*) Is it a fact that the proportion of Muhammadans in the Punjab in the Indian Service of Engineers is very small as compared with other communities? If so, does the Government intend to make up the deficiency in the near future, and, if so, what methods does the Government propose to adopt in this matter?

(*f*) Is it a fact that certain number of posts in the Indian Service of Engineers will be filled this year by promotion from the Punjab Engineering Service?

(*g*) If so, does Government propose to make up the deficiency of Muhammadans in the service by getting qualified Muhammadans promoted from the Punjab Engineering Service?

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.

ROAD BETWEEN MIAN CHANNU AND TALUMBU.

1781. Rai Bahadur Lala Sewak Ram: Will Government be pleased to state if it received any representation from the people of Mian Channu complaining about the bad condition of the road between Talumbu and Mian Channu in the Multan District? If so, what action has Government taken in the matter?

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

(*b*) Does not arise.

GRANT FOR METALLING THE ROADS IN THE LYALLPUR AND MONTGOMERY DISTRICTS.

1782. Rai Bahadur Lala Sewak Ram: (*a*) Will Government be pleased to state what amount of money it has provided by way of grant to the Lyallpur and Montgomery Districts for metalling the roads this year?

(*b*) What part of this money has been set apart or is intended for metalling the approach roads to the new Mandi towns?

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(*a*) *Lyallpur District*—Apart from the consolidated grant Government has made no specific money grant for the metalling of roads to the District Board this year. It has, however, materially aided the Board by taking over the maintenance of the Lahore-Lyallpur-Jhang Road. This will relieve the Board of the maintenance of 22 miles of metalled road and 39 miles of unmetalled road.

Montgomery District—The Budget includes provision for Rs. 1,10,000 for Colony roads, and this sum will probably be allotted to Colony roads in the Montgomery District. It is also considering the question of taking over from the District Board the maintenance of the Montgomery-Pakpattan Road and the Lahore-Multan Road, part of which lies within the Montgomery District.

(*b*) None of this money is intended for metalling the approach roads to the new Mandi towns in the Nili Bar area. These approach roads have been allowed for in the main Nili Bar Project in which a sum of Rs. 1,65,000 approximately has been set aside for their construction.

Rai Bahadur Lala Sewak Ram: Part (*b*) of my question refers to the Mandi towns of the Montgomery and Lyallpur Districts, but the answer refers to Mandi towns in the Nili Bar. May I have an answer with reference to the Mandi towns of the Lyallpur and Montgomery Districts?

The Honourable Rai Sahib Chaudhri Chhotu Ram: I am afraid I cannot answer the question offhand. I must have notice.

Mr. E. Maya Das: Sir, in paragraph 2 of the answer to part (*a*) of the question it is said "It is considering the question of taking over from the district board the maintenance of the Montgomery-Pakpattan Road." May I ask, Sir, whether this road will go from Sirsa *viâ* Malout or Abohar?

The Honourable Rai Sahib Chaudhri Chhotu Ram: I should have notice of this question.

PROVINCIAL AND SUBORDINATE ENGINEERING SERVICE.

1783. Rai Bahadur Lala Sewak Ram: Will Government please say—

(*a*) how it reconciles its answer to my question No. 1284 (1) (*b*) (Vol. VIII, No. 2, page 45) with the answer to part (*a*) of question No. 1504 (Vol. VIII, No. 8, page 333)?

(*b*) Will Government please say on what grounds the persons referred to in the answer to parts (*a*) and (*b*) of question No. 1504 were recruited to the Provincial Engineering Service?

(*c*) Has Government already appointed for the Provincial Engineering Service men possessing the same qualifications as, or lower qualifications than, those of the members of the present Subordinate Engineering Service? If so, will the Government consider the advisability of reconsidering their decision and reserving a certain percentage of the posts in the Provincial Engineering Service for promotion from the Subordinate Engineering Service?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) The reply to Council question No. 1504 has been misunderstood. In column 3 thereof only such academic and technical qualifications are included as are assessed by a college course or by an examination. Practical qualifications as an Engineer are not included; these are difficult to define on paper, but are carefully considered when making appointments.

(*b*) The persons referred to in the answer to parts (*a*) and (*b*) of question No. 1504 were recruited to the Provincial Engineering Service chiefly on account of their qualifications as practical Engineers, which had been proved by their previous records.

(*c*) No, those men appointed to the Provincial Engineering Service were selected for their superior qualifications as Engineers.

Government does not intend to reserve posts in the Provincial Engineering Service for promotion from the Subordinate Engineering Service.

GRANT OF LAND TO THE HINDU OORS IN THE SUTLEJ VALLEY.

1784. Rai Bahadur Lala Sewak Ram: Will the Government please lay on the table the answer to question No. 1355* asked on the 19th January last?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: A copy of the answer given to Question No. 1355, which was communicated to the honourable member through the Punjab Legislative Council, is laid on the table:—

(*Answer to Question No. 1355.**)

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:
(*a*) 3,386 acres.

(*b*) No such representation has been received.

(*c*) Government cannot at present give any definite promise in regard to this.

*Page 114 *ante*.

THE PUNJAB BORSTAL BILL

Mr. President: The Council will now proceed with the amendment to clause 15.*

Malik Firoz Khan Noon [Shahpur East (Muhammadan), Rural]: Sir, if the House will agree, I suggest that the following amendment be substituted for the amendment that is now under discussion:

> "*For* the words 'on condition that he be placed under the supervision or authority of any society or person named in the license who may be willing to take charge of him' the following words *be substituted*: 'On condition that he be placed under the supervision or authority of any Government officer or (secular) institution or person or religious society (professing the same religion as the inmate) named in the license who may be willing to take charge of him'".

This amendment will serve the object of both the sides and safeguard against the fears that are in the minds of the members opposite. It also brings in what the Government wants to secure and will enable the Government to send these boys to some of those institutions like the railway institutes. I am glad to say that this amendment meets with the approval of all concerned and if you have no objection, Sir, I shall move it formally.

Mr. President: I understand that it meets both the points of view which were under discussion at the last meeting. But before taking up the suggested amendment, I should like to know if the mover of amendment No. 12 (Rana Firoz-ud-Din Khan) accepts the wording as now suggested and withdraws his own amendment.

Rana Firoz-ud-Din Khan: Yes, Sir, I am prepared to accept the wording proposed, and therefore beg leave to withdraw my amendment which was under discussion.

The amendment was by leave withdrawn.

Mr. President: Will Malik Firoz Khan Noon formally move the new amendment now?

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

> "*For* the words 'on condition that he be placed under the supervision or authority of any society or person named in the license who may be willing to take charge of him' the following words be *substituted*: 'on condition that he be placed under the supervision or authority of any Government officer or (secular) institution or person or religious society (professing the same religion as the inmate) named in the license who may be willing to take charge of him.'"

The motion was carried.

Mr. President: The question is—

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

The motion was carried.

Mr. President: The question is—

"That clause 15 stand part of the Bill."

The motion was carried.

* "In clause 15, lines 13-14, *between* the word 'person' and the word 'named' the words professing the same religion as the inmate' *be inserted*."

Mr. President: The question is—

"That clause 17 stand part of the Bill."

The motion was carried.

Mr. President: Clause 18.

Professor Ruchi Ram Sahni (Punjab University): I have a very small amendment, Sir, to this clause which I move —

"In clause 18, lines 6-7, *between* the word 'institution' and the word 'or' the words 'with the consent of the visiting committee' *be inserted.*"

So that the amended clause would run thus —

"Subject to any general or special directions of the Local Government, a license granted under section 15 may be suspended for a period not exceeding three months by the Superintendent of a Borstal institution with the consent of the visiting committee or revoked at any time. . . ."

I do not wish to say anything as it is a very small change which I am proposing. I hope the House will accept it. It does not require a speech to commend it to the House.

Mr. President: Clause under consideration, amendment moved—

"In clause 18, lines 6-7, *between* the word 'institution' and the word 'or' the words 'with the consent of the visiting committee' *be inserted.*"

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member): The honourable mover of this amendment thinks it a small matter and does not think that it justifies any enlarging upon. I am sorry to say that it is a matter of some importance, so I would like to oppose the suggestion. It is one thing to have a lengthy procedure so far as the question of revocation of a license is concerned. But in the case of suspension of a license the matter is one in which one single authority must act and act promptly. It is most undesirable that it should be necessary to consult the visiting committee, that there should be any formality of consultation such as that which this amendment proposes. I hope the House will notice that when it comes to the question of revocation then Government will consult the visiting committee but for the purpose of suspension promptitude is an essential thing.

Mr. President: Clause under consideration, amendment moved—

"In clause 18, lines 6-7, *between* the word 'institution' and the word 'or' the words 'with the consent of the visiting committee' *be inserted.*"

The question is that that amendment be made.

The motion was lost.

Mr. President: The question is—

"That clause 18 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 19 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 20 stand part of the Bill."

The motion was carried.

Mr. President: Clause 21: 'The amendment to be moved by Maulvi Mazhar Ali, Azhar, is a direct negation of the clause and that purpose can be served by opposing the clause or voting against it by those who are against the clause. I do not think that it requires any formal moving on the part of the honourable member.

The Honourable Sir John Maynard (Finance Member): Might I make a representation? Although this does not require any formal moving, at the same time there may be some reasons which the honourable member may have and they may be reasons shared by other persons. On the other hand, I have reasons for keeping the section in. I think it will be very desirable that an opportunity be given to the honourable member for giving the reasons.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I suggest that clause 21 be omitted altogether. Sir, the Bill as originally drafted did not contain the clause sought to be omitted. . . . . .

Mr. J. M. Dunnett: It was brought in by reference to the Prisons Act.

Maulvi Mazhar Ali, Azhar: Was it in the original draft? . .

Mr. J. M. Dunnett: It was brought in from the Prisons Act.

Maulvi Mazhar Ali, Azhar: So my statement was not wrong.

The Honourable Sir John Maynard: I must tell the honourable member that he is mistaken.

Mr. J. M. Dunnett: May I explain again? Section 3 or 4 of the Act was brought in from the Prisons Act and the rules under this Act are applicable to Borstal institutions.

Maulvi Mazhar Ali, Azhar (Urdu): The clause under consideration means that the convict officers, who would be selected from the inmates of the Borstal institutions, shall be deemed as public servants. My first objection to this clause is that no distinction should have been made between the inmates of the same institution, and one of them should not be raised to boss over others of his class. In the second place, I am quite confident that the purpose which the Government wants to be served by these convict officers will not be served. Rather it will make matters worse. Every time an inmate displeases or disobeys the orders of any convict officer, that particular inmate will be liable to enhanced punishment under one section or another of the Indian Penal Code. The position of the inmates, therefore, will become miserable. For every breach of conduct, he will be hauled up in the courts. It is a matter of common knowledge that convict officers are rather harder than the regular and paid officers. The treatment that they deal out to their wards is sometimes intolerable and the unheard of cruelties that are perpetrated in the jails are perpetrated through them. It is, therefore, not too much to expect that many a time there will be friction between convict officers and the wards, and the result will be that the poor ward will never find a moment's rest during the period of his detention in the Borstal institution. The special evils that prevail in the ordinary jails nowadays and which is the object of this Bill to remove will become

rampant in the Borstal institution also. I am aware that similar concessions are available to the wards against the convict officers but I am also aware that nobody is going to pay any heed to their grievances. The convict officers' reports are sure to be given more weight than the allegations made by the wards. It would be more than desirable and advisable to sacrifice the convenience of the inmates at the altar of discipline.

There is another defect in the clause being retained. There are in existence jail rules under which an inmate can be punished and if the clause is retained certain sections of the Indian Penal Code will also become available. The officer reporting against the offender will have the option either to punish him under the jail rules or to send him to stand his trial in the court. This state of affairs will enable such officers to derive undue advantage from the powers to be vested in them. I would, therefore, request that this clause be omitted altogether.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Sir, I am afraid I am not able to understand the grounds on which my honourable friend seems to oppose section 21. I submit that this section should be retained, on precisely the same grounds on which he wants it to be deleted. He says that the inmates who are to carry on the duties of monitors are to be invested with greater powers and greater influence. Then he says that they are not to be dealt with under the Indian Penal Code, because in that case they will have to undergo greater punishment than an ordinary offender shall have to undergo. Now the first principle of criminal jurisprudence is that if a person is invested with greater powers and greater influence and if he commits any wrong, then he must receive greater punishment. Does my learned friend mean that these inmates should not be appointed as public servants in order to keep the discipline in the Borstal institution? If they are to be appointed as such, I see no reason why whenever they commit some offence they should not be dealt with under the Indian Penal Code. For example they may accept bribe, they may be open to corruption and if they are not to be treated as offenders under the Indian Penal Code, these offences are likely to increase. On these grounds I submit that this section should be retained, and should not be deleted.

The Honourable Sir John Maynard (Finance Member): Sir, Pandit Nanak Chand has answered the points raised on this subject. I will only give one example of the serious effect which would be produced if this amendment were carried. With the clause as it stands, an inmate who becomes an officer thereby becomes a public servant and if he accepts an illegal gratification, or in other words a bribe, he is liable to punishment under the Indian Penal Code. But, if the honourable mover's amendment were to be accepted, then anybody who becomes an officer and accepts a bribe will not be punishable at all under the Code.

Rana Firoz-ud-Din Khan: Does it constitute an offence against discipline?

Mr. J. M. Dunnett (Home Secretary): Yes, it would constitute an offence against discipline. The section brings in that chapter of the Code which deals with the offences concerning public servants. The man who offers a bribe is not punishable unless the person to whom a bribe is offered is a public servant. You have got to protect your officers also and this brings in the chapter concerning public servants. It is for the protection of these people that this clause has been put in.

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Mr. President: I may just make clear the position in regard to this clause. If an amendment which is a direct negative of the main clause is put forward, I take it that the honourable member who gives notice of the amendment wishes to oppose the main clause and it is always open to honourable members to oppose any clause they like and discussion of the matter can follow. Now I will put the positive motion and it is open to those who want to delete the clause to vote against the motion and for those who want to retain it to vote for the motion.

The question is—

"That clause 21 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 22 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 23 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 24 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 25 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 26 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 27 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 28 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 29 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 30 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 31 stand part of the Bill."

The motion was carried.

Mr. President:—Clause 32.

Professor Ruchi Ram, Sahni (Punjab University): Sir, I suggest that clause 3 be omitted altogether. My object in putting forward this amendment is simply to draw attention to certain kinds of punishments which are prescribed in the Indian Prisons Act of 1894 and which are quite unsuitable for imposition on the class of men with whom we are here concerned. I mean the inmates of Borstal institutions. I refer to the clauses 6, 7, 9 and 13, for instance, of the Act which I have just mentioned, namely the Indian Prisons Act, 1894. These clauses refer to some very serious forms of punishments which should be inflicted only in the case of habitual offenders, such as cross bar fetters, standing handcuffs, handcuffs behind, penal diet and so forth.

Not only that, but I find that a combination of two or more of these very serious forms of punishment is allowed in this Act, in the sections to which I have just referred. The number of stripes allowed are as many as 30. These serious forms of punishment are calculated more to brutalise the offenders than to humanise them. The main object, the main justification of an institution of this kind is to humanise the offenders, but unless the barbarous forms of punishment which are here prescribed are left out in the rules which are to be framed under Section 34, the effect of inflicting these punishments upon the inmates of Borstal institutions will be to reduce a Borstal institution to the status of an ordinary jail. My only object in putting forward this proposition is to draw attention to the utterly unsuitable nature of these punishments. If Government gives an undertaking that they would take away these barbarous forms of punishment, when the rules are framed under Section 34 of this Bill, then I shall have no objection whatsoever in letting this section remain as it is. My only object in suggesting the omission of this clause, as I have said, is simply to draw attention to the barbarous character of some of the punishments which are prescribed in this section.

The Honourable Sir John Maynard (Finance Member): Sir, I am afraid my honourable friend opposite has forgotten what is the class of prisoners whom we expect to find in a Borstal institution. They are not the good young men, they are rather the bad young men, those who have shown signs of criminal tendencies or who have been in association with criminals. These are the youths of the type who will be found in a Borstal institution. I am also afraid that he has forgotten what will be the age of some of these youths. They cannot be admitted after the age of 21 but they may be inmates for as much as 7 years as a maximum, that means to say that there will be a fair number of them who are 3 or 24 or 25 or even more. With all respect to the idealism of those who believe that men or boys of this kind can be ruled by kindness, experience shows that it is necessary to have in the background a knowledge that there are certain drastic punishments that can in certain circumstances be inflicted. Fortunately when the knowledge exists that these punishments can be inflicted the necessity of administering punishment becomes less. But it is quite impossible for me having regard to the necessity of maintaining discipline in an institution of this type to hold out to the honourable member any expectation that there will be any radical change in the nature of the punishments which it is necessary to have in reserve for use in cases of breach of discipline. I am therefore obliged to decline to give the assurance which the honourable member opposite asks me to give.

Mr. President: The question is—

"That clause 3 stand part of the bill."

[Mr. President.]

The motion was carried.

Mr. President: Clause 33.—With reference to this clause I may point out to the honourable members that among the amendments those numbered 16 and 17 on the agenda will be taken up before we take up amendments Nos. 14 and 15 for obvious reasons, because Nos. 14 and 15 relate to the omission of the clause altogether while Nos. 16 and 17 propose alterations. So Chaudhri Afzal Haq will move his amendment.

Chaudhri Afzal Haq: [Hoshiarpur-*cum*-Ludhiana (Muhammadan), Rural] (Urdu): Sir, I beg to move:

> "In clause 33 the words 'upon the palm of the hand only' *be substituted* for the words 'either as prescribed in sub-section (2) of section 53 of the Prisons Act, 1894, or upon the hands'."

Sir, there is no doubt about it that the framers of the Bill have taken every care to keep the Borstal institutions clear of all the rigour and evils that prevail in the ordinary jails, but all the same no effort has been made to exclude whipping from such institutions. To allow whipping in Borstal institutions as in other jails is in my opinion to defeat the very purpose of the Bill. This is not what I think, but it is what the western world thinks that the reclamation and the reformation of the criminals should be by a rule of love rather than by a rule of fear and it is a principle which has been referred to by all the Jails Committees that have been sitting from time to time here in India to be a sound and good principle, but I fail to understand why the Government should have even thought of keeping in tact the rule of fear and whipping, above all, in the Borstal Bill. Whipping is a most reprehensible and savage punishment and as such it is not considered fit and desirable for even the adult offenders not to speak of juvenile offenders. In support of my contention I would like to draw the attention of the House to an extract from the report of a Jail Committee, which reads as follows:—

"We feel very strongly that its use should be reserved for offences of special gravity."

I fail to understand the reason why the framers of the Bill have made no provision in this section or in any other section of the Bill to curtail the power of the executive in the matter of whipping the immates of the Borstal institutions, for in the absence of any express provision to this effect, it is very likely that the inmates be subjected to this savage punishment off and on. I wonder all the more when I find that the visiting committee too has been given no power of interference in this matter. My amendment does not demand that whipping be done away with altogether, but that it should be inflicted on the palm of the hand only and I hope, therefore, that the Government will have no objection to accept it.

Mr. President: Clause under consideration, amendment moved:

> "In clause 33, the words 'upon the palm of the hand only' *be substituted* for the words 'either as prescribed in sub-section (2) of section 53 of the Prisons Act, 1894, or upon the hands'."

The question is that that amendment be made.

Mr. J. M. Dunnett (Home Secretary): Sir, the amendment is that whipping should be on the palm of the hand. I want to make three short observations about that on general grounds. But, first of all I would ask, what is the effect of

3 P.M.

this amendment? I have no doubt that professors and schoolmasters have over children and small boys that degree of authority which compels the children to obey when they are asked to hold out their hands. But I would ask the gentlemen who have any experience of the young men who commit crime, if any of them would hold out their hands in order to be flogged. It is not possible to make a young man of 26 or 27 years of age to hold out his hand. It is not therefore possible to give effect to this amendment.

The three things I want to say are these: that you must have full power of whipping in reserve. We do not want to have it in our hands but we must have it in our godowns. The present experience is that we have the power to whip and they are actually used very infrequently. But if we do not have the power, there will be no discipline and there will be insubordination and impossible situations. I do not want to tear to pieces the Urdu eloquence of the honourable member. But his speech seems to me to be double-faced. He began by saying that this power is absolutely unnecessary. Do you expect to rule criminals by love? The other face of his argument was this, within certain limits it is necessary. What does he mean? Does he mean that it is unnecessary or does he mean that it is necessary within limits? If he says it is not necessary, I cannot agree with him and if he says it is necessary within limits, I agree with him and I am sure the Honourable the Finance Member will tell you the limit within which it is proper to restrict it.

Then he quotes the Jail Committee's report about the use of these powers in the Borstal institutions. He tells that it is unnecessary as in every other country.

Chaudhri Afzal Haq: There is only corporal punishment which does not necessarily mean caning.

Mr. J. M. Dunnett: Here is the English rule on the subject. Whipping or flogging can be inflicted in certain circumstances.

Chaudhri Afzal Haq: In what page of the Jail Committee's report is this to be found?

Mr. J. M. Dunnett: I am sorry I have closed the book. I think it is in page 494.

The other thing is, I do not think that it is understood by the House that jail whippings are subject to very close restrictions and those restrictions I think I may take it upon myself to say, the Honourable the Finance Member is prepared to accept for Borstal institutions. Article 621 of the Jail Manual as recently revised runs thus: "The punishment of whipping shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor or after other punishments have failed for other offences of a specially grave nature." Now, I do not think any one will deny that in these institutions for mutiny you must have whipping. If non-official visitors go round the institution, in order to prevent assaults on them we must have powers of whipping and also for incitements. The whole thing is an attempt by soft methods gradually to inspire self-respect among the criminals and lead them on to the true path of life. The last words "after other punishments have failed for other offences of a

[Mr. J. M. Dunnett.]

specially grave nature" are peculiarly appropriate to the Borstal institution, and I may also remind the House that this is the last punishment that we inflict. It is the last punishment that we use once in 1,7 0 cases and which we will use less frequently in future. If you cut this punishment, what do you do? You hasten and advance by one step the stage when you must proclaim the inmates as incorrigible. You hasten by one step the stage at which you must put him back into that bad society and among those bad associations to avoid which is the purpose of this Bill.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I am sorry to say that the arguments put forward by my honourable friend Mr. Dunnett do not appeal to me. The only thing we want is that the young boys in the Borstal institute should be caned on the hand as is the case when teachers want to maintain school discipline. There is a very great difference between the offenders, especially with those offenders about whose punishment the honourable member read from the Jail Manual. The latter are habitual offenders and they require such punishment. But the offenders we are contemplating are quite young men and it is absolutely unnecessary to have recourse to such a severe measure. I admit that anxiety sometimes may arise in the case of grave offences, but there is no chance of a mutiny at all. How can you expect a young boy of between 18 and 21 to rise in mutiny against the Jail authorities or commit some other great offence of that nature? We want that there should be an atmosphere of love, that we must regain the young criminals or reclaim them by every possible method of love and not by whipping them. Whipping is nothing less than a moral degradation. To make a boy naked and inflict upon him flogging, no civilised nation will tolerate it. If it is tolerated in other countries, we Indians at any rate will not tolerate it. It is our duty to give the young offenders the punishment which a father will give to his wicked son. The very idea of taking the young offenders in a Borstal institution is to treat them as a father does his child, or as a master treats the boys in his school. This purpose can very well be served by punishing them on their hands. This will imbibe in them self-respect; they will know that they are not ordinary prisoners, they will know that they are the sons of the soil, and when they enter life they will become gentlemen. For these reasons I think there is no necessity for going to the limit of whipping them and I hope Government will accept the amendment.

The Honourable Sir John Maynard (Finance Member): Sir, I am not at present going to reply to the arguments raised in the discussion, but I want to refer to the paragraph of the Jail Manual which my friend Mr. Dunnett mentioned. It provides that in jails the punishment of whipping be inflicted only for mutiny or conduct seriously affecting the discipline of the person or for incitement thereto, for serious assaults on any public servant, or visitor or after other punishments have failed for other offences of a specially grave nature. Should I be meeting the feelings of those members who believe that borstal inmates could be ruled by love, if I would agree to incorporate this particular clause in the Bill?

Chaudhri Afzal Haq: No, Sir.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu): Sir, the first objection raised by the Honourable Mr. Dunnett in regard to the amendment under consideration is that it is impossible to inflict whipping on the palm of the hand, because, in his opinion no criminal would be prepared to take out his hand in order to receive the punishment. I ask of him whether any criminal has ever subjected himself of his own free will to flogging on his back. Is it not that force is used even when a prisoner is flogged on his back? I am really wonderstruck to find Mr. Dunnett draw such a ludicrous picture of the helplessness and powerlessness of the mighty Government. It is quite unbelievable that it is impossible to inflict whipping on the palm of the hand.

Then Mr. Dunnett has opposed the amendment on the ground that the Government should have such power in reserve to be used on very rare occasions, but I may tell him from my own personal experience, for I have been myself in the jail, that once the executive is vested with any power, they are induced to create opportunities to exercise and make use of that power. I think the Government would be well advised to place no such inducements in the way of the executive, and we cannot agree to be consenting parties to their investment with such powers.

I do not think Mr. Dunnett or any body else denies the rule of love as a sound principle to which reference was made by Chaudhri Sahib. But leaving that aside we have not objected and we do not object to other kinds of punishments provided in the Bill, but whipping on the back is a punishment to which we cannot agree.

It has been suggested that whipping will be resorted to only in cases of mutiny and serious assaults, but that does not fulfill the object the mover of the amendment has in view and particularly so when we find that the convict officers are going to be deemed as public servants. I am sure that the convict officers, conscious of their power, will be in a position and will, therefore, compel their wards to pay homage and give bribery to them by putting the latter in fear of securing punishment for them by hook or crook. I hope the Government will take precaution to avoid matters coming to such a pass. On the one hand the Government has provided in the Bill that the offenders should not be made even to realise that they have been sentenced to any punishment as was pointed out by Mr. Dunnett in the course of the debate on clause 5, and on the other such a brutal punishment, calculated to leave permanent marks on the backs of the inmates, like marks on the stone (کالنقش فی الحجر), is being insisted upon to be kept in tact in the Bill. I wonder how the Government is going to reconcile the two contradictory views. If I am not mistaken, Mr. Dunnett himself was at one time against this sort of punishment, and I do not understand what change has occurred that he has taken particular pains now to oppose this amendment.

The Honourable Sir John Maynard (Finance Member): I should like to make it plain that this section as it stands is vital to the Bill, that is, the power which it gives is absolutely essential for dealing with this particular class of offender, who is young and vigorous and who has *ex hypothesi* certain criminal associations or habits. The clause does not give more power than the existing law gives in respect to the same class

[Hon. Sir John Maynard.]

of offender. If the result of this legislation should be to deprive the Government of the power of dealing for the maintenance of discipline with this particularly difficult type of offender, if the result should be to deprive the Government power of maintaining discipline by that method, then with much regret I should hold that it is necessary to abandon the Bill.

I note very briefly one or two of the arguments that have been adduced in dealing with this matter. One honourable member said that the western world had given up corporal punishment. Sir, the western world has no such sentiment as this, at least these sentimentalities do not prevail. The western world or that section of it which dominates is well aware that there are some people who must know that the power exists to give them pain, and that they are probably only to be kept from serious offences by that knowledge. Not only does corporal punishment still exist in England, but it is actually in use in Borstal institutions.

One other member said that no promise exists to apply those careful limitations which are in force in the Jail Manual in regard to prisons. I have offered to the honourable mover to incorporate in the present Bill a section which carefully limits corporal punishment to certain very grave offences. He has not accepted that offer. Either he or some other honourable member said that we are dealing with children, and that children should be whipped on the hand. Sir, I regret that it should be possible after this House has listened for two days to the discussion on the subject of this Bill for members to come and say that we are dealing with children. We are dealing with young men of a particularly vigorous and somewhat dangerous type who have criminal habits or tendencies, who may come in as late as at the age of 21 and who may stay as long as for seven years. These are not of the type who can be dealt with without the knowledge that it is in the long run and as a last resource possible to inflict corporal punishment upon them.

One more matter I shall notice and that is the statement that jail officers are very free in the use of corporal punishment. That is not borne out by statistics. The statistics are published in the regular jail reports. They are open to anyone to examine in the library of this Council. I find, as a matter of fact that during the past two years in the whole jail population of the Punjab consisting in one year of 20,000, in another year 24,000, in one year one out of 414, in another year one out of 424 received this punishment. I sincerely trust that the Council will not by giving what I venture to call a sentimental decision upon this point bring to nought the result of many days of hard labour in the Select Committee and also in the Council itself.

Mr. President: Clause under consideration, amendment moved—

"In Clause 33 the words 'upon the palm of the hand only' *be substituted* for the words 'either as prescribed in sub-section (2) of section 59 of the Prisons Act, 1894, or upon the hands.'"

The question is that that amendment be made.

The Council then divided:- Ayes 36, Noes 25.

AYES, 36.

Malik Firoz Khan, Noon.
Nawab Sayad Muhammad Mehr Shah.
Munshi Fazal Khan.
Chaudhri Saddullah Khan.
Khan Bahadur Chaudhri Karam Ilahi.
Rai Shahadat Khan.
Lieutenant Sardar Sikandar Hayat Khan.
Malik Khan Muhammad Khan.
Khan Haibat Khan, Daha.
Chaudhri Nur Din.
Chaudhri Sahib Dad Khan.
Sardar Narain Singh.
Sardar Tara Singh.
Mian Abdul Aziz.
Mian Muhammad Shah Nawaz.
Sardar Gurbakhsh Singh.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh.
Shaikh Muhammad Sadiq.
Makhdumzada Sayad Muhammad Raza Shah Gilani.
Sayad Muhammad Husain.
Dr. Gokul Chand, Narang.
Professor Ruchi Ram, Sahni.
Diwan Bahadur Raja Narendra Nath.
Lala Sham Lal.
Captain Dhan Raj, Bhasin.
Lala Bodh Raj.
Rai Bahadur Lala Sewak Ram.
Dr. Nihal Chand, Sikri.
Lala Diwan Chand.
Rai Bahadur Lala Dhanpat Rai.
Mr. Labh Singh.
Lala Mohan Lal.
Chaudhri Ram Singh.

NOES 25.

Mr. W. P. Sangster.
Colonel C. R. Bakhle.
Lieut.-Col. A. W. Greig.
Mr. A. M. Stow.
Mr. H. P. Tollinton.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Lieut.-Col. C. A. Gill.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Sir John Maynard.
Mr. J. G. Beazley.
Mr. Miles Irving.
Mr. J. M. Dunnett.
Mr. D. Milne.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Lieut. Malik Muzaffar Khan.
Khan Bahadur Sir Sayad Mehdi Shah.
Subedar-Major Farman Ali Khan.
Rai Bahadur Sir Gopal Das Bhandari.
Mr. V. F. Gray.
Mr. E. Maya Das.

The motion was carried.

Mr. President: The next amendment No. 17 stands in the name of Maulvi Mazhar Ali Azhar. If he wants to move it, he should take up only that part which is not covered by amendment No. 14 which has already been dealt with.

Maulvi Mazhar Ali, Azhar: One part of this amendment has been accepted, that is to say a provision for this has been made in clause 33 of the Bill. Therefore I do not wish to move this amendment.*

Mr. President: Similarly there is an amendment in the name of Professor Ruchi Ram, Sahni. As the object of it is served by the amendment which has been carried, am I right in assuming that it is not being moved?

Professor Ruchi Ram, Sahni: Sir, because its object did not commend itself to the legal acumen of the Government benches.

Mr. President: Either you move it or you do not move it.

Professor Ruchi Ram, Sahni: I am only explaining.

Mr. President: No explanation is necessary. Is there any desire on the honourable member's part to move his amendment† after the amendment which is carried?

Professor Ruchi Ram, Sahni: I do not wish to be so hard and do not wish to move it.

Mr. President: The question is—

"That clause 33 as amended stand part of the Bill."

The motion was carried.

Mr. President: Clause 34.

Professor Ruchi Ram, Sahni (Punjab University): Sir, the amendment which I wish to move is this:

"In clause 34, line 2, between the word 'may' and the word 'make' the following words *be inserted*: " with the help of the Jail Advisory Committee."

You will see, Sir, that the wording of my amendment is similar to the wording of another amendment which I moved a little while ago. In that case I thought I would not trouble the House with a speech because it was a very simple affair. I am not going to oblige the honourable Leader of the House by entrusting this amendment also to the goodsense of the Government benches. Sir, the matter with which this amendment is concerned is one of very great importance. The whole character of the Bill will be determined by the rules which are framed under this clause 34. If the rules are salutary rules, that is, they are conducive in their working to the mental health of the inmates, then the Bill will be a success. It will then be in reality the sort of Bill which the Government is claiming again and again it should be. If, on the other hand, these rules are of a different sort, then the Bill will be a failure. Every piece of legislation is judged by its results. The whole pith and marrow of this particular legislation is concentrated in this one section and, therefore, I hope I will carry, for once,

* "In clause 33 for the words either as prescribed in sub-section (2) of Section 53 of the Prisons Act, 1894, or upon the hands" the words "upon the palms of the hands only provided that no female shall be whipped" *be substituted*.

† "At the end of clause 33, the words "in the manner of school discipline" *be inserted*.

the Honourable Sir John Maynard with me when I say that in framing the rules, the Jails Advisory Committee should be associated with the Government that the rules should be framed with the help and advice and co-operation of the Jails Advisory Committee. Sir John Maynard has so often expressed a desire for co-operation. Will he not welcome it in this case?

Well, Sir, the honourable member Mr. Dunnett spoke about schools and school discipline and he said that the men who come to a Borstal institution are men of a different type and that very serious offences are sometimes committed by them. Now if there are any inmates of a Borstal institution who are apt to commit and who actually do commit offences of a serious character, which merit punishment of the sort to which I referred in connection with an amendment to another clause, if there are any such inmates admitted to a Borstal institution, then I would say, that one of two things should be done; either send them to the ordinary Jails or put them up in a separate part of the Borstal institution quite unconnected with the other part. . . . . .

Mr. President: I hope the honourable member will confine his remarks to the amendment under consideration which relates to the association of the Jails Advisory Committee in the framing of the rules.

Professor Ruchi Ram Sahni: I say, Sir, it is very necessary that the rules should be framed with the help of the Jails Committee and should not be left to the Government which does not understand the value of the advice which the Jails Advisory Committee is capable of giving them. Sir, if a teacher's advice is not put on one side, then I would say that the Superintendent of a Borstal institution should be a man who has had a very considerable experience as a teacher, and who has been a conspicuous success as a teacher. It is an institution of a different type altogether from the ordinary jails. In educational institutions also we sometimes come across men who do things which are very bad. Well, you will say they belong to a different plane of life altogether. But some things which are done even in these institutions by men belonging to a higher plane of life are not such as would do credit to them. Therefore, Sir, I would say this: As a teacher does not punish the offenders in the way in which their offence would sometimes merit punishment, but deals with the pupils in a manner peculiar to himself which this is not the place to explain, in the same manner the Superintendent of a Borstal institution should deal with the offenders in a different manner altogether from that which is prescribed for the ordinary jails. Therefore the rules for Borstal institutions should be framed with due regard to the special needs of the people who are likely to find admission into these institutions. If there happen to be any amongst them who are incorrigible, then the best course would be to send them out of the Borstal institution and put them into the ordinary jail. Some of the proposed punishments are likely to degrade them and what is more, they are likely to vitiate the whole moral and social atmosphere of the Borstal institution. Not only that, the very sight of men being awarded such barbarous punishment as these to which I referred some little while ago, the very sight of this punishment being inflicted, nay, even the knowledge that such punishment as flogging, bar fetters and others have been inflicted upon such and such a person is enough to degrade and demoralize not only the men who are punished but also the men who come to know of this . . . . . .

Mr. President: Order, order. I am afraid the honourable member is still going beyond the scope of the amendment. A general dissertation on the

[Mr. President.]
subject of punishments is not required. The honourable member must confine himself to the amendment before the House.

Professor Ruchi Ram Sahni: Sir, my whole point is this. I am trying to show the difference which exists between a Borstal institution and the ordinary jail. (Laughter).

Those who laugh do not seem to know the difference between the Borstal institution and the ordinary jail.

Mr. President: I am afraid the difference between the Borstal institution and the ordinary jail has got nothing to do with the proposition that the advice of the Jails Advisory Committee should be sought in framing the rules.

Professor Ruchi Ram Sahni: Sir, in the constitution of the Bill certain punishments under the Indian Prisons Act have been prescribed. No distinction whatsoever has been made between the punishments for the inmate of a jail and those of a Borstal institution. Now, it is for the jails committee and the representatives of Government to sit together and consider as to which punishments should be retained for infliction on the inmates of the Borstal institutions and which should be reserved for the inmates of the ordinary jails. It is very necessary that this matter should not be left entirely into the hands of the Government especially as we find from the laughter which we heard a little while ago how light-hearted they are and also in view of the light-hearted manner in which Sir John Maynard spoke about the infliction of stripes on the buttocks of some of youthful offenders. (Laughter). All these things show that the Government members have not that sympathy, that vision, that idealism, if I may use Sir John Maynard's own phrase, which are necessary in order that proper rules may be framed. With these remarks I beg leave to move the amendment.

Mr. President: Clause under consideration, amendment moved—

> "In clause 34, line 2, between the word 'may' and the word 'make' the following words *be inserted*: 'with the help of the Jail Advisory Committee.'"

The question is that that amendment be made.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan) Rural]: Sir the matter to which the amendment relates is to my mind of the very gravest importance, and deserves very serious and thoughtful consideration at the hands of this House. Indian legislation and *a fortiori* legislation in the various provinces of this country is suffering from a very peculiar feature and that feature is this, that all Bills or Acts are passed in the abstract outline and the real legislation is left to be accomplished by rules. The rules are the real legislation. They are framed by the executive while the legislature merely passes what may be called a mere skeleton or outline. It is time, Sir, that this matter should be set right. The rules are the really important thing. We are all familiar with what happened in the case of the Government of India Act. The legislation appeared in the form of an outline in the Government of India Act and it was whittled and narrowed down to something which was perhaps really not in the minds of those who framed the original piece of legislation. Similarly in the case of the Defence of India Act the rules which were framed show

that the same thing happened. The rules went beyond the original tenor of the sections of the Act and created offences which were perhaps not within the contemplation of those who framed the original piece of legislation. What happens is this. That the outline is secured from the legislative body while the real tentacles, the rules, which are used in getting a grip over the people are framed by the executive. My submission therefore is that, this very important bit of amendment should be very seriously considered and every rule designed to carry out the purposes of this Act should be framed in consultation with this House, or at any rate, in consultation with the Jail Advisory Committee if these rules are not to go beyond the province of the Bill we are now considering or if they are to serve any useful purpose.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] (Urdu): Sir, if we carefully read section 34 we find that the Government have endeavoured practically to bring all cases under their power and control. What is the use of an Act if the whole authority vests with the Government who reserve to themselves the power to frame rules thereunder as they like? It cannot be denied that necessity does often arise for the framing of the rules. The amendment does not mean that rules should not be made at all but what the learned Professor Ruchi Ram puts forward in his modest amendment is that there would be no harm if the Jail Advisory Committee be consulted in the framing of such rules. I think that would be a better course to adopt, for, such rules will command greater confidence of the public than those made by the Government themselves in an autocratic manner. I therefore support the amendment.

Mian Abdul Aziz [Lahore City (Muhammadan); Urban] (Urdu): Sir, it has been observed that whenever the Government reserves to itself the power to make rules and regulations under an Act these powers are carried very far. Rules made under the provisions of any Act though always falling within the letter of the law go far beyond the spirit of it. My own experience is that rules made under an Act are more important than the Act itself. It often happens that rules are framed, passed and published in the *Gazette* but when it begins to operate there is a general outcry against these rules made under the Act, which give indirectly more powers than the Act itself, and become more harmful by being misapplied and misconstrued because they give more power than the Act itself.

When the Bill itself has been introduced by the Government there is no reason why the Government should oppose the framing of the rules with the help of Jail Advisory Committee. When it is said that this piece of legislation is the first of its kind in the Punjab and that it is likely to produce good results, I see no reason why the Government should oppose such an amendment. If the object of the Reforms Scheme is that people should have a hand in legislation and that new Acts should be susceptible to public opinion, it is necessary that rules made under them should also be framed with the help of advisory committees.

Now, Sir, it is not clear to me what the Honourable Professor Ruchi Ram means by the word 'help'. Does it mean the mere presence of the members or does it mean that they will be allowed to make any suggestions and that their suggestions will carry some weight with the framers of the rules? It would be in the fitness of things that a sub-committee should draft the rules and the same be put up for discussion and approval. But as this cannot be done I would ask the Government to accept this amendment and thereby remove any suspicions which may exist in the minds of the people in regard to the intentions of the Government in the matter.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural] : Sir, there seems to be a fear in the minds of some of the members that the rules that are likely to be framed under this Act will be framed by authority of the executive government in which this Council or members of this Council or any public men will have no hand in so far as this amendment is concerned. The usual procedure is that all rules framed by Government before they come into force are published in the *Punjab Gazette* and are laid on the table of this House for one month or for the duration of a session. Meanwhile any member who after reading through those rules finds that they are obnoxious can get them amended in this Council by moving amendments. So, Sir, the fear that the rules will go unnoticed and we will not have any chance of getting them amended is not well founded. . . .

Professor Ruchi Ram, Sahni : Are you quite sure about it ? Are all rules laid on the table of this Council ?

Malik Firoz Khan, Noon : Yes, this is my impression.

Diwan Bahadur Raja Narendra Nath : No.

Dr. Gokul Chand, Narang : Now better be quite sure.

Malik Firoz Khan, Noon : That is my impression, but I speak subject to correction. If this is not the case, what real objection can there be to Government consulting a few non-official members, either the members of the visiting committee or some other non-official members of the Council in framing the rules ? In my opinion there can be no valid objection. We only wish that public opinion should be consulted before those rules are framed and before they are made into law. That is one point. There can be no harm if Government consults a few public men when the rules are framed.

The next point is that in this Bill when we read section 33 we find no less than 24 different items for which the formation of rules is required by this Act. My own opinion is that as far as possible when we are legislating we should try and put everything that we want to make into law in the form of a clause of that Bill instead of leaving everything or a large number of things to the executive or to any particular individual to frame as they like. I think that this is an undesirable system and it should not be pushed to an extent which is absolutely unnecessary. There is a tendency in all legislative bodies in all countries to try and restrict the exercise of individual discretion, either of judicial authorities or of executive authority, and according to that principle I suggest that Government should consult public opinion before these rules are framed. I am sure no harm will be done if Government accept my suggestion.

Khan Bahadur Chaudhri Shahab-ud-Din [Sialkot (Muhammadan) Rural] : Sir, the amendment proposed by Professor Ruchi Ram raises an important question of juristic principle. In the civilised world, take any country you like, the modern practice is to incorporate every matter of detail, so far as it is possible to do so, in the enactment itself, and very little is left for or relegated to the domain of rules. Here in India unfortunately the practice is just the other way. In this country only matters of principle are enacted in the shape of an Act and all important matters of detail are left to be dealt with by rules. Now one thing is quite clear, that if *ultra vires* rules are made—and I can say without fear of contradiction that the year being

made—by the executive Government in very many cases, what remedy is there to correct Government? Of course in matters, which can be taken up by the High Court, the Judges can decide whether a rule made by Government is *ultra vires* or not. But in matters under the Borstal Bill which cannot *prima facie* be taken to the High Court what remedy is available to the public to have the rules made by Government, corrected if they are *ultra vires*? Take, for instance, the Bombay Municipal Act, the Calcutta Municipal Act or the Canadian Municipal Act, and you will find that very little is left to the bye-laws, everything is provided in detail. If the rules are to be framed at all why should they not be framed with the sanction of the Legislative Council? I do not see why Government should try to arrogate to itself the absolute power of framing the rules without reference to the Legislative Council or any other responsible body.

Now, as this is a matter of principle and as the measure under consideration affects the public to a considerable extent, I would suggest, in fact, I would go even to the length of making a request to Government to accept the proposed amendment, which is a very wholesome one. Why should Government insist upon not allowing even the Jails Committee to have a hand in framing the rules under the Act? If the Government does not want to do so, then let it incorporate in the Bill itself all they want to relegate to the domain of rules and let the Council pass a complete Code. I think, Sir, on principle the position of Government is indefensible, and it will be well advised if it accepts the amendment. Otherwise, I am afraid, Government cannot rely upon the support of those who are quite willing otherwise to support it.

Mr. J. M. Dunnett (Home Secretary): Sir, this is a matter in which I feel a personal interest. There are two suggestions made on this occasion and I gather from the several speakers that they suggest that in framing legislation they should cover every point and leave nothing to the executive authority. The Canadian legislation is held out for our admiration. But is it really argued that the legislature should lay down every minute detail and leave the executive no power to regulate by rules such matters of detail as the number of blankets to be issued to the inmates and so on. I think there is a boundary line at which the province of the legislature ceases and the province of the executive begins. Other speakers admit the province in which the executive shall act without interference from the legislature, but they wish to hamper it by control and by insisting upon the executive taking the advice of a committee of this House. Now, Sir, it is not for me to say that there are any subjects on which the executive may not be required to consult the committee of this House. I would be the last person to deny that there are occasions where such consultation is necessary, especially when I sit at the feet of a master who never loses an opportunity of consulting the Committees of this House. I think Sir John Maynard has laid before both the Jail Committee and the Police Committee, of which I am a member, many subjects which this House, I am sure, never intended or expected that he would refer to these committees. But, Sir, I want to know whether it is really intended that when Government makes rules in relation to particular heads it should consult the Jail Committee. Is it argued that the Government cannot make a rule that four blankets shall be issued to the inmates of the Borstal Jail without asking the leave of the Jail Committee? There is a province in which the executive

[Mr. J. M. Dunnett.]

should be left some discretion, and as I said yesterday, this is another instance of crippling the Government. The Government should be allowed some discretion, unfettered discretion in such matters as feeding, clothing, education and training, parole officers and so on. This is a new scheme of which no one except those who have studied the literature know anything. If we go to the Jail Committee and ask its advice as to what class of officers the parole officers should be, how will it be in a position to advice? I think if the honourable members will look through these numerous matters of detail, they will agree with me that they are legitimately the business of the unfettered discretion of the executive.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, I woul express my views on the amendment under consideration. Often the rules made under an Act are of greater consequence than the Act itself. The Canal Act, 1876, is an important Act. Rules framed under it are responsible for the present increase in the water-rates. The increase which originally meant 80 lakhs though afterwards reduced to 40 lakhs, is a very important matter. Such rules as mentioned above often produce far-reaching effects. There is a committee appointed by the High Court consisting of some of the Honourable Judges of the High Court, Government Advocate, Pandit Shiv Narain and myself to frame rules under various sections of the various Acts. The Committee frames rules far more important than even the sections under which they are made. The High Court in this matter takes the advice of the Bar Association. Likewise I see it advisable that the Council should be consulted at the time of making rules under the Borstal Bill. In my opinion every matter of whatever importance it may be, should be put before the Council for discussion and if it is found worthy of being adopted, it should be adopted. The amendment under consideration is a very simple and mild one and there appears no harm in accepting it. I think the advice of the Jail Advisory Committee would prove very useful.

(At this stage Mr. President left the chair and it was occupied by the Deputy President).

Sayad Muhammad Hussain [Montgomery (Muhammadan), Rural] (Urdu): Sir, the anxiety of the Government in this matter betrays a lurking suspicion against entrusting the Jail Committee with the task of framing rules under this Act (Laughter). Sir, we aim higher than this. We are not content with simply sharing the responsibility of framing rules under various legislations with the executive, we want the whole executive to be responsible to the wishes of the people. This is our ideal, the ideal of the united India, and nothing short of this will ever satisfy us. There would be hardly 3 or 4 non-official members in the Jail Committee with an equal number of officials and perhaps more, and to which still more can be added if Government so desires. Now, rules are to be framed by a committee with decidedly official predominance. What is this Committee to do? It has only to advise the Government as to the actual state of affairs and give them the benefit of their more intimate knowledge of local conditions and habits of the people. The Government will, if anything, only profit by the presence of such men. Mr. Dunnett has put to ridicule the suggestion embodied in this amendment and has enquired where should the Government seek the help of the Committee. "Is it," he asks, "to be sought in the matter of food or of clothing?" Well, Sir, I submit yes, it is in the matter of food and of clothing and of many more things that this Committee can help the Government. I will give an illustration. Once, during my visit to the Montgomery Jail, I noticed that summer or winter, one of the

things served to the prisoners was *chana ki roti*, with the result that quite a considerable number of prisoners suffered off and on from diarrhœa. Now, Sir, the jail authorities had never been able to find the real cause of the general prevalence of this disease. When I noticed the fact, I suggested that though it was all right in winter, the *chana ki roti* should not be served in summer. Sir, the Superintendent was good enough to follow my advice and I was gratified to learn on my next visit that the Superintendent had recorded a marked decrease in the patients suffering from diarrhœa. Now, Sir, this speaks for itself. "The matters of food and of clothing" are exactly the matters where these non-official advisers can come in as there are many other things where their help will be equally profitably followed.

(At this stage Mr. President resumed the chair).

Sir, we are anxious to be of help to the Government and to these children of the land—I call them children in the same sense as Christ called every body his child—"in matters of food and of clothing." We know better what sort of food is better for their health and good character. It is well for the Government to adopt this suggestion. It will redound to their good. After all, this will be only an advice and it will be for the Government to follow it or not to follow it.

Then, Sir, what is obnoxious in our suggesting that canes should not be struck on the gluteal regions. We consider it an insult to be made naked and caned. This is considered an insult by all the Asiatics. But, Sir, these will be only helpful suggestions, and if they are admitted, they will be of immense advantage to the Government. With these words I support the amendment.

Rai Bahadur Sir Gopal Das, Bhandari (Non-official, nominated): Sir, after hearing the arguments advanced by the honourable members on this side I think that there should be no objection on the part of the Government to accept the amendment. (Hear, hear and cheers). This cheering means that I every time speak for Government (Laughter). In one sense it may be condemnation which I do not deserve.

Mr. President: You may take it as applause.

Rai Bahadur Sir Gopal Das, Bhandari: Whatever may be the views of the members I always speak what is reasonable and I cannot go against reason and my conscience. It is not said that the local Government should not frame the rules or that it should have no voice in the framing of the rules. It will be more useful or rather more conducive to the interests of the public as well as of the Government if all these rules are enacted after hearing the views of the general public. But in the present case it is not consulting the views of the general public but of a committee which consists of very few members.

A very important question has been raised to-day which may be considered to be unimportant by some. It has been contended, I do not know how far its effect will be good or bad, that whenever any Act gives power to local Government to frame rules whether those rules should have the sanction of the legislature or of the general public.

Clause 34 of the Act gives power to local Government to enact rules and the only direction to Government or the framers of the rules is to be consistent with the Act. But who is to say whether it is consistent or whether it is not consistent with the Act? It is certainly for the official

[R. B. Sir Gopal Das, Bhandari.]

benches to say whether the proposal is practical or not and whether in making the rules the local Government will consult the advisory committee or not. I hope that officials on the other side will be reasonable and accept this amendment.

The Honourable Sir John Maynard (Finance Member) : I do not think I ought to allow the time of the House to be spent any longer upon this subject. I have listened to various remarks and I wonder in what way they were quite applicable to the actual amendment before the House. I think—I am speaking for myself—that I have always made an unusually large use of the standing committees of the House. We have certainly had many many subjects brought before these standing committees, spent a good many hours in discussing with the jails committee, methods of improving the jails administration and so on. I think I may say without assuming to myself more than I am entitled to, that I have made a great deal of use of the standing committees and I should not omit any opportunity of deriving any advantage from their general experience. But when I look at this particular amendment, when I remember what has been said in the course of the discussion, I confess I feel a little bit doubtful what it is that I am expected to do. The amendment says that at the end of the clause " with the help of the Jail Advisory Committee " be added. The speeches have for the most part advocated some method by which the Legislative Council itself would take part in framing rules. Someone put forward the interesting suggestion that all rules should always be laid on the table of the Legislative Council before they were actually made by Government. That sounds to me a most interesting and most valuable suggestion which might very well receive the attention of the responsible authorities. But when I compare it with the actual amendment which is under discussion, I somehow find that there appears to be a considerable discrepancy between the two. " With the help of the Jail Advisory Committee." Now I ask myself what does that mean ? Does help mean advice ? But supposing advice is taken and is not acted upon, then is any effect produced upon the validity of the rules which are made ? Is it necessary under the meaning of this particular clause to take their advice and to follow it ? Until I know what is meant by these words, it is quite useless for me to discuss the question. I do not understand what they mean and I do not understand what is in the minds of the honourable members who spoke on the subject. They have a very vague idea when they ask us to take the advice of the Jail Advisory Committee. That, I would be delighted to do and I have done so on many occasions and I hope to do on many more occasions during such time as remains to me and I have no doubt my successors will continue to do the same.

Professor Ruchi Ram, Sahni : Can we depend upon your being here next year ?

The Honourable Sir John Maynard : Always. There is, of course, one very interesting constitutional point raised and that is, what is the precise significance of putting this clause into a section of this kind ? The Jail Advisory Committee as its name indicates and as its constitutional status indicates, is established for the purpose of advice, on such subjects as may be referred to it. Well, I confess, I do not see what is meant by saying in a statute that Government is to take the advice of a body which has a purely advisory status. It is all very well as a suggestion made in the course of

speeches in the Council but I do not see what it means in connection with an Act of the Legislature If the advice is not taken then what happens ? If the advice is taken and not acted upon, then what happens ? I should think, Sir, that it would be desirable that this suggestion should be thought out much more fully and incorporated in some more general form in order that Government may have an opportunity of considering it. I am obliged to oppose this amendment because it seems to me that it merely introduces an unintelligible blemish into an otherwise coherent measure. We none of us know what it means and we shall not be able to give effect to it as a legal prescription and therefore it is most undesirable to introduce it into the law.

(At this stage Diwan Bahadur Raja Narendra Nath rose to speak.)

Mr. President : The discussion is closed.

Dr. Gokul Chand, Narang : Can it be closed, Sir ?

Mr. President : If I allow another member to speak, it will mean that Sir John Maynard will have a right of reply.

Dr Gokul Chand, Narang : It is only in the case of a resolution, not in the case of an amendment, Sir.

Diwan Bahadur Raja Narendra Nath : Will I be in order, Sir, if I explain my position ?

Mr. President : After a very long discussion on the subject, I looked round to see if anybody else wanted to speak. As nobody rose, I called upon Sir John Maynard to make his reply. If there is any wish on the part of any honourable members to continue the discussion I would allow that and I would have to call upon Sir John Maynard to make his reply if he chooses to.

Diwan Bahadur Raja Narendra Nath : Sir, I did not want to follow up the discussion. I wanted to clear the matter that Sir John Maynard has not understood. If he can suggest some words perhaps they would be acceptable to the mover.

The Honourable Sir John Maynard : I do not know what the object is, so I cannot draft words to give effect to it.

Dr. Gokul Chand, Narang : Will you accept the words 'consent or advice'?

The Honourable Sir John Maynard : I cannot agree at this stage to accept any amendment to the amendment.

Mr. President : Clause under consideration, amendment moved :—

> "In clause 34, line 2, between the word 'may' and the word 'make' the following words be inserted :—'With the help of the Jail Advisory Committee.'"

The question is that that amendment be made.

The motion was carried.

Mr. V. F. Gray : Sir, before clause 34 as amended is put to the vote I want to say just a few words on it. There is a misprint in the Act which I think ought to be corrected. It talks of 'cats' instead of 'acts' in sub-clause (13) (*ix*).

The Honourable Sir John Maynard: The word 'acts' will be substituted for the word 'cats.'

Mr. President: I should like to know from the Finance Member whether the Bill is likely to be referred to a drafting committee for the necessary correction, otherwise the necessary correction will be made here by a formal amendment.

The Honourable Sir John Maynard: Obviously it is merely a misprint. There is no intention of including 'cats' in the Bill.

Mr. President: Will the honourable Mr. Gray move a formal amendment?

Mr. V. F. Gray: Sir, I beg to move—

"In sub-clause (18) (ie) the word 'acts' be substituted for the word 'cats'."

The motion was carried.

Mr. President: The question is—

"That clause 34, as amended, stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 35 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 36 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That these be the title and the preamble to the Bill."

The motion was carried.

The Honourable Sir John Maynard: Sir, I do not move the next motion that the Punjab Borstal Bill be passed.

THE ADOLESCENT CRIMINALS PROBATIONAL RELEASE BILL.

Mr. President: May I know what you propose to do about the Adolescent Criminals Probational Release Bill?

The Honourable Sir John Maynard (Finance Member): Sir, the assent of the Governor-General has been received and I would like to proceed with it.

Mr. President: Would you like to proceed with it at this stage?

The Honourable Sir John Maynard: Yes, Sir. I beg to move—

"That leave be granted to introduce the Adolescent Criminals Probational Release Bill."

At the present stage I think I need say nothing beyond this that the Bill provides for the probational release of adolescent offenders.

Mr. President: The question is—

"That leave be granted to introduce the Adolescent Criminals Probational Release Bill"

The motion was carried.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to introduce the Adolescent Criminals Probational Release Bill.

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

"That the Adolescent Criminals Probational Release Bill be referred to a Select Committee consisting of the following:—

Pandit Nanak Chand,

Mir Maqbool Mahmood,

Sardar Randhir Singh,

Chaudhri Afzal Haq,

Colonel C.R. Bakhle,

Mr. J. M. Dunnett,

Nominee of the Honourable the President,

Mr. M. V. Bhide, and

The Mover.

Mr. President: The President's nominee is Sardar Mohindar Singh.

The Honourable Sir John Maynard: Thank you, Sir, I should explain that this Bill provides for systematic conditional release of adolescent offenders. This bill is capable of being applied to all adolescents including those of the type with which the Borstal Bill was intended to deal. I think the discussions on the Borstal Bill will have familiarised the members of this House with the consideration that the effect of section 401 of the Criminal Procedure Code although it does give power to Government for the conditional release of offenders, does not give precisely the power which is required for the purpose which we have in view in this legislation. In the first place it does not give power to release an offender except on conditions which he himself accepts and it does not give power to maintain the conditions unless he himself continues to accept them during the period of his release. What is sought in order that the adolescent offender may be subject to the kind of treatment which it is considered desirable he should undergo during his period of probational release is to have a set of standard conditions which are to be imposed upon him at the time of conditional release and which he is bound to continue to observe or in default he is liable to be re-arrested. I should like to point out that this proposed system of probational release of adolescent offenders will only really be effective if we are so fortunate as to secure the co-operation of the public and philanthropic persons or societies who will be willing to take charge of these young offenders and deal with them in the manner in which we contemplate they should be treated under this system of probational release. As in the case

[Hon'ble Sir John Maynard.]

of the Borstal Bill, it is proposed to fix the age up to which young adolescent offenders will be subject to this particular kind of treatment at 21. Any one under the age of 21 may under the proposed system be conditionally released.

Mr. President: The question is—

"That the Adolescent Criminal Probational Release Bill be referred to a Select Committee consisting of the following :—

Pandit Nanak Chand,

Mir Maqbool Mahmood,

Sardar Randhir Singh,

Chaudhri Afzal Haq,

Colonel C. R. Bakhle,

Mr. J. M. Dunnett,

Sardar Mohindar Singh,

Mr. M. V. Bhide, and

The Mover.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan), Urban]: Will the Honourable the Finance Member explain the second sentence in the second paragraph of the Statement of Objects and Reasons? I do not know if this Bill has any bearing on the Borstal Bill.

The Honourable Sir John Maynard: Sir, I may explain that this Bill is perfectly self-contained and does actually provide for the probational release of adolescent offenders whether they would or would not come under the class to which the Borstal Bill was specially applicable? It will enable the authorities to release on probation adolescent offenders without regard to the particular class to which they may belong.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, with all my desire to improve the adolescents I really cannot support this Bill at this stage. To me it seems it is a mockery. Just now we had to waste two of our most valuable days in considering the Borstal Bill which is really much more important. This Bill is only a corollary to that and the Government for the simple reason of having to adopt two important amendments made by the Council have not considered fit to get the Borstal Bill passed. The result of this is very disappointing to us and to me especially, because I think this would be the fate of the Land Revenue Bill, and everything else. If this is to be the case then the Council will have no voice. Under these circumstances I think it will be a waste of time of the Council to go on with this Bill when the much more important Bill the Government does not intend to pass into law, simply because we object to our young boys being whipped, simply because we think it repugnant to us, it is immoral and against national interest and simply because we would like our young men to be caned on their hands and also because we want the Government to seek the advice of the Jails Committee in framing rules under that Bill. What is the use of asking us to take up a Bill which is only secondary to the one which the Government has just declined to get passed into law? This will meet with the same fate. If the Government expects us to support

it whatever may be the outcome of the support, if this is the wish of the Government, then there is no use of these popular institutions coming into existence and there is no use of taking up this Bill. I think the view held by some people that these Councils are only the voice of the Government and not of the people has come out true. I do not see any benefit in that. One of the important points in the demand for extra reforms is that the executive should be responsible to the legislature. If this is not to be had, then there is no use of passing such a legislation in this Council. With these words I oppose the motion.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : Sir, I have been a patient listener to-day to the various speeches that have been made on both sides of the House in connection with the various amendments moved. Some of which were passed and the rest not passed. I did not consider that it was necessary to make many speeches on some of the amendments which were so obviously necessary and reasonable and which it was expected Government would accept without any hesitation. However the Government opposed every one of them and it was by the sheer force of votes that those amendments were carried in this House. The result of the whole thing as my honourable friend Pir Sahib has shown has been but smoke and ashes simply because some amendments which were not palatable to the Government have been passed. The Honourable the Finance Member who represents Government here has actually nullified the proceedings of these two days by saying 'I do not move that the Bill be passed.' This may not be of any great intrinsic importance for the purpose of this particular Bill, but it has certainly opened our eyes to our position in this House and the position that the Government holds in this country. We had begun to think that the Government was giving up its old ways of autocracy, its old habits of imposing its own will upon the people using the Councils of pre-reform days and those of the reform days in the earlier stages simply to record its own decrees. So far as the personality of the Honourable Sir John Maynard is concerned, I do not hesitate for a moment to say that up to this time he had not given us any cause of serious complaint against himself so far as the conduct of the affairs by him in this House was concerned. This shock comes for that reason with greater force and fierceness when we hear from him, from a Member of the Government like Sir John Maynard, that he would not move that the Bill be passed. Within five minutes of expressing an opinion on the merits or demerits of that Bill after saying that he would not move that the Bill be passed ostensibly for the reason that certain unpleasant amendments have been passed, he comes forward and asks this House to give him leave to introduce a cognate Bill and then asks that the Bill may be referred to a Select Committee. I think, Sir, there is only one reply that this House can consistently with self-respect give to the Honourable the Finance Member and that is an emphatic refusal to refer this Bill to a Select Committee. While I say this, I do not mean to say anything either for or against the merits of this Bill. That will be discussed if this House chooses to discuss it on its own merits. But if the result of the two days' labour of this House is to be nullified by the simple refusal or by a simple sentence spoken by the representative of Government, what is the use of our sitting here and wasting our time? We are supposed to be here as representatives of the people, we are supposed to be here helping in legislation which will be for the good of our country. If we cannot achieve that object, certainly I for one would say that unless

[Dr. Gokul Chand, Narang.]

Government mends its methods it would be the sheerest folly for any self-respecting man to be in this House. It would be merely useless if Government thinks that only those measures are to be passed which appeal to Government and those measures are to be rejected which do not meet the approval of the representative of Government inspite of the fact that this House has by an overwhelming majority recorded its approval of that measure. What is the use of this legislature and of this reform and this constitution that has been given to us and which is paraded before the world as the Magna Charta of India's liberty? What is the use I ask you and I would ask all those honourable members sitting on my left and on my right why are they being treated like babies, like children who come here and play for a few days and at the end are told: you are all fools, we do not want to pass the Bill at this time. After all this Bill is to be made for the benefit or for the reform of the people of this country and not for the benefit of people living 7,000 miles away from this country. Whom does Government represent in this country? Do they represent the people of this country or do we represent the people of this country? And if we say either unanimously or with an overwhelming majority that this thing should be done, that such a measure should be passed and that it should be passed in such a manner, who are the representatives of Government to say: you shall not have it? Why fool us with all these reforms and Councils and Legislative Assemblies? Take them away from us, for then we shall be able to say that on account of our lack of resources, our physical weakness, our dissensions we are in this unfortunate position that we have absolutely no voice in the affairs of our country. Why put us before the world as a self-governing people and then humiliate us in this manner, baffle us and defeat us in this indirect manner, taking advantage of some loophole in the constitutional manual which has been framed by them? Is it in the spirit of Reforms that a gentleman of Sir John Maynard's experience should get up and say: "I choose not to move that this Bill be passed" and after that ask us to proceed with the other Bill? We emphatically refuse to go on with this Bill and I am sure that those gentlemen, my honourable friends, here, who have even a grain of self respect will emphatically refuse to proceed one inch further and refuse to refer the Bill to the Select Committee and until amends are made for what Sir John Maynard has done to-day, we shall refuse as a body to help Government in any legislative measure whatsoever and I will at least stick to what I have said and unless that wrong is righted, I shall have nothing further to do with any act of official legislation in this Council.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural]: Sir, after reading the two clauses of the Bill I find that there is practically no difference between this Bill and the one that we have been discussing for the last two days. If the last Bill after two days' discussion has entirely failed, then I see no reason why we should proceed with this Bill, if the opinion of the House on the clause of this Bill is to be the same as it was on the clause of the last Bill. The only two controversial points in the last Bill were these: One on clause 15 where there was a question of religious or social society or Government institution. On that point Government and the members of this House were agreed and there was an amicable settlement in the form of an amendment which was moved. The next controversial point in that Bill was that question of whipping. On that question of whipping I am sorry to say that the members of this House did not come to an amicable settlement with the result that the House carried the amend-

ment. So far as I can guess, I believe it is the carrying of that amendment which has led Government to refuse to ask for the passing of that Bill. Now Sir, if my conjecture is correct, then I submit that exactly the same circumstances will come to play in this Bill also. There we had a Bill in which there were about 35 or 36 clauses, here we have a Bill with only 8 clauses and the rest of the Bill is to be made up by a sentence here that the Local Government may make rules consistent with this Act. Such a wide power has been given to Local Government for the making of these rules that we imagine that the whole of the Borstal Bill would be included in those rules which the Local Government will frame under the last section, I mean section 8.

Furthermore in clause 2 here the words are exactly the same as we have been discussing in the Borstal Bill. Here the same controversy will arise and Government and perhaps members will come to some arrangement and as far as I can see that if Government did not wish to proceed with the other Bill, I do not see why they should proceed with this Bill. So I think it will be waste of time for the Council to consider this Bill.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I am at a loss to understand why the Honourable Sir John Maynard has asked for leave to introduce the Adolescent Criminal Probational Release Bill when he has already refused to move that the Borstal Bill be passed. We have spent much of our time in considering that Bill. We moved a good number of amendments to the Bill, some of which were carried and some were lost. But I am sorry to notice that all our labour of the last two days has proved of no avail. For the last few days various means were adopted to influence the independent voice of the House so much so that we were given to understand that if we would not yield to the wishes of the Government we would never see the Bill being passed into law. In spite of the threat held out on the 1st of May, the honourable members of this House could not find it advisable to vote but in the way they did. I am sorry to see that the Government has looked down upon the unanimous wish of the House.

Now another Bill is introduced into the Council. What is its object? Simply to show that the Government are all powerful and would adopt such measures only as are palatable to them; if we are insolent enough and dare to move such amendments as we have moved in connection with the Borstal Bill we would be subjected to the same insult. Hence under these circumstances I would respectfully request the Honourable Sir John Maynard to keep this Bill also in the same shelf where he is going to keep the Borstal Bill. It is good to keep the Bill in file rather to move it to be passed into law.

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(Your gift befits you.)

Sir, if after experiencing this sort of insult at the hands of the Government we would consider this Bill as well, it would mean nothing but fresh insult to the Council. Hence the House in order to keep up their self-respect should not take the Bill into consideration.

The Honourable Sir John Maynard (Finance Member): I need not say that it is a cause of regret to me that the action I have taken in not moving the passing of the other Bill has created feelings in this House which

[Hon'ble Sir John Maynard.]

I regret to see it has created. It has naturally caused a profound regret to me that there should be this cause of difference between me and the honourable members who have spoken. I should like to remind the House that in the course of the discussion of the various amendments I tried hard to make it plain to the House that there were certain vital matters. When I say vital matters, I mean to say matters upon which if the opposition is determined and is successful, in the opinion of Government the mischief done by the measure will be so great as to more than outweigh the advantages of the measure. I do not want to make a lengthy speech in this matter but I should like to explain to this House and remind the House that Government or a Government Member was the mover of this Bill. It was not a private Bill. It was a Government measure. If, as a condition of passing a measure it should disclose itself in the course of the proceedings that its character is being fundamentally changed by the taking away of a particular power from Government to do certain things which it has hitherto done without question then it is obvious that it is not only the right but also the duty of Government not to proceed further with that measure.

5 P.M.

I should not have come to that conclusion if I had not been satisfied that the power of the authorities to maintain the proper discipline among certain dangerous class of offenders was being vitally hampered by the alterations which were made in the Bill. That being so, it was as I said not only my right, and in this matter I am not disposed to lay stress upon rights, it was my duty to see that the undesirable condition attached by the House to the passing of a measure otherwise desirable, was not made the means of producing confusion and chaos in the administration of the jails.

Mr. President : The question is—

"That the Adolescent Criminals Probational Release Bill be referred to a Select Committee consisting of the following :—

Pandit Nanak Chand,

Mir. Maqbool Mahmood,

Sardar Randhir Singh,

Chaudhri Afzal Haq,

Colonel C. R. Bakhle,

Mr. J. M. Dunnett,

Sardar Mohindar Singh,

Mr. M. V. Bhide, and

The Mover.

The motion was lost.

AMENDMENT OF STANDING ORDERS.

Sardar Mohindar Singh (Deputy President) : Sir, I beg to move—

"That the draft amendments to the Punjab Legislative Council Standing Orders as recommended by the Select Committee be taken into consideration."

The motion was carried.

Mr. President : Now we shall take up the Standing Orders clause by clause. The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 4 (1) be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 7 (1) be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 18 be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 28 be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendments as recommended by the Select Committee to Standing Order 31-A Proviso—be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 32 (3) be adopted."

The motion was carried.

Mr. President : The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 33 (3) be adopted."

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] : Sir, I beg to move that—

"At the end of the proposed proviso to Standing Order 33 (3) *add* the following :—

'and in the case of motions relating to supplies made under Standing Order 78.'"

(Urdu) : Sir, I cannot claim these words to be mine. They were originally put in the draft amendment. Somehow or other the Select Committee did not think it proper to adopt these words and scored them off without giving any reason. The demands submitted in accordance with Standing Order 78 and those submitted during the budget are always of great importance and affect the whole province or concern matters of policy. Consequently, amendments moved to these demands are sometimes for the abolition of the whole departments, for instance, the Information Bureau. Now, if the mover has no right of reply to the arguments advanced by the opposition and the Government, the efficiency of the debates gets impaired and

[M. Mazhar Ali Azhar.]

you cannot thresh out the question properly, the member best conversant with the subject being debarred from making a reply. Under these circumstances I move that a right of reply should be conceded to the mover of an amendment. Sir, my amendment is supported by the fact that our late President Mr. Casson also intended to amend the Standing Order accordingly. I hope the House will not like to curtail its own rights by rejecting this amendment. With these words I commend the amendment to the consideration of the House.

Mr. President: Draft amendment under consideration, amendment moved :—

"At the end of the proposed proviso to Standing Order 33 (8) *add* the following :—

'and in the case of motions relating to supplies made under Standing Order 78.'"

The question is that that amendment be made.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural] (Urdu) : Sir, I regret I cannot agree with Maulana Sahib's proposal. During the budget discussions so much time is spent on the consideration of certain items that we are forced to have recourse to the process called guillotine. Now if the right of reply were to be conceded to the mover of an amendment, the discussions will be so long on even minor items on account of the mover exercising the right of reply, that other more important affairs will have to be rushed through without any discussion. I, therefore, oppose the amendment.

The Honourable Sir John Maynard (Finance Member) : Sir, on behalf of Government I also oppose this amendment. I am not quite sure that it is realised that the result of the amendment would be to introduce at least two more speeches into every discussion on an amendment on the vote for supply. In the first place there will be a reply by the mover of the amendment and there will be as I understand as a necessary consequence also a reply on the part of the Government. That means there will always be two additional speeches fairly long ones, on every vote for an amendment to a demand for supply. That might appear to be too small a matter to those who do not remember the point to which my friend Malik Firoz Khan, Noon, has just drawn attention, that is to say that the time for discussion is limited and it frequently happens that it is impossible to discuss in detail all the amendments to the demands. It appears to me, if I may say so, that in adopting this amendment the House would be in a certain measure depriving itself of its own opportunities and so to speak cutting off its own nose to spite its face.

Mr. President: Draft amendment under consideration, amendment moved :—

"At the end of the proposed proviso to Standing Order 33 (8) *add* the following :—

'and in the case of motions relating to supplies made under Standing Order 78.'"

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 33 (8) and as now amended be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 38 be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 41 be adopted."

The motion was carried.

Mr. President: The question is—

"That Standing Order 41A as recommended by the Select Committee be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 46 (1) (c) and (2) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 47 (1) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 50 (2) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 51, proviso (a), be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 60, proviso (c), be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 61 (1) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 62 (1) (b) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 63, proviso, be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 67 (2) be adopted."

The motion was carried.

Mr. President: The question is—

"That the draft amendment as recommended by the Select Committee to Standing Order 69 be adopted."

The motion was carried.

Sardar Mohindar Singh (Deputy President): Sir, I beg to move—

"That the draft amendments to the Punjab Legislative Council Standing Orders as amended, be adopted."

The motion was carried.

THE REPEALING (PUNJAB LOANS LIMITATION) AMENDMENT BILL.

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

"That leave be granted to introduce the Repealing (Punjab Loans Limitation) Amendment Bill."

The honourable members of this House are aware that this Repealing (Punjab Loans Limitation) Act of 1923 was passed by this House on the 18th March 1923. By this Act the old Act, which was passed in the year 1904 and which provided limitation for certain transactions in the Punjab as six years, was repealed. By this Repealing Act the limitation for the transactions for which there existed a period of limitation for six years was reduced to 3 years. The honourable mover of the Repealing Bill in the year 1923 was of opinion that one year's grace should be allowed for the causes of action that had arisen at the time when this Act was passed, and that the period of grace should begin from the date from which the new Act was to come into operation. An amendment was moved in the Council and the period of grace instead of one year was raised to two years.

In section 1(3) of the Repealing Act, it was provided that the Act was to come into force from such date as the Local Government may by notification appoint in this behalf. Unfortunately in section 5, line 3, in which the mention of two years of grace is provided instead of the words "commencement of the Act" the words "passing of the Act" were used. The term "passing of the Act" is nowhere defined and doubts have now arisen as to the date from which the new Repealing Act was to come into operation. If the word "commencement of the Act" instead of "passing of the Act" had existed in section 5 these doubts would not have arisen.

The interpretations that are being put upon the date of the commencement of the new Act due to the word passing are that it comes into operation

from the 31st March, the date on which it received the assent of His Excellency the Governor; 5th May the date on which it received the assent of His Excellency the Governor-General; and 18th of May on which the assent of His Excellency the Governor-General was published in the *Punjab Gazette*. While the original intention of the Legislature that passed the Repealing Act and of the Government was, as appears from section 1(3), that the two years of grace were to be reckoned from the 15th June 1923, the date fixed by the Punjab Government Notification No. 16d13, dated 1st June 1923, for commencement of the Act. The Legislature never intended that the date on which the new Act was to come into force was to be left to surmises and interpretations. According to this notification the date for the commencement of the Act was the 15th June 1925, and the people who do the money lending business in the villages know that the new Act is to come into operation from the 15th June 1925. The expressions of doubts over the interpretations of the words 'passing of' section 5 have been published in the local press with the result that those who came to know that there are doubts about the date from which the new Act was to come into operation, rushed into courts to file suits; while those to whom the newspapers do not reach are under the impression that the Act is to come into force as intended by the Government on the 15th June 1925. In order to remove all these doubts the passing of this Bill is absolutely essential. If this is not done, the result would be that the persons, who got an impression by the notification of the Punjab Government that the Act was to come into operation from the 15th June 1925 would lose, if they do not file their suits within the dates which are being discussed by some of the lawyers, *i.e.*, 31st of March, 5th of May and 18th of May, if on the assumption that thir interpretation is correct.

There are hundreds of subordinate judges' courts and the suits would be filed in different places of the Province with the result that different interpretations would be put by courts as to the date of the commencement of this Act. The parties who lose the case would go to the higher courts and this would mean unnecessary litigation and expense to the public; hence the necessity to have these doubts removed by passing this Bill and thus avoid unnecessary expenditure.

Sir, with these few words, I beg to ask leave of the House for the introduction of this Bill.

Mr. President: The question is—

> "That leave be granted to introduce the Repealing (Punjab Loans Limitation) Amendment Bill.

The motion was carried.

Lala Mohan Lal: Sir, I beg to introduce the Repealing (Punjab Loans Limitation) Amendment Bill.

Lala Mohan Lal: Sir, I beg to move—

> "That the Repealing (Punjab Loans Limitation) Amendment Bill be taken into consideration"

The motion was carried

Mr. President: Now we will take up the Bill clause by clause.

The question is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 3 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That these be the title and the preamble to the Bill."

The motion was carried.

Lala Mohan Lal: Sir, I beg to move—

"That the Repealing (Punjab Loans Limitation) Amendment Bill be passed."

The motion was carried.

The Council then adjourned till 2 P.M. on Tuesday, the 5th May 1925.

—63 PLC—[illegible]—16-5-25—SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 5th May 1925.

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:—

Mr. H. D. Craik—Official nominated.

QUESTIONS AND ANSWERS.

ZAILDAR OF MAUZA RANGPUR, TAHSIL RAJANPUR.

1785. Rai Bahadur Lala Sewak Ram: With reference to the answer to my question No. 1362* asked on the 19th January last, will the Government please say if it has since got the required information? If so, will it please lay on the table the particulars asked for in the question?

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.

IRRIGATION OF KAMALIA.

1786. Rai Bahadur Lala Sewak Ram: Arising out of the answer to my question No. 2483† asked on the 20th October 1923—

(*a*) Will the Government be pleased to state at what stage the three schemes mentioned therein are at present?

(*b*) Will Government also please say when scheme (*iii*) will be taken up?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) (*i*) Pir Mahal Distributary has been sanctioned, and work is in progress.

(*ii*) Khiki Distributary Extension has been estimated, and is under consideration.

(*iii*) Bursala Branch Extension Scheme has been taken up. An estimate was prepared in 1908, and is now under revision to suit existing conditions.

(*b*) Please see (*iii*) above.

REMOVAL OF HINDU-MUHAMMADAN TENSION IN THE PUNJAB.

1787. Rai Bahadur Lala Sewak Ram: (*a*) With reference to the answer to question No. 1019 (volume VII, No. 7, page 503) asked on the 18th November 1924, will the Government please say what steps it has taken to remove the tension between the Hindus and the Muhammadans in the Province?

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*Page 118 *ante*.

†Vol. V, page 6.

[R. B. Lala Sewak Ram.]

(*b*) Has the Government considered the advisability of convening a conference of officials and non-officials of all shades of opinion to enquire into the causes of the tension and to suggest remedies for the removal of the same?

(*c*) If so, with what result? If not, will the Government now consider the advisability of convening such a conference? If not, why not?

The Honourable Sir John Maynard: (*a*) Government has not considered it advisable to attempt any formal effort to remove communal tension; it believes, judging by the result of recent efforts made in certain quarters, that the immediate result of such efforts would be to open questions which for the moment are not the subject of open difference of opinion. It has of course endeavoured to prevent harm from the publications of provocative attacks in the press by prosecuting their authors.

(*b*) and (*c*) The plan has been considered, but in the opinion of Government it would not be likely to conduce to the desired result.

FREQUENT FLOODS IN *ILAQA* BEIT.

1788. Chaudhri Afzal Haq: With reference to the answer to question No. 1105* communicated to me, will the Government please say—

(*a*) whether they have enquired into the causes of frequent floods and consequent shortage in the area under cultivation during the last ten years in *ilaqa* Beit;

(*b*) whether it is not a fact that the railway bridge over the Sutlej between Phillaur and Ladhual was shortened in the year 1914; and, if so, whether this is not the cause of the floods and the consequent shortage in the area under cultivation; and

(*c*) if the answer to (*b*) is in the affirmative, whether the Government drew the attention of the railway authorities to this fact, and, if so, with what result?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The question entails certain enquiries which are being made. It is therefore regretted that at the present step a reply to the honourable member's question could not be given. A reply will be sent to the honourable member as soon as the information required is collected.

WATER-SUPPLY IN THE HOSHIARPUR AND JULLUNDUR DISTRICTS.

1789. Chaudhri Afzal Haq: (*a*) Is Government aware of the fact that water in the wells of the districts of Hoshiarpur and Jullundur have considerably gone down?

(*b*) If so, will the Government be pleased to state whether they ever consulted the district authorities in the matter of remedying the state of affairs there?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Yes.

(*b*) The question has been engaging the attention of Government for some years, and has already formed the subject of a preliminary expert enquiry which will be resumed on the receipt of further information which District Officers have been asked to supply.

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*Vol. VII, pages 603-09.

REPRESENTATION OF LABOUR IN THE PUNJAB LEGISLATIVE COUNCIL.

1790. Chaudhri Afzal Haq : (*a*) Is it a fact that there is no special constituency for returning members to represent labour interests in the Punjab Legislative Council ?

(*b*) Is it also a fact that there is none among the nominated members of the Council representing labour ?

(*c*) If not, will the Government be pleased to say whether they ever considered the desirability of nominating such a member to the Legislative Council ?

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

(*b*) None of the nominated members represents labour specially.

(*c*) Government has considered the interests of all classes, but has not thought it necessary to nominate a member specially to represent labour alone.

PASSPORT TO FOREIGN COUNTRIES.

1791. Chaudhri Afzal Haq : Will the Government be pleased to lay on the table the total number of applications submitted to Government for the grant of passport to foreign countries in the year 1924 and the number of cases in which passports were refused ?

Mr. J. M. Dunnett :

Total number of applications for passports ...	4,430
Total number of cases in which passports were refused	38

ADMISSION OF PUNJAB STUDENTS INTO THE ENGINEERING COLLEGE AT ROORKEE.

1792. Chaudhri Afzal Haq : (*i*) Will the Government be pleased to state —

(*a*) if it is a fact that the United Provinces Government laid down two conditions, *viz.*, (1) that they would admit into the Thomason College, Roorkee, only those students from the Punjab who would contribute Rs. 10,000 for their training expenses, (2) and who would stand in the list of the first 30 successful candidates ; and

(*b*) if it is a fact that the Government has decided to contribute one lakh of rupees for the first ten successful candidates of the Punjab ?

(*ii*) Will the Government be further pleased to state if it is a fact that the students are admitted in Rasul Engineering College on communal basis ?

(*iii*) Is it a fact that no Muhammadan student was admitted into the Roorkee College last year ? If so, will the Government be pleased to state if they are considering the desirability of taking such steps as will secure some admissions for Punjabi Muhammadans in the Roorkee College ?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*c*) (*a*) (1) The Government of the United Provinces require the Punjab Government to guarantee a contribution of approximately Rs. 10,000 for the three years' course for each student from the Punjab admitted to the Thomason Civil Engineering College, Roorkee. This is apart from the personal expenses which the student himself or his parents are required to pay.

(*b*) (*a*) (2) The answer is in the affirmative.

(*b*) (*b*) The contributions that will be paid by the Punjab Government towards the expenses of training Punjab students at the Thomason Civil Engineering College, Roorkee, are during—

	Rs.
1925-26	1,29,000
1926-27	1,25,000
1927-28	99,000

(*ii*) Admission to the Government School of Engineering, Rasul, is on a communal basis, subject to the condition that students pass sufficiently high up in the Competitive Entrance Examination.

(*iii*) The rules for admission to the Roorkee College have been framed by the United Provinces Government, and the Punjab Government have no power to interfere with these rules.

APPOINTMENT OF JAILORS AS SUPERINTENDENTS OF JAILS.

1793. Chaudhri Afzal Haq: (*a*) Will the Government be pleased to state—

(*i*) if it is a fact that no jailor has yet been made Superintendent of a jail in the Punjab; and

(*ii*) if it is a fact that the Indian Jails Committee recommended the promotion of efficient and capable jailors to the post of Superintendent of jails?

(*b*) If the answer to (*a*) above is in the affirmative, will the Government be pleased to state—

(*i*) why any honest and efficient jailor has not been made a Superintendent so far; and

(*ii*) whether Government is now considering the desirability of promoting any honest jailor to the post of Superintendent?

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.

DISPUTE BETWEEN THE PROPRIETORS OF THE SHAH NAHR AND THE OWNERS OF THE PRIVATE CANALS IN TAHSIL DASUHA, DISTRICT HOSHIARPUR, AND TAHSIL NURPUR, DISTRICT KANGRA.

1794. Chaudhri Ram Singh: (*a*) Will the Government be pleased to state if it is aware of the fact that a dispute arose between the proprietors of the Shah Nahr, tahsil Dasuha, district Hoshiarpur, and the owners of the private canals in tahsil Dasuha, district Hoshiarpur, and tahsil Nurpur, district

Kangra, which lasted from 1897 to 1899, and that the case was decided by the then Commissioner of the Jullundur Division ?

(*b*) If so, is it a fact that, in accordance with the decision of the Commissioner, the owners of private canals are entitled to obtain supplies of water from *Dabrdhade kotwal* ?

(*c*) Is it a fact that the width of the outlet irrigating the lands of the proprietors of the private canals has been reduced so that their lands do not get sufficient supply of water ?

(*d*) Will Government be pleased to lay on the table a copy of the decision given by the Commissioner, Jullundur division, in the case referred to in (*a*), and also lay on the table a statement showing the width of the outlet allowed for the benefit of the proprietors of private canals in each year since 1899 ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Government has no such information, but enquiries are being made.

DAMAGE TO *BARANI* AND *NAHRI* CROPS OF THE DIPALPUR AND PAKPATTAN TAHSILS.

1795. Sayad Muhammad Husain : (*a*) Is it a fact that most of *barani* and *nahri* crops of the tahsils of Dipalpur and Pakpattan were considerably injured by frost this year ?

(*b*) Is it also a fact that the yield of these crops this year is 75 per cent. less than the normal yield ?

(*c*) If the answers to questions (*a*) and (*b*) are in the affirmative, will the Government kindly state what measures they are going to adopt to relieve the consequent distress of the zamindar public of these two tahsils ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The question has necessitated enquiries which are not yet complete. I will send the answer to the honourable member as soon as it is ready.

GRANT OF SQUARES TO JUNGLIS OF THE OKARA TAHSIL.

1796. Sayad Muhammad Husain : (*a*) Is it a fact that during the past two or three years Government granted land in the Lower Bari Doab Colony to deprived Junglis ?

(*b*) Is it also a fact that the original holdings of all the Junglis who happened to possess less than half a square of land were increased to a minimum of half a square ?

(*c*) Is it also a fact that there are still a few villages in the tahsil of Okara situated on the Distributary of (F. R.) whose holdings have not been increased to half a square ?

(*d*) Is Government aware that considerable heart-burning and unrest prevails among these people on account of this invidious distinction ?

(*e*) If the answers to parts (*a*), (*b*), (*c*) and (*d*) are in the affirmative, does the Government propose to consider their case along with the other deprived Junglis when land is available for distribution in the J. plot ?

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.

GRANT OF LAND TO THE JUNGLIS OF THE NILI BAR.

1797. Sayad Muhammad Husain: Will the Government kindly state what steps they are going to take—

(*a*) to ensure the grant of land to the Junglis of the Nili Bar; and

(*b*) to prevent the spoliation of the record relating to such grant?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Government is not prepared to commit itself at this stage.

(*b*) This portion of the question is not understood.

SCHEME FOR THE DISTRIBUTION OF LAND IN THE NILI BAR.

1798. Sayad Muhammad Husain: (*a*) Will the Government kindly lay on the table the detailed scheme for the distribution of land in the Nili Bar?

(*b*) If the scheme is not yet ready, does the Government propose to invoke the advice and assistance of the Standing Land Revenue Committee in the preparation of this scheme?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) The scheme has not yet been completed.

(*b*) Government is unable the accept the suggestion.

LAND FOR THE DEMONSTRATION SEED FARM AND STUDENTS' FARM.

1799. Sayad Muhammad Husain: (*a*) Is it a fact that about 2,500 acres of land were given to the agricultural department for the demonstration seed farm and students' farm?

(*b*) Is it also a fact that more than 1,000 acres of land out of the above-mentioned area are uncultuiable *Lhaya* practically unfit for cultivation?

(*c*) Is it also a fact that this will considerably handicap the activities of the agricultural department in the direction of establishing the students and seed farms?

(*d*) If the answers to parts (*a*), (*b*) and (*c*) are in the affirmative, does the Government propose to make good the wastage in the public interest from the adjacent villages Chak $\frac{28, 29}{\text{I. A. L.}}$ hitherto undistributed or to exchange the unculturable waste for these lands?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*), (*b*) and (*c*). The answer is in the affirmative. (*d*) The matter is under the consideration of Government.

PASSPORTS TO INDIANS FOR GOING TO FOREIGN COUNTRIES.

1800. Lala Diwan Chand: (*a*) Will Government kindly give a statement showing the number of passports issued during 1924-25 to Indians for going to foreign countries?

(*b*) Will Government please state the names of applicants to whom passports were refused during the above period, stating reasons for such refusal?

(*c*) Will Government please state if the fact of a person being a member of the Indian National Congress or of the Muslim League is in any way a disqualification for a passport being granted?

(*d*) In the event of a passport being refused, will Government please state to which authority representation should be made against the order of refusal?

Mr. J. M. Dunnett:

(*a*) 1924 ... ... 4,320 passports.
1925 up to April 22nd ... ... 1,150 passports.

(*b*) In 65 cases passports were refused on the grounds that the passport applications did not conform with the regulations, particularly the immigration laws of the country which the applicant sought to enter.

(*c*) Membership of the Indian National Congress or of the Muslim League is not a disqualification for the grant of a passport.

(*d*) The Government of India through the local Government.

CITY KOTWALS FOR AMRITSAR.

1801. **Lala Diwan Chand:** Will Government please state the names of City Kotwals for the city of Amritsar during the last ten years, and, also, if any Hindu or Sikh has been in charge of the City Kotwali during the said period, and, if not, why not?

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.

COMMUNAL REPRESENTATION IN THE AMRITSAR POLICE STAFF.

1802. **Lala Diwan Chand:** (*a*) Will the Government please state the total strength of the Police for the city of Amritsar and the number of Hindus, Muhammadans, Sikhs and others separately among the Constables, Sub-Inspectors, Inspectors and District Superintendents of Police?

(*b*) In case the number of Sikhs and Hindus be less than the Muhammadans, does Government propose to consider the advisability of so recruiting for the service that there may be equal number of these communities in the service?

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.

COMMUNAL REPRESENTATION IN THE POLICE FORCE OF THE PROVINCE.

1803. **Lala Diwan Chand:** Will Government please state the total strength of the Police force of the province and the number of Hindus Muhammadans, Sikhs and others in the force. If the number of Hindus,

[Lala Diwan Chand.]

and Sikhs be less than the Muhammadans, does the Government propose to consider the advisability of so recruiting for the force in future that it may have equal number of these communities. If not, why not?

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.

JAIL PUNISHMENT KNOWN AS *GIDAR-KUT-KAN* PARADE.

1804. Lala Diwan Chand: Will Government please state if it has issued a circular to the Superintendents of Jails condemning the punishments known as *Gidar-kut-kan* parade, etc., inflicted on prisoners?

The Honourable Sir John Maynard: No such circular has been issued. *Gidar-kut-kan* parade is not an authorized punishment, nor has it, so far as is known, been resorted to by Superintendents of Jails of this Province.

COMMERCIAL INSTITUTE AT AMRITSAR.

1805. Lala Diwan Chand: (*a*) Will Government please state why the Commercial Institute of Amritsar was removed to Lahore?

(*b*) Is it not a fact that Amritsar is a trade and commercial centre?

(*c*) If so, will Government please state if it intends to start a separate Commercial College or Institute at Amritsar?

The Honourable Mian Sir Fazl-i-Husain: (*a*) Lahore was considered a more suitable place, especially because it is a University centre.

(*b*) Yes.

(*c*) The suggestion will be borne in mind.

IMPROVEMENT OF AMRITSAR CITY.

1806. Lala Diwan Chand: Will Government please state what steps it has taken under the Punjab Town Improvement Act (passed a few years back) for bettering the condition of the City of Amritsar?

The Honourable Mian Sir Fazl-i-Husain: The Punjab Town Improvement Act, 1922, has been applied to the municipality of Amritsar, and a Committee has been appointed to suggest the lines on which a Trust if appointed under the Act could most profitably operate. Without the preliminary examination of the problems to be solved and the collection of information which this Committee is undertaking, no Trust would be in a position to start operations, and the appointment of a Trust would involve very heavy expenditure to no purpose.

GRANT OF LAND TO HINDUS AND SIKHS FOR WAR SERVICES.

1807. Lala Diwan Chand: Will Government please state the area of land for agricultural purposes granted to Hindu and Sikh soldiers of the Punjab for services rendered during the great War?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Up to February 1924 the area distributed to Hindus and Sikhs was 178,000 and 885,000 acres, respectively. What proportion of this went to both the communities for their War services is not on record. Government does not consider the value of the information would be commensurate with the cost and labour of obtaining it.

COMPENSATION FOR DAMAGE TO LANDS IN PAKHOWAL BY SUB-SOIL PENETRATION OF CANAL WATER.

1808. Lala Diwan Chand: Will Government please state what compensation it has offered to the owners of lands situated in Pakhowal in the Gujrat district on account of damage suffered by the agriculturists by sub-soil penetration of canal water?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Government has no such information, enquiries are being made.

INDIAN AGRICULTURAL SERVICE.

1809. Mr. Labh Singh: (*i*) Will the Government be pleased to state—

(*a*) the total strength of the Indian Agricultural Service in the Punjab; and

(*b*) the relative proportion of the various communities in the service?

(*ii*) (*a*) Is it a fact that there is only one Hindu in the entire service?

(*b*) If so, will the Government be pleased to take steps to get more Hindus employed in the service?

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(*i*) (*a*) Fifteen excluding the 1st and 2nd Agricultural Engineers who do not belong to the Indian Agricultural Service.

(*b*)

Europeans.	*Muhammadans.*	*Sikhs.*	*Hindus.*	*Vacant posts.*
4	4	2	1	4

(*ii*) (*a*) Yes.

(*b*) Under the orders of the Government of India no further appointments are to be made to the Indian Agricultural Service pending orders on the recommendations of the Lee Commission in regard to the provincialization of the service.

PINDIGHEB MUNICIPAL COMMITTEE.

1810. Mr. Labh Singh: (*a*) Is it a fact that the people of the town of Pindigheb have several times petitioned to Government for the introduction of elective system in their municipal committee?

[Mr. Labh Singh.]

(*b*) Is it also a fact that this prayer of the inhabitants has been supported by the local Depnty Commissioner ?

(*c*) If so, will the Government be pleased to reconsider its decision of deferring the introduction of the elective system till after the results of the elective experiment in Campbellpur and other places are known ?

(*d*) Is it also a fact that the introduction of the elective system is being opposed only by the few families of the local Maliks ?

(*e*) Is it a fact that the postponement of the introduction of elections in the above municipality was ordered primarily in deference to the opposition of the Maliks ?

(*f*) Is it also a fact that in January 1922 a deputation waited on the Honourable the Education Minister and presented him with a petition embodying the same prayer, and is it also a fact that the deputationists were told that they should wait till the revision of the Municipal Act then under contemplation had been effected ?

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

(*b*) Government are not prepared to disclose the recommendations of their local officers.

(*c*) Therefore does not arise.

(*d*) Not quite.

(*e*) No.

(*f*) Yes.

GRANT FOR PATRONISING PERIODICALS AND BOOKS.

1811. Shaikh Faiz Muhammad : (*a*) Is it a fact that the Director of Public Instruction, Punjab, is allowed an annual grant for patronising periodicals and books ? If so, will the Government be pleased to state the actual amount so allowed every year for the last five years ?

(*b*) Is it a fact that the said amount is spent by the Director of Public Instruction on the recommendations of the Reporter on Books ? If so, will the Government be pleased to lay on the table a list of officers who have worked as Reporter on Books ever since the post was created, showing also the period of work in each case ?

(*c*) Will the Government be pleased to lay on the table a statement indicating the details of expenditure with the names of the periodicals on which spent, their proprietors and the total number of copies purchased during the last five years and also showing the total amount thus spent on the books or periodicals of the various communities, respectively ?

The Honourable Mian Sir Fazl-i-Husain :

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

(*b*) The grant is distributed by the Director of Public Instruction.

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

(a)

Statement showing the allotment for purchasing periodicals, etc., under head 'Periodicals' for the Department of the last five years.

Years.	Allotment.	Remarks.
	Rs.	
1920-21	4,500	
1921-22	4,000	
1922-23	4,000	
1923-24	4,000	
1924-25	4,000	

Statement of the periodicals patronised and the books purchased by the Education Department during the last five years 1920-21—1924-25, out of the annual grant for periodicals.

Periodicals	Books.	No of copies purchased.	Proprietor, Author or Publisher.	Expenditure.				
				Hindu.	Muslim.	Sikhs.	Christian or Government.	Total.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Punjabi Akhbar ...	... ...	402+9	Chief of the General Staff, Army Headquarters, Simla.	...	...	...	{804 0 0 17 12 0}	...
...	Rigveda Samhita.	18	Pandit Umesh Chandra, Calcutta.	18 9 0	...	...	...	...
...	English-Punjabi Vocabulary.	50	Revd. Bailey, Wazirabad.	...	...	...	112 8 0	...
...	Victory Charts	200	The Educational Publishing Co., Limited, London.	...	...	...	1,081 5 11	...
Temperance Magazine ...	...	360	Master Sant Singh...	...	...	540 0 0	...	...
...	Bolshevism ...	770	Secretary, Punjab Publicity Committee, Lahore.	...	...	...	302 8 0	...
Victoria Paper ...	...	39	Rai Bahadur Diwan Gyan Chand.	140 0 0	...	...	...	...
Risala Rahnuma-i-Talim.	...	360	R. Jagat Singh ...	...	...	750 0 0	...	...

...	History of the Indian Nationalist Movement.	5	Messrs. Ram Krishna Book-sellers, Lahore.	45 0 0	...	...	...	...	
Rafiq-ul-Talim ...	...	236	Rai Sahib Lala Raghunath Sahai.	709 0 0	...	...	...	...	
Total for 1930-31...	...	...	...	911 0 0	...	1,230 0 0	2,298 1 11	4,499	1,011
Rafiq-ul-Talim ...	...	262	Rai Sahib Lala Raghunath Sahai.	793 0 0	...	...	...	...	
...	Imperial Visit to India (Warid-i-Shahinshahi).	45	Messrs. Rai Sahib Gulab Singh & Sons.	900 0 0	...	...	...	...	
Temperance Magazine.	...	350	Master Sant Singh	...	...	540 0 0	...	...	
...	Rules and Regulations of St. John Ambulance Association.	600	The Secretary, St. John Ambulance Association.	...	...	...	6 14 0	...	
...	Grant to Nagri Pracharni Sabha, Benares for research work.	...	Secretary, Nagri Pracharni Sabha, Benares.	250 0 0	...	...	...	...	
East and West ...	...	28	Sardar Jogindra Singh.	...	...	336 0 0	...	...	
Business World ...	...	1	Manager, Business World Agency.	10 0 0	...	...	...	...	
Carried over ...	...	...	...	1,959 0 0	...	876 0 0	6 14 0	...	

Statement of the periodicals patronised and the books purchased by the Education Department during the last five years 1920-21—1924-25, out of the annual grant for periodicals—continued.

Periodicals.	Books.	No. of copies purchased.	Proprietor, Author or Publisher.	Expenditure.				
				Hindu.	Muslim.	Sikh.	Christian or Government.	Total.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Brought forward ...	...	...	...	1,958 0 0	...	878 0 0	6 14 0	...
Rahnuma-i-Talim ...	...	300	R. Jagat Singh ...	...	...	750 0 0	...	...
Victoria Paper ...	...	38	R. S. Diwan Gyan Chand, Sialkot.	140 0 0	...	...	...	...
Journal of Indian History.	...	1	Department of Modern Indian History, Allahabad.	...	...	...	0 0 0	...
Rafiq-ut-Talim ...	...	69	R. S. Lala Raghunath Sahai.	258 0 0	...	...	...	...
Total for 1921-22...	...	...	...	2,356 0 0	...	1,628 0 0	15 14 0	3,997 14 0
Fauji Akhbar ...	...	410	Army Headquarters, India, General Staff Branch.	...	...	...	820 0 0	...

Rafiq-ul-Talim ...	...	413+48	R. S. L. Raghunath Sahai.	1,050 0 0	...	...	...	...
Temperance Magazine.	...	350	Master Sant Singh ...	...	...	142 0 0	...	...
...	Foundation of National Progress.	20	Mr. J. N. Gupta ...	20 0 0	...	...	...	...
...	Hand-book to Cambridge University. General Information pamphlet.	1 each.	An English Firm ...	...	...	...	7 11 0	...
...	Prince Edward's Speeches in India.	31	Messrs. G. A. Natesan and Company, Madras.	44 0 0	...	...	...	...
...	Grant for Hindi research work.	...	Secretary, Nagri Pracharni Sabha, Benares.	500 0 0	...	...	...	...
Temperance Magazine.	...	64	Master Sant Singh ...	...	...	96 0 0	...	...
Hindu Rahnuma-i-Talim.	...	200	H. Jagat Singh ...	...	...	500 0 0	...	...
...	Civil List ...	2	Government ...	...	...	...	6 0 0	...
Victoria Paper, Sialkot.	...	23	Rai Bahadur Diwan Gyan Chand.	70 0 0	...	...	...	...
Total for 1922-23 ...	...	...	...	2,020 0 0	...	1,142 0 0	833 11 0	3,995 11 0

Statement of the periodicals patronized and the books purchased by the Education Department during the last five years 1920-21—1924-25, out of the annual grant for periodicals—concluded.

Periodicals.	Books.	No. of copies purchased.	Proprietor, Author or Publisher.	Expenditure.				
				Hindu.	Muslim.	Sikh.	Christian or Government.	Total.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Rafiq-ul-Talim ...		252 + 300	Rai Sahib Lala Raghunath Sahai.	756 0 0 900 0 0	...	...	...	...
Hazar Dastan ...	...	96	Hakim Ahmad Shuja.	...	512 0 0	...	...	...
Nau Nihal ...	...	126	Ditto ...	...	750 0 0	...	...	...
...	Grant for Hindi research work.	...	Nagri Pracharni Sabha, Benares.	250 0 0 250 0 0	...	...	...	...
Bahuduma-i-Talim ...	...	200	B. Jagat Singh ...	...	...	600 0 0	...	...
Total for 1923-24 ...	...	...	...	2,156 0 0	1,262 0 0	600 0 0	...	3,918 0 0

| | | |

MUSLIM HEADMASTER FOR GOVERNMENT HIGH SCHOOL, KASUR.

1812. Shaikh Faiz Muhammad : (*a*) Is it a fact that no Muslim has ever been appointed as Headmaster of the Government High School, Kasur ?

(*b*) Is it also a fact that, owing to the amalgamation of local Government High and Normal Schools, a Principal is to be appointed there shortly ?

(*c*) If replies to (*a*) and (*b*) are in the affirmative, does the Government propose to appoint a Muslim as the Principal ?

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

(*c*) The appointment has already been made but the point raised by the honourable member will be borne in mind.

SCRUTINISERS FOR DEPARTMENTAL EXAMINATIONS.

1813. Shaikh Faiz Muhammad : (*a*) Is it a fact that the results of the various departmental examinations are scrutinised before publication ?

(*b*) If so, will the Government be pleased to state community-wise the number of scrutinisers appointed during the last three years for scrutinising the result sheets of the examinations conducted by the Education Department ?

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

(*b*) The statement giving the necessary information is laid on the table.

Statement showing the number of scrutinisers according to creed employed during the last three years for checking results of departmental examinations.

Year.	Muhammadans.	Christians.	Hindus.	Sikhs.	Total.
1922-23	1	2	3	...	6
1923-24	1	1	5	...	7
1924-25	1	1	4	2	8

TRAMWAYS IN CONNECTION WITH THE MANDI HYDRO-ELECTRIC SCHEME.

1814. Chaudhri Ram Singh : (*a*) Will the Government be pleased to state if it is a fact —

(*a*) that the tramway, which is to be constructed in connection with the Mandi Hydro-Electric Scheme will pass through the Kangra District, *vid* Talwara, and at a distance of several miles from Kangra Bhawan proper ;

(*b*) that Kangra is a place of pilgrimage of the Hindus, and that every year thousands of pilgrims visit the sacred shrine at Kangra Bhawan ?

(*ii*) If the answers to (*a*) and (*b*) above be in the affirmative, will Government consider the desirability of so changing the route of the tramway that it passes through Kangra Bhawan proper?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes.

The station for Kangra has been proposed Khas Warai which is within 6 miles of Kangra Bhawan proper by a good road.

(*b*) Accepted as no figures are available as to the number of pilgrims.

(*c*) Government does not see its way to altering the existing alignment. The tramway has been aligned primarily as a construction line and means for maintaining the electric transmission line and that public traffic, although taken into consideration, is of secondary importance.

To take the line through Kangra Bhawan would involve very heavy extra capital cost, which the resulting earnings would in no way justify.

Lieutenant Sardar Sikandar Hayat Khan: Will Government please state if it is intended to build a tramway from Pathankot to Nagrota in the Kangra valley?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I should like to have notice of that question.

GOVERNMENT'S DEMANDS FOR EXCESS GRANTS, 1923-24.

FAMINE RELIEF AND INSURANCE GRANT.

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

> "That an additional sum not exceeding Rs. 102 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Famine Relief and Insurance."

Sir, in moving this motion I only wish to say a few words. This head consists of two minor heads, Famine Relief and the Famine Insurance Fund. The first is voted and the second is non-voted. There is a provision of something like Rs. 8,31,000 for Famine Relief and whatever is actually spent goes under the head voted and the rest non-voted and goes to the Famine Insurance Fund *ipso facto*. This item of Rs. 102 comes from 1922-23 and it has been carried over from 1922-23 to 1923-24 in which year no provision was made for any expenditure. According to the wishes of the Accountant-General this amount has been brought before the Council for sanction.

Mr. President: The question is—

> "That an additional sum not exceeding Rs. 102 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Famine Relief and Insurance."

Mr. E. Maya Das: Sir, I should like that one point is explained. I should like to know whether the expenditure has already been incurred or it has yet to be incurred.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I just mentioned that the expenditure was incurred in 1922-23.

Mr. E Maya Das: If this expenditure has already been incurred then it is a question of adjustment and not one of grant of money.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I may explain that the adjustment cannot be made unless and until it is voted by the Council.

Mr. President: The question is—

"That an additional sum not exceeding Rs. 102 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Famine Relief and Insurance."

The motion was carried.

STATIONERY AND PRINTING GRANT.

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

"That an additional sum not exceeding Rs. 32,265 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Stationery and Printing."

The motion was carried.

LOANS BETWEEN CENTRAL AND PROVINCIAL GOVERNMENTS GRANT.

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

"That an additional sum not exceeding Rs. 1,00,39,166 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending 31st of March 1924 in respect of Loans between Central and Provincial Governments."

This is the repayment of the overdraft contracted by the Punjab in 1921-22. Payment was made in 1923-24 and now the appropriation is asked for from the Council in respect of this sum.

The motion was carried.

REFUNDS (RESERVED) GRANT.

Mr. Miles Irving (Finance Secretary): Sir, I beg to move—

"That an additional sum not exceeding Rs 95,360 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Refunds (Reserved)."

The motion was carried.

REFUNDS (TRANSFERRED) GRANT.

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

"That an additional sum not exceeding Rs. 60,315 be granted to the Punjab Government (Ministry of Agriculture) to meet the excess expenditure incurred during the year ending the 31st of March 1924 in respect of Refunds (Transferred)."

The motion was carried.

GOVERNMENT'S DEMANDS FOR ADDITIONAL AND SUPPLEMENTARY GRANTS, 1925-26.

EDUCATION (TRANSFERRED) GRANT.

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

> "That an additional sum not exceeding Rs. 17,29,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Education (Transferred)."

Mr. President: The question is—

> "That an additional sum not exceeding Rs. 17,29,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Education (Transferred)."

Professor Ruchi Ram, Sahni (Punjab University): Sir, I beg to move—

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 50,000—Grant to Punjab University for vocational training in Industrial Chemistry (non-recurring)."

I may say at once that my object in moving this reduction is really to ask for a very large increase in this amount. I want to congratulate at the outset my honourable friend the Minister for Education for breaking new ground. In that congratulation I want to associate also the Honourable the Finance Member, who is at present the Vice-Chancellor of the Punjab University. Sir, during the 15 months that I have been a member of this Council, I have spoken several times about the need of doing something in respect of industrial education. Here is a move made in the right direction. My only regret is that the move is not as rapid and as efficient as it ought to have been. I am still hoping that the Honourable the Minister for Education will see his way to increase this amount to at least double that which he has put down at present. As I understand it, Sir, the object is to have two small scale factories to serve as demonstration factories in connection with the course of industrial chemistry for the degree classes.

Mr. President: There is just one thing that I wish to point out to the honourable mover of this amendment and that is given in Article 124 of the Punjab Constitutional Manual, Volume II—

> "Motions may be moved to omit or reduce any grant or any item in a grant, but not to increase or alter the destination of a grant."

Unless the honourable member makes it clear that his object in proposing the reduction of Rs. 100 is merely to raise a discussion and to make any suggestions that he likes, I am afraid I cannot allow the honourable member to proceed with the amendment. He cannot make any motion for the purpose of increasing the grant.

Professor Ruchi Ram, Sahni: At the very outset I made it clear that my motion was for the reduction of Rs. 100 with a view to induce, if I may, in the course of my arguments, the Honourable the Minister for Education to increase the sum allotted under this head. I am giving reasons why this grant is inadequate. I am not making this motion for increasing the grant. By proposing this amendment, my object is to raise a discus-

[Prof. Ruchi Ram Sahni.]

sion and to give reasons why this amount is insufficient, so that if I can convince the Honourable the Minister for Education, I hope he will increase the grant *suo motu*.

Well, Sir, when I was interrupted I was mentioning the object for which this amount was allotted by the Honourable the Minister for Education. The object is to establish two demonstration factories in connection with the degree classes in Industrial Chemistry which are at present attached to the Forman Christian College and which are intended to be taken over by the Punjab University. It is intended that the factories should be located where the teaching is being done at present but that the Government should help these classes financially and also in establishing the necessary demonstration factories. I submit, Sir, for a purpose of this kind and of this magnitude, the smallest sum that would be required would be in the neighbourhood of double the amount which has been allotted at present on the non-recurring side. I understand that one of the demonstration factories will be a pottery factory. The smallest commercial scale pottery factory which can be established will cost not less than Rs. 50,000. I put forward similar proposals before the Syndicate in connection with the industrial classes for the B.Sc. degree some years ago. I went and visited some of the existing pottery factories in India and I discussed the details with the managers of those factories. The estimates too which I then prepared, if I remember aright, were sent to the University. However they cannot be traced in the University office though I have made some attempts to get a copy of them. On the basis of these estimates then, I came to the conclusion that Rs. 50,000 was the least sum that would be required. When I mentioned the figure of Rs. 50,000 I did not name it off hand. I mentioned that figure after having gone very carefully into the estimates of the smallest scale demonstration laboratory. These factories are intended to be demonstration laboratories on a commercial scale. It is intended that the students receiving a regular training in these classes should eventually go out and start factories of their own. This factory where the students are to be trained is to serve as a model for them, so that the students can start their own factories on the model of it. I submit that a demonstration factory should be the smallest commercial scale factory, the smallest that can be established on a commercial scale, yielding a small reasonable amount of profit. If that is the object, then, this sum of Rs. 50,000 will be the least that will be required for establishing such a factory. I have in my mind the factory at Gwaliar. I visited that factory twice and went into the estimates. They turn out things there which are fairly good, but not very good. Such as they are they are being largely sold in the Punjab as well as elsewhere. The material for them is available in the neighbourhood of Lahore, near Jammu and in one or two other places also, so that if a factory of that kind is started here in Lahore, it will be quite a success. But if you want to establish a toy factory costing about Rs. 20,000 to Rs. 30,000 then that will not serve the purpose which you have in view. If it is not possible to increase the amount allotted to one lakh of rupees, then it will be much better to have one good factory instead of attempting to establish two small factories. I understand that it is at the same time intended to start or rather help to start a soap-making factory. My submission is instead of having two inefficient factories, it is better to arrange for the teaching of one industry efficiently and well.

As regards the second factory, namely, the soap-making factory, I think I need not develop my argument with regard to it. The smallest soap-

demonstration factory equipped with the simplest kind of machinery will require about Rs. 25 to Rs. 30 thousands. The remaining Rs. 20,000 I keep for the equipment of a commercial laboratory for the analysis of minerals, rock oils and other materials. This laboratory for which I have for the present put down Rs. 20,000 will specially require development. It will serve as the nucleus of the laboratory which will be required for the testing of the various stuff used in the different industries. If we establish a laboratory for the analysis of minerals, oils, paints and colours—things which will be required in these two industries, namely, pottery and soap,—then it will be quite easy, with a small additional expenditure, to enlarge it and equip it for the analysis of all the other materials also which will be required for any other industry which might be started later on. That is how I have put down the total cost at a lakh of rupees at the lowest estimate. Rs. 50,000 for the pottery factory, Rs. 30,000 for the soap factory and Rs. 20,000 for the laboratory. Then it will also be necessary, Sir, I might say at once, that these factories be established somewhere where there is a good deal of open ground, so that later on, other demonstration factories may be added on to them and it is necessary to have these factories at a place where there is room for expansion. To locate them where it is intended to start them at present will be to court failure and loss when we come to start other factories. One reason why I use the word 'failure' is this. We want our students to learn that they require the simplest buildings for their factories. You cannot put up thatched or corrugated iron sheds in the compound of the Forman Christian College, where it is intended to start these factories at present. What I want to impress upon our students is this that it is not necessary to have grand pucca buildings for their factories. Corrugated iron sheds and small separate huts for students to live in can best be arranged in a separate building quite apart from the palatial buildings which have been put up for the college itself. Then, as I have said, we want room for expansion. For all these reasons I should suggest that a plot of ground should be selected at a convenient distance from the college. The interest of the college should be maintained and the help and co-operation of the professorial staff of the college for teaching these classes and running of these factories should be welcomed but the factories and laboratories should be located at a little distance from where they are intended to be at present. That, Sir, is all that I wanted to say with regard to this. I hope and trust that as a beginning has been made, nothing will be wanting to see that it is really a good sound beginning and that we shall not court failure by starting in a miserly way. After all what is a lakh of rupees for the starting of two demonstration factories? The difference between the amount allotted and that suggested by me is only Rs. 50,000. I hope Government will see its way to double the amount.

Mr. President: Grant under consideration, reduction moved—

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 50,000—Grant to Punjab University for Vocational Training in Industrial Chemistry (non-recurring)."

The question is that that reduction be made.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I have great sympathy with the mover of the amendment and agree with almost everything he has said and hope that Government will accept his request. But I would like just to warn Government and the House on one point, that is on making a large pottery works. I

[Mr. V. F. Gray.]

want to warn them against making these things too big and too practical. They will find that in a very short time they will get a big work run by Government and Government competing with private enterprise. All we want is demonstration factories in connection with the University, small and practical ones where boys have real practical education after which they can work in the private existing factories. To have large factories is a big danger. Government has got a big tanning factory here. There is a good deal of opposition to it because it competes with private tanneries. So if Government starts putting up factories on a large scale, it will be doing nothing but competing with private enterprise and there will be a very big outcry. There is no reason why there should not be a small educational factory.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I fully sympathise with Professor Ruchi Ram in the useful suggestion which he has just submitted. I think the time is not far off when the Punjab will advance considerably in the realm of industry. The other day when I visited the Forman Christian College in connection with the party given in your honour, I noticed a pottery factory and I was very highly impressed by the usefulness of the things done there. I was not fully satisfied before about the necessity of Government grant, but when I inspected personally the sugar factory, the pottery factory and the soap factory, I fully appreciated the usefulness of the grant. Professor Ruchi Ram will be glad to learn that already Government has done a good deal for developing sericulture. The silk industry in the Punjab will very soon develop. But, Sir, during the last four years there has been breathless taxation on the poor peasantry. And the abiana broke as it were the neck of the camel. I trust that the first thing we will try is to get relief to the already over-indebted, over-taxed constituencies of our country. So any industry which must be developed must be developed keeping in view that it will not involve any further taxation. How can you improve the economic condition of the country when it is not even able to pay taxes? The industrial development can never take place unless the present taxation is reduced. Something has been done now but not much, and I hope that Government will reduce the abiana and the other taxes which have been increased when a remission is made by the Government of India, and thus improve the economic condition of the country. I fully sympathise with the object of my friend Professor Ruchi Ram's amendment. I hope he will withdraw it and I advise Government to adopt most of the recommendations subject to these, that the finances allow, that there is no further taxation and that any remission from the Government of India will be utilised in the reduction of taxation.

Mr. President: Having raised the desired discussion does the honourable mover withdraw his amendment?

Professor Ruchi Ram, Sahni: I would rather be in a minority of one than withdraw.

Mr. President: You said that you only wanted to raise a discussion in proposing the reduction.

Professor Ruchi Ram, Sahni: I want the amendment to be put.

Malik Firoz Khan, Noon: In that case I raise a point of order whether the honourable member should have been at all allowed to move his amendment, whether he should not have been disallowed from the very beginning. I think the amendment is illegal and could not be moved.

Professor Ruchi Ram, Sahni: I believe, Sir, I am perfectly in order in moving that amendment and sticking to it. What I intended to do was to criticise the policy of Government in allotting an amount which is all too small for a successful carrying out of the object which they have in view. If they do not succeed in carrying out their intention to fruition, then Government alone will be to blame. Therefore I stick to my amendment, unless you rule to the contrary.

Mr. President: I am sorry I must rule it out of order. I allowed you to go on, on the distinct understanding that you were not actually proposing an increase of the grant but that you were trying to show that a larger sum would have been better spent under this head. As you now say that your meaning was to ask for an increase of this grant, such a motion would be out of order and I cannot allow any vote on that.

Sayad Muhammad Husain: Sir, I would ask whether you would allow a vote or not on an amendment for reduction of Re. 1 which is simply meant to open a discussion.

Mr. President: That question does not arise. The circumstances of this particular case have been explained.

Professor Ruchi Ram, Sahni: Sir, the issue I raised was that the grant should be increased and if after having said that, I am not in order in sticking to my amendment, then I have no choice but to ask for leave to withdraw the amendment.

The amendment was by leave withdrawn.

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

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,000—Opening of an Intermediate College (non-recurring)."

Sir, my object in moving this amendment is to raise a discussion with regard to the opening of a college at Kangra. .....

Sir George Anderson: Does the honourable member mean Kangra town or district?

Pandit Nanak Chand: Anywhere in the Kangra district. The honourable members will be pleased to remember that in the last session of this Council my friend Chaudhri Ram Singh, the member from Kangra, raised the question of opening an intermediate college in the Kangra district. He advanced various arguments as to why it was necessary that a college should be opened there at once or in the near future. During the course of discussion he made it clear that he did not want that a college should not be opened at Rohtak but that the next college which should be opened should be at one of the places in Kangra district. The assurance which was given by the Honourable the Education Minister during that discussion was as follows: "Sir George Anderson in his speech made it amply clear that Kangra's interests have been nearest to the heart of the Education Department and the Minister who presides over that department. I can give you the assurance that Kangra's case will be considered along with any other case that may come up. Our inclination will be to do more for Kangra than for any other district."

[Pandit Nanak Chand.]

Now my submission is that fortunately there is a substantial grant made for education and provision in the budget has been made for the opening of one more college the case of Kangra should be taken up now. Kangra, as you know, Sir, is a very far off district and there are no colleges close to it. People residing in that district are mainly agricultural and are very poor. They have, as Sir George Anderson pointed out in his speech, progressed a good deal with regard to the increase in pupils. He told us that during last five years there has been an increase of 5,000 pupils in the secondary schools. Then again, Sir, these people belong mainly to the Rajput caste, men who have distinguished themselves during the war; and it is time that their services should be recognised. Having got a number of high schools in their district there is no reason why these people for the sake of collegiate education should be made to come and stay in the plains the climate of which does not suit them. On these grounds, Sir, and on the assurance held out by the Honourable Minister for Education, I submit that this college should be opened in Kangra. I understand that Sir George Anderson had been to see the Kangra district and I believe he would be able to give his own experience as to whether a college will be successful there or not.

Mr. President: Grant under consideration, reduction moved:—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,000 opening of an Intermediate College (non-recurring)".

The question is that that reduction be made.

Malik Firoz Khan Noon [Shahpur East (Muhammadan) Rural]: Sir, originally this item which is now appearing in the budget for an intermediate college, this item was meant for a college at Jhang-Maghiana. Then it was objected to by certain people. . . .

Pandit Nanak Chand: Sir, I rise to a point of order. Is it in order for the honourable member to disclose what took place in the Finance Committee?

Mr. President: We do not know from what source the honourable member has got the information. He does not refer to any proceedings of the Finance Committee.

Malik Firoz Khan, Noon: I am not quite certain whether I am right or not. . . .

Pandit Nanak Chand: May I know, Sir, what the honourable member means by the word "original by"? Where did it originate?

Malik Firoz Khan, Noon: Am I debarred from referring to anything which occurred in the Finance Committee?

Mr. President: Details of anything discussed in a Select Committee or a Standing Committee should not be referred to here.

Malik Firoz Khan, Noon: Then, I will discuss the matter in another manner. Sir, here is a certain amount of money asked for an intermediate college. My learned friend opposite wishes it to be earmarked for a particular college in the Kangra district. As far as the claim of the Kangra district is concerned, he has my entire sympathy and as far as the promise made by the Honourable Minister for Education or the Director of Public Instruction goes, that promise also must be honourably fulfilled, and the earliest

opportunity should be taken to open a college at Kangra. But there is one thing which I should like my honourable friend to remember and that is this, that along with Kangra, there are other places also which require colleges; for instance, the district which I represent, the Shahpur district has got no less than 12 high schools and it is badly in need of a college and if I were to get up and say that this money should be earmarked for Sargodha, I shall perhaps be acting in a way similar to that of my friend opposite. What I would suggest to him is this, that this matter should be left over to the honour and good sense of the officers who made that promise in this House. I feel certain that when they are considering the question of opening colleges, they will certainly give Kangra their very best consideration. It is not so very easy to decide that a college should be opened there at once. No doubt, perhaps a college will be opened in one or two other places too, but I think it will be unfair to the other districts to ask this Council to earmark the grant for the Kangra district. Perhaps it may not be practicable at all to open it now. I would therefore ask the honourable member not to ask for this money to be earmarked and try to see if the Education Department can carry out their promise in this Council by giving preference to the claims of Kangra district.

Sir George Anderson [Director of Public Instruction]: Sir, I hope that this discussion will not be conducted in a spirit of acrimonious partisanship or with an excess of local patriotism. I wish therefore to make an explanation, but am a little nervous lest I shall trespass on dangerous ground. I hope that I am in order in saying that the Education Department first suggested that a college should be opened at Jhang. The reasons are easy to explain. The Education Minister was at that time enjoying the cool breezes of Kashmir. I knew that he desired that when funds were available an intermediate college should be opened. The Jhang proposal was therefore examined first because it was at that time the only proposal in a reasonable state of preparation. It was then decided that we should leave the question open. Therefore, I have still an open mind on the subject. I can also say with confidence that the Education Minister has also an open mind.

Since we last discussed this matter some six weeks ago, I have been to Kangra. I have visited a very large number of places, have seen a very large number of schools, and have had an opportunity of discussing educational matters, especially the opening of this college at Kangra, with a very large number of people. I have therefore been able to arrive at certain conclusions which I intend to forward as soon as possible to the Education Minister. The first conclusion that I have arrived at is that the Kangra district is admirably suited for the location of a college. (Hear, hear). On that point I have no doubt whatever. I entirely agree with my honourable friend opposite that we should make provision for these hill boys, and that it is unreasonable to expect them to go to the plains for their education.

The second conclusion I have arrived at is that the demand for a college in the Kangra district is entirely genuine. There is an undoubted demand for a college. I say that it has made considerable progress in education.

We then come to the question, if it is decided to have a college in the Kangra district, in what place it should be located. There again there is a wide difference of opinion. In the first place, Palampur is perhaps the most suitable place. It is readily accessible to a number of pupils; and it has a delightful climate and beautiful surroundings. But, unfortunately,

[Sir George Anderson.]

there is no nucleus of buildings on which to construct a college. I am therefore afraid that Palampur should be excluded. Next, there is the town of Kangra itself. Kangra appears to me suitable in that it affords cheap living but unfortunately there is the same difficulty. There is no nucleus of buildings on which to construct a college. Therefore with some reluctance, we have to rule out Kangra. Then there is Dharmsala. So far as I can understand, Dharmsala is not so readily accessible as the other two places, but it has considerable points in its favour. In the first place, it has a large and flourishing school which will serve as a sound foundation for the proposed college. In the next place, there is the nucleus of a building on which to construct a college at a reasonably low price. But there are difficulties which are by no means insuperable. The class rooms are very small and inadequate for a college, but I think it possible to make rooms of a reasonably satisfactory size by enclosing a passage which runs throughout the building. I am making enquiries on this matter. In the next place, it is essential to retain our normal classes for the training of vernacular teachers at Dharmsala. In the third place, unfortunately, there is no building, as there is in one or two other places for the middle classes which will be ejected from the high school building as soon as the college is started. It is, therefore, necessary to construct a new building for the middle classes. It is also necessary to make provisions for the teaching of science.

I do not think, Sir, there will be much difficulty, especially when I have my friend Dr. Dunnicliff who advises me so appropriatley on these matters.

3 P.M.

Though I left Kangra only five or six days ago, I have already received much additional information. I have now a rough estimate of the sum that will be required. So far as I can see, it will cost about Rs. 20,000 more to construct a college at Dharmsala than at one or two of the other places that have been named. But after all Rs. 20,000 is not a very large sum, especially as the estimated cost should come within the provision now under discussion. Hitherto in selecting the places for these intermediate colleges, we have invariably taken the cheapest propositon. As I see that the Honourable the Finance Member is away and that the Finance Secretary is, I trust asleep, I should like to say that it does seem to me necessary invariably to adopt a proposal merely because it is the cheapest proposal. I do not think that Dharmsala should be vetoed merely because there are other proposals that can be carried out more cheaply.

I have therefore taken all the steps that I can to obtain the necessary information; and so far as I can see, that information is satisfactory. But my friend opposite will agree with me that it is rather difficult to give a definite promise on this inadequate information. I would add, however, that the Honourable the Minister for Education is most anxious for a college to be started at Kangra.

Pandit Nanak Chand: I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Professor Ruchi Ram, Sahni: I have an amendment similar to the one that has just been withdrawn. May I know whether I can move the same?

Mr. President: If the honourable member is discussing the claims of any place other than Kangra then the amendment will stand.

Professor Ruchi Ram, Sahni: I do not want to speak about Kangra or anything of the kind.

Mr. President: Then the object which the honourable member has in view is quite different.

Professor Ruchi Ram, Sahni: Yes, Sir.

Mr. President: Then the amendment stands and it can be moved.

Professor Ruchi Ram, Sahni (Punjab University): Sir, I beg to move—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 10,000—Opening of an intermediate college non-recurring)."

The amendment which I have just moved is in identical terms to the one moved by my honourable friend Pandit Nanak Chand which has been withdrawn. The object I have in view in moving this amendment is quite different from the one which my honourable friend Pandit Nanak Chand had. As I have said so many times in this Council, I wish to submit that the very object of these colleges is being lost sight of. I should like to recommend to the Council the type of college which has been put forward by no less an authority than the Calcutta University Commission.

Mr. President: If it is the intention of the honourable member to discuss, as he did on a previous occasion, in the March session of which this is a continuation, the general policy of the opening of these intermediate colleges, then I am afraid I shall have to rule the amendment out of order. The general policy having once been discussed cannot be discussed again in this session.

Professor Ruchi Ram, Sahni: In starting a discussion on the opening of these colleges, I want to submit that a college of a certain type should be opened. We are not giving sufficient attention to the proper type of college which ought to be started in the Punjab. That is my submission.

Mr. President: If I remember aright that is exactly the theme on which the honourable member dilated, on the previous occasion. I cannot allow him to say over again, what he said before on the subject.

Professor Ruchi Ram, Sahni: I want to submit, ...

Mr. President: Is the honourable member discussing the ruling that I have given just now?

Professor Ruchi Ram, Sahni: My submission is that these colleges should be of a particular type.

Mr. President: I have ruled that the question has been discussed before and it cannot be discussed again.

The amendment was accordingly ruled out of order.

Professor Ruchi Ram, Sahni (Punjab University): Sir, I beg to move:—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 14,000—Supplies and Services—Government secondary schools (non-recurring)."

This amendment relates to the provincialisation of schools, a subject which I discussed in some detail in the annual budget session of this year. I have a few further points to suggest with regard to the provincialisation of schools.

Mr. President: If the amendment relates to the provincialisation of schools that was discussed at the last budget meeting, this will be out of order.

The amendment was accordingly ruled out of order.

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

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 1,00,000—Maintenance grants to aided schools (recurring)"

Sir, honourable members will bear in mind that this sum of Rs. 1,00,000 does not form part of the budget amount which was discussed sometime ago. This is a new grant out of the sum which the Government has granted for education out of the surplus, of the provincial contribution reduced by the Government of India. The question is how this sum of one lakh of rupees should be applied and on what principles its application should be made. Now, Sir, this sum is to go to those schools which are private schools either owned or managed by private gentlemen or private bodies. Honourable members who have got experience of these private institutions will please bear in mind that these schools are the result of private effort and sacrifice in men and money on the part of men living in different parts of this province. The first step to earn this grant-in-aid is recognition. Unrecognised schools are not granted any grant-in-aid. My submission is that with regard to recognition the education department should make clear and definite rules so that everybody may know what is required of a private school in order to get recognition. Now the recognition is entirely dependent on the whim of the different Inspectors. In one locality you find a school which is not properly equipped recognised, in another locality a school which is better equipped and which has got a larger number of teachers, more qualified and more efficient, not recognised. Therefore I say tha this recognition merely depends upon the whim and the idiosyncrasies of the Inspector or the subordinate who goes to visit the school and makes a report about the school. Fortunately or unfortunately it has been my privilege to be connected with a large number of private schools. I know the manner in which the Inspectors and the subordinates deal with these private schools. Times out of number those who are connected with the management of these private schools have to dance attendance at the bungalows of the Inspectors or their assistants or the Deputy Inspectors. I contend that the time has arrived when our Education Department should have a clear cut and definite policy with regard to the rules for the recognition of these private schools. People who are now showing a great amount of sacrifice get discouraged because of the way recognition is granted now and the result of that will be that education which has been advancing by large strides in this province will receive a rude set back.

No doubt my honourable friend Sir George Anderson has a very large heart. Sometime ago on the floor of this House he promised that the question of recognition of private schools will be very sympathetically dealt with. Unfortunately my experience has been that his subordinates are not prepared to carry out his instructions to the same extent as he would desire them to do. It is a pity that we have to call again and again at Sir George Anderson's office for getting recognition for this school or that school. If we knew that private schools are required to fulfil such and such conditions and if they satisfy those conditions, recognition will be granted as a matter

of course, then, my submission is that these difficulties will be removed and the private schools or the managers of these private schools will not be confronted with the difficulties with which they are faced now. My further submission is that these rules for recognition should be made easy. They should not be made stringent. All that the Government or the Education Department should require is that there should be a certain amount of efficiency and a certain amount of convenience for the accomodation of the pupils. They should not insist upon having costly buildings. My submission is that if these rules are made sufficiently elastic private enterprise in the province will continue so far as education is concerned in the same way as it has gone on before.

I said that recognition is the first step to earn the grant-in-aid. Then with regard to the grant-in aid also there should be specified and distinct rules and no communal considerations should at any time enter in the minds of those who sanction grants-in-aid for the different schools. If a certain school satisfies the standard required by the Education Department, it should be open to the managers of the school to claim grant-in-aid and the grant-in-aid should be granted as a matter of course. These are the various grounds on which I wish to move the amendment which I have placed before the Council.

Mr. President : Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 1,00,000—Maintenance Grants to Aided Schools (recurring.)"

The question is that that reduction be made.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] : I only wish to add a few sentences to the speech of my friend Pandit Nanak Chand. Although he has in the end hinted that a good deal of communal feeling is shown in giving grants-in-aid. . . .

The Honourable Mian Sir Fazl-i-Husain : Has he hinted that ?

Rai Bahadur Lala Sewak Ram : Sir, very little grant-in-aid is given to the Hindu schools in these days. At the time of the budget when I pointed out this fact, the Honourable Minister for Education gave us a list showing that there were more Hindu schools getting grants-in-aid than those schools belonging to other communities. But I beg to say that some of those schools have been in existence for a long time. The new schools that are opened by Hindus do not get any grants so far at least as the Multan division is concerned. There are two or three schools in Dera Ghazi Khan. A small grant is now given to one or two schools but one school has not got any grant because a district board school has been opened there. Sir, is it fair that when a private body opens a school at a place it should not be given a grant because a district board school is opened there ? After a little time that district board school is converted into a middle school and then into a high school and because a district board school exists there the private school is not given any grant. There is one such school at Taunsa in the Dera Ghazi Khan district. Similarly there is one such schoo lin the Muzaffargarh district. Some Hindu schools are recognised but they for a long time get no grant and after a good deal of hanging after the Inspector of Schools they may get in two or three years' time. It remains a recognised school for a number of years though for a long time it does not get any grant-in-aid, although that school fulfils all the conditions that are necessary to earn a grant-in-aid. Sir, I am not criticising

[R. B. Lala Sewak Ram.]

but my humble submission to the Honourable the Minister for Education is that in dealing with education, we do not care how much grant-in-aid he gives to Musalman schools or to any other schools, but all Hindu schools that apply and keep on applying year after year should be given grant-in-aid. I know it for certain that grants-in-aid are withheld from Hindu schools in many districts in the Multan division .....

Professor Ruchi Ram, Sahni : All over the province.

Rai Bahadur Lala Sewak Ram: I can only speak of the Multan division. The honourable member probably can speak of the whole province as he represents the whole province.

If this is not done we, Hindus in the Multan division will feel very grateful to the Minister and the Director of Public Instruction. I certainly do not want to hurt in any way the feelings of my Musalman friends. I only wish to claim a grant for the Hindu schools, because the Hindus are paying as much taxes do the Muhammadans. When Hindus come forward to open a school after begging from door to door and if that school satisfies all the conditions necessary for a grant-in-aid then a grant should be given and not withheld. Therefore through you, Sir, I bring home this point with all the emphasis in my power to the Minister for Education and the Director of Public Instruction.

Chaudhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu): Sir, I have heard the speeches delivered by the last two speakers with rapt attention and great amusement. If their dictionary translates the word 'Hindu' to mean only those people who live in towns .....

Rai Bahadur Lala Sewak Ram: No, no, we include even those living in villages. I represent a rural constituency.

Chaudhri Duli Chand (Urdu): But the honourable member is not an agricultural Hindu. Sir, if Hindus are those living in the cities then I quite agree with them that the policy of the Education Minister is highly unjust. But if the word 'Hindu' embraces even those 90 per cent. of the people living in villages especially in the south-east of the Punjab, then, I submit the consideration which they have had at the hands of the present Education Minister was never equalled. If the Hindus include millions of Ahirs, Gujars, Rajputs and others living in the southern districts the treatment meted out to them after the introduction of the Reforms is most fair and just. I include among Hindus even those rural Hindus who form the backbone of Hinduism and fight for the safety of their country, *i. e.*, Jat Gujars, Ahirs, Rajputs and Dogras. To substantiate my assertion I would scrutinise the list of schools put on grant-in-aid list. The biggest grant given to any school in the Punjab goes to a Khalsa High School and next comes a Hindu High School in the Ambala Division, the B. D. High School, Ambala. Now, if we turn to the total amount disbursed to schools of various denomination, we find that only 16 per cent of the amount goes to Muhammadans while 84 per cent goes to others. Out of the latter only 4 per cent goes to schools of the agricultural tribes. Sir, under the circumstances, I ask, was it not necessary for the Minister of Education to take some action by which an even distribution of grants would be secured. It is a habit with certain class of people to be ever crying for the spread of education in the country, but when steps are taken in the right direction they leave no stone unturned to create obstacles in the progress of such measures. Before the Reforms, there

were great evils in the system of disbursement of grants-in-aid. During those times 50 per cent. of the money would go to Lahore and places like Lahore where education was already universally spread. Out of the remaining 50 per cent., only 4 per cent. went to the schools opened by agricultural tribes and as there were no Inspectors belonging to the agriculturist tribes the rest of the money went to schools where there was not a single boarder of an agricultural tribe and as a matter of fact not a single villager liked to study there. Then came the war and after it the Reforms and general enlightenment of the people. Everybody realised the need for education. The number of boys went up. The agricultural tribes also opened their own schools. But Government had not the necessary funds to subsidise these efforts at literacy, without affecting the bounties received by the already favoured schools. Reshuffling of the wole pack was, therefore, necessary. The grants of the old and flourishing schools were curtailed while the new schools belonging to agricultural tribes were financed. Now, Sir, what is objectionable in this reorganisation? Ahirs are really the most backward in education. They get no grant at all. Personally I would not care a fig if a number of well-to-do and flourishing schools in urban areas be removed from the grants-in-aid list to finance an Ahir School. Similar is the case with Gujars. They do not have a single graduate in the whole of their community. Under the circumstances, if steps be taken to spread education among these Hindu tribes in rural areas why should urban Hindus cry? Is it not the duty of Government to remove illiteracy? Now what is the use of having rigid rules of grant-in-aid in schools. The Education Department is already full of urban and non-agriculturist people. The execution of rules lies in their hands and they pay little heed to our grievances *i. e.*, of agricultural tribes. Only recently a Civil Court has given a decision against the Land Alienation Act....

Pandit Nanak Chand: May I enquire whether this is relevant?

Mr. President: Any reference to the Land Alienation Act will be irrelevant. Confine yourself to the amendment under discussion.

Chaudhri Duli Chand (Urdu): Sir, I mean to imply that rules are only meant for show. The whole thing rests with the manner in which they are worked. Grants should be given to such schools only as are in need. If a school is already in existence and is getting grant in a certain locality, is it not unjust if another school is opened by the same denomination in the same locality and is also given a grant? It is the duty of the Government to safeguard every interest. A new school may be opened if the number of scholars in it gets unmanageable, but as long as the number is anything less than 500 I do not see any justification for encouraging another school under a control similar to the one already existing. The multiplicity of schools has no very great advantages. This affects the discipline and standard of education. The teachers in order to get more students show leniency in matters of examination and admission and this results in very bad educational results. A parallel institution should not be recognised in the same locality as long as the number of students in the first institution is less than a limit to be fixed by the Government. With these words I oppose the amendment.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I wish to say a few words on the question which has been the subject of debate in this Council at the present moment. I was unfortunately absent for the greater part of the budget session and I do not know whether in the course of the discussion on the budget grants any

[D. B. Raja Narendra Nath.]

announcement was made with regard to grants-in-aid. I have read the famous circular of the 6th November in which the communal character of the grant was adumberated. An addition was proposed to the Education Code laying it down as a rule that backward communities should be encouraged, and that education grants should be given more to such schools as are controlled by communities that are backward than to other schools. Besides that, it was laid down in the circular that the proportion of the population of the communities should also be taken into consideration. I pointed out rightly to the Director of Public Instruction that the meaning of the circular, as far as I could understand was this, that Hindu schools would be refused grant-in-aid. He wrote to me in reply that this was not the intention. Since then I have been hearing that some change has been made in the policy. I wish that an opportunity may be taken to explain the proposed addition to that circular to which I am alluding. We are all encouraging backward communities. (Hear, hear.) Whether they be Hindus or Muhammadans, all those who are backward in education should receive encouragement in the direction of education. We do not want to discriminate between rural and urban classes. We recognise that rural classes are backward in education as compared with the urban population, who are more advanced and forward. We favour encouragement of education in rural areas, but the way in which it is proposed to achieve this object is objectionable. I think the same purpose could have been served if it had been laid down in the circular that backward areas should be considered as having prior right in receiving grant-in-aid. Instead of using the word communities if the word areas had been used, it would have been better. In trying to advance the cause of education we must take into consideration other matters also. We must see that we do not unnecessarily intensify communal bitterness which is characteristic of this country and still more so of this province. I would therefore condemn the communal character of that circular and ask the Honourable Minister to explain whether he has made any change in the words which he proposed to add to the Education Code.

Sayed Muhammad Husain [Montgomery (Muhammadan), Rural] (Urdu): Sir, I am really grieved to see that Pandit Nanak Chand and Rai Bahadur Lala Sawak Ram have shown a spirit of narrow-mindedness in moving the amendment under consideration. They have given expression to their communal bias. They have totally ignored the general benefit of the whole nation. The Musalmans are backward in every respect and as such they are greatly in need of the help that could be given to them by their sister community, I mean the Hindus. The Musalmans are entitled to such help as may bring them in the same line where their brethren stand. I know the Musalmans of the Multan and Rawalpindi divisions are backward in every respect, and if they are helped in any way for the sake of the general welfare of the country, the Hindus should not take it ill, but should do all that lies in their power to better the position of their sister community. If half of the population is thus left in this neglected position, what is the use of all this hue and cry in respect of the general progress of the country. Here in this country female education is not going on on the same scale on which it is being carried on in most of the civilised countries of the world. We have to make special arrangements in this respect. Sir, I would refer the gentlemen sitting on my right to the examples set by their forefathers Sawan Mal and Missar Roop Lal who, although in a position to cause any harm they liked to

Musalmans, did everything for their good. Their names will ever be remembered as the benefactors of Musalmans. There were others, namely, Pandit Jallo and Wazir Punno, who were considered as the enemies of the Musalmans simply because they did much to worsen their position. Among Musalmans their names will ever be remembered with great contempt.

Sir, I appeal to the gentlemen on my right to leave these things aside for the good of the whole nation, otherwise there is absolutely no hope that there could be any advance in the way of national development. The communal tensions and quarrels have already done much harm to the country and its progress and there can be no betterment and prosperity until and unless they disappear. Do help the poor, the needy and the backward classes if you have at heart the general good of this country and its people. This should be our leading principle to act upon.

Chaudhri Afzal Haq [Hoshiarpur-*cum*-Ludhiana Muhammadan (Rural)] (Urdu) Sir, I fully agree with the views expressed by the honourable member from Montgomery. I do hold that our views and expressions must be free from communal bias. Here in the Council I have always tried to keep myself above the communal disputes. But I am sorry to notice that some of the honourable members would never hesitate to deal with any question put before them from a communal point of view notwithstanding that they believe that the communal tension is injurious to the general interests of the country. The honourable mover of the amendment belongs to my district and he knows perfectly well what amount is granted to Muslim schools there by way of grants-in-aid. I have by means of various questions put in the Council, invited the attention of the Government to the injustice done to the Musalmans in respect of grants-in-aid, but all my attempts proved of no avail. The Muslim population out numbers the other communities, but the grant-in-aid given to Muslim schools is one-eighth of the total district grant. Even the Indian Christians whose population bears no comparison whatsoever with the Muslim population get double the amount granted to Muslim schools by way of grants-in-aid. There is a good number of Muslim schools which have been begging for grants-in-aid since long, but the weak policy of the Honourable Minister for Education has given them no help. The Muslim population of the province is 55 per cent., but the amount granted to them bears no proportion to their number. Rawalpindi is a Muslim division, but even there it is the Hindus who get more share of grants-in-aid than their Muslim brethren. I also intended to move a reduction of one rupee under this item but I gave up the idea simply because I did not wish to excite the communal feelings. The Musalmans are not dealt with fairly by the Honourable Minister for Education. Even the Government has not given the proper share to Musalmans in various services.

Sir, I do not wish that the amount granted to the Hindus should be withheld and given to Musalmans, but what I desire is that for future a proportion may be fixed according to which grants-in-aid be given. I understand that a big amount is going to be granted to the Education Department and I request the Education authorities that while distributing that grant they should look to the claims of Musalmans. Whenever there is a question of recruitment to services we hear the Government remark that the Muslims are backward in education and hence are incapable of holding positions of trust under Government. How long are we to hear such things? Why do not the Government and its officials adopt such means as may better the position and status of Musalmans. They pay much more to the exchequer than other communities. Hence they should get due share in Gov-

[Ch. Afzal Haq.]

ernment services. I wish the Honourable the Minister for Education should promptly and courageously carry out the circular referred to by Raja Narendra Nath. There should be no further delay in this respect because it would increase the present communal tension.

Now, Sir, I turn to the suggestion made by Raja Sahib that is, in place of the word 'community' the word 'area' should be inserted. Raja Sahib belongs to a community which is well versed in Mathematics and hence the suggestion made by him is for the good of his own community. I take a concrete example to show the truth of my assertion. In my own district Hoshiarpur there are 10 high schools, 78 middle schools and many primary schools belonging to one single community. This means that if community is not to be taken into consideration while giving grant-in-aid, the whole grant will certainly go to one single community. Sir, I have never demeaned myself by looking at things from a communal point of view, but have the general interest of the whole nation in view. I moved the Education authorities to give grant-in-aid to Dasuha school which deserves encouragement at the hands of the Government. But up till now no grant-in-aid has been given to this school.

In conclusion, I would refer the honourable members on my right to the statement made by our great national leader Mahatama Gandhi at the time when the question of services was under consideration. He said that nothing but the capabilities of the candidates should be taken into consideration while recruiting for the various services. He specially entreated the Hindus that they should do all that lay in their power to help their Muslim brethren in respect of their education. Hence I would request my Hindu friends to give up all communal ideas and act according to the biddings of Mahatama Gandhi. There is a vast difference between your constitutional knowledge and courage and ours. Our masses are illiterate. They cannot even realise the importance of their votes. They send in incapable men as their representatives; therefore I would ask the honourable mover of the amendment to withdraw it in the interests of his country.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] (Urdu): Sir, this question has been discussed from different standpoints. But the opposition have directed their criticism mainly against a circular of the Government. This circular has been objected to on two grounds. One, that the language in which the circular is couched is unhappily chosen and unwisely put. Second, that the action taken on the circular is open to serious objections. I have carefully considered the language and the action taken on the circular in question. I would like the House to consider it calmly. I quite agree with those who contend that communal considerations should find no place in the question of education. It is our duty, the duty of all of us here in this Council and outside it, to see that the province flourishes and literacy increases and I would appeal to those patriots and aspirants after the political salvation of the country to ignore all personal or communal considerations and work with that large-hearted sympathy which alone can bring about harmony and peace.

Now, Sir, the question is what should be the wording of the circular? The circular states that in the matter of grant-in-aid, consideration should be had for backward communities and also for the proportion of the community to the total population of that area. Now, Sir, I ask, if Raja Sahib were in charge of the portfolio of the Ministry of Education, and if he had at heart the encouragement of backward classes, could he have chosen any other words to realise the object and could he have used a different

language if he had a desire of encouraging education in an area where a particular community was really backward? Sir, I contend that even Raja Sahib would have used the same expression, if he had been the framer of the circular. Look at Baroda, an enlightened Hindu State. Even there the words 'backward community' have been used by a Hindu Minister in a Hindu State. Now, Sir, when this is admitted that backward communities have also to be encouraged, the question remains about the area. Suppose in an area, there are a few sweepers entirely illiterate. Will you, then, grant aid to that area. Therefore, you have to devise another standard and that would be of the reckoning of the total population of the area. I submit, Sir, there can be no other test than the one adopted by the Honourable Minister for Education. If this is true, why then clamour so much?

Moreover, the best test of a circular is the way in which it is acted upon. I wish those who object to this circular had studied the facts and figures as well. This education grant is divided into three parts. One is for the Board schools which belong to no community and for the matter of that, none to the Muslim community. The second is for the new schools opened during the year. Out of Rs. 28,000 allotted to this purpose, Rs. 4,523 go to the Muslim schools. The third is the special grant. This amounts to Rs. 9,606, out of which only 30 per cent. goes to the Muhammadan schools. With these figures before us, I ask, do the honourable members opposite complain against the inadequacy of the grant given to Muslims? If so, I join with them and request them to cry a little louder. Otherwise, I submit that belonging to the Swaraj party, the party of nationalists, it does not behove them to preach or countenance a policy of petty-minded communalism. It is unworthy of them, unworthy of the great name they bear. I, therefore, request them to think twice before saying anything on matters likely to intensify communal feelings. The atmosphere is already surcharged with communal tensions and anything unwise may give a rude shock to the whole society. For these reasons, I request Raja Sahib to advise his friend to withdraw the amendment.

Mian Abdul Aziz [Lahore City (Muhammadan), Urban] (Urdu): Sir, in the list of questions for to-day, I find a question* put by Rai Bahadur Lala Sewak Ram in which he asks the Government for appointing a committee to devise means whereby it may be possible to remove the differences between Hindus and Muhammadans. Within an hour after this question was put we find the House again bidding for the same communal dissensions. I wish my friend Lala Sewak Ram had again perused the question and imbibed the spirit underlying it, before raising such a discussion. I really wonder at the anxiety expressed on the one hand for unity and on the other on the fighting attitude adopted by those very gentlemen on every blessed question of loaves and fishes. It has been alleged that in Multan and some other parts of the Province, the Honourable Minister for Education has very unjustly and arbitrarily distributed grants-in-aid and has given most of these to the Muslim Schools. I am not here to defend the policy of the Honourable Minister for Education, but I can show by means of facts and figures that the Muhammadans have not been given even their full share. I cannot but feel sorry that only to-day a friend of mine for whom I have a great regad and whose name I would not like to disclose was saying that we should always keep communal questions away from the discussions in this Council. But from what I see I am constrained to say that it is all idle talk. . . .

* Pages 96-70 *ante*.

Pandit Nanak Chand: On a point of personal explanation, Sir, What are those words in my speech which all these gentlemen have taken objection to? I would like to know that. Mine was not a communal speech. I condemn communal considerations of any kind.

Mian Abdul Aziz: There is nothing for me to explain. That is the impression the speech has left.

Mr. President: Before the honourable member proceeds further I want to make one thing clear that I do not want this discussion to become a general discussion on Hindu-Muhammadan unity; but I hope that the honourable member and all other speakers who make remarks with regard to this amendment will try to confine themselves to the subject under consideration.

Mian Abdul Aziz (Urdu): I bow to your ruling, Sir. But the question before us has been put in such a manner, that it is very difficult to talk about it without raising general discussion in which spirit the objection has been raised. As the head of the department happens to be a Muhammadan, every effort is being made to cast aspersions against him.

Pandit Nanak Chand: No, Sir, that was never at my heart. I think I should make myself clear once more. What I said was that the rules of recognition should be made very lenient, and that they should be definite and clear for all. Secondly, I said with regard to grants-in-aid that the rules for grants-in-aid should be clear and definite and communal considerations should not come in at all.

Mian Abdul Aziz (Urdu): I thank him for what he has said, but the words which can be seen from the note book of the reporters and which he is confessing just now to have used clearly show that the mover of the amendment had communal considerations at his heart. I am prepared to co-operate with my Hindu brethren and support them when it is desirable, but support them indiscriminately is what I cannot do; I must tell them where they are wrong. I never mind even if they are displeased.

Diwan Bahadur Raja Narendra Nath: This is exactly our state of mind.

Mian Abdul Aziz (Urdu): I wish it would be so, which I do not think is so. However, thank you, Sir, for the assurance given. But what if it is not acted upon? Rai Bahadur Lala Sewak Ram has alleged that in Multan division many Hindu Schools repeatedly applied for recognition, but their applications were rejected, and it is further alleged that Muhammadans have been given the lion's share of the grants-in-aid. I am not prepared to admit the truth of this statement. The statistics make it more than clear that the Muhammadans are getting only 16 per cent. of the grants-in-aid, while the balance goes to the non-Muhammadan schools. I wonder how the responsible members of this House dare bring such allegations in the face of such hard facts. I am really at a loss to know what more do the Hindus want. If it can satisfy them, we are prepared to request the Honourable Minister for Education to distribute grants-in-aid according to population or even according to the number of schools belonging to different communities. I do not think any one of these two things are done. 84 per cent. of the grants-in-aid will go to the non-Muhammadans as they are receiving at present. Although it is rather impracticable we are even willing to request the Education Department to distribute grants-in-aid according to divisions, districts, tahsils and even villages. We are prepared to go to any reasonable length, but the attitude which the Hindu members have adopted is difficult.

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to understand. Why should they employ underhand tactics and on every occasion directly, or indirectly hit at the Minister for Education? If unity and co-operation are desired recourse should not be had to such policy. If they have anything in their mind, it is better they should come forward and speak it out frankly. Goodwill and harmony cannot be achieved through suspicion and strife. After what I have said, I hope the amendment will be withdrawn.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] (Urdu): Sir, I have very carefully listened to the speech made by Pandit Nanak Chand and I can say that every word of it is true to the letter. I know from my personal experience that whenever any school applies for recognition, the Inspectors raise so many objections and place so many difficulties before the managing body of the school that recognition becomes hard to earn. This has been done in so many cases that the people have come to think that the private enterprise is designed to be discouraged by the Education Department. The department would be well advised if it takes immediate measures to remove this impression and it can do so only by making the rules regarding recognition very definite; if the rules are made definite, very little room will be left for the inspecting staff to raise objection or stand in the way of recognition of any school. I have very often had opportunity to talk over this matter with the honourable member Sir George Anderson and I am glad to say that on every occasion he very attentively listened to what I said. In many cases he tried to remove the grievance whenever it was brought to his notice, but he as a mortal being cannot be expected to rule over the destinies of the department for ever. Therefore the sooner the rules regarding recognition are made definite, the better.

Then there is the question of grants-in-aid. I, for one, do not grudge the backward communities being given more grants-in-aid. In my opinion we can make progress worth the name only when all the communities whether they be Mehtars or Chuhras are educated. My friend Chaudri Afzal Haq remarked that there are so many schools opened by one and the same community in the Hoshiarpur district. He should have known that that community is anxious to spread education far and wide. It will also perhaps interest him to know that all the schools referred to have been opened without any help from the Education Department or even with the help of any other community, and that those schools are open to the children of all communities alike. In the Kangra district too, which is the most backward of all the districts in the Province, this interest has begun to exhibit itself and the schools that are being opened are not meant for any one particular community. It will give me very much pleasure when I see that my Muhammadan brethren have also begun to open their schools on their own responsibility and have ceased to look forward for help to the Education Department.

I cannot but emphasise the point again that rules regarding recognition be made definite and such applications be sympathetically considered. In passing, I might say that where there already exist private schools, the district board should not open its school in that locality for it leads to a sort of tug-of-war between the two rival schools. I know of a place in the Kangra district where a school boy was beaten simply because he joined that school which he was required not to join. This is another factor to create the impression that the Education Department is bent upon discouraging private enterprise. I would therefore request the Honourable Minister for Education to remove such complaints at once.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education): Sir, I am always pleased whenever any question relating to education comes up for discussion and for decision in this Council. For, it seems to me that there is nothing fairer than having a discussion on points on which it cannot be said that there is unanimity of view. Such a discussion always helps me to find out firstly as to what members of this Council think about certain measures adopted by the Ministry of Education; it also enables me to find out how those measures have in the judgment of the members of this Council actually worked in practice and also it enables me, whenever the members have expressed their views, in case those views are not in conformity with the facts as known to the department of education, to put them right. Then there is the additional reason for my being always gratified whenever there is a discussion in this Council and it is this that one can always lay facts before the Council, while if there is discussion in the press unfortunately for us it is never to the point and never relates to facts. It is in vague terms impossible for any one to attempt to contradict or meet.

Now, Sir, what is the point that is at present before us? It is about grant-in-aid given to schools in the Province. It has been stated that these grants are meant for private schools only. This was said by the honourable member who moved this amendment. I must inform him that he was not quite correct, because these grants are, as a matter of fact, intended for all recognised schools, whether belonging to private authorities or to local bodies. That is a small matter about which there need be no dispute and I am very much pleased to give the correct information.

The second point relates to the allegations made as to recognition. I know the honourable member is very patriotic. Recognition, he feels, ought to be given far more sympathetically than he alleges it has been given in the past. There seems to be an impression that there are no rules whatsoever governing the grant of recognition, and that it is left to the sweet will of the autocrat Inspector whether to give the recognition or not, and that this autocrat is very fond of getting the members of the Legislative Council to dance attendance upon him before he concedes the right of recognition to the school which the public has promoted. The honourable member also gave the impression that the District Inspectors of Schools and Divisional Inspectors are more or less trying to outdo what are known as the great *Badshas* of the country, the Sub-Inspectors of Police, Tahsildars and Deputy Commissioners and are having all sorts of people come to their bungalows and talk to them. As a matter of fact, Sir, such is not the case. The reason why I have to dwell on this aspect of the case is that since knowing them well, I have begun to really admire the inspecting staff of the Punjab Educational Department (Hear, hear). These men, Sir, the District Inspectors are recruited from the provincial service and some of them come from the subordinate service also, and the pay they draw is very small indeed. The responsible nature of the work they perform is not a bit inferior to that done by the district officers, or by the Superintendent of Police or even by the District and Sessions Judges. The thoroughness with which they do it, the integrity they show in the discharge of their duties is really one which would gladden to the heart of any Indian nationalist who aspires to run the administration in future through the Indian agency alone. Therefore, Sir, I feel it necessary to emphasise the fact that any aspersions cast on any individual who may have given room for dissatisfaction to one of us should not be allowed to pass as a slur on the service the great service to which he belongs.

Having cleared this matter, Sir, I assure the House that matters relating to recognition are considered by the department as questions of vital importance. Government have definite and strict rules and those who have to administer those rules pay the greatest possible attention to administering them in a fair manner, always remembering that they have to encourage education and not discourage it. Their own reputation is at stake. They want to increase the number of pupils in recognised schools and they have nothing to gain by retarding education, while they have everything to gain by encouraging it. Therefore, Sir, I cannot but look with suspicion at the grave charges made against the inspecting department that they discourage recognition. What they do is to get the parents or guardians who are not educated to send their sons to schools which are recognised and which will do them real good. I think, Sir, it is a national trust of the utmost importance for the inspecting staff to show that if the youths are brought on to recognised schools, they will benefit by studying there and not waste their time. If they are slack in their duty, what will be the consequence? The time of the pupils will be wasted and the pupils will not improve but will grow bad. There will be a set back for education, and when that happens even the introduction of compulsory education will fail to achieve the object, namely, the removal of illiteracy in the province.

The third allegation made was with reference to the distribution of grant-in-aid. I understand the mover of the amendment to say that the distribution of grant-in-aid was made in such a way as to show a bias in favour of certain communities, meaning thereby my own community. One member made a definite allegation that in the distribution of grants-in-aid to different schools preference was shown to Muslim schools in an unfair and unjust manner to the prejudice of non-Muslim aided schools. Now, Sir, that is a very serious allegation to make as it throws a very serious reflection upon the whole education department and as such upon the Director of Public Instruction along with me. But I am very glad that that serious allegation has been made in the Council, because it enables me to show to the Council that there is not the slightest possible ground for making that allegation. Now, Sir, grants-in-aid are of two sorts, those which have been in force in the past and are actually in force now and those which have come into being only recently. Those grants-in-aid which were given in 1921-22 were quoted in the Circular Memo. No. 1307-G., dated the 6th November 1923, a circular which has been under the consideration of this Council no less than five or six times. Therefore the figures are well known to honourable members and I am glad to be able to say that these figures have never been challenged. According to these figures the amount of grant-in-aid given to the Muhammadan schools throughout the province has been Rs. 1,55,929 out of a total grant-in-aid of Rs. 8,56,835. Therefore the honourable member who referred to the amount as if it was something like 60 or 80 per cent. of the total grant is wrong. It might be urged that a large number of these grants is taken away by Christian Missionary schools. But nothing of the kind happens. The Christian or Mission schools get Rs. 2,05,901. Therefore roughly speaking Rs. 1·55 lakhs go to Muhammadan schools, Rs. 2·05 lakhs go to Christian schools and the balance of nearly Rs. 5 lakhs out of Rs. 8·56 lakhs go to Hindu and Sikh schools. That has been the practice in the past. In this distribution the reformed administration had no hand whatsoever. It will thus be seen that in the past 1·55 lakhs out of 8·56 lakhs were being given

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

to the Muhammadan schools. What has happened since? From what the honourable members have alleged, it would appear that since then out of the past grants some have been taken away from some schools in a very underhand and unjust and surreptitious manner and handed over to the Muhammadan schools. But that is not a fact.

Now let us go to fresh grants, that is fresh money distributed among the schools. I may state at once that new grants to the extent of Rs. 25,783 were given last year. This has also been the subject of an interpellation in this Council. In answer to question No. 1350* a statement showing the amount of grants-in-aid sanctioned for aided schools for 1923-24 and 1924-25 was laid on the table. The inference that has inevitably to be drawn from the figures given in that statement is this. New grants to the extent of Rs. 25,783 were given to the schools in the province. Would you believe it, Sir, that the unjust Inspectors who wanted to show favouritism to Muhammadan schools have actually given Rs. 4,626 out of Rs. 25,783 to these Muhammadan schools? It will be noticed that this is about 15 or 16 per cent. I am astonished how responsible members of the front opposition benches could reconcile it with their conscience to say that a grant of Rs. 4,626 given to the Muhammadan schools out of Rs. 25,783 fresh grants for the whole of the province fits in with their sense of justice and fairplay not to mention their expressions of desire for the uplift of the backward classes, including the Muhammadan community. In any case, does it afford the slighest excuse for the wreckless statement of favouritism so rashly made.

When we come to special grants the total amount spent is no more than Rs. 8,750 for the whole province and out of this magnificent grant, no more than Rs. 2,900 is given to Muslim schools. There again I fail to see how the Islamia schools in Multan and Jullundur divisions are being enriched during my régime for one whole year by the grant of Rs. 4,626 as new grants and Rs. 2,900 as special grants as honourable members who took part in the discussion would have us believe.

Sir, I again express my thanks and my gratitude to the honourable members opposite for having brought this subject here and given me an opportunity to clear up the matter. Let it be remembered that these honourable members have a duty to their constituents to the Punjab public at large and to India. What they say to the public bears the impress of authority and when they make a baseless statement and if it goes uncontradicted, it is possible that a sort of fermentation may take place in the public mind in a way that honourable members scarcely realise and in a way that might embitter the feelings of the different communities. What will be the result? When people come to know that out of the total grant-in-aid, no more than 18 per cent. goes to the Muhammadans and when they come to know that out of fresh grants no more than Rs. 4,626 goes to the Muhammadans, what will happen? If honourable members opposite by raising this discussion intended to do me a great deal of harm, they have succeeded in doing so. If honourable members would seriously consider, they would find that there was really no justification for heaping abuses on my head and saying that so long as this Muhammadan Minister is in charge of the Education Department, he will do nothing for them. On the other hand, the Muhammadans will say: 'Look at our Muhammadan Minister. He has done absolutely nothing for us. He

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has been a fraud'. My answer to my Muhammadan friends is: 'I never represented to you that I will do everything for you because I am a Muhammadan. It is only the honourable members opposite that have misled you by saying that this Muhammadan Minister is doing a great deal for the Muhammadans; and you believed in their statements for which I am not responsible'. So, Sir, I am glad that the honourable members opposite have given me an opportunity to show that I have not done anything specially for the Muhammadans. As a matter of fact, I have done nothing for them, and if in consequence I lose my popularity, I do not mind for I hate benefitting from the false ideas created by honourable members opposite one way or another.

Pandit Nanak Chand: My object was to raise a discussion with regard to this motion, and that object having been fulfilled, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

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

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 50,000—Building grants to local bodies for Anglo-Vernacular Education (non-recurring)."

Before I discuss actually this amendment, I want first of all to impress upon the honourable members the fact that this motion has nothing to do with the communal question. I would be highly obliged if honourable members sitting on my left would be careful to keep communal considerations outside this motion. My intention is merely this, that education should spread far and wide without any distinction of caste, creed or colour. All the amendments that I have moved till now were moved only with the idea that educational facilities should be provided for men of different classes by the Government so that education may spread in all directions. Therefore if any honourable member of this House should under any pretence whatsoever bring in the communal question, it is he who shall have to bear the blame and not myself.

Now, Sir, coming to the amendment which I have just moved it practically relates to the policy which the district boards *ought* to follow with regard to the opening of new schools for which they are coming forward to the Government for building grants. I have in my mind the Hoshiarpur district where the district board is going to open a large number of schools in the district. Some of those schools have already been opened. The principle which I wish the Government to see adopted by these district boards is that no district board should open a school in a place where there is already a private school, be that school in the hands of the Muhammadans, or the Christians, or the Hindus or the Sikhs. So far as the Hoshiarpur district is concerned, I find that the district board generally opens schools in places where there are already existing schools and the result of that policy is that those private schools which have been built up at a great sacrifice and with great effort on the part of private individuals are ruined. Here, I may give an instance of a school which has been recently opened. It is the Anglo-Vernacular Middle school in the small village of Janauri. Close by there was a school of the Rajput community in Dolbaha which is only at a distance of 1½ miles from Ganauri. That school in Dolbaha was opened with the munificence of one gentleman, Chaudhri Ram Singh, who

[Pandit Nanak Chand.]

out of the earnings he made during the service under Government made a donation of Rs. 15,000 and built up that school. That school was in a flourishing condition. Somehow or other some of the Rajputs approached the district board and with the help of the district board got the school opened at Jananri village. Let it be remembered that the school in the adjoining village of Dolbaha does not belong to the Arya community but to the Rajputs themselves and yet the district board opened another school in Jananri village with the result that the school in Dolbaha has been materially injured. Similarly the district board of Hoshiarpur has under contemplation the opening of a large number of schools in areas where there are already private schools existing. Some are Sikh schools, some are Hindu schools belonging to the orthodox community and some are schools belonging to the Arya community and some are Muhammadan schools. My submission is that the district boards which come to the Government for grants should not be encouraged to open schools where as I have just now submitted there are already existing private schools. As a result of this policy of the district boards private enterprise in education gets a set back. Those people who in the past served their community to the best of their ability by sacrifice in money are discouraged with the result that they find that ultimately their hopes and desires so far as education is concerned are frustrated. Now the idea I wish to place before the Council is where there are no schools belonging either to a private individual or to any private community, in that area the district board may open a school. By this, they serve a double purpose. That locality where there is no school gets the advantage of a school and the children in that area are educated, while in the other areas where there are already existing private schools, they are also benefitted by remaining unhampered in their progress. A time may perhaps come when a district board having enormous funds at its disposal may open a school everywhere. That will be a day which I shall welcome gladly and wholeheartedly. So long as the district boards do not possess the means and so long as private individuals are spending their limited energies and time for the education of the masses, so long should the district boards not thwart the private enterprise in any way. I submit this is a proposition which should be acceptable to all communities. By the acceptance of this principle all communities will be benefitted equally. An argument may be brought forward against this policy and it is this. If there is an Arya school or a Muhammadan school, why should not the district board open a school in the same place for the benefit of the Sikh community? When the Sikhs do not like to send their children either to the Arya school or the Muhammadan school, it may be argued that it is but proper that the district board should open a school there for the benefit of the Sikhs. My submission is that if the Sikh community—I am only taking an instance, I do not make any particular reference to any particular community—feels that the interests of their children would not be best looked after in a Muhammadan or an Arya school, then they should take the education of their children in their own hands and they should open a school of their own in that particular locality primarily for the benefit of their children. My contention is that they have no right to the public funds. They have no right to go to the district board and ask the district board to open a school so that the Arya school or the Muhammadan school may be injured. Similarly if there is a Sikh school in a particular locality, neither the Hindu community nor the Muhammadan community has any right to ask the district board to spend public money and open a school for the benefit of either community and to the detriment of the

Sikh school that is already in existence there. I hope, I have made my meaning absolutely clear and this is the policy which I wish the district boards to accept and that Government grants should only be made on the condition that the district boards do not open these schools in order to injure the already existing private schools. This has been done to my knowledge in the Hoshiarpur district, and the Kangra district and there are a large number of schools which are injured by the policy which is adopted. There is one school at Patti, one at Datarpur, one at Dholbaha, one at Basi Kalan, one at Jadla, one at Daulatpur and one at Jhanwan, all in the Hoshiarpur district. These schools are likely to be injured by the opening of the district board schools. There are large areas where there are no schools and it should be the duty of the district boards to open schools there and not to choose places where people have already spent time and money. Similarly with regard to Kangra, I hope I have made my point quite clear and that my friends will not misunderstand me and I trust that they will accept the principle which I have placed before the Council.

Mr. President: Grant under consideration, reduction moved —

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 50,000—Building Grants to Local Bodies for Anglo-vernacular Education (Non-Recurring)."

The question is that that reduction be made.

Mr. E. Maya Das (Nominated, non-Official): Sir, about this matter I wish to say that when money is given to a district board for putting up a building at first the district board is very glad because they are able to put up a nice building but after a year or so comes the difficulty when that building has to be maintained and then the district board and particularly those district boards which already find it hard to balance their budgets find it still more difficult to balance their budgets and they are not able to carry out the repairs of these buildings and the result is that after two or three years those buildings suffer very badly. The roofs are eaten up by white ants and then a very large sum of money has to be found from somewhere or other for repairing those buildings. So, Sir, it seems to me that if Government is going to give district boards money for putting up. . . .

Sir George Anderson: Sir, is this a general discussion or are we discussing the amendment?

Mr. President: The point which Pandit Nanak Chand has raised is to be discussed.

Mr. E. Maya Das: My point is this that this money will be wasted and it will not be in the interests of the public to give money to district boards to put up buildings if they are not able to maintain them properly later on.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) (Urban)] (Urdu): Sir, in moving this amendment, the learned mover has stated a principle that district boards should not open schools in localities where private schools exist already. I sympathise with the desire which has actuated him and which he has very frankly stated, *i.e.*, a desire to protect the Arya Samaj schools. But the principle is wholly unsound and in laying it down he has overlooked another important consideration. I know that in the Hoshiarpur district the Arya Samaj has opened as many as ten high schools; and nearly 75 primary and middle schools, and the Samajists

[Rana Firoz-ud-Din Khan.]

naturally wish that no other school should be opened side by side with their schools; it may appear to be a just demand, but I will show that it is not so. It is no secret that every denominational school whether it is a Hindu, Muhammadan or a Sikh school is opened with a view to propagate the religion of that community in one shape or another. But there are other communities also which as a matter of fact do not like their children to go to that school. Does the honourable mover of the amendment wish that such other communities are to be compelled to send their children to such private schools where there is a grave danger of their religious view being injuriously affected? The local bodies such as district boards and municipalities are representatives of the people. They collect taxes from them in the form of local rates and other cesses. These bodies are to look after the education, sanitation and other amenities of all classes of the people. And if a community comes and requests the district board that it should open a school in a certain locality for providing educational facilities to their children, does it mean that the district board should refuse to comply with their request simply because there happens to be an Arya, Sanatan or Muslim school? I think it is the duty of the district boards to see to the requirements of all classes of the people under their jurisdiction. If any district board fails to do so, I think it is guilty of criminal negligence.

It has been urged that if a district board opens its school in a locality where there is already in existence another denominational school, the latter is injured. The honourable mover has referred to the Hoshiarpur district where I have been living for the past many years and about which I claim to know more than he knows. The honourable mover has alleged that not only Arya Samaj institutions have suffered but other non-Samajist schools have also suffered as well. But there are only a very few schools belonging to other communities and none of them has been affected in any way. The fact that some private school is affected does not constitute a valid reason that the district board should not open its own schools if public interests so require. The district board should not mind while doing its duty whether any school is injured or not. I do not like to take individual cases, but as to Dholbaha School to which reference was made by the honourable mover, I know from what I was told by Master Devi Chand, only the other day, that the said school is an Arya Samaj school. But as I said before whether any has suffered or not does not make it necessary that such restrictions be placed on the district boards. I would like to avail of this opportunity and bring to the notice of the Government one grievance of the people of that district. In these days of educational advance vernacular schools do not satisfy the educational demands of the people of the Hoshiarpur district who have been pressing upon the Government and the district board the necessity that their vernacular middle school be raised to the standard of Anglo-vernacular middle school. But so far their request has not been acceded to and the result is that the boys are compelled to waste two years of their precious life before they can join the ninth class.

5 P.M.

With these remarks I oppose the amendment.

Chaudhri Duli Chand [Karnal (Non-Muhammadan) (Rural)] (Urdu): Sir, the honourable member Pandit Nanak Chand has laid down a principle in his amendment that no district board should open a school in any area where there already exists any private institution. But I cannot agree with my honourable friend. It is said that the opening of new district board schools

in the Hoshiarpur district has done much injury to private communal schools, but I think that they have proved more beneficial. They have infused a new liberal spirit where there was communal hatred; most of the private schools in the Hoshiarpur district are run by the Arya Samaj. The Muhammadans and perhaps the Sanatanists and the Sikhs also would not like to send their children to such sectarian schools. We should therefore make provision for the education of such children. When it is proposed that we should be above communal differences, why should we not have district board institutions? I am sure that if there were no schools other than district board institutions, there could be no communal tension.

District boards are local bodies to safeguard the interests of the agriculturists and it is but necessary that they should attend to the needs of the people who pay local rates. When the local rate was increased from ten to twelve pies it was said that the increment would be spent mainly on education. So it is the duty of the district boards to spend this accordingly. I can emphatically say that district board schools in a district like Hoshiarpur can be more useful to the zamindars' cause than sectarian schools opened by non-zamindars to ensure their success in elections against zamindars. It would not be an hyperbole to say that if there be no district board schools in Hoshiarpur district agriculturists will have little chances of success at the elections. Nobody can deny the usefulness of school boys in the time of elections. They carry much influence with their parents and other relatives. We find that few of the Samajist workers in Hoshiarpur schools are zamindars and so they have no sympathy with the agriculturists at elections.

Sir, I therefore, beg to submit that the amendment be rejected.

Chaudhri Ram Singh [Kangra (Non-Muhammadan) (Rural)] (Urdu): Sir, the honourable member Rana Sahib said that need for opening a district board institution arises when religious feelings of some sections of people are in jeopardy. Even if we admit it for the sake of argument, the question arises that "why should the district boards set up a rival institution where there is one already in existence, and neglect those places where there is no school for miles and miles around." I will give instances from my own district. There was a private Anglo-vernacular middle school in Relu in the Kangra district. It is not a Samajist institution, but boys of all communities are educated there. The people of the village applied that their school be brought under the control of the district board and offered two thousand rupees, but their appeal fell on deaf ears and even now they are prepared to pay two thousand rupees but unfortunately this school has not yet been converted into a district board school. The same need was felt in Sujanpur. People of that village brought the matter to the notice of Lala Devi Chand, who is in charge of Samajist education in this district. He collected subscriptions and opened a middle school. The school was in a flourishing condition. Very recently the Samaj erected the school building at a heavy cost of Rs. 12,000. After this, the district board at once opened a rival institution and now the national school is in a very precarious condition. I ask "why should the district board act in such a malicious manner at Sujanpur and neglect the people of Relu altogether"? If it is said that it is the duty of the district boards to safeguard the religious belief of the people, why was no school opened as a rival to the Canadian Mission school whose one aim is to bring people into the Christian fold?

[Chaudhri Ram Singh.]

I do not know much about the Hoshiarpur district, but even there similar complaints do exist. On the 21st April last, I attended a meeting of the district board at Dharmsala, and there a certain gentleman pointed out to me, and even showed me a letter, that the district board refused to give aid to the school at Chintpurni, which is being run by the Brahmans and requested me to prevail upon the district board to give a grant to the said school. Apparently the aim of the district board seems to be to discourage private national enterprise.

My friend Chaudhri Duli Chand whom I usually call "thekedar of the zamindars" is in the habit of treating every motion as a bone of contention between agriculturists and non-agriculturists. He should be grateful to the Arya Samaj which has made education so cheap. The Arya Samaj has opened schools at places where formerly there existed none. The Arya Samaj has opened schools at the very doors of the zamindars, and has thus placed means of education within the easy reach of all zamindars, whose desire is to educate their children. He talked of the elections but I think it is not the duty of a district board to ensure the success of the agriculturists or non-agriculturists at the elections. The Arya Samajists are not bigoted people. A Samajist is not a synonym for anti-agriculturist. They support every good man at the elections. I myself am an agriculturist and received great help from Samajists and non-Samajists. With these few words I support the amendment.

Khan Bahadur Chaudhri Fazl Ali [Gujrat East (Muhammadan) (Urban)] (Urdu): Sir, I have some connection with the district board of my district, and am also a member of the education sub-committee of the said board. I am, therefore, in a position to say something on the subject under discussion. It is proposed that a district board should not open a school where there is already one in existence. I would like to ask why should restrictions be placed on the district board. If private enterprise is to be encouraged why should the sphere of the district boards be so hedged in? Had this principle been accepted that where a school exists, no other school is to be opened, there would not have been so many schools and colleges in Lahore belonging to the same denomination. The position is that if there be any institution which imparts sound education to all classes of people, which makes provision for industrial education and lastly which has plenty of accommodation to satisfy the requirements of all persons, there is no need for a rival institution. The Muhammadans know that it is a sacrilege to raise even a mosque adversely to an already existing mosque, so if a new school is opened to injure an old one it is contrary to good sense. But if some section of the public is dissatisfied with some private institutions it is the duty of the district board to remove their grievances and to start a district board school. Sometimes a district board opens a school at a place and if it is not popular in that locality it is shifted to some other more suitable place. Accordingly, if a district board starts a school where one exists already, the institution will fail and it will be obliged to stop it. On the other hand if a district board school flourishes in the presence of a national private school it shows that there is a need for it. Sir, I take the case of Gujrat and inquire it of the honourable mover of the amendment what need was there to start a Mission School when a Government School was already in existence at the place, and again why was a Sanatan Dharam School opened in the presence of a Zamindara School. Furthermore, why should two Hindu schools be started in Jalalpur Jattan where a

Muhammadan school was already running quite successfully. The only reason for all these schools being opened was that every school had a set purpose before itself. A national school is always started with some motives. If this motive which is generally religious is lost sight of, the whole enterprise proves abortive. We see daily that in the national schools work always begins after a prayer, and that all the students have to join in the prayer. I do not disapprove of it, but what I say is that boys should not be compelled to join a congregation which in their opinion tampers with their religious beliefs. Why should they be made to kill their own conscience and suffer such anguish? The district boards would commit a breach of their duty if they do not provide means for the education of children of all religious beliefs.

It is permissible in a district board school for the various communities to provide teachers for the religious education of their children. Thus a school where there is a provision for the religious education of Muhammadan students can be called a Muhammadan school in that respect. But a denominational school cannot cater to the religious needs of the other communities.

Again, Sir, we want agricultural education to be imparted to our children which is not possible in denominational schools. It can only be satisfactorily done in district board schools. We, therefore, prefer to have district board schools.

Now, Sir, in this House if any one takes up the cause of agriculturists he is at once nicknamed a contractor and so on. This is a hit at Chaudhri Duli Chand. Is it not a pity that a section of the people which pays a rate for every inch of their land and fills the coffers of the Government should be looked down upon? Would it not be the height of injustice that people who pay 12 pies out of every rupee which they earn with the sweat of their brow be not allowed to benefit from their own district board institutions? As Rana Sahib pointed out that every school is started with some motive so let the education of the agriculturists whether oral or practical be the motive and the distinguishing feature of such institutions. It is but befitting that institutions which are run on the landowners' money only should make a provision for agricultural education as well. Otherwise they have no claim to be called *our* institutions.

Sir, such bitter attacks have been made on the district boards that I think it advisable to point out what a district board is. It is a body elected by and from the inhabitants of the district and can safely be called the representative of the whole district. It exists for the benefit of the Hindus, Muhammadans and Sikhs alike. If we attack this body we betray our own weaknesses and prove our unfitness for Swaraj, and if an elected district board is incapable of the administration of a district, it clearly proves the incapability of the people to govern themselves. My honourable friend Chaudhri Ram Singh complains that district boards generally open schools where they are least required, but I submit that a district board is the best judge of its interests and understands its business. He mentioned the case of a certain school which was refused aid. I sympathise with that school, but the giving of grant-in-aid is in the hands of the Education Department and it is not in the province of district board to do so. I cannot understand the logic of the honourable member; on the one hand he complains of the stinginess of the district boards and on the other hand he

[K. B. Chaudhri Fazl Ali.]

himself proposes to cut down the grant demanded for the purpose by the Government.

Lastly, Sir, if the principle laid down by Pandit Nanak Chand means that only those should get education who can afford to start their own schools, then I make bold to say that it is a plan to deprive the agriculturists of education. The zamindars lack organisation as well as perseverance. It has been seen that sometimes on a marriage ceremony they subscribe a thousand rupees for a school and at others hesitate to contribute eight annas per mensem. All this I say from my own experience because I have some connection with a school also. They look upon the Government as their teacher. It is not wise to leave a vital matter of so great an importance in the hands of the agriculturists. Would it not be lamentable selfishness to propose that those who can start their own schools let them, and let the rest go to hell? I think it is the duty of the district boards to provide facilities for the education of people whose every inch of land is assessed. In view of the above considerations, I strongly oppose the amendment proposed.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education): Sir, we have listened to a very interesting debate. It is difficult to determine whether it is more important than interesting or whether it is more interesting than important. As a matter of fact, to my mind it is as interesting as it is important. What is the question? The question is, should the district boards be allowed to act in the matter of providing educational facilities to the people within their areas as they like or should the Minister for Education lay down the law as to how the district boards are to act in the way of providing educational facilities? Again if it is the Minister for Education who is to lay down the law for the district boards, what law should the Minister for Education lay down? It is suggested that the proper and just law to lay down is that wherever a private school exists district boards should not be allowed to open a school there. As I have said both these problems are exceedingly important and exceedingly interesting. Generally speaking these propositions are open from different points of view to this criticism. Firstly, district boards are now in the Punjab, elected bodies. Seventeen out of 28 have got 75 per cent. elected majority on them. Another five or six have got 66 per cent. elected majority on them. Is it for the Minister for Education to lay down that these district boards with such large elected majorities on them are not free to spend their own money on those objects which are within their control? Is the Minister under the Reform Scheme of constitution to interpret the spirit of that constitution. . . . . .

Pandit Nanak Chand: May I just explain? Not their own money—their own money they may spend as they like, but Government should not make any grant to a district board for opening a school where there is already a school existing.

The Honourable Mian Sir Fazl-i-Husain: I thought that with my limited knowledge I was able to interpret the motion made by the honourable member in the way in which he has now explained it; does he move that I should refuse a grant to the district board which has the temerity to spend its own money in the way it likes. I may say, Sir, that that is exactly what I was saying. The honourable member wants me to use my official position with reference to a poor district board in a way that I may be able to bend that district board's will to mine. It is now for the Council to determine whether it wants me, for after all I am responsible to my Council, to act in this way and I will presently show whether it is the right way for any one,

much less for a Minister to pursue. As I was saying, should I interpret the spirit of the Reform constitution not only with reference to the legislature, but to the local bodies which are the foundations on which the independence of the legislature depends? Should I ask the district board to act in this manner? I was saying that these district boards are now very largely elected bodies and with a large element of elected members. So far as the revenues are concerned they tax themselves. The large number of the tax-payers of the district are voters of the district board. Those rules have been liberalised in the sense that franchise has been extended and a very large number of voters now return their representatives to the district board. Again I may remind the Council, Sir, that these rules of franchise are general. I cannot conceive a district board constituted as it is now-a-days, non-communal in its constitution, to set itself to defy the wishes of any local area and impose a school on that area while that area is perfectly well satisfied with the school which is already in existence. That cannot happen. That school of the district board will not flourish. The people want a school. They are satisfied with it. They are sending their children to that school. The district board or anybody else institutes a school there and takes away the boys from the old school. So far as I think under the District Board Act, the district board has not a right to suppress a school. It has a right to open a school of its own. It has been contended that as soon as a district board opens a school the old school comes to grief and all students flock from the old school to the new. I am afraid what with my limited knowledge of the local conditions of that particular area it seems to me there must be something wrong with the school which has already existed as it has tumbled down immediately on the opening of a non-denominational local body school. I am not sure but I can say that the conflict is not between secular schools and the local body schools but it is between what we call denominational schools on the one hand and non-denominational local body secular schools on the other, and he would be a bold man who would urge keeping in mind the great importance of Indian nationality: do not touch non-denominational schools, do not let local body schools come into existence. I am free to confess, Sir, that I am not quite decided in my own mind whether denominational schools are an unmixed evil or good. Of one thing I am absolutely certain, that no Indian nationalist would think for a moment of endangering the expansion of schools of local bodies or the education imparted by them, by feeling too touchy about denominational schools.

That was an aspect of the problem which had not been discussed. As a matter of fact there is at least one member on the front opposition bench who I believe shares my view on the subject. Then, Sir, it is for these two reasons that I cannot at present reconcile myself to the proposition which the honourable mover of this amendment enunciated, firstly because I feel it is wrong on the part of anybody to interfere with the independence of local bodies and secondly, if I am to guide and lead these local bodies, when will they learn to walk on their own legs. Some speakers have said that the district boards of the districts to which they belong grievously err. One was the representative of the Hoshiarpur district. That district board has the good fortune of having as its vice-president the very gentleman who used to sit on the opposition benches before the honourable member was returned to this Council this time. For three long years he adorned the opposition benches, I mean Mian Beli Ram of Hoshiarpur. I cannot believe that he would be

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

guilty of just wasting or squandering the district board money in keeping schools in places where they are not wanted. Therefore in my lighter mood I am inclined to think that it is mere electioneering rivalry that makes the honourable member condemn the administration of the district board. Curiously enough, Sir, when I come to the second instance it is that of the representative of the Kangra district. He also complained of the activities of his district board. That district board again has the privilege of having as its vice-president an *ex*-member of this Legislative Council, I mean our friend Mr. Moti Lal Kayastha. I cannot believe that Mr. Moti Lal Kayastha would be really acting in the way in which it has been alleged the district board does. There again it is not fair to discuss them in Council and make complaints against them when they are not here to defend themselves. However, I do not know the facts to be able to defend them, but I must say that I am convinced that really the Kangra district board is not what it is alleged to be. Let me make a statement which I trust will make it absolutely clear that Kangra has made great strides in the matter of education during the last three or four years. The number of schools has gone up a great deal. The number of students has gone up a good deal. The number of institutions recognised is considerable. As has been rightly said by one of the members, there is only one per cent. of people of the Muslim persuasion in the Kangra district. This information may indicate how this entirely non-Muslim district has progressed educationally under the regime of the district board. In 1922, Sir, there were only two high schools in that district, in 1925 there are seven. There were only four Anglo-vernacular schools in 1922 and in 1925 there are seven. Then in the matter of the vernacular upper middle schools for which only the district board is responsible, in 1922 there were four schools and in 1925 there are seven. There were 17 lower middl schools in 1922, now there are 26. There were 94 primary schools in 1922, now there are 110. There were no adult schools in 1922 and now the members of the Council will, I have no doubt, be pleased to know that there are as many as 71. What is the upshot of these increased institutions? The total number in 1922 was 15,847, now it is 20,590. How do the finances stand? The grant-in-aid has risen from Rs. 1,88,409 in 1922 to Rs. 2,56,000 in 1924-24 and to Rs. 3,15,000 in 1924-25. This is about the eductional matter. Now, Sir, the district board which shows that laudable advance in the educational expansion and has thus enabled the dissemination of education both primary and secondary is hardly adequately recognised when in this Council remarks are made against the capacity of the district board to administer its funds or safeguard the interests of the district. I feel, Sir, that this matter of the liberty and independence of district boards is one of the highest importance and no member of this Council should lightly deal in finding faults with these bodies. Personal prejudices and personal likes and dislikes should be set aside. Even personal dissatisfaction should be suppressed and controlled in the interest of the good of the whole district. I am sure, Sir, that denominational schools have done a great deal in the past. Let them, like the British Government, learn slowly and gradually to withdraw their hold as soon as the lawful people who are to look after the education of the district are able to assume control over their affairs. If it is realised that in the best interests of their students it is better to have non-denominational schools, perhaps it will be in the interests of Indian nationality for the pioneers of education to start their activities in yet untrodden parts of the district and they will be compensated for it. Do not try to fight against those who wish to do good according to their own lights?

Lala Mohan Lal : Sir, I would request the Honourable Minister for Education to inform the House as to how many of the schools in the Kangra district are managed by private agency and how many by the district board.

The Honourable Mian Sir Fazl-i-Husain : I would be glad to collect the information if the honourable member will kindly put a question on the subject for the next session.

Pandit Nanak Chand : Sir, my object in moving this amendment was only to raise a discussion on the question of policy. I am very pleased to hear the speech of the Honourable Minister for Education. It is in the name of nationalism that he has defended the policy of education by district boards and I hope he will continue the same national spirit in preference to communal spirit in the administration of the Education Department. With these remarks I beg leave to withdraw the amendment.

Mr. President : Has the honourable member the leave of the House to withdraw the amendment ?

Several members rose and opposed leave being granted and accordingly the leave was refused.

Pandit Nanak Chand : Have I a right of reply, Sir ? Because only yesterday an amendment was passed to the Standing Orders giving a right of reply in such cases.

Mr. President : The new Standing Orders have not yet come into force. They are subject to the assent of His Excellency the Governor. The new Standing Orders have been submitted to His Excellency and only when his assent is received that they will come into force.

Grant under consideration, reduction moved—

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 50,000—Building grants to Local Bodies for Anglo-vernacular Education (Non-Recurring)."

The question is that that reduction be made.

The motion was lost.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I beg to move—

> "That the grant be reduced by Rs. 100 with respect to the item of Rs. 5,00,000—Maintenance Grants for Vernacular Education (Recurring)."

Sir, the remarks which I have to make with regard to this amendment I would pivot on three separate points. The first thing I want to point out is that the character of the education which is given in the schools requires careful examination in various respects. The education which is being imparted in our elementary schools is not suited to the requirements of the rural classes for whom largely these schools are meant. The text-books which are prescribed are very largely the same text-books as are used in the town schools. The method of instruction also is very much the same. That is the reason why these schools are not so popular as they might have been. A great deal of money which is now being spent is being wasted, not intentionally, because the intention which is behind the starting of these schools is very good

[Prof. Ruchi Ram Sahni.]

indeed. I am sincerely thankful to the Honourable Minister for Education in taking so much interest, a deep and sincere interest in extending vernacular primary education. Well, Sir, if the character of the education were looked into a little more carefully in consultation with those for whom these schools are intended, that is to say, some enlightened men in the rural areas, if a conference were invited, for instance, of the people who know the requirements of the rural classes and all those who know something about the systems of teaching, then I think a scheme can be evolved which would make these schools popular.

Mr. President: It is just 6 P.M. The honourable member may go on with his speech to-morrow.

The Council then adjourned till 2 P.M. on Wednesday, the 6th May 1925.

67 PLC—396—19-5-25 SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Wednesday, the 6th May, 1925.

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

QUESTIONS AND ANSWERS.

GRAZING TAX IN CERTAIN PARTS OF THE KANGRA DISTRICT.

1815. Chaudhri Ram Singh: With reference to the answer to Question No. 1254* asked on the 27th January last, will Government be pleased to consider the advisability of the abolition of the grazing tax levied on sheep and goats in the *ilaqas* of Bachwahi and Satlas Giran of tahsil Nurpur and *ilaqa* Haldoon of tahsil Dera, and such other *Mauzas* of the other tahsils in the Kangra district where there are no Government or *shamilat* forests? If not, why not?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The honourable member's question requires certain enquiries to be made which are being instituted. Consequently Government is unable to give a definite reply. The answer will be communicated to the honourable member when the enquiries are complete.

ROADS IN THE KANGRA DISTRICT.

1816. Chaudhri Ram Singh: Is Government aware of the fact that roads in the Kangra district are in a very dilapidated condition, and that a good many of the more important places in the Kangra district are devoid of good roads?

If so, will Government be pleased to consider the desirability of allotting an extra sum of money this year for the improvement of the roads in the Kangra district?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) Of the roads in the Kangra district the Kangra Valley Cart Road (82 miles) and the Kangra-Dharmsala Road in the charge of the Public Works Department are in good order. Government have no information as to the condition of the roads maintained by the district board.

(*b*) It is open to the Kangra district board at any time to have estimates prepared for the improvement of its roads, and to apply to the Communications Board for a grant-in-aid.

Chaudhri Ram Singh: My question is that there are many places in the Kangra district where there are no roads. Will the Government please state what it has done to construct roads in such places? Will the Government please also state what it means by 'Improvement.' If by improvement is meant repair, will the Government please say whether the district boards are prepared to provide the necessary funds?

*Page 84 *ante*.

The Honourable Rai Sahib Chaudhri Chhotu Ram: If the district boards make applications, the Communications Board will take suitable action.

WATER-SUPPLY IN CERTAIN PARTS OF THE KANGRA DISTRICT.

1817. Chaudhri Ram Singh: (*a*) With reference to the answer given to Question No. 1012 (*e*)* put on the 18th November 1924, will Government be pleased to state what reply has since been received from the district board?

(*b*) Will Government be pleased to state the amount of money allotted this year for the improvement of the means of water supply in the Nurpur, Hamirpur and Dera tahsils of the Kangra district?

The Honourable Mian Sir Fazl-i-Husain,: (*a*) No reply has yet been received from the district board.

(*b*) No money has been allotted, but the Sanitary Board has informed the district board that it is prepared to assist any approved scheme for improving the water supply in these tahsils that may be submitted.

CIVIL DISPENSARIES IN THE LYALLPUR AND SARGODHA DISTRICTS.

1818. Rana Firoz-ud-Din Khan: Will the Government please lay on the table the answer to Question No. 1542†, asked on the 9th March last?

The Honourable Mian Sir Fazl-i-Husain: The answer to question No. 1542 is laid on the table.

Answer to Question No. 1542.†

The Honourable Mian Sir Fazl-i-Husain:

	Lyallpur.	Shahpur.
(*a*)	15	15
(*b*)	11 miles.	18 miles.
(*c*)	8	5
(*d*)	from once a month to daily.	3 days a month.
(*e*)	canal employees ... 9·7	canal employees ... 5·23
	others ... 31·7	others ... 41·8

SUB-ASSISTANT SURGEONS OF CANAL DISPENSARIES.

1819. Rana Firoz-ud-Din Khan: Will the Government please lay on the table the answer to Question No. 1543‡, asked on the 9th March last?

The Honourable Mian Sir Fazl-i-Husain: The answer to Question No. 1543 is laid on the table:—

Answer to Question No. 1543.

The Honourable Mian Sir Fazl-i-Husain: (*a*) The orders referred to were originally issued in 1919, but as instances have recently occurred in which they have been disregarded the attention of Civil Surgeons has been invited to them with a view to secure strict compliance with them.

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*Volume VII, pages 402-03.

†Page 857 *ante*.

‡Page 857 *ante*.

(*b*) It would be more correct to say that these orders deprive the public of a convenience which they might otherwise enjoy than that they actually inconvenience the public.

(*c*) Government are not prepared to cancel the orders. The opening of canal dispensaries to the general public was only agreed to on condition that the medical officers attached to these institutions should attend outside patients only at the dispensaries or at places which they might happen to visit in response to calls from canal officials or other employees. Attendance at the houses of patients would interfere considerably with the discharge of the duties for which the medical officers in question are employed.

MUSLIM AND NON-MUSLIM POPULATION AND VOTING STRENGTH IN REWARI TOWN.

1820. Rana Firoz-ud-Din Khan: With reference to the answers to my Questions Nos. 1450 (*c*)* and (*d*) and 1451 (*b*)† asked on the 3rd March 1925, will the Government please give correct figures of Muslim and non-Muslim population and voting strength in Rewari town?

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

DISQUALIFICATION OF SHEIKH HUSAM-UD-DIN FOR MEMBERSHIP OF AMRITSAR MUNICIPAL COMMITTEE.

1821. Rana Firoz-ud-Din Khan: (*a*) Will the Government please lay on the table the correspondence relating to the question of exemption of Sheikh Husam-ud-din, a non-co-operating Pleader of Amritsar, from the disqualification for membership of the Amritsar Municipality?

(*b*) Is it a fact that the Government while refusing to exempt the said Sheikh Husam-ud-din from the disqualification for election to the municipal committee expressed its willingness to give the question of exemption favourable consideration if referred to at the time of a by-election? If so, will the Government please give reasons for the same?

The Honourable Mian Sir Fazl-i-Husain:

(*a*) No.

(*b*) Yes, for it gave a longer period to judge by.

GOVERNMENT SERVANTS OF MULTAN AND MONTGOMERY DISTRICTS AND OWNING OF LANDS.

1822. Chaudhri Duli Chand: (*a*) Is it a fact that many Government servants, gazetted as well as non-gazetted, in the Multan and Montgomery districts, directly or indirectly hold and own lands in those districts?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to make an inquiry into the matter and transfer the officials concerned?

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*Pages 233-234 *ante*.

†Page 234 *ante*.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The whole question of grants, which have been made in the past to Government servants in the Lower Bari Doab Canal and the policy to be observed in the future is under examination and Government is therefore not prepared to give a detailed reply.

GRANT OF LANDS TO GOVERNMENT SERVANTS IN THE LOWER BARI DOAB CANAL COLONY.

1823. Chaudhri Duli Chand: (1) Will the Government be pleased to state (*a*) the total amount of land granted to Government servants in the Lower Bari Doab Canal Colony by (*i*) the Government directly, (*ii*) the Colonisation Officer; (*b*) the proportion it bears to the area granted to non-officials; (*c*) the total number of the said official grantees, gazetted and non-gazetted respectively; (*d*) the number of such official grantees who at one time or other belonged to the Lower Bari Doab Canal Colony?

(2) Is it a fact that the Government ordered the list of Government servants granted land by the said Colonisation Officer to be prepared? If so, will the Government be pleased to lay the list on the table and also state what it proposes to do with the list?

(3) Is it a fact that a large number of Government servants in the said colony or outside it are trying to purchase Government land in the colony now being offered for sale? Will the Government be pleased to make an enquiry into the matter and take steps to prevent abuse of official influence and competition with non-official purchasers in the matter?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The honourable member is referred to the answer given to Council Question No. 1822 *supra*.

Chaudhri Duli Chand: But these are different questions?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: No reply can be given until that policy is decided.

SALE OF CROWN WASTE LANDS BY PRIVATE NEGOTIATION.

1824. Chaudhri Duli Chand: Is it a fact that the Government stopped last year the practice of selling Crown waste lands by private negotiation and refused several applications for the same on that ground?

Is it also a fact that such a sale of five rectangles has, however, recently been sanctioned in favour of a Government servant in the Financial Commissioner's Office who was also granted some land about two years ago as an ex-Colony assistant?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes.

(*b*) Yes—the sale was sanctioned at the average rate obtained for similar land at the recent auctions in Montgomery. The Government servant in question was not granted any land as an ex-colony assistant.

GRANT OF LAND ON THE LOWER BARI DOAB CANAL COLONY.

1525. Chaudhri Duli Chand: What is the maximum area of grant of land on the Lower Bari Doab Canal Colony made to (*a*) a military man, (*b*) a civilian for meritorious services rendered during the great war and what is the area of land granted to Pandit Sant Ram and Chaudhri Anir-ud-Din, *ex*-readers to the Colonisation Officer, M. Shams-ul-Din, *ex*-reader to Assistant Colonisation Officer, and the *ex*-chaprasis to the former, either in their own name or that of their relatives; and the area granted to the Colony assistants on account of their services to the Colony Department?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The honourable member is referred to the answer given to Council Question No. 1822.*

PREFERENTIAL TREATMENT TO WAR SERVICE MEN AND AGRICULTURISTS IN THE RECRUITMENT FOR PUBLIC SERVICE.

1826. Chaudhri Duli Chand: (*a*) Will the Government please lay on the table its various Press *communiqués* and resolutions issued during and after the War promising preferential treatment to those who have rendered War services and to agriculturists in the recruitment for public services?

(*b*) Are these Government promises still in force? If so, what steps have been taken to ensure their fulfilment by the heads of various Departments and Offices? Has the Government any data to show that this has been and is being done?

(*c*) Will the Government please lay it on the table?

The Honourable Sir John Maynard: As regards agriculturists the honourable member is referred to the detailed answer given to his question 1559† in the March Session. As regards war services the answer is as follows:—

(*a*) Government of India Resolution No. 1099 of 8th August 1919 and Punjab Government Press *communiqué* of 13th March 1918 are available for the honourable member's perusal,

(*b*) Yes. Periodical statements are submitted by Heads of Departments.

(*c*) During the year ending on 30th September 1924, 2,136 *ex*-soldiers received appointments.

LEGAL PRACTITIONERS OF THE PROVINCE.

1827. Chaudhri Duli Chand: Will the Government please lay on the table a list of legal practitioners of the province who are agriculturists and who rendered War services during the War?

The Honourable Sir John Maynard: The information at the disposal of Government regarding the legal practitioners of the province will be found at pages 114 to 163 of the Civil List for January in the Council Library). Government is not prepared to make enquiries in order to ascertain their castes or their war services.

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*Vide Pages 1025-26 *ante*.

†Page 408—415 *ante*.

Chaudhri Duli Chand : If Government is not prepared to consider the case of those who rendered war services, why did they take service from them at all ?

Mr. President : That is argumentative and cannot be allowed.

LIST OF PUBLIC PROSECUTORS, ETC., APPOINTED AFTER THE DECLARATION OF WAR.

1828. Chaudhri Duli Chand : Will the Government please lay on the table a list of —

(*a*) Public Prosecutors, special and otherwise ;

(*b*) Sessions Judges ; and

(*c*) Assistant Legal Remembrancers ?

appointed from amongst the provincial legal profession since the declaration of the War and state —

(*i*) which of them rendered War services ;

(*ii*) which of them are agriculturists ;

(*iii*) which of the legal practitioners who are either agriculturists or who rendered War services applied for the posts ; and

(*iv*) why preference was given to non-agriculturists and persons who did not render any War service ?

The Honourable Sir John Maynard : As in the case of legal practitioners referred to in the preceding question, Government is not prepared to make enquiries regarding the war services of Public Prosecutors, Sessions Judges or Assistant Legal Remembrancers ; nor will Government disclose the names of unsuccessful candidates. As stated in reply to M. Muharram Ali Chishti's question No. 1229* in the January session of 1922, it is the declared policy of Government to make professional efficiency the first consideration in filling up such appointments. If the honourable member requires information merely as regards the extent to which Public Prosecutors and other officials belong to agricultural tribes or to particular communities Government will make enquiries and supply the information.

SIKH PUBLIC PROSECUTORS.

1829. Chaudhri Duli Chand : (*a*) Is it a fact that there is only one Sikh Public Prosecutor in the Province, and that he is a non-agriculturist, and that he rendered no War services ? If so, will the Government please state when he was appointed and which other Sikhs applied for the post ?

(*b*) Will the Government please lay on the table a list of Sikh candidates who have been since 1915 applying for the post of Public Prosecutors for Lahore, Rawalpindi, Ferozepore, Ludhiana, Kasur, Montgomery, Sheikhupura, Gujranwala and Gurdaspur, and a list of the successful non-Sikh candidates who were appointed for each of the said places ?

(*c*) Will the Government please state which of those successful candidates rendered War services and are agriculturists ?

The Honourable Sir John Maynard : The reply is as in question No. 1828 (*supra*).

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* Volume III, pages 134-135.

GRANT OF LANDS ON THE NILI BAR COLONY.

1830. Chaudhri Duli Chand: Is it a fact that residents of districts like Rohtak, Karnal and Hissar have been given little or no land on peasant and similar other terms in the Sargodha, the Lyallpur and the Lower Bari Doab Canal Colonies? If so, will they be granted lands on the Nili Bar Colony?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes.

(*b*) Government cannot give any such promise.

COMPULSORY RETIREMENT OF PATWARIS OF 55 YEARS OF AGE.

1831. Chaudhri Najib-ud-Din Khan: (*a*) Will the Government please state if it is a fact that Patwaris of 55 years of age are compelled to retire on pension or gratuity?

(*b*) If the answer to (*a*) above is in the affirmative, will the Government please lay on the table the list of such Patwaris of 55 years of age or more working in the Ferozepore district?

(*c*) Will the Government please consider the desirability of retiring on pension or gratuity all the Patwaris in the Ferozepore district who are 55 years old or more? If not, why?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The question has necessitated enquires which are not yet complete. I will send the answer to the honourable member as soon as it is ready.

PROMOTION OF PATWARIS TO POST OF KANUNGOS.

1832. Chaudhri Najib-ud-Din Khan: Is it a fact that patwaris of 35 years of age are not entitled to be promoted to the post of Field Kanungos?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: No patwari over the age of 35 can be appointed Kanungo without the sanction of the Commissioner, and in no circumstances can a patwari's name be retained on the list of candidates after the age of 36.

PATWARIS AND MUTATION FEE.

1833. Chaudhri Najib-ud-Din Khan: Is it a fact that before October 1923 Patwaris were entitled to get two-fifths of the mutation fee, but since the raising of the mutation fee, Patwaris get only one-fifth of the mutation fee? If so, will the Government consider the desirability of giving to the Patwaris half of the mutation fees just like the copyists? If not, why not?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Yes, the question of Patwaris' fees is under consideration.

GRANT OF LEAVE TO PATWARIS UNDER THE FUNDAMENTAL RULES.

1834. Chaudhri Najib-ud-Din Khan: (*a*) Are the Patwaris eligible for leave under the Fundamental Rules?

(*b*) If not, does the Government propose to extend to them the privilege of taking leave under the Fundamental Rules?

[Ch. Najib-ud-Din Khan.]

(c) If the answer to (b) is in the negative, will the Government please give reasons why it does not propose to extend to them the said privilege?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (a) and (b) No.

(c) Patwaris are not classified as Government servants and the Fundamental Rules do not apply.

UNCLAIMED INTEREST IN THE CO-OPERATIVE SOCIETIES OF THE PROVINCE.

1835. Chaudhri Afzal Haq: Will the Government be pleased to state the amount of unclaimed interest on deposits by Muslim members in the co-operative societies of this Province and how that unclaimed interest has been disposed of?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The inquiry necessary for an answer to this question would involve an examination of the accounts of about 11,000 societies, extending in some cases over a period of nearly twenty years; the value of the information would not be commensurate with the labour involved.

Unclaimed interest is believed to be of very small amount; it is added to the indivisible reserve of the societies.

Chaudhri Afzal Haq: How did the Government come to know that that sum was very small?

The Honourable Rai Sahib Chaudhri Chhotu Ram: That is only a rough estimate.

ARTILLERY PRACTICE AND EVACUATION OF CERTAIN VILLAGES IN THE HOSHIARPUR DISTRICT.

1836. Chaudhri Afzal Haq: (a) With reference to the answer (communicated to me) to my question No. 1206,* will the Government be pleased to state whether at the time of preparing the answer, it was aware of a telegraphic application sent on 10th December 1924 by the inhabitants of village Nara, tahsil Hoshiarpur, to Deputy Commissioner, Hoshiarpur, Commissioner, Jullundur, and His Excellency the Governor, to the following effect:—

> "Whole population of Nara, Hoshiarpur tahsil, forced to vacate village on 6th December from sunrise to sunset. To-day again suddenly ordered to keep out from 11th evening to 12th evening with females, children and cattle. Impossible to make arrangements and horrible to stay out unsheltered especially when raining. Cannot risk life and property. Kindly stop this inhuman practice."

(b) If the answer is in the affirmative, will the Government be pleased to state what reason it has got to believe that the evacuations where they are necessary are carried out by mutual arrangement between the villagers and the revenue authorities and after due notice?

* Page 88, ante.

(c) If the answer to part (a) of the question is in the negative, will the Government be pleased to state what it proposes to do to remedy this state of affairs?

The Honourable Sir John Maynard: (a) The answer is in the affirmative. On an enquiry being made into the statements in the telegram, it was ascertained that they were not based on facts.

(b) Official instructions exist to this effect and there is every reason to believe that they are observed.

(c) Does not arise.

LAHORE BADSHAHI MOSQUE.

1837. Chaudhri Afzal Haq: With reference to the answer to my question No. 1311* put on 19th January 1925, will the Government be pleased to say whether they have since decided to hand over the Lahore Badshahi Mosque to the Muslim community unconditionally?

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.

COUNCIL QUESTION RELATING TO COMMUNAL REPRESENTATION IN SERVICES AND ANNUAL REPORTS OF VARIOUS DEPARTMENTS.

1838. Chaudhri Afzal Haq: With reference to the answer to my question No. 12631 put on the 17th January 1925, will the Government be pleased to state whether the Heads of the Departments have been consulted and they have agreed to the suggestion contained in the question?

Mr. H. D. Craik: The Heads of Departments have been consulted but all replies have not yet been received.

SECRETARY, MUNICIPAL COMMITTEE, GOJRA.

1839. Captain Dhan Raj, Bhasin: (a) Will the Government kindly state whether the appointment of the newly selected Secretary by the Municipal Committee of Gojra, district Lyallpur, has been approved by the Commissioner, Multan division, or not?

(b) If the reply to clause (a) be in the negative, will the Government kindly state the reasons for the delay?

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

REPORT OF THE WORKING OF THE GOJRA MUNICIPAL COMMITTEE.

1840. Captain Dhan Raj, Bhasin: (a) Is it a fact that the Deputy Commissioner, Lyallpur, was instructed to submit a report about the working of the municipal committee six months after he took charge of Gojra Municipality as President?

(b) Will Government be pleased to lay on the table the report referred to in clause (a) if it has been submitted already?

(c) If the Government is not prepared to lay the report on the table, will it please state its reasons for not doing so?

(d) If the report has not been submitted, will Government be pleased to instruct the President, Municipal Committee, Gojra, to expedite the report?

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*Pages 90–91 *ante*.

†Page 97 *ante*.

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

(*b*) to (*c*) No report has yet been submitted to Government as the period of six months has not yet elapsed.

ELECTED PRESIDENT FOR THE GOJRA MUNICIPAL COMMITTEE.

1841. Captain Dhan Raj Bhasin: (*a*) Is it a fact that the period for which the present President, Gojra Municipality, was nominated by Government has expired or is about to expire in the near future?

(*b*) If the reply to clause (*a*) be in the affirmative, will Government be pleased to state if they intend to restore to the Gojra Municipality the power of electing its own President and Vice-President?

(*c*) If reply to clause (*b*) be in the negative, will the Government kindly state its reasons for not doing so?

The Honourable Mian Sir Fazl-i-Husain: (*a*) No period of appointment has been specified.

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

APPEARANCE OF PLAGUE IN THE PROVINCE.

1842. Mr. E. Maya Das: Will Government be pleased to state the names of the districts in the province where plague has appeared during the current year?

Does the Government know that some of the local bodies concerned have not got the necessary funds for expenditure on anti-plague measures?

What action does Government propose to take in the case of local bodies who have not got the necessary funds for the purpose?

The Honourable Mian Sir Fazl-i-Husain: Plague has appeared in all districts of the province during the current year with the exception of Simla, Kangra and Dera Ghazi Khan. The epidemic has however been relatively mild except in the districts of Hissar, Rohtak, Gurgaon and Karnal, and the total mortality in the Punjab during the week ending 18th April was 1,994 as compared with 11,832 deaths during the corresponding week of the previous year.

Government is aware that the financial position of many local bodies is not strong, but it is open to all local bodies who require assistance to combat plague to apply for a grant-in-aid. Local bodies are however expected to finance anti-plague measures in the first instance against the provision made in their budgets. When this has been exhausted a grant-in-aid will, if necessary, be given out of the sum provided for this purpose in the Public Health Budget.

SALE PRICE OF AGRICULTURAL LAND.

1843. Mr. E. Maya Das: Will Government be pleased to lay on the table a statement showing the average sale price per acre of agricultural land of the various districts in the Punjab during the last year or during such other recent period for which the information may be available, the price of canal-irrigated, well-irrigated and *barani* land to be given separately?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The information is not available in the desired form, but the possibility of making it available in future is being considered and it is hoped that this can be arranged.

LOCAL FUND AUDIT ESTABLISHMENT.

1844. Mr. E. Maya Das: Will Government be pleased to state—

(*a*) the amount of money paid during the last financial year by the Punjab Government to the Central Government as share of Local Fund Audit establishment;

(*b*) what was the amount recovered from the different departments whose accounts were audited by this establishment;

(*c*) were the auditors also employed in auditing any accounts for which no charge was made? If so, what accounts were these?

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.

GOVERNMENT'S DEMANDS FOR ADDITIONAL AND SUPPLEMENTARY GRANTS, 1925-26—(CONTD).

EDUCATION (TRANSFERRED) GRANT—(*concluded*).

Mr. President: The Council will resume discussion on the amendment No. 9* which was moved by Professor Ruchi Ram, Sahni, yesterday.

Professor Ruchi Ram, Sahni (Punjab University): Sir, when the Council was adjourned yesterday I was describing how the character of the instruction given in our elementary schools is monotonous and out of harmony with the surroundings of the scholars. I particularly referred to the character of the text books prescribed for these schools. The instruction given now is less practical than it used to be until a few years back, kindergarten, object lessons, nature study, drawing and other practical subjects and even science used to receive a great deal more of attention a few years back than they do at present, and even as regards the teaching of science itself—I do not want to use a strong word but will only say that cold water is thrown on the teaching of science—as a practical or experimental subject it is not taught in the only way in which it could be and ought to be taught. One reason why the whole instruction is insipid, monotonous and unstimulating is that the text books are still written in a language which is far too difficult for the boys to understand exactly what the lesson is about. Urdu, as we all know, is for a majority of the scholars as good as a foreign language.

Malik Firoz Khan, Noon: How does the honourable member arrive at this conclusion?

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*That the grant be reduced by Rs. 100 with respect to the item of Rs. 5,00,000 maintenance grant for Vernacular Education, (Recurring).

Professor Ruchi Ram Sahni: If any one wants to have an answer to that question he can have it by watching the gentleman who raised this question while he is talking with his friends and while he is talking in his own house. I am not going to be drawn into a discussion on this matter at the present moment. But I say that the present text books in Urdu are far too difficult for the boys to understand. It was at my repeated request and suggestion that the language was simplified some years ago. There were words in the *Qaida* (primer) which my honourable friends over there will not be able to explain even to-day. I challenge any of the honourable members to say what the sentence *lesami kitao* means. That phrase was found at page 13 of the old *Qaida* but it has since been left out. There were also other expressions of a similar kind. My contention is that at the present day there are expressions which are far too difficult for our young boys to understand. In addition to simplifying the language of the Urdu text books, I submit that in certain localities at any rate an attempt should be made to have Punjabi as the medium of instruction, and in some other places, possibly in districts which my honourable friend Chaudhri Duli Chand represents, Hindi would be a suitable medium of instruction along with Urdu. If all these things are done, I think the language and the teaching of the subject matter would be far more attractive and stimulating than they are at the present day. At the present day, the instruction is not sufficiently stimulating except perhaps for a few who wish to knock at the portals of the University.

What this means, Sir, you will easily see when I explain a few figures which the Education Department has supplied us with in the statement attached to the supplementary estimates. On page 15 we have some figures regarding the number of scholars attending the first class, the second class, the third class and the fourth class of the primary department. You will see, Sir, that the number in the second class falls down to about 30 to 40 per cent. The figures given in the statement are for five years and in these five years the proportion varies, but it is from 30 to 40 per cent. That is to say, if there are 100 boys in the first class, in the second class there are only 30 to 40 boys left. The remaining 60 or 70 have dropped off. In the third class 20 to 30 are left and in the fourth class 20 to 25 are left. So that taking even 25 as the number of scholars which are to be found at the end of their fourth year of instruction, only one in four is left. Three have dropped off altogether before they have reached the end of the fourth primary class. Some years ago, I think it was in 1912, the Government of India made some calculations when Mr. Gokhale's Compulsory Primary Education Bill was being discussed or soon after it was placed before the Indian Legislative Council. The Government of India showed that 32 per cent. of the scholars who go through a full five years course of instruction again lapse into illiteracy, that is to say, if scholars go on with the lessons up to the end of five years, 39 out of every 100 forget everything that they learnt. They lapse into illiteracy. Not only that, the Department of Education, a few years ago, calculated that the average school-going period of the scholars in the Punjab, as well as in the whole of India, was from 3·5 to four years. Mark that the average period of instruction is less than five years, very much less than five years. That means that a great majority of scholars will not be benefitting at all by the instruction which is given in our elementary schools. The vast sums of money that are being allotted to elementary education, therefore, are being wasted, literally wasted. The scholars are not getting any benefit.

at all. Lately, a little attempt has been made by the Honourable Minister for Education in starting the sixth class, that is adding two more classes in some places. That will help a little—but very little. The chief reason is not that the period of instruction is short, but it is that the character of the education is very defective. That is seen clearly from the fact that from the second year the number of scholars falls down. The boys are not sufficiently attracted to the kind of instruction which is given in these schools. The next thing which I should like to say is that the course of instruction has to be carefully drawn up and that can only be done in the Standing Education Committee, if it is done anywhere at all, unless it is done in a conference. Well, Sir, if I were to go into the details of these questions, I am sure some communal question will be raised. These details can best be gone into in the Standing Education Committee. But, as I have said so many times, not a single meeting of the Standing Education Committee has been called unless you refer to the two or three meetings which were held in connection with my resolution on the Subordinate Education Service. That was under the resolution of this Council, but apart from that there have been no meetings of the Standing Education Committee. My submission is that a programme for five years should be drawn up, district by district, we should see where the new schools should be located, what should be the character of the instruction given, and which language should be the medium of instruction, all these questions can best be discussed and decided in the Standing Education Committee. I would, therefore, put this definitely before the Honourable the Minister for Education that the whole system of education should be carefully considered by the Director of Public Instruction, the Honourable Minister for Education and the members of the Education Committee. I understand a conference was held some two years ago in which this question of the revision was brought up, but its report has only just been put into my hands. No action, I understand has yet been taken on it, but I understand that some kind of a conference was held two years ago. A report of the proceedings of the conference has been just placed into my hands and I have had no opportunity whatsoever of reading it. . . . .

Sir George Anderson: May I point out, Sir, that the honourable member was not a member of that conference?

The Honourable Mian Sir Fazl-i-Husain: That is a pity.

Professor Ruchi Ram Sahni: At least the members of the Education Committee should have been supplied with the report. But that is not the main question. The question is what has been done? The question is not that a conference was held and the proceedings were recorded and circulated. What has been done, what is the outcome of the expenditure incurred on holding the conference and printing the proceedings of the report and circulating it to the members of that conference? What has been the upshot of it? That, we do not know yet. I do not want to go further over the details of the various schemes which may be pressed. I hope that there will be some response to what I have said that the proper place for discussing these questions in detail is not the Council but the Standing Education Committee, if these questions are to be discussed at all in detail.

Mr. President: Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 5,00,000 Maintenance Grants for Vernacular Education (recurring)."

The question is that that reduction be made.

Chaudhri Afzal Haq [Hoshiarpur-*cum*-Ludhiana (Muhammadan), Rural] (Urdu) : Sir, the question which the honourable Professor has raised in moving the amendment is one which has exercised the brains of many eminent persons in the past. This problem was put before the province by a great Indian Judge. The Government was asked to adopt means for making Punjabi the medium of instruction for the masses. But repeated experiments in this direction have shown the glaring defects of Punjabi as the proposed medium.

Mr. President : I did not understand the honourable mover of this amendment to raise a definite question as to Urdu *versus* Punjabi. He incidentally mentioned that, but the real point that I understood him to be making was that the text books in use at present were in too difficult a language and that they should now be replaced by better books. He made a general criticism of the kind of instruction given.

Professor Ruchi Ram, Sahni : Not quite, Sir.

Mr. President : You may tell me whether you meant to raise the question of language or not.

Professor Ruchi Ram, Sahni : I will just say it again in a few words. Then you can judge whether that is the point which I raised or not. What I wanted to point out was that the instruction given was insipid and unstimulating because it was given in the first place in a language the words and sentences of which the scholars could not understand. The language itself might remain in certain places, I mean the Urdu language, but it should be simplified and possibly too much stress should not be laid on the purity of the language. Simple Punjabi words which are used in Urdu might occasionally be used if the Punjabi word happens to be easier. Then the second point I raised was that, in certain districts, Punjabi or Hindi might be introduced as the medium of instruction side by side with Urdu.

Mr. President : In the light of this explanation, Chaudhri Afzal Haq may go on with the remarks he was making.

Chaudhri Afzal Haq (Urdu) : Sir, I am at one with the honourable mover in holding that education to children should be imparted through a simple and easily intelligible medium, but it would be going too far to hold that Punjabi is the only language which can best satisfy these requirements. Sir, this language is not so simple as it is understood to be. Punjabi is not free from those complexities and other defects which made the learned mover of this amendment look down upon Urdu and consider it unsuitable as a medium of imparting education. Punjabi is the mother tongue of the learned Professor, but I doubt very much if he would be able to make any sense out of the different dialects spoken in Jhang, Montgomery, Jhelum, etc. I quote the following dialects of the different parts of the Punjab and ask the honourable member to say whether he understands them or not :—

(۱) کوالڑي لگ رهي سلڑے هنڈ لاليا برميا۔ميرا بسرا چهتا سلڑے هنڈ لاليا برميا۔

(۲) ۽ جهلے پوٹهو هاري گهر دينا نهين جهلے۔کون چهک سي پهگواڑي گهر نهين جهلے۔

(۳) ميري دلڑي دلبر لڑاڑ يو۔ميري آن سياتڑي هنواڑ يو۔

(۴) تون چل پارے کهيت مين کيا کيا دتارے۔ايک مالي باجرا دوجي مالي جوارے
هونٹ تيرے ايسے جيسے کاچي کاکڑي۔ٹک عاشق کو چهکارے تيرا بقيدارے۔

Sir, 'the *Hir*' by Waris Shah is considered to be a standard work of Punjabi and I offer a prize of one hundred rupees to the learned mover to read out and explain a single page of this book.

Now, Sir, the question arises, what is Punjabi? If it means the various dialects spoken in the Punjab, then it is no better and perhaps worse than Urdu which has been condemned by the learned Professor in no measured terms. If only the dialect spoken in Lahore, Amritsar and Hoshiarpur districts is Punjabi, then it is too narrow a view of the language. Plainly speaking Urdu is the *lingua franca* of India. It is not a rival of Punjabi rather it is the essence of the various languages spoken in the Punjab.

It is proposed that education should be imparted in the mother tongue of the students. Such a scheme besides being impracticable will create a feeling of estrangement between various sections of the people. Let us meet on one common platform. We may wear ordinary kind of dresses at our homes, but we wear fine dress when we appear in a court of law or come inside the Council: such is the difference between Punjabi and Urdu. In England too the colloquial language differs in different parts of the country, but the English is the same. In conclusion I want to assure the learned Professor that Urdu is only a bit polished Punjabi, and that it deserves liberal grant for its advancement. I, therefore, would ask the honourable mover to withdraw his amendment.

Subedar-Major Farman Ali Khan [Rawalpindi (Muhammadan) Rural] (Urdu): Sir, I have been watching with great interest the trend of the speeches from yesterday and I am surprised to note that all the speeches directly or indirectly make encroachments upon the interests of the illiterate zamindar community. Whenever any measure for the education of the ignorant agriculturist is proposed, obstacles are put in the way. Amendments are moved to defeat the object of the proposals. I ask why so much opposition is offered. It seems these people do not want that zamindars should ever be educated. There exist fears in the minds of the *banias* that if these people get educated they would be able to check their accounts and would not fall an easy prey to them. Every one knows the trickeries of these *banias* and the way they extract money out of the simple farmers. I shall tell you one of my own reminiscences. When I was in my lower classes, a *bania* and a farmer came to me and showed me a *Bahi*. The farmer had borrowed two maunds of wheat and two maunds of barley. The *bania* asked me to read out the paper, and inquired what did two and two make. In my simple way I said twenty-two. My word was judgment and the farmer had to pay five times and more for the quantity he had actually borrowed. Such are the ways of these bloodsuckers.

Sir, my friend has quoted Mr. Gokhale, but he deliberately omits to mention Mr. Gokhale's opinion on compulsory primary education. It seems all these people have formed a conspiracy against us. They want to keep us quite in the dark. They are afraid that if the zamindars get educated they would demand their rights which have been usurped by the *banias*.

Sir, they propose to curtail the grants because their own children are sufficiently educated. They do not want that the other three-quarters of the people should at all learn to read and write well. I would rather propose that no *bania* boy should ever be admitted to a school for these seventy or eighty years and then they will realise our hard fate.

[Subedar Major Farman Ali Khan.]

I do not want to enter into any discussion as to what should be the medium. What we want is education and not to bother about the mediums.

I, therefore, submit that liberal grants should be given for education so that schools may be started in every nook and corner of the country and special attention may be paid to the education of the zamindars.

Pandit Nanak Chand Hoshiarpur Non-Muhammadan, Rural]: Sir, I first of all want to congratulate the Education Department for having received such a big grant. We are now discussing a grant which comes to the extent of 12 lakhs of rupees. The memorandum shows that it has to be spent for the expansion of vernacular education. I am really thankful to my honourable friend Professor Ruchi Ram for having brought this question of vernacular education in this Council. The question whether Hindi should be introduced as the medium of instruction in the primary schools or whether Punjabi should be introduced in these schools or whether Urdu should be retained as the medium of instruction has been the subject of many debates amongst the conferences of the different communities. The Hindus in the Punjab really want that instruction should be given in Hindi and they think that it is the most appropriate language. The Sikhs on the other hand think and insist that Punjabi should be introduced as the medium of instruction, while our Muhammadan friends insist that Urdu should be retained as the medium of instruction. My submission is that we ought to discuss this question from a purely educational point of view. We should not allow any communal considerations to prevail in a matter of this kind.

The second question from which this point should be discussed is the national question. Now, Sir, from a purely educational point of view my submission is that in a large number of the districts, Punjabi is the spoken language and though I know as a matter of fact that most of my co-religionists are emphatic that Hindi should be introduced as the medium of instruction in our primary vernacular schools, yet I do not share their views. I think that the language which ought to be the medium of instruction should be the language which is the mother tongue of any community. When we talk in our homes when we talk in our private conversations, the medium in which we talk is the Punjabi language. Therefore I entirely fail to see why education should be imparted in Urdu or in Hindi in those parts of the province where the Punjabi is the spoken language. Excluding the few districts, which I shall presently mention, Punjabi is really the language of the people. It requires less intellectual effort on the part of the students to grasp a subject in the Punjabi language than either in Hindi or in Urdu language. Therefore my submission is that it would really be a great saving of time if the courses of instruction were framed in the Punjabi language and the pupils in the primary schools were to be taught all the subjects in the Punjabi language.

Sir, my honourable friend Chaudhri Afzal Haq quoted a good number of sentences, goodness knows from what quarter of the province and he said that if this was the specimen of Punjabi language, then surely it could not be the language in which instruction could be imparted to the boys. Leaving that question aside, I have seen actually many of the Urdu knowing people and many of those who have taken Persian as their second language say that they are unable to understand the Urdu of the 'Zamindar' newspaper. In the Bar Association, many of my friends have confessed to me that they are

unable to understand the Urdu written in the 'Zamindar.' Similarly many Muhammadan friends have also told me that it is impossible to follow either the Urdu of 'Milap' or the 'Partap' newspaper and from this we cannot come to the conclusion that Urdu should be abandoned. This opinion is not confined to one place, but it is the opinion of all the people that Punjabi being the spoken language of the people should be the medium of instruction if we really want to see the extension of vernacular education in the province. I further submit that a large number of primary schools should be opened in the villages and instruction should be imparted through the medium of the Punjabi language. I may here refer to the fact that one of the biggest and the best books, namely the Sri Guru Granth Sahib, is written in the Punjabi language and thousands and lakhs of people not only among the males but also among the ladies read it.

The Honourable Mian Sir Fazl-i-Husain: But is the honourable member able to read that book?

Pandit Nanak Chand: My honourable friend asks me whether I am able to read that book. How can I read Sri Guru Granth Sahib when I did not learn Punjabi in the school? My complaint is that a Punjabi living in the Punjab and speaking Punjabi is not given facilities to read and write Punjabi. My main grievance is on that score. It is useless to talk that Punjabi cannot be raised to the distinction which Urdu has attained to-day. If Punjabi were to be introduced in the schools as the medium of instruction, then there would be a larger number of books written in the Punjabi language and there would be a greater demand for those books, and even if there are any difficulties in the language, they can be easily surmounted.

Now, Sir, coming to the few districts to which I referred a short while ago, they are Hissar, Karnal, Rohtak, Gurgaon, etc. Here in these districts Hindi is the language. They are predominantly Hindi districts. If honourable members would kindly refer to the jamabandi papers of 1877 of the Hissar district, they would find that even the jamabandis were written in Hindi in those days. Hindi occupies the foremost place in those districts. My honourable friend, if he was quoting Punjabi in the same manner as he was quoting the language in Rohtak and Hissar, then I have only to say that he was murdering the language. He was not pronouncing it in the right manner. If only it is pronounced in the right manner as the people in those districts pronounce it, then it will be found that there is a great similarity between the Hindi and the language spoken in these districts. It is really a pity that though some time ago the minstrels used to sing their ballads in the Hindi language and though Ramayana was recited in the Hindi language and though many of our other religious books are also written in Hindi yet these have become things of the past. Why? Because people are not given instructions in the language, in which their best books are written, in which their best literatures are to be found and in which their best thoughts are enshrined. If it is really intended to advance Hindi, the proper thing to do is to introduce it in school curriculum as the medium of instruction.

Sir, the second point from which this question can be discussed is the national point of view. If you look at the Hindi script or the Gurmukhi script, you will find that it has a great similarity with Gujrati, Mahratti, Bengali and other scripts,

[Pandit Nanak Chand.]

because they are all descended from Sanskrit. Why impose upon us these outlandish Urdu characters? I submit that Arabic characters are foreign to the people. Other provinces use a script which is similar to the Hindi script, and from the national point of view also I submit that Hindi should be the medium of instruction in these schools. I do not mean to say that Urdu should be wholly rejected but what I mean is that for the first five or six years these languages should be the medium of instruction. After that, Urdu should be read alongside with these languages. That, I think, will solve the difficulty which my learned friend the mover has in view.

So from the educational point of view as well as from the national point of view, my submission is that Punjabi should be accepted as the medium of instruction where Punjabi is the language of the people and in other districts where Hindi is the spoken language of the people that should be accepted as the medium of instruction.

Mian Muhammad Shah Nawaz [Lahore, (Muhammadan), Rural] (Urdu): Sir, it is only a year and a half since Professor Ruchi Ram became a member of this Council. He perhaps does not know what happened when in the last Council this very question was discussed on the floor of this House. In the standing orders it is provided that any member can either talk in English or in Urdu or even in any recognised vernacular of the province, but during this period of a year and and a half I have never heard the Professor talking in any language other than English or some times in Urdu, and that shows that he has no liking for the Punjabi language. I, therefore, wonder how he could have the courage to say that Urdu is a foreign language.

Professor Ruchi Ram, Sahni: The words I used, Sir, were "as good as foreign language" and I stick to those words.

Mian Muhammad Shah Nawaz: I accept that, but that makes no difference. In saying that Urdu is a foreign language Professor Ruchi Ram betrays his ignorance of the knowledge of History. He should have known that Urdu is a current language not only in the Punjab but also in the United Provinces and Delhi. If he does not know I will tell him how Urdu language came into existence.

Professor Ruchi Ram, Sahni: I know it, Sir. I do not want to hear it.

Mian Muhammad Shah Nawaz: Will the honourable Professor allow me to proceed further and not interrupt me again and again? I would like to show that Urdu is the *lingua franca* of the Province. When the Moghuls came into India and began their rule, there were many Indian soldiers in the armies. These Indian soldiers, as a matter of course, talked in their own language which was quite different from the language of the Moghuls and so a need was felt to evolve a language suited to both the parties. Consequently a compound of Hindi, Persian and a little of Arabic came to be called Urdu. Since that time onward, Urdu language has been the recognised current language of large portion of Hindustan and especially of Upper Hindustan. It has been so since then and even the Sikh rulers could not and did not discover any defect in it. Professor Ruchi Ram seems to have made this discovery for the first time. In the time of Maharaja Ranjit Singh, Urdu was not only the medium of instruction but was also the court language.

As another honourable member has already explained, Punjabi is different in different parts of the Province. The people of Lahore and Amritsar cannot follow the language or rather dialect spoken in Mianwali. From the national point of view, also, the Punjabi or even Hindi should not be allowed to become the medium of instruction. Urdu is the only proper language from whatever point of view you may look at the question. I fail to see any reason why Urdu should be given up and be replaced by Punjabi. It can be said without any fear of contradiction that Urdu is the source of Punjabi. It is, in main, the mixture of Hindi, Persian and Arabic and English as some member has suggested. We, therefore, cannot agree to the proposition that Urdu be given up to make way for Punjabi. Of course if Professor Ruchi Ram wants that Urdu courses be simplified then I am quite at one with him. I am also of the opinion that Urdu readers meant for the school boys should be in plain simple language, but to give up Urdu that we cannot allow.

Then Paadit Nanak Chand has suggested that in six districts of the Province, Hindi should be the medium of instruction. I wonder how many languages are going to be the medium of instruction in the Province? Urdu is a language which every male and female in the Punjab can understand. As already stated that is not the case with Punjabi. The Punjabi of Jhang is unintelligible to those who live in Doaba. In courts we see much of Urdu. The Muhammadans who form a bulk of the population in the province can understand, without any exception, very well the Urdu language although some of them may not be able to write it. To suggest under the circumstances that Urdu be replaced by Punjabi or even Hindi is to widen the gulf that is already separating us from each other. Hindi is more or less akin to the Urdu language. The Karnal and Rohtak districts do not differ much from Delhi so far as their languages are concerned. I have many a time heard Chaudhri Duli Chand and Rai Sahib Chaudhri Chhotu Ram talking in their own language. I can say that they speak quite good Urdu. As to the suggestion that Persian characters be changed, I see no valid reason for that also. These characters have been in vogue for many centuries past. Besides, in Persia, in Arabia and in Turkey similar characters are to be found. In order that there should be uniformity throughout Asia at least in this respect, we ought to stick to the Persian characters. Then there are books available in this language on all subjects whether it is mathematics, or it is science or any other subject, but not so in Punjabi or in Hindi. Look at this question from any point of view you like and you will come to the same conclusion. For the last twelve months or so I have been hearing discourses on unity and concord in the Council, but quite contrary to that, no opportunity is lost to attempt to make matters worse. I do not think the attempts of some of the members whom I do not want to name will ever succeed to ruin Urdu altogether.

Khan Bahadur Chaudhri Shahab-ud-Din [Sialkot (Muhammadan) Rural] (Urdu): Sir, I am sorry to find that the discussion so far carried on in regard to the amendment under consideration is all beside the point. Those who are in favour of Urdu are advocating the cause of Urdu and those in favour of Punjabi or Hindi have been pleading the cause of those two languages. The point at issue is something quite different. Every speaker on the amendment has tried to explain as to what is Punjabi, Urdu and Hindi as he himself understood any of them or perhaps as it suited his purpose. I think none here in the Council can deny the fact that Punjabi is that language which a child born in the Punjab learns from its infancy from its mother, father or

[K. B. Ch. Shahab-ud-Din.]

other relatives. That is its mother-tongue and that is the current language in the Punjab. That is neither Urdu nor Persian nor is it Sanskrit. Every common man in the Province talks in that language. I have seldom heard any common man talking of cow as *gae* which is an Urdu word. Every body talks about it as *gau*. Similarly, calf is never expressed as *bachhra* an Urdu word, but it is commonly named as *wachha*. The teachers in the schools also, while explaining to their pupils the meaning of any Urdu word, try to find instinctively its synonym in Punjabi in order to make it clear to the students. In courts too we do not find much of Urdu worth the name. The witnesses give their statements in Punjabi and the cross-examination or any questions put to them are put in Punjabi. To explain *Pandit ji ki Bahli* we know that the word *Garbail* is used by the teacher. So far as my experience goes, and I claim to know much about the Punjab, few people talk in Urdu in their homes, I mean that Urdu which we read and study in books. All this clearly shows that there can be no two opinions about the *lingua franca* of the Province. The point at issue, as I said before, is quite different. It is as to whether books meant for school boys should be in Gurmukhi, Urdu, or in Hindi characters. The Gurmukhi characters came into existence in the time of Guru Angad. Unfortunately Punjabi has remained limited to the circle of poets and as such it has not sufficiently developed its prose. In some Punjabi poetry we come across many an Arabic and Sanskrit word. The reason of this is to be found in the fact that the poet is either a scholar of Arabic or Sanskrit. I am aware that Urdu language is not of a long standing inasmuch as it first came into existence in the time of Jehangir, but, fortunately for it, it fell into very capable hands and has developed by leaps and bounds, so much so that to-day it is regarded as one of the perfect languages. Similarly much can and may be said for Hindi.

But this is all bandying words. Time is the great healer and it works miracles. We should find satisfaction in the fact that the Punjab University has already provided a place, and I should say a fitting place for the Punjabi language and if the language is to prosper, and flourish, it must do so without our advocacy. All languages have their own laws and in conformity with those laws changes occur in languages in spite of ourselves. Who knows that Punjabi or even English may not become the court language of the Punjab after a few years? Let every man continue his efforts in his own sphere and everything will come of itself. Now that we have received a grant from the Government, we should not make it a bone of contention. It is no use fighting that Punjabi of the one part of the Province is unintelligible in another part of it. I can say without any fear of contradiction that it is not so. The areas colonized in the Lyallpur district have been colonized by men coming from different parts of the Province. They understand each other quite well and this shows conclusively that there is not much difference in the different dialects as alleged by some members. And if there is any difference it is nothing unusual. You find such differences in every country A Londoner cannot claim to understand fully what a Scotch or Welsh is speaking. In every country dialects differ from place to place. In passing I might say that I do not agree with the Professor of a college who in his introduction to a book on English Grammar stated that Punjabi is older than Sanskrit An honourable member has just said that there are few Muhammadans who can understand the language of "Milap." I admit this, but that is no ground for disappointment. If there is such a language

which few people can understand that is doomed to disappear as was the case with the Persian language in India. It was the court language in the Punjab in the time of Maharaja Ranjit Singh and remained so in the beginning of the British rule, but it had to give way to Urdu. I again say that no language stands in need of our advocating its cause and therefore it is no use wasting the time of the Council by prolonging this discussion.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education) : Sir, the discussion that has been evoked by the amendment proposed by the honourable member opposite has been no doubt very instructive and interesting but I cannot say that it has been really relevant to the motion now before the House. Before I myself get entangled in this discussion as to the language of the Province, I would first like to mention what the grant under discussion is, what are the points which have been raised in this amendment against it and how far those objections or suggestions are valid and useful.

The item under discussion is 'expansion of vernacular education'. Now what does that mean ? This insignificant sum of 5 lakhs which has been demanded is very nearly one-fourth of what I needed this year. What is it that I am going to spend this sum on ? Sir, briefly speaking, this is going to be spent on four objects. The first object is that in every school which has got only one teacher for four classes, I have decided that there should be at least two teachers. So a part of this money will go in providing a second teacher for primary schools which have got at present one teacher for four classes. In the second place I hope to spend a part of this money on adding lower middle classes, that is to say, the fifth and the sixth classes to those schools which have got only four classes. In so far as this purpose is concerned I trust I am carrying out what the honourable mover of the amendment himself desires, as he holds that four classes are far too few to assure literacy, and by doing so, I am carrying out his wish no less than my own. In the third place, I hope to add a few more vernacular middle schools to the existing number of middle schools. Their number at present is far too small. In order to obtain literacy and in order to recruit vernacular teachers for further expansion of vernacular education it is of the utmost importance that full middle schools be supplied to the rural areas, to a much larger extent than they have got them at present. There again I have not the slightest doubt that I am meeting the wishes of every member of this Council interested in the expansion of vernacular education. In the fourth place I hope to utilise part of this money for adult education. There again I have not the slightest doubt that the honourable mover of the amendment does not by any means intend to restrict my desire in that direction.

Then what is it that has been suggested by the honourable member ? It is suggested and very rightly I believe that our text books stand in need of improvement. I am alive, Sir, to the fact that the attainment of perfection here as elsewhere is an impossibility. Every day I see that in America and in England and in other countries efforts are being made continuously to improve the books that are going to be placed in the hands of school children. I can assure you, Sir, that I am no less anxious than the honourable mover of this amendment in that direction. We have here in the Punjab the good fortune to possess a very good institution, the Punjab Text-Book Committee composed very largely of non-officials assisted by some officials. The honourable mover of this amendment has been for a very long time a very distinguished member of it. I have also had the honour of serving as a

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

member on it. Like all other Text Book-Committees, it is by no means perfect, but it has put in a really large amount of work and on the whole I think I am not far wrong when I claim that it does a great deal of really useful work. Our efforts in that committee are generally directed towards bringing about a sort of fusion of ideas and ideals. What we aim at in that committee is that those who are protagonists of Sanscritised Urdu should be content to let it remain Urdu and not import Sanskrit words into it and that those who are protagonists of Arabicised or Persianised Urdu should be content to leave it Urdu and not import into it Arabic words. We believe that the schools of thought of a revivalistic nature were in the hands of Sanskrit-Arabic scholars.

Then, Sir, coming to the vernacular newspapers, I believe those papers which cannot be understood by the ordinary public are bound to die out. People will in course of time cease to patronise those vernacular papers whose language they are not in a position to understand and the craze for harsh, unintelligible and high-sounding words will not live long. So in the natural course of affairs this matter is bound to decide itself. I believe the other point raised by the honourable mover is that of simplification of the vernacular courses or the curricula of vernacular education. No doubt this is of very great importance. The honourable member has bitterly complained again that this was a matter of the utmost importance and that it has not been placed before the Standing Education committee and that it has not been discussed in this Council. There again I am afraid I am not to blame, but I cannot say whether he is to blame. I, Sir, like many other people called to fill an important new office, hoped to achieve immortality by entering upon a course of reform and by trying to show that in a short time one could revolutionise the education department and initiate reforms and push them through within three years while in foreign lands they had taken decades to come to fruition. Alas, such is the fate of human ambition! Sir, I find that all that I, in my youthful ambitious way, attempted to accomplish and according to some actually did accomplish, has remained unknown, unread and unheard of even by such an eminent publicist and educationist as the honourable member who represents the Punjab University. Here is in my hand a resolution not the report of a committee which sat in 1922 but a resolution of Government on the report of that committee, a resolution which was probably noticed in the pages of the "Times Educational Supplement" in England, a resolution which probably attracted a little notice in far-off America, a resolution—it is not out of pride that I am mentioning this—which attracted considerable attention in the sister provinces of India. Though this resolution is dated 6th November 1923, though my honourable friend the Director of Public Instruction having served for some time in the Government of India is an adept in the art of educational progaganda and though he seldom misses an opportunity of circulating to the magazines and all the English papers and also to all the members of the Legislative Council and as a matter of fact to all those who care to look at educational problems, yet it is heart-breaking to know that in 1923 when non-co-operation had ceased to be in operation, still the honourable member who represents the University did not look at this resolution or rather did not care to look at it. My honourable friend complains that this resolution has been put into his hands only to-day. I quite believe him. This Council has not supplied me with any agency to place resolutions of this kind in the hands of every citizen of the Punjab

whether he is a member of the Council or not and therefore that is my excuse for not directly handing him over this resolution of 1923. Moreover I believe that was the time—November 1923—when my honourable friend was very busily engaged in his electioneering campaign.

If I may be permitted to read a few lines, this resolution runs thus—

> "The terms of reference to the committee were to consider and report on vernacular school courses with a view to their simplification and to the improvement of vernacular education in the Punjab."

The committee very rightly prefaced their enquiries with particular reference to the specific question referred to them. This general review of the vernacular system and the committee's conclusion thereon afford yet another opportunity of enunciating the policy of the Punjab Government (Ministry of Education) on this most important subject. Later on in the same report this is what is stated:—

> "The Minister records with approval that the removal of illiteracy by means of vernacular primary schools and through other suitable agencies is the most urgent educational need of the province at the present time....."

In that resolution there are as many as 15 paragraphs and at the end it is said:—

> "Ordered that the above review be printed and circulated with the report of the committee, also that it be published in the *Punjab Government Gazette* and communicated to the Press and that copies be forwarded to all Commissioners, Deputy Commissioners, Deputy and District inspectors of schools and to all district boards and municipalities."

Well, Sir, I could have done no more. I am afraid that though this matter has been raised in the debate this afternoon, I will not be able to do anything more than what I have already done in that direction.

That would show that so far as the simplification of the course is concerned, so far as the steps to evolve a system of education suited to the local needs of these schools are concerned, a great deal has been done. By no means do I claim that the last word has been said on this subject. This was done in 1923. If I find that more people are interested in the subject and if I find that there is a chance of an advance being made I will take steps in that direction.

Now, Sir, after referring to this committee I may mention that the matter of these text-books and so on has been receiving the earnest attention of Government and that in 1920 the honourable member who has moved this amendment himself was asked to co-operate with an Inspector of Schools with the object of bringing out revised text-books wherein agricultural element preponderated. He will remember, I have no doubt, that it was "Reader, Part I" prepared by Lala Lachhman Das which was to be printed to meet the urgent requirements of schools and Professor Ruchi Ram was asked to co-operate with the Agricultural Department in the preparation of the remaining six parts. I do not say again that we have gained perfection, but this will at least indicate that every effort is being made to do what can be done.

Now I come to the last question which was the only question that the Council took up and discussed at very great length and that was the question of the language. I do not know how it happened but the honourable member brought it in saying that it was the language that was responsible for the bad knowledge that was possessed.....

Professor Ruchi Ram, Sahni: Largely.

The Honourable Mian Sir Fazl-i-Husain: This matter of the language does not exist in the Punjab only. I suppose it does exist in Bengal as well. So far as illiteracy is concerned, it is a disease in the Punjab just as it is in any other province and the honourable member did not say that the percentage of such lapses into illiteracy is higher here than in other provinces. That is only by way of argument. What I mean is this. I was not able quite to detect what the constructive suggestion was in the remarks made by the honourable mover. Did he suggest that we should have our text-books in a language in which they are not prepared at present, so that they may become easier than they are? Did he think that we should have a sort of Punjabi Urdu combined readers prepared to insure rapid literacy? I am prepared to try any experiment which provides some chances of success. I will tell you a few things that have been brought to my notice. There is a very enterprising man in Multan and he has been pressing me hard that for the sake of justice and fairness I should introduce Multani readers in the Punjab. He has assured me that the Multani language is sweet and musical. If I introduce Multani readers in the schools of the Punjab he offers to present the readers free of cost. He will not claim anything for writing them. When I went to Dera Ghazi Khan I came across another enterprising gentleman who said that the only language worthy of being the medium of instruction is Derewali. He said if one has the right ear he will surely appreciate the language. Then again I think it was some one in Jhang who assured me that the proper language for the readers which would appeal to the pupils would be the Jhangi language. Now the question is, am I going to listen to the persuasion of all these men and try to introduce Multani for Multan, Derewali for Dera Jat and Jhangi for Jhang? In this scheme one thing appealed to me very much, and it was the independence of each district in educational matters. If they want Multani, let them have it. If they want Derewali, let them have it. If they want Gurmukhi in Manjha, let them have it. On the other hand, I recollect that in the old days when that solitary member sitting on the front opposition bench and I used to talk a great deal of how to secure the freedom of our country and to bring about unity; we did talk of sacrificing individual preferences for the common good of the country. I believe that that was the language of most of the lectures that he delivered and I presided over and of most of the addresses that I gave and he admired. It may be that a Multan boy will learn his vernacular quicker, but, Sir, the cause of the Punjab comes before the cause of Multan. So I gave up the idea. The Derewal was very persistent and yet I had to shake him off. I have not the slightest doubt that nothing is farther from the thoughts of the honourable mover than to suggest that the whole Province should be split up into small principalities having their separate small languages with small ideas and nothing in common. I have not the slightest doubt that he would be the last person to agree to sub-divide the Punjab into three principalities, Punjabi, Urdu and Hindi. When the heat of the moment is passed, when the passions are cooled—for after all these are but transitory moments of excitement—in our heart of hearts we all want the Punjab to advance so that all may live happily in it. The language of the Punjab shorn of all these communal differences will be undoubtedly the language of the Punjab wherein Punjabi will become a little more polished and Urdu will become a little more simple. I trust, Sir, that even if the honourable members are not in entire agreement with me to-day they will be so to-morrow, and

therefore I leave this amendment to the honourable mover to withdraw if he so chooses.

Mr. President : Would the honourable mover of the amendment indicate what he wants to do? After hearing the reply does he wish to withdraw the amendment?

Professor Ruchi Ram, Sahni : If an assurance is given by the Minister for Education that the points which I have raised for instance, about the programme of the extension of primary education district by district and the making of elementary education more practical and the text-books about which he has said so much more suitable and the simplification of the language, if he gives an assurance that these questions will be discussed dispassionately in a meeting of the Standing Education Committee, I will be very glad indeed to withdraw.

The Honourable Mian Sir Fazl-i-Husain : Sir, I regret that I am not prepared to say a word more on the subject than I have already said, and I am not prepared to give any undertaking.

Professor Ruchi Ram, Sahni : I do not want to withdraw my amendment, Sir.

Mr. President : Grant under consideration, reduction moved—

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 5,00,900—Maintenance Grants for Vernacular Education (recurring)."

The question is that that reduction be made.

The motion was lost.

Mr. President : The question is—

"That an additional sum not exceeding Rs. 17,29,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Education (Transferred)."

The motion was carried.

MEDICAL AND PUBLIC HEALTH GRANT.

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

"That an additional sum not exceeding Rs 8,97,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1925 in respect of Medical and Public Health."

Mr. President : The question is—

"That an additional sum not exceeding Rs. 8,97,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Medical and Public Health."

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I rise regretfully to oppose this grant. I wished to put in an amendment which I did do, but as the office was closed on Sunday the amendment was not within time. I would very much like to take

[Mr. V. F. Gray.]

this opportunity of asking Government if they could not let us have the supplementary estimates and particulars earlier. I got them a week before the Council started. I tried to collect my constituency together which is spread out over the whole of the Punjab and to consult them. I met many of them from the South in Delhi. Then I came up to Lahore and consulted those from the North here. But it did not leave me time to put in amendments. I am sorry that I have to oppose the whole demand to raise one or two points.

The first is the Lahore Lunatic Asylum. I shall be very glad if Government can see their way to give an increased grant to the Asylum, so that local bodies when sending lunatics have to pay less. It is rather a strain on the resources of local bodies in paying the amounts if they have to pay for the inmates to the Lahore Lunatic Asylum. If Government could see their way to increase the grant, it would reduce expenditure for the local bodies. That is one point.

The other point I want to raise is in regard to the Infectious Diseases Hospital in Lahore. The hospital is in a disgraceful condition, at present. I do not think I need dilate on it, because it is a matter which is well known to everybody. The hospital was closed over twelve months ago and now temporary quarters have been taken and I further understand, owing no doubt to the press agitation last night, a nurse was engaged This is not satisfactory. As soon as the present agitation subsides, I have no doubt the nurse will be dismissed and we shall drift back to chaos. I blame the Lahore Municipality for disgraceful negligence in this matter and I think we are entitled to look to Government to step in and see that we are protected. We must have an Infectious Diseases Hospital in the capital of the Punjab. There is one, I understand, for Indians and Europeans. I want the Government to give an assurance to this House that they will do something to see that this hospital is built and put on a sound footing at a very early date.

4 P.M.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan Rural) : Sir, I cannot allow this demand being passed without saying a few words as regards public health in all parts of the province. I think there is a demand for sanitary grant in this item. When I look at the details about this grant, I find the grant for Sanitary Board included therein. I believe I am right in thinking that this demand includes a provision for sanitation.

The Honourable Mian Sir Fazl-i-Husain : Yes.

Rai Bahadur Lala Sewak Ram : Sir, I am sorry to note that not a single pice has been allotted for rural sanitation. Time and again I have complained to the Honourable Minister that very little is being done for rural sanitation. Whatever money is granted to the Sanitary Board is taken up by municipalities and district boards. (Hear, hear). The municipalities and district boards spend whatever money they get on towns either at the headquarters or elsewhere and absolutely no money is spent on rural sanitation. Little villages, nay, even small towns, for instance, Satgara, Hujra and Malka Hans in the Montgomery district are in a hopelessly bad condition and not a single pie has been spent on them. Similarly I can speak for small towns in the Multan district where I have got personal knowledge of the state of affairs. There the district board does not spend a farthing on the improvement of sanitation of the small towns and rural areas.

I have also made several representations that the rural population is not properly represented on the Sanitary Board. . . . . .

The Honourable Mian Sir Fazl-i-Husain: What is the justification for the honourable member's statement that the rural population is not represented in the Sanitary Board ?

Rai Bahadur Lala Sewak Ram: I have a list of members of the Sanitary Board with me.

The Honourable Mian Sir Fazl-i-Husain: So have I.

Rai Bahadur Lala Sewak Ram: So, Sir, their case is not properly represented in the Sanitary Board in order that the rural area may get adequate grants. Now under this Sanitary Board there are about 13 schemes . . .

The Honourable Mian Sir Fazl-i-Husain: Sir, I may point out that seven-eighths of the non-official members of the Sanitary Board are agriculturists, they are either members of this Council representing the rural areas or they were representatives of the rural areas in the last Council.

Rai Bahadur Lala Sewak Ram: Some of them live in towns although they may be representatives of rural areas. In the explanatory memorandum it is said, "The Sanitary Board has now before it thirteen approved schemes ready for execution at a total estimated cost of Rs. 19,50,122 but they cannot be commenced without financial assistance from the Sanitary Board." The list of those schemes is not supplied to us and so we do not know what those schemes are. But if that list had been supplied or if they are read out by the Honourable Minister now, it will be observed that all these schemes refer to big towns at the headquarters of the districts. I don't know how far the money allotted by the Sanitary Board for rich municipalities and district boards will be spent on sanitary works alone. But with that I am not at all interested. What I am interested in is that adequate grants should be given for rural areas. Last year, when I raised the same question I was told that the district boards were informed that if the rural areas required grant for sanitary improvement necessary application may be made and that the district boards did not apply. The fact is that the district boards do not properly circulate these circulars to rural areas and do not call for schemes from the rural areas. The money that the district boards get is spent in towns and they do not want to give anything to rural areas. I therefore submit that unless a good deal of money is allotted for the improvement of small towns and rural areas, the giving of grants to the Sanitary Board will be utterly useless.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban]: Sir, this subject is a very important one. Unfortunately in the past the authorities have not shown any enthusiasm at all in the matter of the health of the whole of the Punjab. The health of the province depends to a very great extent upon the health department. A little epidemic in one corner of the Punjab might spread over other parts of the Punjab. Sir, look at the cities which are springing up within the last twenty years in the Punjab. You will find that in some of the new cities the *mohallas* which are being added to are dirtier and more unscientific, they merely being alleys, than was the practice 300 years ago. In fact we are going back even from the old system.

[Sh. Md. Sadiq.]
There is not even breathing space between the houses. I would like to draw the attention of the Honourable Minister and of the Director of Public Health to this state of affairs. I would suggest that some legislation should be brought in for building new houses on scientific lines. Unless the lanes are wide enough and breathing spaces are left for the inhabitants of those places, it is much better to stop building new Mohallas whether in big cities or in small towns. The present system of building houses will only bring ill-health and the spread of epidemics. The time has come when the health department should take steps to prevent epidemics in the whole province. There is no use saying later, "We are helpless, because the people of the province won't observe sanitary principles." If the people won't observe sanitary principles, it is the duty of the Government to see that the people are made to observe those principles, and look to the interests of the country at large. I most strongly urge, Sir, that the time for keeping quiet is gone. The members of the Council will, I am sure strongly support any legislation that is brought forward for building houses on scientific basis.

Mian Abdul Aziz [Lahore City (Muhammadan), Urban] (Urdu): Sir, the greater the money allotted for the Public Health Department the better it is, but the trouble is that demands of both the rural and urban population are not satisfied. Both of them complain against the inadequacy of the measures taken by the department. I quite agree with the honourable mover and Rai Bahadur Lala Sewak Ram in their protest against the meagre sum spent in safeguarding the lives of the people. There is much truth in it. But the reason why things are so bad in the rural areas is that big men live in towns and are unaware of the actual conditions as others are because they care more for the place where they live, where they drive in motors, etc., and are prepared to sue the corporations for damages in case of accidents. Certainly as much money as may be possible should be spent on rural sanitation. But to say that things are in any way better in Lahore than in rural areas is to betray a gross ignorance of the facts. Do not judge Lahore by the Mall or some portions of the Civil Station? Look at Lahore as Lahore is in the slums, in the streets and in the quarters where you and I and our brethren whom we represent live. They are in a far far worse condition. I do not mention Lahore city alone because I want to draw any particular attention to it, but I mention it because notwithstanding it is the premier municipality of the province and the seat of the Punjab Government, things here are typically bad. Sanitation here is very bad. All round the city and by the dwellings of the people drains and city sewers full of dirt and filth afford a very congenial breeding place for the mosquitoes. Time after time people have made representations to the Lahore municipality; they have written to the Public Health Department. I have myself drawn notice to this question by interpellations in this Council, this time but all this uproar has so far proved no more than a cry in the wilderness. The Lahore Municipality receives from the new and extended settlements sufficient revenues but not a penny is spent on the sanitation, metalling, lighting or watering of these places. To say with all these facts before us that sanitation in Lahore is well looked after is a gross misrepresentation. Civil Station is not the whole of Lahore. Lahore comprises of lanes, bye-lanes and slums. The same may safely be said of other cities as well. We should not make distinction between rural and urban areas. If urban areas are unhealthy, this will have its effect on villages also.

Villagers have, for their ordinary business, to come to cities and if things are bad there, they will catch infection and import it to their villages.

Sir, my lament is that they sit quietly and wait for the epidemics to rage furiously, before they take steps to improve matters; when it has already got a strong grip and taken a heavy toll, they waste money like water. But till then they move not their little finger to take any preventive measure. They can avoid all this misery by adopting preventive measures. A penny spent in time can save a pound wasted afterwards. I respectfully submit these suggestions to the Director of Public Health. I invite him to accompany me and see things for himself, and see into the slums and streets of Lahore. More money should be provided for the Public Health, and something practical should be done. Otherwise this idle exchange of words is of no use. The attention of the subordinate officials whether of the municipal committee or of the district board should be drawn to this all-important subject.

One thing more. The honourable member, my friend Mr. Gray, has drawn the attention of the House to the Infectious Diseases Hospital for Europeans and its discontinuance. Sir, I may say here that I speak not to defend the Lahore municipality, I speak to condemn it. I read a few days back an article about this hospital in the paper, but I say what is the good of having a hospital at so heavy an expense for the benefit of so few. During the time I was in the municipality, I found that only 18 patients were treated in that hospital in one year at a total cost of Rs. 1,200 per mensem or nearly Rs. 15,000 per annum. Out of these 18, only 9 patients were treated for infectious diseases, the remaining 9 being syphilis cases and the like. In saying all this I am not minimising the value of European life, but speaking from a human point of view I do consider that Indian life is as valuable as European life. But has any consideration been ever given to the millions of Punjabi lives lost in these epidemics which have taken India as their abode? What has the municipality ever done for them? We find an Infectious Diseases Hospital for Indians outside Taxali Gate put up in thatched huts. Patients are made to stay in these straw huts in summer as well as in winter without much attention or comfort, like valueless untouchables, nothing being providedfor their comfort. I am extremely sorry for the loss of the life of that European referred to in the article, for want of proper attention and treatment, but after all in another respect I am not so sorry, as this one case has drawn the attention of some honourable members of this House, and their sympathies, and which I wish will prove effective. I, therefore, hope that the municipality would be moved to erect a building for the said hospital for which money has already been sanctioned and which would be a combined one, both for Europeans and Indians at an early date. This has been kept pending for so long in spite of the fact that everything was complete when I was in the committee two years ago.

Matters must be made to improve more rapidly and radically even if we have to sanction more money. But if things are to be discussed only to be printed up in the debates then, I submit, it is no use wasting our time and public money on all this. I, therefore, again draw the attention of the House to the sewers, storm-water channel and drains all round the city and to the Infectious Diseases Hospital and trust that the Director of Public Health will draw immediate attention of the municipality of Lahore and wake up its health department, which is sleeping entirely negligent of sanitation.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] Urdu: Sir, my honourable friend Mian Abdul Aziz has depicted the sanitary conditions of Lahore as they are to-day. We the outsiders envy the condition of Lahore. If the sanitary conditions of Lahore be compared to those of villages we will have to admit that Lahore is a specimen of paradise on the surface of the earth. Here we find so many Inspectors-General, Ministers and strong Presidents like Chaudhri Shahab-ud-Din doing all that lies in their power to improve the sanitary conditions of Lahore. You would find here every kind of arrangement for the public comfort. Doctors are available for the purpose of medical treatment. Sweepers distribute rat traps. There are various other arrangements for the killing of rats and inoculation is easily available. Do go in disguise to villages. You would be horrified to see the conditions in which the villagers live. I would say something about the sanitary conditions prevailing in my district. There is one or the other fell disease raging in the district every year. Poverty and other various sufferings of the people are unspeakable, but as the Persian proverb goes:

هر چه آید بر سر فرزند آدم بگذرد

(What cannot be cured must be endured) they are passing their days silently.

In a previous year in my district the malarial epidemic broke out. I wrote to the Civil Surgeon to supply us with quinine. He informed me that my application was forwarded to a higher authority in Multan. Now we were impatiently waiting for the orders or arrangements to be made by the orders of that higher authority. We were thinking that that higher authority of Multan would adopt some suitable means to root out this disease. He would use some magic or gas for the purpose. But as the Persian proverb runs:

مردے از غیب برون آید و کارے بکند

we were waiting for a person from the invisible regions to work wonders among us, but he never turned up. Our expectations failed and we found that that higher authority was performing miracles in some other place. The staff of the Civil Surgeon told us that they were not meant for preventing the epidemics. It is not their function to adopt preventive measures against the epidemics but simply to supply us with medicine. In short lakhs of people died of this disease in the province. After this the plague epidemic invaded the *ilaqa*. There were hundreds of military men who were not afraid of being inoculated. They wrote to the Medical Officer on plague duty to inoculate them. The officer, having a good number of titles covering the whole alphabet, never cared a bit for it. Consequently neither the officer himself appeared in the plague stricken area nor was any medical aid sent. Once the Deputy Commissioner visited the *ilaqa* and I drew his attention to the insanitary conditions of the *ilaqa* but in spite of all exertions on our part that medical or magical authority so to say never came to help us. Lakhs of people who fill up the coffers of the State for maintaining these negligent high officials died of plague in the Province. When I drew the attention of the Chief Medical Officer of Public Health in this connection, I was informed that they were busy preparing the vital statistics and that he was contemplating some preventive measures to be adopted against the plague epidemic. But as the Persian proverb runs:

تا تریاق از عراق آورده شود مار گزیده مرده شود

What was the use of these measures being adopted when lakhs of people had already died of the fell disease. The Medical Officers often remark that the Punjabis, especially the zamindars, living in villages themselves, court death by creating insanitary conditions in their dwellings. They keep cows and buffaloes where they themselves live. Let their numbers decrease; they would come to understand the importance of health. As to this I would ask whether the same principle is applied to other civilized countries of the world? The surroundings of villages are still worse than those of the cities. There is a *chappar* and also a *dab* in almost every village and these are the breeding places for mosquitoes. If the villagers stand in need of medical aid they send for the Hospital Assistant and pay him some Rs. 10 or Rs. 12. Even this medical relief is not within the reach of every villager as he is very poor and cannot afford to pay this much. Consequently lakhs of people pass off to the next world. Had this happened in any of the civilised countries of Europe the democratic *spirit* of the people could not have tolerated it. When after this cholera appeared in the *Haqa* no precautionary measures were taken to withstand it. This is a disease which can be easily checked by taking the precautionary measure of mixing some medicine in drinking water. But the village people do not know of these medicines and consequently the disease carried thousands of souls to the other world. This is the real state of affairs. This is how the poor zamindars are treated by the Medical Department. These are the chief epidemics on which I have dwelt so far. But there is another, namely, influenza which if it once visits any part of the country thousands of people fall a prey to it. I admit that it never makes any distinction between the rich and the poor. It strikes with equal force on every one whether high or low. In the last winter a good number of people died of pneumonia. No medical aid was given. I believe that if medical relief had been supplied to the people many of them would have survived. Practically speaking there are two branches of the Department of Public Health which do not co-operate with each other. This is a serious defect in the working of the department. Their activities should be joint. Whenever there arises any occasion for their activities they should co-operate and help each other. They should use all means in their power to cope with any situation that comes up. There is another difficulty which lies in our way. Once a Medical Officer of Public Health who possessed European degrees, while travelling with me, complained to me that he was paid the travelling allowance on a low scale. When I proposed why he should not be appointed to work with Civil Surgeons he replied that it was an insult to him to work under a Civil Surgeon. Sir, this is the mentality of these officials and I think it should be cured first of all. The real state of affairs obtaining in India is most deplorable. Nobody pays any heed to this deplorable state of ours. There are no *vaids* or *hakims* in villages. When once Mian Abdul Aziz happens to witness all these things I am sure he would certainly feel grateful to Khan Bahadur Chaudhri Shahab-ud-Din for all that he has done to improve the sanitation of Lahore.

Mian Abdul Aziz: Never.

Sayad Muhammad Husain (Urdu): Does not matter. Last year when plague was raging in Lahore, Chaudhri Shahab-ud-Din, in company with His Excellency the Governor, visited most of the streets of the city and asked the inhabitants to co-operate with the authorities of the Public Health Department in dealing with the plague *epidemic*. On the

[Sayad Md. Husain.]
other hand, the villages are left in the most hopeless condition and nobody cares for them, not even those who are paid to look after the village sanitation. I think I have taken much of the time of the Council Hence I resume my seat asking the authorities of the Public Health Department to see that the grievances mentioned above are redressed and that the suggestions made by me in connection with the insanitary conditions of the villages are adopted.

Chaudhri Duli Chand [Karnal (Non Muhammadan). Rural] (Urdu): Sir, it is now a long-standing complaint that no separate allotments are made for rural and urban sanitation. Even during the pre-Reform days, I read in the proceedings that members objected to this common purse. But, Sir, in spite of this oft-repeated suggestion the rural and urban sanitation funds have not been separated. The major portion of the money comes from the rural people, and as long as we have no separate funds for the rural sanitation we cannot hope for any improvement. The conditions in the villages are so bad that you cannot have quinine even during the malaria season. . . .

Mr. President: Order, Order, the honourable member need not repeat the points which have been made by other members already. We have heard enough of the conditions that exist.

Chaudhri Duli Chand (Urdu): Then, Sir, the hospitals are not run for the convenience of the village people. The villagers derive little benefit from them. They are situated almost all of them in the cities and when villagers go to these hospitals they are treated very heartlessly. Even the city dwellers do not get adequate relief through these. They are mainly for the use of officers at district headquarters. Take for example the hospital in Karnal. It is, in fact, only for the use of the officers at the headquarters. The villagers go to these places only when they have fought with one another and broken their heads. On these occasions, even, although they are mercilessly fleeced, they are not at all given any treatment. There is another complaint. Barring a few exceptions these doctors are very unpopular and are disliked by the people because they treat them very badly. But if complaints are made against them no action is taken. They are corrupt in every sense of the word. There are a few exceptions, but a majority of them are corrupt. No attention is paid to the complaints of the public, either because the superior officers are under obligation to these subordinates or are interested in them. To substantiate my remarks, I bring to your notice a case about the accuracy of which there can be no doubt. One can doubt the veracity of a complaint made by an individual but there can hardly be any room for scepticism if the complaint is endorsed by a resolution of a district board. Sir, the District Board of Rohtak by a resolution complained against the Sub-Assistant Surgeon of Sampla. But as his superior was either connected or interested in him, he differed from the opinion of the Board and gave a certificate of good character to the Sub-Assistant Surgeon, and every body else endorsed it. That is what really happens under the present system of government. Whatever is written by the immediate officer is endorsed by others without any consideration whatsoever, till a question is raised in the Council. Then we find some action is taken and the man complained against is only transferred. Sir, I enter my protest against this and request that some action should be taken to remedy it or these officers will be emboldened to defy the people and corruption will increase.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education): Sir, I had what you might call the unexpected pleasure of listening to interesting points which were raised when there was no amendment tabled for this demand. So far as Mr. Gray's points are concerned, Sir, the Mental Hospital is a very necessary institution but I may also add that it is a very expensive institution. It is obvious that the local bodies should bear their share of expenses when they send cases to the hospital. I do not think it will be right to make the provincial revenues pay for them, in fact I am certain that the provincial revenues should not be made responsible for it. Such charges ought to be met by local bodies unless some very definite case has been made out. From what Mr. Gray has said, I do not think that a definite case has been made out.

As to the Infectious Diseases Hospital at Lahore it has a history behind it, and I was very glad indeed when the honourable member representing Lahore City got up and stated the whole history of the institution. As a matter of fact in view of the announcement that the municipality has weakened or has become strong enough to listen to the public demand of the people and the hospital has been reopened, there was no need to raise the point in this Council. The Punjab Government is not prepared to undertake the responsibility of meeting a lakh of rupees or so towards the cost of this hospital. A very small fraction of that hospital I understand has been estimated to cost Rs. 30,000 and a grant to the extent of Rs. 15,000, I am prepared to make, it being clearly understood that that does not imply any further responsibility for the rest of the scheme.

Next, I was favoured by my friend the representative of the Lahore City with observations as to the sanitation in Lahore. I entirely agree with him, Sir, in almost all the observations made by him. Mian Sahib has given eloquent expression to the grievances of the people living in his neighbourhood. Had he told us that the neighbourhood of the Minister's house is shamefully neglected by the sanitation authorities, he would not have been far wrong. I must make it absolutely clear that these are the functions of the local bodies and not of the Public Health Department. I tell the Council that the Public Health Department of the Punjab Government at present consists of a Director of Public Health and two assistants, a few clerks and three assistants working in laboratories. Just two or three more and I have exhausted the list of the Public Health Department service. The rest of the officers doing Public Health work are subordinate to various local bodies, municipalities and district boards. Then a member said that district boards neglect their duties towards rural areas and concentrate their attention on headquarters. For a member of a district board to make a serious allegation against himself is quite refreshing. I will make informal and private and confidential inquiries about the conduct of the district boards and inform him as to the result. I trust that the day is not far off when ignorance removed from the masses, the sense of duty developed in those who work on local bodies, many of the complaints that have been listened to to-day will no longer exist. Until that day I have not the slightest doubt that the Director of Public Health will do his very best to awaken this sense of duty which we seldom fail to insist upon amongst all who come under the sway of this Ministry and do our best to have these grievances removed as far as it lies in the power of half a dozen or more officers. I trust the grievances that have been mentioned in the Council Chamber, when they are read by the various members belonging to 700 local bodies in this province, will be taken by them to heart, and they will realize that

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

their misdeeds are being reiterated in the Council and spread broadcast. I also trust that they will feel that they ought to do their duty.

One word more, Sir, about our friend the Sanitary Board and the rural representation on it. Last time in March, when the honourable member made a strong point of it, I called for the papers and the list of members on the Sanitary Board. I found that either eight out of the nine or seven out of the eight members of the Board were persons who are representing the rural areas in this Council or represented the rural areas in the last Council. Only one, the President of the Amritsar Municipality, belongs to the urban area. In view of that I do not understand what the honourable member means when he says that the constitution of the Sanitary Board is such that rural interests are not represented therein. I trust he will not repeat the misstatement again.

As to the division of grants between rural and urban areas, as I have stated more than once in this Chamber, from 1921 onwards no schemes of relief to rural people in sanitary matters have ever been refused. Every effort has been made to circularise the district boards to send their demands. Whenever any scheme comes up, however imperfect it may be, it is not rejected or shelved but efforts are made to have it covered. If I am not mistaken, the money that has been now demanded includes an item of no less than nearly a lakh of rupees for purely rural water supply in an area which has been very badly in need of such a scheme.

Rai Bahadur Lala Sewak Ram: Where?

The Honourable Mian Sir Fazl-i-Husain: In a place, Sir, from which the Government of India draws a fairly large share of its revenues, from salt mines. I may assure the Council that the interests of rural sanitation are nearest to my heart and no scheme which is anywhere approaching completion will suffer from lack of funds, and will have, as decided by the Sanitary Board itself in its resolution, the first claim to a grant.

Now, Sir, turning for a moment to what my friend the representative from Montgomery said, I do not know whether to admire his eloquence or the facts which were shrouded in that eloquence. He referred to lakhs of people dying in his village during the epidemic of malaria. I doubt, Sir, whether that village is much smaller than Lahore city, for, otherwise lakhs of people cannot die there. . . .

Sayad Muhammad Husain: I did not say, Sir, that lakhs died in that village.

The Honourable Mian Sir Fazl-i-Husain: I am very glad the honourable member has corrected me, because I was seriously contemplating taking action against the Civil Surgeon of that district and the Health Officer responsible for it. If the Civil Surgeon and the Health Officer did not inform the Director of Public Health that lakhs of people were dying in that village from this epidemic, then the matter was of such a serious nature that I might have had to call for a report from them. It is a serious matter if in that village in the neighbourhood of a member of this Council lakhs of people died like flies. . . .

Sayad Muhammad Husain: Sir, I want to offer a word of explanation. There is some mistake in what the Honourable Minister says. I did not say that in a single village lakhs of people died. I said that lakhs of people died in the whole province.

The Honourable Mian Sir Fazl-i-Husain : What I mean to say is that when a complaint is made by an honourable member on the basis of his personal knowledge, I really take his statement very seriously and I want to institute definite enquiries as to what is happening in that village. I really thought that in the neighbourhood of Shergarh all these cruelties were being perpetrated. . . . .

Sayad Muhammad Husain : Sir, I do not want to withdraw a single statement I made. I have told the Honourable Minister over and over again that the lakhs of people referred to the whole province and that I wanted to draw his attention to my personal knowledge of my own district. Still he is harping on the same fact which he has got in his mind. (Laughter).

The Honourable Mian Sir Fazl-i-Husain : What the honourable member meant was to make a vague indefinite statement like the man in the street saying that the world is coming to an end. I am now prepared to value his allegation at its proper worth. But really I was very much worried before. Very well, Sir, if the matter related to the whole province, then we are all responsible, myself as well as my friend the Director of Public Health. It should be the effort of all of us to try to help the poor in our neighbourhood. If the civil surgeon is so heartless as not to supply the person in my neighbourhood with quinine in times of epidemic, I will complain against him and at the same time I will draw upon my own medicine chest just to supply him the quinine he needs. I trust the members of the Council will do the same and whenever malarial epidemic is raging in their neighbourhood they will themselves render the necessary help to the patients and then report to the authorities about the failure of the civil surgeon to supply medicine to the patients.

Sir, this is all about what has been said in the course of the discussion by honourable members. I am really making efforts to bring medical relief within the reach of the poorest and the weakest. At present I find that dispensaries are located in more or less big cities. I find that they are not evenly distributed in rural areas. I have been told that this uneven distribution of medical relief throughout the province is largely due to the fact that a particular place which has an important and influential member on a local body tends to obtain a hospital in the neighbourhood of that member's residence. That is regrettable inasmuch as the poor people who cannot claim to have produced an eminent and influential representative on a local body should not suffer on that account. We have now decided that we should apply more or less a mechanical rule in this respect and district boards have been requested not to have their resources diverted in this way in one particular place or in their favourite places but to see that medical relief is distributed evenly on the average of one dispensary for every 100 square miles and 30,000 inhabitants roughly. So I trust this medical relief expansion that will take place in future will take place in a way wherein there will be no favouritism, no partiality, no rich or influential people getting more than the poor and uninfluential. (Hear, hear). I think the next five years, if I am not mistaken, will see the expansion of medical relief, not to be too sanguine, do credit to the province.

Mr. President : The question is—

> "That an additional sum not exceeding Rs. 8,97,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Medical and Public Health."

The motion was carried.

AGRICULTURE GRANT.

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

"That an additional sum not exceeding Rs. 5,23,141 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Agriculture."

Mr. President : The question is—

"That an additional sum not exceeding Rs. 5,23,141 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Agriculture."

(At this stage Dr. Gokul Chand, Narang, rose to speak.)

Mr. President : Do you want to oppose this demand ?

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : No, Sir, I want to say one word in connection with one particular part of this demand. I do not oppose it in the sense that the whole demand should be thrown out, but I want to make a suggestion in connection with one part of this demand. If you will allow me, I will make that suggestion.

Mr. President : There is no amendment on the subject.

Dr. Gokul Chand, Narang : No, Sir. It is not a matter of amendment.

Mr. President : Are you proposing any reduction ?

Dr. Gokul Chand, Narang : I only want to suggest that a part of the demand asked for should be utilised in a particular way and not utilised in the way in which it has been proposed to do. If opposition is the only way in which I can have an opportunity of having my say, then I oppose the grant. But I do not want to create an impression that I am opposing the demand made by the Honourable Minister for Agriculture. I am opposing it only technically. The particular item to which I want to draw the attention of the Honourable Minister is a very small item of Rs. 6,000 only, but it involves a question of principle. This item is on page 9 of the supplementary estimates. The demand is for the pay of two auditors at Rs. 500 per mensem each.

The explanation for this item is given at page 29 of the explanatory memorandum to the budget estimates and it runs thus :—

5 P.M.

"The confidence and credit which the co-operative movement has established for itself among the people is the chief secret of its success. Reliability and regularity of accounts maintained by co-operative societies are the basis of the credit and confidence enjoyed by these societies. To maintain this credit and confidence authentic and regular audit of the accounts of Central societies is essential. It is therefore proposed that two full time auditors possessing high professional qualifications on Rs. 500 per mensem be entertained, half the cost of their pay being borne by Government and half by the Punjab Co-operative Union."

The item as I said in the beginning is not a very big item and I would not have touched it if it did not involve a question of principle. Those who know anything about the co-operative movement in the province know that there are something like 40 co-operative banks and there are a large number of co-operative societies and that there is such a body as the Punjab Co-operative Union which controls and advises these co-operative societies in the Punjab. This Rs. 12,000 which has to be spent on two new appointments is to be met half from the Co-operative Union and half from the public funds. This is for the purpose of better audit. As has been stated in the explanatory memorandum, the whole object is to inspire confidence and to ensure a regular and authentic account. On that point, I find that the central co-operative banks themselves have not considered this kind of audit which is now proposed as being very satisfactory. When the accounts of an institution like the Co-operative Bank or a bank which is incorporated under the Indian Companies Act are audited by its own servants, the satisfaction to the shareholders or the depositors is not so great as it is when the accounts are audited by an outside agency. The principle underlying auditing is that the work of a certain body ought to be examined and looked into by persons who are not connected with the institution so that the substitution of auditors in the place of outside professional auditors who up to this time have been auditing the accounts of this institution would not lead to improvement either in the keeping of accounts or in inspiring public confidence in these societies, in the success of which we are all interested. As I just now hinted the societies themselves do not like that. In fact in the report about these bodies for the year 1923, there is a paragraph at page 11 of the report about the working of the co-operative societies in the Punjab for the period ending the 31st July 1923, which says :—

> "One economy put into force with considerable hesitation owing to its obvious unwisdom is that audit by auditors holding certificates under the Companies Act has been replaced by departmental audit in many central banks. It is pleasant to be able to record that the central banks have protested as they realise the advantage of an outside audit by competent auditors and its effect on their depositors, but like other institutions the Union has had to balance its budget."

In 1923, it was recognised by the department itself that it was merely out of lack of funds that professional outside audit was replaced by departmental audits. The unwisdom of it was then described as obvious and it was recognised fully. This attitude of the co-operative banks themselves was appreciated by the department when they themselves in their own interest protested against their accounts being audited by the department because they felt that the outside public on whom they relied for their deposits and for strengthening of their finances would not be satisfied unless the audit of these accounts was entrusted to an agency outside the department itself. I really do not understand what circumstances have arisen which have made the department to change the policy which was adopted only under stress of circumstances because like every other institution when the budget of the province could not be balanced, this department also could not balance its budget if it was to provide for outside auditors. In 1924 also no case was made out for the substitution of outside auditors by departmental auditors. Now in the year of Grace, 1925, when the budget of this province is prosperous, I do not see any reason why that admittedly healthier course should be abandoned and independent audit should be replaced by departmental audit. It may be pointed out from the working for the last year of those institutions that they are in a position to pay outside auditors. It is evident that they have shown a surplus in their earnings. If the Honourable the

[L. Gokul Chand, Narang.]

Minister for Agriculture would be pleased to turn to the last report on the working of the co-operative societies in the province for the year ending the 31st of July 1924, he will find at page 7 that so far as the co-operative union was concerned it showed a surplus of Rs. 26,709 when it closed the account for 1924-25, so that it is not a fact that this Punjab co-operative union is in such a condition that the Punjab Government should go to its aid and vote a grant of Rs. 6,000 for auditing its accounts. It has got ample funds to provide for outside auditors.

Then arises the question of co-operative unions which are larger in number than the co-operative banks themselves. It will be found that so far as these unions are concerned the progress which they are already making is very slow. Everybody would regret this slow progress of these very useful institutions. One item which would attract depositors to deposit their money in these co-operative banks rather than in banks which are carrying on other lines of business under the Indian Companies Act is that the public should be inspired with the same confidence as the other banks inspire in their depositors and this fact was also recognised at page 9 of the report referred to above by me. It is admitted by the department that the position of these unions is not altogether satisfactory. Some fail to attract local depositors at all and merely borrow from the Imperial Bank and lend to societies. Therefore this is an additional reason why the accounts of these unions also should not be audited by a departmental auditor. So far as I am aware there is a very competent independent professional agency to audit these accounts. This independent professional agency at present audits the accounts of institutions which are much larger than these unions. If I am not mistaken the total working capital of these institutions is not much more than one crore of rupees while there are banks in this province, one of which alone has a working capital of more than 7 crores of rupees. I mean the one which has the honour of being presided over by my honourable friend Lala Dhanpat Rai. If there are professional independent auditors who can audit the accounts of such big institutions, there is no reason why that independent agency should not be employed for auditing the accounts of these comparatively smaller institutions, and this will confer the same advantages on these co-operative banks and these co-operative unions as the other banks and other limited companies enjoy. My object is not that this sum of Rs. 12,000 should not be voted, but the suggestions which I have made above would be quite in consonance with the demand which the Honourable the Minister for Agriculture has made, for the audit of the accounts. The question is only one of agency and I hope he will not consider these few remarks of mine as offered in opposition to his demand and that he would act upon the suggestions which I have made in all friendliness.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan,) Rural] : Sir, I will not take up much of the time of the Council on this point. The reason why I oppose this grant is that no advice is taken of the Standing Committee on Agriculture in making the new suggestions which are embodied in this grant. There is the agricultural committee of this Council and I would respectfully submit that the advice of such a committee should have been taken when new departments are being opened and when new appointments are being created and when a good many things are being done with the funds allotted to the Agricultural Department. As a

member of the agricultural committee of this Council I consider and feel slighted that no advice of that committee is taken when these new suggestions are being made. This is one of the most important reasons why this grant should not be sanctioned. This grant has not been properly considered by the agricultural committee.

Then my second point is that a number of new appointments are going to be created in this department. It has always been my misfortune that whenever I get up to speak I have to say something or other on communal lines. Yesterday many of my honourable friends were angry with me because I said something communal as regards the grant-in-aid to schools. To-day I am sorry I have got something to say on communal lines as regards the appointments. When appointments are made in the Agricultural Department, I find that another sub-section is created, namely agricultural *versus* non-agricultural communities. Even in the matter of admission to the Agricultural College, Lyallpur, the members of the non-agricultural community have got the greatest possible difficulty in getting admission. They have to give a hundred and one explanations before they can gain mere admission into the college. To-day I find that appointments are being created in three or four branches of the agricultural departments the details for which are given in pages 6, 7 and 8 of the explanatory memorandum to the supplementary demands. I earnestly hope that a fair share will be given to all the communities at the time when these appointments are made and I trust it will not be said that only the agricultural community will get all the appointments and that not a single one will go to non-agricultural community. I find that this distinction which has recently been introduced is the cause of great heart-burning among the non-agricultural communities most of whom are also land-owners and who also pay rates and taxes to the district boards and the Government.

Another point which I wish to bring to the notice of the House is the question of well-boring. A good deal of money is demanded for well-boring staff. I see from the details given for the well-boring staff that there is already an Agricultural Engineer. He was solely engaged for the purpose of doing well-boring work. But I now find that the Agricultural Engineer who is an Engineer by profession is taken away from that duty and is posted as the Principal of the Lyallpur Agricultural College.

It is not the function of an Engineer to become a Principal of College. If he is an Engineer, engineering work should be expected of him. The explanatory memorandum says that the Agricultural Engineer who is in charge of well-boring operations is too busy with other important work to go on tour frequently to check the work which is being done in the villages. Certainly, Sir, he would be busy when he is to do clerical work, passing bills and doing other work which is not his professional work. If he is left to do his technical work, I am sure there will be no necessity for creating this new post. Only engineering work should be taken out of him and not clerical work.

The third point I want to submit is that before money is spent on dry farming, this matter should be brought before the agricultural committee because I will be able to throw a good deal of light there and this money will be wasted if this is done without proper consideration. The work is going on at Gurdaspur which is a *barani* area and no fresh expenditure should be involved in dry farming. I do not know where it is going to go

[R. B. Lala Sewak Ram.]

tried because the explanation on page 26 does not say anything except that it is stated that it is to be located in the north of Punjab. I think that this money should be saved this year pending a full consideration on the point whether it will be usefully spent or not and I trust that this point particularly will be brought for discussion before the agricultural committee. For these reasons I oppose this grant.

Khan Bahadur Chaudhri Fazl Ali [Gujrat-East (Muhammadan), Urban] (Urdu) : Sir, I had no intention to speak on this occasion but for the speech delivered by Rai Bahadur Lala Sewak Ram. When he remarked that the demand under consideration should not be accepted for it was not placed before the Sub-Committee for consideration I thought that he meant the Finance Committee. But later on he talked of the committee for agriculture and remarked that he was a member of the committee and although he had got a good experience in agriculture yet his opinion had not been taken. On this, I concluded that for that reason he was opposing the demand. There are members of the House whose forefathers' occupation had been agriculture for centuries and who, as compared to a member whose knowledge of agriculture depends upon the cultivators, can well boast of their experience in matters of agriculture. But it is rather difficult for the Council to elect everyone of them for its Standing Committee for Agriculture. Even the Department of Agriculture cannot avail itself of the advice of each of them. This is a matter of finance. It should be considered in the Finance Committee. If the Honourable the Ministers have to go for sanction for every appointment to the various Standing Committees I would ask the honourable Lala Sahib what else is left to be done on the discretion of Ministers. In this connection I am reminded of a story that an English lady used to write. 'P. S.' after finishing her letters. A friend of hers remarked that it was a habit with the ladies to write 'P. S.' after finishing their letters. After a few days the same lady wrote a letter to the same friend of hers and after finishing her letter wrote 'P. S.' and drew his attention to the fact that she was writing 'P. S.' The same is the case with Rai Bahadur Lala Sewak Ram. Habit is the second nature of man. He cannot help exciting communal feelings but at the same time he expects that no one would blame him for his act. Whenever there is a talk of zamindars on the floor of this House, Lala Sahib takes the opportunity and begins to preach his sermons in favour of the urban people and attacks the zamindars. We are prepared to compromise with our Hindu brethren. Let there be a proportion fixed for each community in respect of that proportion. I know the Government has passed a resolution to the effect that 66 per cent. of Government appointments should be given to zamindars but no effect has been given to it. Therefore I request my friends that appointments should be made according to a proportion fixed by consent of both the communities.

Sir, co-operative societies mostly exist in villages. They work in villages. Hence it is the only department wherein only the zamindars should be employed specially those who reside in villages, otherwise the exertions of the department would not prove as useful as we expect them to be. In short it would be a very shameful act on our part to cut down any demand made for the beneficent subjects such as Education, Medical and Agriculture. Agriculture is the only industry in the province on which the prosperity of its people depends. Therefore I strongly request the Council to accept the demand.

Sardar Randhir Singh Kalaswala [Sialkot-*cum*-Gurdaspur (Sikh) Rural] (Urdu): Sir I am afraid Dr. Narang's opposition to the small sum is based on a misunderstanding. Sir, this Co-operative Union is an association created and subscribed by co-operative societies in the province with 7½ per cent. of their profits. There is a force of sub-inspectors under the Union, who are ordinarily matriculates and who audit the accounts of the various societies. Now, Sir, ordinarily these societies start on a principal of two to three thousands. They cannot afford to bear expenses of outside audit. These sub-inspectors are very low paid and you cannot have better qualified men. But, Sir, there are a number of societies and banks in the Punjab with big capital. So far these societies have been audited by these sub-inspectors. The Railway Union Co-operative Society is one of those big societies whose accounts are audited by these sub-inspectors. But as these sub-inspectors have no great experience or qualifications, they cannot properly audit their accounts. This Railway Union and many others in their meetings decided to request the Government to appoint better qualified men to audit their accounts.

A question was raised that the accounts of these unions should be audited by an outside agency. But generally, these outside auditors are very busy men and they send a clerk of Rs. 40 or 50 to check the accounts and themselves only certify afterwards. To remedy these things it has been decided to employ whole time men with better qualifications. As regards these expenses to be borne entirely by these unions, I submit that these unions are only of recent growth. They have not sufficient funds and they have come to us with a request to help them. We should subscribe to this audit a petty sum of Rs. 6,000 and secure an efficient checking of accounts.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Agriculture): Sir, I do not want to make a long speech, I will just say a few words about the various points that have been raised by the honourable members. Dr. Gokul Chand, Narang, drew my attention to the possible violation of an important principle in the matter of audit. That principle, if I rightly understand it, is that the accounts of any society or body should not be audited by persons who are removable at the instance of that body or society. I believe the Doctor Sahib knows that these banks, whether they are central banks or village societies or co-operative unions, are not Government institutions. They are only supervised by Government officers and helped in certain ways and to a certain extent. But they are private institutions altogether. They are run by private people on a co-operative basis and help themselves and seek assistance from Government financially and otherwise. This is the only relation between the banks and the Government. Therefore the officers who are appointed to audit the accounts of these various banks are Government servants removable by Government and not removable by any of these banks or any group of banks. There is therefore absolutely no reason to think that these people will not do their duty honestly and faithfully.....

Dr. Gokul Chand, Narang: I never said that; I only said that the public will have more confidence if you had independent auditors.

The Honourable Rai Sahib Chaudhri Chhotu Ram: Any way as these officers will not be removable by these banks or by a number of these banks acting together, therefore there is no reason for the public not to trust these officers, nor is there any danger that the confidence of the public will be shaken owing to the accounts of these banks being audited by the officers appointed by Government.

[Hon. R. S. Chaudhri Chhotu Ram.]

With regard to the points that have been raised by Rai Bahadur Lala Sewak Ram, that the advice of the agricultural committee was not taken before this demand was brought forward, I submit that it is very difficult to take matters of administrative details before the agricultural committee. There is no doubt that I have every desire to consult this committee on important points of principle and policy and I shall make increasing use of this body. But as I stated just now, it is very difficult to place administrative details before it for approval or for consultation.

The second point raised by Rai Bahadur Lala Sewak Ram was that some new appointments were being made and that these appointments should not be reserved only for zamindars and should not be given away on communal or class basis. I can say frankly that I have very definite views on the subject and can add that the appointments will be given to persons who are best suited for the work which is expected of them. That is my first principle. (Hear, hear). Of course I believe that district work in the agricultural department can best be done by zamindars while teaching work probably will be better done by non-zamindars. These are the principles in which I have very firm faith and ordinarily I will stick to them in making these appointments.

There was something said about well-boring and the proper use of the existing Agricultural Engineer not being made because he has also been appointed Principal. It was suggested by Rai Bahadur Lala Sewak Ram, that if the Agricultural Engineer were asked to do the work that really falls within his province there would be no need for having an additional supervisor. My friend is wrong there. The Department of Agriculture is expanding and expanding very quickly. It is impossible for one Engineer, whether he is the Principal of the College or not, to look after all the activities that are going on in the various parts of the province. The Agricultural Engineer has been appointed Principal, there are certain duties performed by him as Principal and he has also to look after a very large workshop at Lyallpur. He has also to supervise the manufacture of agricultural implements, to test them and to suggest improvements to them apart from the ordinary work of a Principal. He has also to devise certain new machinery best fitted for agriculture. He has also to make many experiments in the way of lifting of water, etc. Therefore I can say without exaggeration that very little time is left for him to go outside Lyallpur and supervise the boring operations that may be in progress in the various parts of the province at one and the same time.

Rai Bahadur Lala Sewak Ram also raised the question of dry farming being experimented upon at Gurdaspur itself and suggested not to have another farm. All the experiments that are made at Gurdaspur are made on land which is irrigated by wells It is not dry farming at all. Moreover the conditions that exist at Gurdaspur are not in any way analogous to the conditions which really exist in an area which is dry and entirely dependent upon fitful rainfall. I want to select an area where land depends for moisture altogether on rain and where the rainfall is very uncertain. We have not yet made any choice of the place or site ; but we propose to make the choice somewhere in the north-west Punjab where the site chosen will represent conditions which are general to *barani* tracts. I do not think there is any other point raised to which I should reply.

Mr. President: The question is —

"That an additional sum not exceeding Rs. 5,26,141 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Agriculture."

The motion was carried.

Chaudhri Afzal Haq: Sir, may we know what becomes of the amendments which have been just circulated?

Mr. President: The amendments were circulated, because they will be in time for to-morrow, so that if this item comes to-morrow any amendment to it would be taken up. They are not taken to-day because they are not in time for to-day.

Chaudhri Afzal Haq: Notice of these amendments was given on Saturday, so they are in time.

Mr. President: I understand they were received in the office after 3 o'clock. The attention of the honourable member is drawn to Article 23, according to which "if it (a notice) is delivered between 11 A.M. and 3 P.M. on a day when the office is open it shall be treated as delivered on that day. If it is delivered at any later time it shall be treated as delivered on the day on which the office is next open."

SITTINGS OF THE COUNCIL.

The Honourable Sir John Maynard (Finance Member): Sir, I want to make a suggestion. I am filled with apprehension by the duration of the proceedings. I feel it is extremely probable that they will not be finished satisfactorily by May 9th. I therefore have to suggest that the Council should decide to sit in the mornings as well as in the afternoons for the purpose of finishing the proceedings before the 9th May. Otherwise serious results will follow if the proceedings of this session are not completed in time.

Dr. Gokul Chand Narang: Sir, perhaps it will enable us to form an opinion if the Honourable the Finance Member will be good enough to give us a hint as to the nature of the disastrous consequences that will follow if the proceedings are not expedited. As it is it would affect us very seriously if the Council sits both in the morning and in the evening. Those of us who have to work for our living cannot be present here on both occasions and I think the number of such labourers here is fairly large.

The Honourable Sir John Maynard: I think the reasons are obvious and do not need to be explained at length. There is a very important measure coming before the Council and it is most desirable it should not be postponed. It is necessary that it should be dealt with by the end of the present sittings.

Sayad Muhammad Husain: Am I to understand that the morning sessions will commence to-morrow?

Mr. President: That is the suggestion.

Mir Maqbool Mahmood: Will the Honourable the Finance Member please say why this session should finish before the 9th May? Cannot we prolong it for a day or two?

Mr. President: I think it is a matter in which the honourable members can really choose for themselves as to what course would be more preferable to adopt. I have noticed that, during the last few days, that we have been sitting there has been a tendency towards prolixity in speaking. The speeches could have been considerably cut short at the option of the members without prejudicing the interests which they wanted to serve. During the remaining time either they should themselves undertake to limit their speeches or agree to longer sittings. It is advisable that we should get through the work within the time fixed. As to the extension of the time, the honourable members know very well that it requires a lengthy procedure and requires the direction of His Excellency the Governor, and besides Government is moving on the 9th and so it would not be really convenient to go on with the session any longer. So, there are two suggestions before the Council. There is the suggestion of Sir John Maynard, namely, that the Council should sit both morning and afternoon. If some members find this inconvenient, then I would ask the members of the House to adopt the other method, namely, trying to cut short their speeches and finish the business within the time allotted. It goes without saying that an important Bill is coming which will require discussion and as many members will be anxious to take part in it, we want to have sufficient time for it.

Lieutenant Sardar Sikandar Hayat Khan: Sir, if it is not convenient to sit both morning and afternoon, may I suggest that we might have night sittings?

Malik Firoz Khan, Noon: I would suggest that the mover of an amendment may have ten minutes and other speakers five minutes each.

Mr. President: So far as the suggestion about time limit is concerned, I am afraid it is not open to me to fix any time limit in cases of speeches on amendments to grants, but as I have said already if honourable members would restrict their own speeches we will have ample time left for the whole business to be gone through. What about the night sitting?

(Voices: No, no).

Mr. Miles Irving: We might have a night sitting to-day in continuation and we might see how we get on with the work.

Mr. President: I think we might accept the Honourable Sir John Maynard's suggestion to hold two sittings for to-morrow, one in the morning and another in the afternoon. If we get through a greater part of the work, then we will have two clear days for the Gurdwara Bill and it may not be necessary to hold a morning sitting for three days.

Rana Firoz-ud-Din Khan: We have still got three days more and the business left is not very much. In the ordinary course we will be able to finish these supplementary demands at one sitting to-morrow afternoon and if we do not, we may sit till later in the evening. Then we will have two clear days left for the Gurdwara Bill. I think this is more than enough. So my submission is that it is neither necessary to hold a morning sitting nor a night sitting.

The Honourable Mian Sir Fazl-i-Husain: What the honourable member Rana Sahib has said comes to this? We will try to do what we can up to six o' clock to-day and we will sit to-morrow as usual at two o'clock and continue till we finish all the demands.

Sayad Muhammad Husain: I think it will be better to start our work to-morrow morning at 7 so that we can have two sittings and finish the whole work.

Rai Bahadur Sir Gopal Das, Bhandari: As I said the other day, the House should also look to the convenience of the members who come from the mufassal. I have a right to claim that my interests as well as the interests of those who come from the mufassal like myself have to be looked after. To hold a morning sitting or to continue the afternoon sitting till late in the night is really unnecessary in my opinion if my suggestions are followed. My opinion is that we are all at present victimised with long speeches by local men. The speeches should be restricted to a great extent. Looked at dispassionately, what do these speeches come to? They are mere repetition, and repetition and nothing else (Voices *Order! order!*). Honourable members may cry out and call me to order but they will not succeed in changing me in the way they desire. From my own point of view, I have to come every day from Amritsar and regularly attend the Council as I consider the business of the House to be important. I submit that the rights of the minority cannot be brushed aside. I once more appeal to honourable members to cut short their speeches on the amendments and thus avoid the necessity of either holding a morning sitting or a night sitting.

Mr. President: I think we may adopt the suggestion made by the honourable member Rana Sahib and endorsed by the Honourable the Minister for Education and we may hold our sittings to-morrow as usual at 2 P. M. and continue if necessary till after 6 P.M. till all the grants are finished. I think this suggestion is quite feasible and this will give us two clear days for the Gurdwara Bill.

GOVERNMENT'S DEMANDS FOR ADDITIONAL AND SUPPLEMENTARY GRANTS, 1925-26—CONTINUED.

INDUSTRIES GRANT.

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

> "That an additional sum not exceeding Rs. 54,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Industries."

Mr. President: The question is—

> "That an additional sum not exceeding Rs. 54,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Industries."

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association Commerce): I rise to oppose the whole grant. I have a small but a very important matter to bring to the notice of the House. The Punjab is spending a large sum of money industrially. The proposal here is to have six new schools at Rs. 5,000 each. From the details given in the explanatory memorandum I see that the headmaster is to be paid Rs. 80, the drawing master, Rs. 30, two artizan masters, Rs. 30 each and a vernacular teacher Rs. 35. I ask what sort of technical schools can you have on these

[Mr. V. F. Gray.]

lines? My submission is that it is absolutely throwing the money away. Can't you give one decent school which would really be useful to the province? You may yourself choose the subject which is to be taught in each school, but all that I want is that the boys should be taught something which can be of some use to the commercial community of the province when the boys quit the school after their course of training is over.

There is one other point that I should like to suggest, that is with regard to the Roorki Thomason Engineering College. They are turning out boys who are of great value to the commercial firms. There is a big demand for boys like those who come out of the Roorki Engineering College. Immediately they leave the college, they get good wages. As far as I know the Punjab makes a donation to that college and thus allows ten Punjabi boys to go to the college for study. My submission is that in a matter of this kind, it will be well if we double the donation and thus provide for twenty Punjabi boys being trained in that college. At present there are far more applicants seeking entrance into the college from the Punjab than from the United Provinces and in my opinion that is really a good school. I ask the Government to seriously consider the idea of doubling the grant to the school. My submission is that instead of having many inefficient schools, it is better to have a single school most efficiently equipped capable of turning out efficient boys fit for the commercial community of the province. Instead of having five or six useless schools like the ones for which provision is made now, it is better to have one really good school. The schools like the ones for which provision is sought to be made are not industrial schools in the real sense of the term but they are mere trade schools. If it is still intended to proceed with these five schools then, I submit the teaching of carpentry, smithy work, etc., only should be attempted. Such technical subjects as weaving should be left severely alone. You cannot get a really efficient headmaster on Rs. 80 per mensem, or a drawing master on Rs. 30, for surely a weaving master for example can earn much more as a millhand in a weaving shed than the salary offered to the staff in the schools contemplated to be opened.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders-General): Sir, in connection with the Roorki Engineering College I wish to say something. Since last year there has been considerable complaint on account of the fact that the Punjab students who are undergoing training in that college have had to give up their studies in the college because the Punjab Government would not contribute the amount sufficient for the maintenance of the college which was demanded by the United Provinces Government.

Mr. Miles Irving: The contribution for the Roorki Engineering College comes under Civil Works and not under Industries.

Mr. President: If the honourable member (Raja Narendra Nath) is speaking on the contribution to the Roorki Engineering College, then it does not come under this demand but under Civil Works.

Diwan Bahadur Raja Narendra Nath: Then I will reserve my remarks for the proper occasion.

Malik Firoz Khan Noon: 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.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Agriculture): Sir, I will say only a few words about the suggestion made by the honourable member Mr. Gray that these schools which are on a very modest scale with very humble teachers should not be started. He also suggested that if this money was granted it would be a sheer waste. I think it is very difficult for people who live in Lahore to bring themselves down to the level of the people of the rural tracts. These schools are solely meant for the benefit of the rural population who have very humble demands. These schools are meant only to promote cottage industries and there are also other proposals under contemplation for having first class centres. But the schools for which provision is being made at present are mainly meant for rural areas only where the needs of the people are humble and can be met by persons trained in these humble schools.

Mr. President: The question is—

"That an additional sum not exceeding Rs. 54,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Industries."

The motion was carried.

CIVIL WORKS (TRANSFERRED) GRANT.

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

"That an additional sum not exceeding Rs. 13,97,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926, in respect of Civil Works (Transferred)."

Mr. President: The question is—

"That an additional sum not exceeding Rs. 13,97,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Civil Works (Transferred)."

Sayad Muhammad Husain: [Montgomery (Muhammadan), Rural]: Sir, I beg to move—

"That the grant be reduced by Rs. 5,00,000 with respect to the item of Rs. 5,00,000. Anticipated expenditure under the Road Programme."

Mr. President: The honourable member can reserve his speech on this amendment until to-morrow.

The Council then adjourned till 2 P.M., on Thursday, the 7th May 1925.

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PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Thursday, the 7th May 1925.

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

ANNOUNCEMENT FROM THE CHAIR.

Mr. President: I have to acquaint the Council that His Excellency the Governor-General has been pleased to accord his assent to the following measures:—

The Lahore Terminal Tax Validating Act, 1925.

The Punjab District Boards (Amendment) Act, 1925.

QUESTIONS AND ANSWERS.

LOCAL BODIES DRAWING ON THEIR BALANCES.

1845. Mr. E. Maya Das: Will Government be pleased to state the names of local bodies which during the past two years applied for sanction to carry on their work by drawing on their respective balances?

The Honourable Mian Sir Fazl-i-Husain: The municipalities of Pindigheb, Jalalpur Jattan, Ambala and Gujrat and the district boards of Ambala and Shahpur.

Mr. E. Maya Das: In how many cases was sanction given?

The Honourable Mian Sir Fazl-i-Husain: I am afraid I cannot not say.

BUDGET OF THE SHAH NAHR CANAL.

1846. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 160,* put by me on the 18th November 1924?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The matter has been referred to the local officers for report, which has not yet been received. An answer will be communicated to the honourable member when ready.

GRAZING OF CATTLE IN THE NAND PIR FOREST OF THE HOSHIARPUR DISTRICT.

1847. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 1110,† put by me on the 21st November 1924?

* Vol. VII, page 472.

† Vol. VII, page 810.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer to Question No. 1110,* is laid on the table:—

Answer to Question No. 1110.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) No. The area of the forest in question is 1,809 acres, 1,240 acres of which are set apart as grazing ground for seven neighbouring villages without charge. In the remainder, 569 acres, which are closed to grazing, the right to cut grass is annually sold by auction. But the neighbouring villages are, under the Forest Rules, given preferential rights to purchase. The amount realised by such auctions annually, on the figures of the last five years, averages Rs. 82.

(*b*) and (*c*). The system of auction has been in force since 1915; before that this area was not open to grazing; the reason why grass was not auctioned before 1915 was that there was none to sell, so denuded had the area been by a lessee to whom previously it had been leased.

(*d*) In four other tracts of reserved forests, which are under the charge of the Forest Department.

(*e*) No.

(*f*) Government does not think this necessary in view of the facts given above.

INCOME FROM RESIN PRODUCED IN SHAMILAT AREAS OF THE KANGRA DISTRICT.

1848. Chaudhri Ram Singh: With reference to the answer to part (*a*) of Question No. 1112,† asked on the 21st November last, will Government be pleased to lay on the table the figures if they have since become available?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The information required is laid on the table and was communicated to the Honourable President in Punjab Government letter No. 27823, dated the 11th December 1924, and passed on to the honourable member on the 13th December 1924:—

Answer to Question No. 1112 (a).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Rs. 1,547 approximately.

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OFFICIAL RATES OF PRICES FOR GRASS AND FUEL AND WAGES FOR COOLIES.

1849. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 1442,‡ put by me on the 3rd March 1925?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer to Question No. 1442 was forwarded to the Honourable President for communication to the honourable member on the 14th March 1925 and is now laid on the table. It is regretted that owing to an oversight the order enforcing these rates was not issued till the 6th April 1925.

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* Vol. VII, page 610.

† Vol VII, page 611.

‡ Page 230 *ante*.

Answer to Question No. 1442.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Statements A and B, giving the required information, are laid on the table:—

STATEMENT A.

Statement showing official rates of prices fixed for grass and fuel in Tahsil Kulu.

Serial No.	Name of stage.	Rate of grass per rupee. Green.	Rate of grass per rupee. Dry.	Rate of wood per rupee.	Rate of charcoal per maund.	Remarks.
		M. Srs.	M. Srs.	M. Srs.	Rs. A. P.	
1	Sultanpur	2 20	1 10	3 0	1 8 0	
2	Bajaura	2 20	1 10	3 0	1 0 0	
3	Bhuntar	2 20	1 10	3 0	1 0 0	
4	Chhaui	2 20	2 0	3 0	1 0 0	
5	Ibhara	2 20	2 0	3 0	1 0 0	
6	Jari	2 20	2 0	3 0	1 0 0	
7	Kasol	2 20	2 0	3 0	1 0 0	
8	Pulga	2 20	2 0	3 0	1 0 0	
9	Keron	2 20	2 0	3 0	1 0 0	
10	Nagar	2 20	1 10	3 0	1 0 0	
11	Kuraia	2 20	1 10	3 0	1 0 0	
12	Manali	2 20	2 0	3 0	1 0 0	
13	Jagatsukh	2 20	2 0	3 0	1 0 0	
14	Kothi	2 20	2 0	3 0	1 0 0	
15	Kaidhar	2 20	2 0	3 0	1 0 0	
16	Negri	2 20	2 0	3 0	1 0 0	

NOTE.—Garse stage has been sanctioned, but no contractor found as yet, hence not entered in this list.

Statement showing official rate of prices fixed for grass and fuel in Tahsil Seraj.

Serial No.	Name of stage.	Rate of grass per rupee. Green.	Rate of grass per rupee. Dry.	Rate of wood per rupee.	Rate of charcoal per maund.	Remarks.
		M. Srs.	M. Srs.	M. Srs.	Rs.	
1	Larji	5 0	2 0	4 0	1	
2	Banjar	5 0	2 0	4 0	1	
3	Shoja	4 0	1 20	4 0	1	
4	Khuang	5 0	2 0	4 0	1	
5	Ani	5 0	2 0	4 0	1	
6	Chusl	5 0	2 0	4 0	1	
7	Dilash	5 0	2 0	4 0	1	
8	Zaikathana	5 0	2 0	4 0	1	
9	Aras	5 0	2 0	4 0	1	
10	Seraban	5 0	2 0	4 0	1	
11	Bathad	5 0	2 0	4 0	1	
12	Jibbi	5 0	2 0	4 0	1	

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

STATEMENT B.

Statement of rate of wages fixed for a coolie in the tahsils of Kulu and Suraj.

(1) On all routes where pack transport is not used: One anna per mile per coolie, subject to a minimum of eight annas.

(2) During the harvesting months, *i. e.*, 1st May to 15th June and 1st October to 15th November, or when a high pass is crossed: Eighteen pies per mile per coolie, subject to a minimum of twelve annas.

(3) In the case of a coolie attending at a stage on requisition and his services not being required: Six annas per coolie per day ordinarily, and nine annas per coolie per day during the harvesting months.

TRAVELLING ALLOWANCE TO VETERINARY SURGEONS IN THE KANGRA DISTRICT.

1850. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 1444,* put by me on the 3rd March 1925?

The Honourable Rai Sahib Chaudhri Chhotu Ram: A copy of the answer to Question No. 1444 is laid on the table:—

Answer to Question No. 1444.

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) It has been ascertained that Veterinary Assistants in Kangra district, as in all other districts, are paid travelling allowances while on tour.

(b) Does not arise.

PAY OF VETERINARY COMPOUNDERS.

1851. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 1448,† put by me on the 3rd March 1925?

The Honourable Rai Sahib Chaudhri Chhotu Ram: A copy of the answer to Question No. 1448 is laid on the table:—

Answer to Question No. 1448.

The Honourable Rai Sahib Chaudhri Chhotu Ram: Yes, the compounders in the Veterinary hospitals are paid a lower rate of pay than the compounders in the Civil hospitals, but the question of fixing the pay of the compounders in the Veterinary hospitals rests entirely with the district boards.

SPECIAL CONSIDERATION TO THE CLAIMS OF ZAMINDARS AND MILITARY CLASSES IN THE POLICE DEPARTMENT.

1852. Chaudhri Ram Singh: Will Government be pleased to lay on the table the answer to Question No. 1697,‡ put by me on the 24th March 1925?

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* Page 231 *ante.*

† Page 231 *ante.*

‡ Page 822 *ante.*

The Honourable Sir John Maynard: The answer to Question No. 1697 is laid on the table.

Answer to Question No. 1697.

The Honourable Sir John Maynard: The reply is in the affirmative.

Chaudhri Ram Singh (Urdu): Will Government be pleased to give special consideration to the claims of the Dogra Rajputs in the Public Department?

The Honourable Sir John Maynard: Government takes a great interest in the subject.

DISTRIBUTION OF LANDS IN THE NILI BAR.

1853. **Chaudhri Ram Singh**: Will Government be pleased to state—

(*a*) the number of squares of land reserved in the Nili Bar, district Montgomery, for distribution amongst persons who have rendered military service;

(*b*) the number of squares of land which have so far been distributed;

(*c*) the number of squares of land which have been granted to the Dogra Rajputs of the Kangra, Gurdaspur and Hoshiarpur districts?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) 75,000 acres have been reserved for persons who have rendered military services;

(*b*) and (*c*) No distribution has yet taken place; the distribution will, however, be in the hands of the military authorities.

Chaudhri Duli Chand: Is Government aware that there is a rule that the sons of those killed in the great war will have no share at all in the distribution of land?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Government is not aware of any such rule.

Chaudhri Duli Chand: Will Government make enquiries?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: No.

LAMBARDARS, ETC., AND CARRYING OF *DAK* OF SUPERIOR OFFICERS.

1854. **Chaudhri Ram Singh**: Will Government be pleased to state if it is a fact that the services of lambardars, zufedposhes and zaildars are requisitioned for the purpose of conveying the *dak* of superior officers on tour? If so, will Government be pleased to consider the advisability of doing away with this practice?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: It is one of the duties of lambardars to provide on payment means of transport for officers of Government on duty, including carriage of *dak*.

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

Zaildars and safedposhes are bound to assist officers on tour, and generally to see that lambardars perform their duty. Government does not consider it necessary to exempt these officials from their obligations in this respect.

Chaudhri Ram Singh (Urdu): Will Government please exempt them from the work of a *dak* bearer

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: They are receiving payment already for the duties that they perform.

Chaudhri Duli Chand: With reference to the question of payment, is Government aware that lambardars have to provide means for the carriage of the *dak* of subordinate officers on no payment at all?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I do not think such is the case.

Chaudhri Duli Chand: Will Government make inquiries?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Unnecessary, I should think.

NAIB-TAHSILDARS AND EXTENSION OF SERVICE.

1855. Chaudhri Duli Chand: (*a*) Is it a fact that Naib-Tahsildars and Tahsildars are given extensions of service even after they have served the maximum period of service under the Fundamental Rules?

(*b*) If so, does this system not stand in the way of Naib-Tahsildar candidates being appointed for the posts?

(*c*) If so, what steps does the Government propose to take to safeguard the interests of the Naib-Tahsildar candidates in this respect?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) In the case of Tahsildars extensions have occasionally been given on special grounds. Information is not immediately available for Naib-Tahsildars, but can be obtained, if necessary.

(*b*) To a very limited extent.

(*c*) Instructions have already been issued that the provisions of the Fundamental Rules regarding extensions of service are to be strictly observed.

ZILLADAR CANDIDATES IN THE PUNJAB.

1856. Chaudhri Duli Chand: (*a*) Will Government be pleased to lay on the table a statement of all the zilladar candidates in the Punjab in the following form:—

Serial Number.	Name.	Home district.	Agriculturist or non-agriculturist.	Tribe.	Date of acceptance.	Officiating chances got hitherto.

(*b*) Is seniority taken into consideration at the time of giving officiating chances or permanent appointments ?

(*c*) Is any regard paid to the War services of the families of the candidates ?

(*d*) What is the percentage of zamindars in the existing cadre of zilladars ?

(*e*) What should be their percentage according to the circular of October 1919 ?

(*f*) If the percentage of zamindars in the existing cadre is less than what it ought to be according to the circular, will Government please state what steps it has taken or proposes to take to bring up the percentage to what it ought to be ?

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.

SUB-ASSISTANT SURGEON, SAMPLA.

1857. Chaudhri Duli Chand : Will Government be pleased to lay on the table the answer to my Question No. 1549,* asked on the 12th March last ?

The Honourable Mian Sir Fazl-i-Husain : The answer to Council Question No. 1549 is laid on the table.

Answer to Question No. 1549.

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

(*b*) That his behaviour was unsatisfactory and that he created friction.

(*c*) Yes.

(*d*) Yes.

(*e*) The enquiry made did not lead to a clear finding, and the matter is still under consideration.

(*f*) Yes.

(*g*) Some of the complainants were summoned but did not appear.

(*h*) The matter is still under consideration.

Chaudhri Duli Chand : Is Government aware that several articles have appeared in a newspaper of Rohtak making specific allegations about his corruption and unprofessional conduct ?

The Honourable Mian Sir Fazl-i-Husain : I very much regret that I have not been able to have access to that.

IRRIGATION WELLS IN THE JULLUNDUR DISTRICT.

1858. Sardar Partap Singh : Will Government be pleased to state if it is a fact—

(*a*) that the water level of the irrigation wells in the Jullundur district has been steadily going down ever since the Rupar Canal was constructed, and that in some of the villages the wells used for drinking purposes have quite dried up ;

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* Page 403 *ante*.

[Sardar Partap Singh.]

(b) that the irrigation capacity of the wells has been very much reduced, so much so that two or even three wells can hardly supply the same amount of water as was formerly supplied by a single well;

(c) that a well which could be constructed for Rs. 200 before, now costs Rs. 1,500 to build;

(d) that a pair of oxen of superior quality costing about Rs. 300 or Rs. 400 is now required for lifting water from the wells, whereas formerly a pair of oxen of ordinary capacity costing about Rs. 40 was sufficient to lift water from the same wells.

(e) that the indebtedness of the cultivators in Jullundur district is increasing, and that in spite of the fact that the prices of agricultural produce have gone up;

(f) if the answers to (a), (b), (c), (d) and (e) above be in the affirmative, will Government be pleased to state whether it is adopting or proposes to adopt measures whereby the water of the wells may come back to its former level or well irrigation may become cheaper and easier?

(g) if Government does not propose to devise means for making well irrigation cheaper and easier, or if it does propose to devise means, then pending the taking of such measures, will Government consider the desirability of reducing the land revenue imposed on the zamindars who have suffered loss on account of the construction of the canal?

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

MEETING OF THE JULLUNDUR SUDHAR COMMITTEE.

1859. Sardar Partap Singh: Will Government be pleased to state if it is a fact that a meeting of the Jullundur Sudhar Committee was held in the month of February at the Deputy Commissioner's bungalow? If so, will Government be pleased to state the circumstances which rendered it necessary to hold the meeting at the Deputy Commissioner's bungalow, and also state in what capacity the Deputy Commissioner and the Superintendent of Police took part in the meeting?

The Honourable Sir John Maynard: No.

ARREST AND CONVICTION OF PERSONS FOR ENTERTAINING SHAHIDI JATHAS.

1860. Sardar Partap Singh: (i) Will Government be pleased to lay on the table the answer to Question No. 1468,* put by me on 5th March last?

*Page 279 *ante*.

(*ii*) With reference to the remarks of the Chief Secretary in connection with the discussion of the demand for Police Grant—(*vide* page 624, Vol. VIII), will Government be pleased to state—

(*a*) the date on which instructions were issued that no arrests should be made for entertaining the Shahidi Jathas ;

(*b*) whether effect has been given to these instructions ;

(*c*) whether after the promulgation of these instructions any fresh arrests have been made ;

(*d*) if any arrests have been made, the reasons for the same ;

(*e*) if no arrests have been made in this connection, why people have been and are being arrested in the Rawalpindi and Ambala districts where the fifteenth Shahidi Jatha is now touring ; and

(*f*) whether prosecutions have been withdrawn or are being withdrawn against persons who had been prosecuted for entertaining the Shahidi Jathas prior to the issue of the instructions by Government ?

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.

INCOME AND EXPENDITURE OF THE DISTRICT BOARD, JULLUNDUR.

1861. Sardar Partap Singh : (*a*) Will Government be pleased to lay on the table a statement showing in detail the income and expenditure of the District Board, Jullundur, for the year 1924-25 ?

(*b*) Will Government be pleased to lay on the table a statement showing—

(*i*) the amount of *haisiyat* tax imposed by the Jullundur District Board on the village population ;

(*ii*) the amount which has been realised so far ;

(*iii*) the amount which is still to be realised ?

The Honourable Mian Sir Fazl-i-Husain : (*a*) The details are not yet available, but will be published in the next report on the working of the district boards in the Punjab.

(*b*) (*i*) Rs. 87,000 inclusive of *pachotra* and tax on Government servants who have subsequently been exempted.

(*ii*) Rs. 68,125.

(*iii*) Rs. 16,000.

SANITARY IMPROVEMENT OF THE JULLUNDUR DISTRICT.

1862. Sardar Partap Singh : (*a*) Arising out of the answer (communicated to me) to my Question No. 1142,* put on the 21st November 1924, will Government be pleased to state whether it was considered unnecessary to take any special measures for the improvement of the sanitary condition of the rural population of the Jullundur district or that this lack of special measures was due to the financial stringency or to some other reason ?

*Vol. VII, pages 623-24.

[Sardar Partap Singh.]

(*b*) Will Government be pleased to state—

(*i*) the amount of money allotted respectively by the Public Health Department and the District Board for the sanitary improvement of the Jullundur district in their respective budgets for the year 1924-25 ?

(*ii*) whether the amounts so allotted have been completely spent ?

(*iii*) the amount set apart for this purpose by the Pulbic Health Department and the District Board, respectively, for the next financial year ?

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

TRANSFER OF JUDICIAL OFFICERS FROM THE CENTRAL DISTRICTS.

1863. Lala Bodh Raj : Will the Government please lay on the table a list of judicial officers other than Sub-Judges who were transferred from the central districts to the districts far off from their homes during the past fifteen months for administrative reasons ?

Mr. H. D. Craik : The collection of the information asked would involve the expenditure of considerable time and money, and Government is unable to see that it would serve any public interest.

REVENUE SUB-DIVISIONAL OFFICER, ALIPUR.

1864. Lala Bodh Raj : Has it come to the notice of Government—

(*a*) that the Revenue Sub-Divisional Officer, Alipur, in the Muzaffargarh district, owns land in the sub-division ;

(*b*) that he has got connections by marriage in Alipur or its neighbourhood ?

Mr. H. D. Craik. No.

TEMPORARY ESTABLISHMENT IN THE REVENUE DIVISIONS OF RUNNING CANALS.

1865. Lala Bodh Raj : (*i*) Will Government please state the number of temporary Lower Subordinates, *i.e.*, clerks, draftsmen and tracers, who have been continuously employed for the past five years in the revenue divisions of the running canals and who cannot be spared or brought under reduction ?

(*ii*) Does the Government propose to take steps to bring all such temporary employees on to the permanent establishment ? If not, why not ?

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.

REWARDS TO HONORARY MAGISTRATES OF MULTAN DIVISION.

1866. Lala Bodh Raj: (*a*) Will the Government please state in which of the following forms have the Honorary Magistrates in the several districts of Multan Division been rewarded :—

Grant of land; nomination to the local bodies; appointment as non-official visitors to jails, or otherwise?

(*b*) Will the Government please give similar information for those Honorary Magistrates of the Multan Division who retired during the last five years?

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

TRANSFER OF AKALI PRISONERS FROM THE ATTOCK JAIL TO MULTAN JAIL.

1867. Lala Bodh Raj: (*a*) With reference to the answer to Question No. 2271* asked on the 6th March 1923, will the Government please say if it is a fact that the Akali prisoners of Guru-ka-Bagh and others that were confined in Attock Jail were transferred to Multan Jails in the beginning of 1923 after the report of the Committee of Enquiry consisting of Diwan Bahadur Raja Narendra Nath and Rai Bahadur Lala Sewak Ram was made to the Government?

(*b*) Is it a fact that certain jail officials of the Attock Jail were also transferred to Multan along with the prisoners?

The Honourable Sir John Maynard: (*a*) The Camp Jail at Attock Fort was closed on 5th March 1923, because of the decrease in numbers of Akali prisoners, consequent on the release of many of them. The remainder were sent to Multan Central Jail Camp. The closure of Attock was not on account of the visit of the two non-official visitors referred to.

(*b*) It is understood that this part of the question refers to the Multan Central Jail, whether the remaining Akalis were sent after the closure of Attock. Two Assistant Jailors were transferred from Attock to Multan Central Jail, when Attock was closed.

MAGISTERIAL ENQUIRY INTO THE ALLEGED ILL-TREATMENT OF AKALI PRISONERS IN MULTAN JAILS.

1868. Lala Bodh Raj: With reference to the answer to Question No. 2494,† asked on the 20th October 1923, will the Government please lay on the table the report of the Magistrate who held the enquiry?

The Honourable Sir John Maynard: The report is available for honourable member's inspection.

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*Vol. IV, page 986.

†Vol. V, pages 10-11.

TREATMENT OF HAKIM ABDUL JALIL OF PESHAWAR.

1869. Lala Bodh Raj: (*a*) Will the Government please state if any committee was appointed in October 1921 with the Deputy Commissioner, Multan, as President, to report on the treatment meted out to Hakim Abdul Jalil, of Peshawar, a prisoner then confined in Multan Central Jail?

(*b*) If so, will the Government please state the constitution of that committee?

(*c*) Will the Government please also lay on the table the report of that committee?

The Honourable Sir John Maynard: (*a*) Government directed the Deputy Commissioner aided by the non-official visitors of the jail to make an enquiry.

(*b*) The enquiry was made by the Deputy Commissioner, Khan Bahadur Muhammad Rab Nawaz Khan, Seth Prabhu Dayal, M.B.E., Khan Bahadur Sheikh Riyaz Husain, C.I.E., and Khan Bahadur Makhdum Sadr-ud-din Shah Gilani.

(*c*) The committee unanimously reported that it was satisfied that the treatment accorded to the prisoners was in no way contrary to the Jail Regulations or to the warrant under which they have been committed to jail. On the contrary, it appears that they have been treated with some special consideration by the Jail authorities. It also found (*a*) that the prisoners resorted to hunger-strike not on account of any specially harsh treatment, but as a protest against being treated as ordinary prisoners; and that the solitary confinement was given after the beginning of the hunger-strike, partly as prison discipline and partly to separate the prisoners and prevent them from concocting further plans together, (*b*) the refusal of Abdul Jalil to see Gazi Abdul Wahid was made in vindication of his desire to be allowed greater freedom to criticise Government and to correspond with his friends on the Frontier.

The committee recommended that the prisoner should be classed as a political prisoner and treated as such.

STORM WATER CHANNEL BETWEEN THE LAHORE RAILWAY STATION AND THE OLD LAHORE FORT.

1870. Mian Abdul Aziz: (*a*) Will the Government be pleased to state if they are aware of—

(*i*) the existence of a storm water channel along the Grand Trunk Road between the Lahore Railway Station and the old Lahore Fort;

(*ii*) its unhealthy condition; and

(*iii*) its utter uselessness as it brings back the water towards the Railway Station during the rains instead of taking it out towards the nullah?

(*b*) Will the Government be pleased to state what steps have so far been taken by the Public Health Department to remove the said channel or at least to remove its defects?

The Honourable Mian Sir Fazl-i-Husain: (*a*) Government are informed that the drainage of the area between the Lahore Railway Station and the Lahore Fort is unsatisfactory.

(*b*) The area in question being situated within municipal limits, it is the duty of the Municipal Committee and not of the Public Health Department to take action to remedy existing defects. The Public Health Department is, however, at all times ready to assist the Committee with its advice.

Mian Abdul Aziz: Is Government aware that the whole of that area is not within the municipal limits? It is within the control of the Public Works Department also.

The Honourable Mian Sir Fazl-i-Husain: I am afraid I cannot not say.

STORM WATER CHANNEL THROUGH FAIZ BAGH IN NAULAKHA AND CHAH MIRAN NEAR LAHORE RAILWAY STATION.

1871. Mian Abdul Aziz: (*a*) Will Government please state whether they have been consulted by the Railway authorities with regard to a proposed sewage or storm water channel which is to pass through the area of Faiz Bagh in Naulakha and Chah Miran near Lahore Railway Station?

(*b*) Has the Punjab Public Health Department examined the scheme from sanitary point of view? If not, will Government consider the advisability of consulting the Public Health Department before the proposed scheme matures?

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

(*b*) The Director of Public Health is at present in communication with the Railway administration with the view to the formation of a Committee, comprising representatives of the Municipal Committee, Lahore, the Railway authorities, the Director of Public Health and the Sanitary Engineer to examine the project.

DISMISSED EMPLOYEES OF THE GOJRA MUNICIPALITY.

1872. Nawab Sayad Muhammad Mehr Shah: (*a*) Has Government received any representation from certain dismissed employees of the Gojra Municipality?

(*b*) If so, what action has been taken thereon?

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

(*b*) Does not arise.

AUDIT OF THE ACCOUNTS OF THE OFFICE OF REGISTRAR OF CO-OPERATIVE SOCIETIES.

1873. Chaudhri Afzal Haq: (*a*) Will the Government please state what amount is spent annually by the Registrar of Co-operative Societies as contingencies and other miscellaneous expenses?

(*b*) Have the accounts of the office of Registrar of Co-operative Societies ever been audited? If not, will the Government consider the advisability of regular audit annually by a Government auditor?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The expenditure on contingencies in the department of Co-operative Societies varies from year to year. In 1924-25 it amounted to Rs. 33,000, including Rs. 15,000 for Stamps. The expression "Miscellaneous expenses" is not understood.

The bills of all Government departments are scrutinized in the Accountant-General's Office, and no further audit appears to be required.

RECRUITMENT, ETC., OF INSPECTORS AND ASSISTANT REGISTRARS OF CO-OPERATIVE SOCIETIES.

1874. Chaudhri Afzal Haq: (*a*) Will the Government please lay on table the rules and regulations for recruitment, promotion and dismissal of Inspectors and Assistant Registrars of Co-operative Societies, defining distinctly the designations and powers of the officers authorised to deal with the officers holding the above posts?

(*b*) Is there any regular list of candidates for the post of Assistant Registrars maintained? What is the procedure adopted for selection from amongst such candidates?

(*c*) Whenever a vacancy arises, does the Government select a candidate for the post or is the candidate selected by the Registrar and his name submitted to Government for formal approval? If the latter, have there been any instances of disapproval by Government of the Registrar's selection?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*a*) Assistant Registrars have hitherto been appointed by promotion of Inspectors, who have proved their efficiency and co-operative quality. Government is also considering the direct appointment of specially qualified persons. Their pay rises on an incremental scale. Inspectors are appointed by the Registrar of Co-operative Societies either from among experienced Sub-Inspectors employed by the Punjab Co-operative Union or from graduates. There are no formal rules, but agriculturists are in a large majority.

Inspectors are promoted by grade by the Registrar for satisfactory work. The dismissal of Assistant Registrars and Inspectors is governed by the rules applicable to all Government servants.

(*b*) No regular list of candidates has been maintained so far. When vacancies arise rolls of persons qualified for the post of Assistant Registrar are sent up to Government by the Registrar for acceptance, and the most suitable candidate is appointed as in other departments. The question of maintaining a regular list of candidates is under consideration.

(*c*) The name of a candidate is submitted to Government for approval. There have been no cases of disapproval.

GOVERNMENT'S DEMANDS FOR ADDITIONAL AND SUPPLEMENTARY GRANTS, 1925-26—(CONCLUDED).

CIVIL WORKS (TRANSFERRED) GRANT.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, for the information of the House I shall read again the amendment which I moved yesterday. It runs as follows:—

"That the grant be reduced by Rs. 5,00,000 with respect to the item of Rs. 5,00,000—Anticipated expenditure under the Road Programme."

Sir, you will be surprised to learn a member of the Communications Board opposing a demand for grant for communications which is the outcome of the

joint deliberations of the honourable members of the board. But, Sir, I have my reasons for doing so. I am still a supporter of the reclassification scheme as it is called. I am not in any way against it. What I want is that this expenditure should be postponed till next year and the money should be spent for a better purpose. You know this money has come to us by the remission by the Government of India of the provincial contribution through the kindness of the Legislative Assembly. We ought to spend that money on the most important needs of the province. I am of opinion that had the Legislative Assembly not rejected the salt tax in the beginning, we would have had a remission of the contribution even last year and there would not have arisen the necessity for raising the *abiana* and we would have cut our coat according to the cloth. Now that we have got the reduction in the provincial contribution, we must spend the money thus obtained on the most urgent needs of the province and postpone the expenditure on roads for another six months. I suggest that this money may be spent in starting mortgage banks in the Muzaffargarh district. Muzaffargarh is a poverty-stricken district. There is no use of spending money on roads in the Muzaffargarh district while the people are dying of starvation. The best thing will be to get rid of the economic slavery of the people of this district. The reason why I am asking for this money for the relief of distress in the Muzaffargarh district first is because, in my opinion, that is the poorest district in the province. On account of poverty it has been suffering from what is called relapsing fever. When Mr. Darling told these people that if they want to free themselves from this fever they must cast off their present clothes and use better clothes, the people replied, "we have no clothes, these are all that we have got. These are all the garments that we have. There is no other cloth that we can wear." I shall fortify my remarks about the poverty of the Muzaffargarh district by reading the extracts from the book which has been circulated to us for our information: "The Punjab Peasant in Prosperity and Debt." The noble settlement officer, an Indian, if I remember aright, it is Pandit Hari Kishan Kaul, wrote about that district as follows: "An Indian intimately acquainted with the people, reckoned that 92 per cent of the owners in the tahsil could not make both ends meet." About 20 or 25 years back another settlement officer, I believe it was Mr. Anderson, wrote, "that 90 per cent of the owners of the Muzaffargarh tahsil are in debt; Isakhel with a total debt of over 40 times the land revenue, is one of the most indebted tahsils in the province; there are three more tahsils, Mianwali, etc." So, Sir, I will request the Government to make a beginning in the direction of starting mortgage banks in the Muzaffargarh district, ; they can then be extended to other parts of the province such as Gurgaon . . . . . .

(A voice: Why not Hissar?)

I have no objection to one being started in Hissar also. I would even be glad. I do not make any differentiation. Are not the people of Hissar as much your brethren as the people of any other part of the province? If I mention Muzaffargarh it is because it is not my own district but simply I know that it is poorer than any other district. I would read another quotation "The present settlement officer estimates that only those who pay Rs. 25 or more of land revenue can maintain their families in any measure of decency and comfort and his investigations show that in three out of the four tahsils of the district (no enquiries have yet been made in Leiah) not more than four per cent are in this position. In the Muzaffargarh tahsil, deducting the area

[Sayad Muhammad Hussain.]

under fodder, he reckons that there are about two persons to the matured acre, the average yield of which is not more than nine maunds of wheat. In Alipore, where about three per cent of the owners own half the tahsil, there is an average of only two acres, etc."

Mr. Miles Irving: Sir, what has Alipore got to do with the present question? I suggest that if honourable members are permitted on a vote to explore all possible alternative proposals for spending money, the scope of the debate becomes unlimited.

Sayad Muhammad Husain: My explanation is this. This money instead of being spent upon roads can much better be spent upon the relief of the misery of the poor in the Muzaffargarh district. In developing that point I have stated that the condition of Alipore is very bad. I say that the five lakhs that are provided for making roads pucca should be spent on the establishment of mortgage banks for the relief of misery of the Muzaffargarh tahsil. Now, Sir, I shall read another extract to confirm my statement. The same officer says "Pulse is still a luxury, and turnip and onion the only vegetables that are common. For four months of the year people live mainly upon dates, and so poor are some that in years of scarcity the very date stones are ground into flour". Can you imagine, Sir, that there can be poorer people in the world in this respect? The next reason why I insist upon the relief of misery of the poor is that the relapsing fever has caused havoc in the district and reduced the people to the utmost misery. Again last year another calamity overtook the people on account of the floods of the Indus. Thousands of animals died as a result of these calamities. Sir, there is no other district in the province which is so poor as Muzaffargarh. My proposal therefore is that instead of spending this money upon road programme, it should be spent upon opening mortgage banks on the lines on which the Government of Madras has opened for lending money at a very low rate of interest, so that the misery of these people may be relieved. This is my suggestion. I am a supporter of the road programme, and I do concede that good roads are necessary for the province, but as I said in the beginning we may wait for six months more and provide for this road programme next year. We are sure to have large surplus next year and this may be utilised on the road programme. A beginning must be made in the direction of opening mortgage banks in the Muzaffargarh district and if the experiment proves a success it should be extended to Hissar, Gurgaon, Rohtak and such other districts. Anyhow a beginning must be made now and at once.

Mr. President: Grant under consideration, reduction moved:—

"That the grant be reduced by Rs. 5,00,000 with respect to the item of Rs. 5,00,000—Anticipated Expenditure under the Road Programme."

The question is that that reduction be made.

Lieutenant Sardar Sikandar Hayat Khan [Attock (Muhammadan), Rural]: Sir, I have no doubt that all the members of this Council will feel similarly with Sayad Muhammad Husain and consider that they should try to ameliorate the condition of the Muzaffargarh people. But I do not think the proposal made by the honourable mover is fair, for the simple reason that it would not go far enough to meet the object for which he wants this money to be diverted. Moreover it would deprive the other districts of the means of communication which they so greatly need. As regards my

own district if the honourable member had gone through it, he would find that it is as bad as Muzaffargarh. There are other districts too similarly situated. But our interest in communications is greater than anything else. During His Excellency the Governor's visit to our place recently the District Board in its address mentioned that lack of communications was the cause of good many robberies and dacoities every year. Other districts as well as my district are very badly off in the matter of communications. I think it would not be fair to deprive this district of good communications especially when the lives of the people in the district are in danger and dacoities are committed owing to the absence of good communications.

If my district is not to have good communications the dacoities and loss of lives will continue every year. Sayad Muhammad Husain's proposal is nothing more nor less, than robbing Peter to pay Paul. If he is very anxious to relieve the distressed condition of the people in his district he should bring forward concrete proposals about the mortgage banks and ask the Government to set aside annually a sum for this purpose. If he does so, I, for one, will support him in that respect.

Sir, I do not think it will be fair to take away this grant for communications which are really needed in many districts. My honourable friend Sayad Muhammad Husain has mentioned that a sum of Rs. 1·67 lakhs has already been granted for Communications Board to introduce new arterial roads. As a matter of fact this sum is required for the maintenance of these roads and not for extending the communications. I therefore request the honourable mover of the amendment to withdraw the same. If he puts forward any concrete scheme for the relief of Muzaffargarh district, then I am sure everybody here will be glad to help the honourable member in that respect.

Rai Bahadur Sir Gopal Das Bhandari (Non-official, Nominated): Sir, without the least desire to say anything against what has been stated with regard to the poverty of the province, I can still contend and fairly contend that the amendment is highly illogical and impracticable. In the distribution of the money in their hands, the Government should look to many things and they should primarily consider the necessities of life. No doubt poverty should not remain and people should certainly be in affluent circumstances. If we do not make provision for other things which are absolutely necessary for life then we will be making people still poorer. Here I need not dilate upon the fact that communications are necessary for many things. If we shut the door of communication, the result will be that a portion of the province will suffer and the province will come to that state of poverty which was alluded to by my honourable friend. I beg to say that communications are absolutely necessary. To begin with my honourable friend began with the word 'surprise' and so I shall end with the word 'surprise.' I am really surprised that amendments such as the one to refuse to grant money for the necessaries of life should be brought in this Council. I am glad that my friend did not get up yesterday when the grant for education was moved and raise the plea that too much money was being spent on education. It would have been a matter of great embarrassment to the Honourable the Minister for Education to be told that when there was so much poverty prevalent in the province, as much money as was asked for, for education need not have been granted. It is

[R. B. Sir Gopal Das Bhandari.]

not my contention that grants should not be made for the removal of the poverty in the province. At the same time we have to make provision for the necessary things which are likely to remove the poverty of the people. With these words I request the honourable member to withdraw his amendment.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Agriculture) : Sir, I have heard with great interest and attention the speech that has been made by the honourable member Sayad Muhammad Husain. I am not unaware of the grinding poverty that exists in some tracts of the province. I have myself been to Muzaffargarh recently and I have heard harrowing tales of poverty which I do not like to repeat here. I have been giving my close consideration to the question of Muzaffargarh as well as other poor districts in the province and I am thinking of the means which can be adopted to relieve the distress that certainly exists in some portions of the province. But I must say that communications are equally necessary. It is not right to consider that communications do not promote the prosperity of the province. As a matter of fact I firmly believe that every mile of road that is constructed adds directly to the prosperity of the zamindar. In tracts where there are good roads and a sound system of communication the zamindar can sell his produce for a better price than in tracts where there are no roads and no communications. As a matter of fact I can give an illustration of the district of Gurdaspur where one of the tahsils, I believe it is Shakargarh, is cut off from the rest of the district by three rivers, the Ravi, the Oj and another little stream. When I visited the Gurdaspur district last winter I found that the zamindars of Shakargarh tahsil could not, at times, sell their produce for half of what the zamindars on the other side of the stream could. That is the result of lack of proper communications. I believe that everyone in the House will agree with me that communications tend directly towards the prosperity of the province as a whole. They benefit every section of the population, they benefit the zamindar who gets better price for his produce, they benefit the purchaser who can get his goods to the mandi at cheaper rates and they also help the people who have to go about for every kind of business. Therefore while I am not forgetful of the needs of districts which are poor, I must ask the House to consider this demand favourably. I can assure my honourable friend Sayad Muhammad Husain that I will give his suggestions my very sympathetic consideration and in consultation with the Registrar of the Co-operative Societies will do what I can possibly do to relieve the distress wherever it exists including Muzaffargrah district.

Sayad Muhammad Husain : I beg leave to withdraw the amendment in view of the assurance of the Honourable Minister.

The amendment was by leave withdrawn.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders) : (General)] I oppose this grant as I want to raise a discussion on it with reference to the point raised the other day by my honourable friend Mr. Gray, namely, the contribution made by this province for the maintenance of the Thomason Roorki Engineering College. I wish to bring to the notice of the Council the sad predicament of the Punjab students in Roorki Engineering College. Last year the United Provinces Government asked the Punjab Government to contribute a certain amount for each Punjab student towards the maintenance of the college. The Punjab Government could not find the

money required for all the students who had found admission into the college. This province was able to contribute only in respect of five students. The other students were naturally rejected. The system of admission in the Roorki Engineering College is by competitive examination. Those who had prepared hard for the competitive examination and who had come out successful in the examination were stranded for want of money. The whole system of education in the Punjab as well as in other provinces has been criticised on the ground that it turns out men who are unable to find a living for themselves. The Sadler's Commission dwelt on this point and recommended the introduction of vocational courses early enough in the university education. But unfortunately that suggestion has been adopted in very few cases. It is a pity that Government should lose the opportunity of utilising these institutions which are giving professional education. Last year, several intermediate colleges were opened at a considerable expense simply with the object of giving literary education and to turn out men who seek entry either into Government service or into the legal profession. Half the discontent in the Punjab and in other provinces is due chiefly to unemployment. The question of unemployment is considered to be a very important one in European countries. The success or failure of a Ministry in European countries is judged merely by the fact whether the Ministry is able to tackle the unemployment problem and find employment for the unemployed. In India the matter does not receive that serious consideration which it deserves. In England and in France we read every day in the newspapers that the number of unemployed is so much to-day, so much on another date and so on. The number of unemployed varies from time to time. In India we find no system by which the unemployment problem can be solved. Therefore when there is an institution which gives vocational training, it is really a pity that it should not receive the much needed help and that it should go unrecognised. A large number of engineers are required in the Punjab and the number required will increase from time to time. In the Punjab there is no engineering college which gives education up to the standard up to which the Roorki Engineering College gives. Therefore, as long as a college of that description and that status is not founded in the province, it is very regrettable that the benefits that could be derived from the Roorki Engineering College are lost simply because the Ministry does not find its way to contribute a certain sum of money.

I should have moved a resolution on the subject. But I find that the Council is very much obsessed with communal ideas, every question is twisted into Hindu and Muhammadan or rural and urban question. I take this opportunity of giving expression to my views as the point has been raised by one who does not belong to any of the warring communities, namely, my honourable friend Mr. Gray. He feels the necessity and importance of encouraging Punjab students to join the Roorki Engineering College and in this he has my full sympathy. Now that the financial condition of the province has improved, I would request the Honourable the Minister for Agriculture to see his way to do something towards preventing the disappointment which is caused to the successful Roorki students for not being able to study in the college. It is a great pity that the students should appear in the competitive examination and get through it and then be told that the Punjab Government cannot find the money required to enable them to continue their studies in the college.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I wish to add a few words to what has already fallen from the lips of my honourable friend Raja Narendra Nath. The Roorki Engineering College has the character of a central college, it is not a provincial college. It was built up with the assistance of the Government of India. If my information is correct, it has cost something in the neighbourhood of 2 crores of rupees in equipping that college and in fitting it up to the status which it has reached to-day. So far as we are concerned, all the money which the Government of India has spent in the building up of this institution will be entirely lost to us, if we do not take full advantage of the great facilities which the Roorki Engineering College affords to its *alumni*. That institution is not only considered to be a good and efficient institution in India, but I understand that engineers of experience hold in high esteem the students who come out of this College as compared with the engineers who come out from foreign countries. For these reasons, there does not seem to be any likelihood of our equipping another institution here in this province at an early date to the standard which the Roorki Engineering College has reached. I do not want to add very much more, but I appeal to the Honourable Minister to see his way to afford all the facilities which it is possible for him to give to the successful students of this institution ; the more so because, as my honourable friend has already pointed out, we are so backward in practical education of every kind.

We are giving a number of scholarships to students of Commerce. Two years ago eighteen scholarships to students of Commerce were given, but to-day that number has been cut down to six. Other provinces are building up Colleges of Commerce and teaching up to the B. Com. degree. We had a small institution in the shape of an Institute of Commerce but in the name of retrenchment or false economy, we abolished that also. For these and other reasons which may be given, we should do all that is possible to help the Punjab students studying in other colleges in other provinces for a practical branch of knowledge such as engineering or commerce or any other form of trade or industry.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu) : Sir, I find myself in perfect agreement with all that my honourable friends Raja Sahib and Professor Ruchi Ram have said on the point. No doubt the Roorki Engineering College is a very good institution and is unique in the whole of India. I wish it had been located in the Punjab. We had very little to pay before the Reforms towards the cost of education imparted to the boys of this province, but after the reforms and the provincial autonomy, United Provinces Government refused to bear the expenses of the Punjab students. We have now to pay one lakh of rupees annually towards the expenses of 10 students. Now, Raja Sahib wants twice the number of students to be admitted to that college and 2 lakhs to be spent on their education. I agree with the suggestion, but with one reservation that the students to be admitted should be selected by the Minister in charge. Of course in selecting the students regard shall be paid to qualifications of the student. But under the present rules framed by the United Provinces Government all the communities cannot have admission to the institution. If the United Provinces Government agrees to taking 20 students recommended by the Minister and if this is agreeable to the honourable members, I am prepared to support the proposal. Otherwise I am afraid I cannot agree to the suggestion. The rules framed by the United Provinces Government are not acceptable to us.

Chaudhri Duli Chand [Karnal (Non-Muhammadan), Rural] (Urdu) : Sir, I entirely support all that Mian Shah Nawaz has said. The education imparted in Roorki is really very good and I want more students to be admitted, but on the same condition as has already been imposed by Mian Sahib. Under the present arrangement no zamindar has been able to pass the examination and get into the Engineering service of the Province. I would support the proposal if the rules were so framed as to secure admission for agriculturists as well. A committee ought to be appointed to make selection of the candidates and a special proportion should be reserved for agriculturists. Unless the rules are amended accordingly, I submit, spending of even a pie would have undesirable results.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban] : Sir, I do not know why Government has started this procedure with reference to students who go to Roorki for engineering training. It is rather funny that there are so many other services and not one of them is subscribed to by Government. There are students going up for the Indian Medical Service. They have to pay their own expenses. There are others who compete for the Indian Civil Service. They have to bear their own expenses. But in the case of engineering our Government is so charitable as to give Rs. 1,00,000 every year. Why should all that money be thrown away in the way it is being done ? Why should the students be trained at the cost of the poor people of the province ? Where is the need for spending so much money every year on these ten students ? But if we must pay, why not pay on the debt of honour system ? When these students come out of college and are appointed engineers, why should they not be made to pay back ? They get something like Rs. 500 to start with and rise up to Rs. 3,000. Is there any reason why they should not be expected to repay what Government has spent on their training ? Otherwise I condemn the whole system of paying from the provincial revenues for their education. Up till now we have been paying Rs 1,00,000 yearly, now it is proposed to double the amount in order to enable 20 students to have their training in Roorki instead of 10 as at present. To day Rai Sahib asks for 20 scholarships, to-morrow someone will ask for 30. These scholarships will be given to a selected few. Why not start 100 primary schools all over the Punjab with these two lakhs ? Let us spend these two lakhs of rupees on 100 primary schools all over the Punjab. I am sure that this is a much better object than the one on which the money is asked to be spent. We must ask Government to revise the whole scheme. But if we must give scholarships, it must be done on the basis of a debt of honour system. That is to say as soon as they get jobs they must repay. I do not see why they should live on our charity chiefly, when we can guarantee appointment only to one of the successful candidates.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Agriculture) : I have every sympathy with students who want to prosecute their studies at the Roorki College who seek an engineering career and are prevented from doing so by poverty, and on account of the Roorki College authorities demanding a contribution for their training. I wish that the resources of this province were unbounded and the funds at my disposal unlimited. If this had been the case, I would have been very glad to help one and all. But as things are, we cannot pay for the training of more than a certain number. Our annual requirements for the two branches of the engineering service, Buildings and Roads and Irrigation, are from 6 to 8 engineers. We pay for the training of ten every year in order to keep some

[Hon. R. S. Ch. Chhotu Ram.]

margin of safety. I wish I could go beyond this number but there are serious and practical limitations on our funds and on my discretion. However, I may tell this House that in consultation with His Excellency the Governor I am seriously considering the proposal of having a Civil Engineering College of our own. (Hear, hear.) Some preliminary inquiries are being made and the Chief Engineer, Mr. Astbury, has already paid a visit to Roorki to find out details of the expenses and the details of the training that is given there. It is quite possible that in the November session I may come before this House with a demand for a good sum of money in order to enable us to start this College.

Mr. President: The question is—

"That an additional sum not exceeding Rs. 13,97,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1936 in respect of Civil Works (Transferred)"

The motion was carried.

IRRIGATION (DRAINAGE BOARD) GRANT.

Mr. A. M. Stow (Financial Commissioner): Sir, I beg to move—

"That an additional sum not exceeding Rs. 4,00,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1936 in respect of Irrigation (Drainage Board)"

The motion was carried.

MISCELLANEOUS DEPARTMENTS (TRANSFERRED) COMMERCIAL STATISTICS GRANT.

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

"That an additional sum not exceeding Rs. 4,400 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1936 in respect of 'Miscellaneous Departments (Transferred)—Commercial Statistics'."

Mr. President: The question is—

"That an additional sum not exceeding Rs. 4,400 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1936 in respect of 'Miscellaneous Departments (Transferred)—Commercial Statistics'."

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association—Commerce): Sir, I beg to move—

"That the grant be reduced by Rs. 2."

Sir, I move the amendment in order to criticise the statistics that are proposed to be prepared. I am not quite clear from the wording in the memorandum as to what we are going to get. It is said that the cheaper proposal is under consideration. The cheaper proposal consists of a list given by Messrs. Clements and Robson, which includes nothing but exports. What I want to say is that it is very little use giving statistics one way only and not the other way also. I have nothing to say against the ten commodities that are to be included in the statistics of exports. But what I do ask is

3 P.M.

that the statistics must show an equal number of imports also. I would suggest for imports the biggest item, piece-goods which I would like to sub-divide into foreign and Indian. It will be still more useful if we can have cotton and wool separate. Then there is the import of sugar which is a very big item in the Punjab. Coal is another very important item. Hardware might be included in the statistics of imports and metals such as iron and steel bars may also be included. It will be useful to give statistics of imports of oil and cement. My suggestion is that while you give statistics of exports you must also give statistics of imports. I maintain that giving of statistics one way alone is unfair. It might suit exporters only, but it is unfair to the general commerce and those statistics will be of very little use.

Mr. President: Grant under consideration, reduction moved :—

"That the grant be reduced by Rs. 2."

The question is that that reduction be made.

Mr. Owen Roberts (Nominated non-official): Sir, there seems to be some misapprehension on this subject. When these reports were discontinued the matter was taken up to Government and it was then found that the railways were responsible for the discontinuance. The railways explained that they stopped the preparation under orders of the Government of India and that if they were to start doing it again they would have to get funds allotted for the purpose. I then approached the local Government. The matter was very carefully considered and in consultation with an officer of the Government I brought it before the Karachi Chamber of Commerce, and the list now adopted was prepared in consultation with that Chamber, the members of which are not exclusively exporters.

The matter had also to be considered from the point of view of provincial interests as it is essential that not only traders but the local Government also should know as much as possible about the movement of the food supplies of the province.

Another point of importance in restricting the list to the articles now shown is the fact that if these figures are not forthcoming from the province itself, there is no other source from which they can be obtained, while as a rule sufficient information as regards imports can be obtained from Custom's House returns.

Rai Sahib Chaudhri Chhotu Ram (Minister for Agriculture): Sir I put forward this proposal on the suggestion of Mr. Owen Roberts at the last session, I believe, of the Council. I admit that this is a very humble beginning and generally all beginnings are humble. If this branch, the statistical branch proves useful, there will not be much difficulty in expanding it further. I am putting forward the present proposal only by way of experiment. I hope it will prove a success and if it proves successful I will expand it for the items to which Mr. Gray has drawn my attention.

Mr. President: Does Mr. Gray want to press his amendment.

Mr. V. F. Gray: I think under the circumstances I had better withdraw, although I am not satisfied with the explanation of the Honourable Minister.

The amendment was by leave withdrawn.

Mr. President: The question is—

"That an additional sum not exceeding Rs. 4,400 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Miscellaneous Departments (Transferred)—Commercial Statistics."

The motion was carried.

POLICE GRANT.

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

"That an additional sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Police".

Sir, in moving this demand I wish to explain that this amount is for the continuation for a period of six months of a portion only of the force of additional police which was employed in restoring order in the Doaba after the operations of a certain notorious gang. The force has been steadily reduced and it is hoped that within six months all the need for its retention will be gone. We cannot be certain about it but that is what we hope.

Mr. President: The question is—

"That an additional 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 of March 1926 in respect of Police."

Chaudhri Afzal Haq (Hoshiarpur-*cum*-Ludhiana (Muhammadan), Rural): Sir, I beg to move:—

"That the grant be reduced by Rs. 2 with respect to the item of Rs. 34,780—Additional police for the Hoshiarpur and Jullundur districts."

Urdu Sir, fortunately or unfortunately since the inauguration of this Council it has been my very unpleasant duty to oppose at all times the demands made for the maintenance of the Doaba additional police. I honestly believe that this force is an unnecessary and improper burden on the finances of the province. Anyhow I do perform this unpleasant duty to oppose this demand. In the last November session of this House, a demand was submitted by the Government for the maintenance of the additional police in Doaba, but at the same time the Government assured the House in unequivocal terms that no further demand would be made for the sake of this force. His Excellency the Governor on his tour in Doaba specially congratulated this force for successfully restoring peace and order in that *ilaqa*. Under these circumstances we were quite sure that the Government would disband the additional force at once. Moreover, we had the Government assurance given in the Council session held in November before our eyes that this additional police would no longer be maintained. Now when there is perfect peace in that part of the country, we are surprised to see a demand being made for the upkeep of the additional police. I am quite at a loss to understand why the demand is being made when the Government has already seen the advisability of removing almost all the punitive police posts located in the districts of Hoshiarpur and Jullundur. I think there were 32 or 33 punitive police posts located in both districts. All these posts, with the exception of a few posts have been removed on the

recommendation of the police authorities. This shows that there is no apprehension of any disorder or commotion. In the face of these facts, I do not see any necessity which justifies the upkeep of the additional police. In the note appended to budget estimates it has been stated that almost all the punitive police posts, with the exception of one in the Hoshiarpur and three in the Jullundur districts, have been removed. But in the answer given by the Government to my question received by me on the 29th ultimo I am informed that about six punitive police posts still exist. One Sub-Inspector, two Head Constables, and twenty Constables are employed on this duty. I cannot say which of the two statements is true. I also do not know whether there is any such police in the thana of Mehdipur. Sir, when the Government itself admits that there is perfect peace in the *ilaqa* I do not find any earthly reason for the justification of the additional police being maintained any longer. The Government, of course, advances one argument in favour of the demand, and that is this that since some of the akali prisoners have been released there is a danger of the public peace being broken at any time, and that the additional police is entrusted with the duty of exercising supervision over these released akali prisoners. Sir, in reply to this argument I would submit that even this duty cannot be better performed by the additional police than the ordinary thana police. Investigation also consists of supervision. The members of the additional police are generally the residents of other districts and have not the training of investigation, so it cannot be expected that they would be as successful in their investigations as the ordinary thana police usually proves to be. If this is the only argument in favour of the demand that the additional police is required for exercising supervision over the released akali prisoners I would submit that it would simply mean an interference in the duties of the ordinary thana police. At this time, there is perfect peace in the *ilaqa* and the people are satisfied with the present administration. I would not make any allegations against the treatment of the additional police but would simply submit that as this police force is an unnecessary burden on the public purse it should be disbanded at once. This action of the Government would create a sense of gratitude and obedience in people towards Government and the impression that already exists in the minds of the people that the Government takes all these drastic measures to overawe the people, will be removed forthwith.

Sir I, being a resident of the district, would submit in quite clear words that if the Government would not take steps to disband the additional police of Doaba it would mean nothing but a desire on the part of the Government to strangle the lawful aspirations of the people. Sir, I again submit that it would not be wise on the part of the Government to continue the additional police and strongly request the Government that in respect of additional police it should do the same as it has done in connection with the punitive police posts, otherwise repression, which would have no bounds, would create a sense of indignation in the minds of the people of that *ilaqa*. The result would be that a stronger agitation would be set on foot and the Government would find itself in a great fix. With these words I would request the Government and the House to take such steps as the welfare of the country demands.

Mr. President: Grant under consideration, reduction moved:—

"That the grant be reduced by Rs. 2 with respect to the item of Rs. 34,780—Additional police for the Hoshiarpur and Jullundur districts."

[Mr. President.]

The question is that that reduction be made.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]: Sir, from the note on page 38 of the explanatory memorandum to the supplementary estimate, we learn that the Government has removed the punitive police post in the Hoshiarpur District excepting in one place. I am really pleased to see that the Government has given way to the desire of the Council in this matter, and accepted our recommendations. I would once more press upon the Government members that this one police post in the Hoshiarpur district and the three posts in the Jullundur district . . . . .

Mr. J. M. Dunnett: There are only two posts in the Jullundur district. In the explanatory memorandum '3' is a misprint for '2.'

Pandit Nanak Chand: I submit that the two punitive police posts in the Jullundur district and the one in the Hoshiarpur district should also be withdrawn. This is a great infliction on the people and they ought not to be punished in this unjust manner. But the demand under discussion has got nothing to do with the punitive police. What I have understood from my enquiries is that there is really an increase in the crime in the Hoshiarpur district. Burglaries have increased and thefts too have increased and a certain section of the population in the Hoshiarpur district feels that the police protection is needed. If this police protection is meant to watch the doings of persons who take part in political activities, then I would strongly condemn this action on the part of the police as my honourable friend the mover of the amendment has done. If that is not the case, if the location of the additional police is really meant for the detection of crime and not to watch the activities of persons who take part in political affairs, then I shall vote for this grant. Hoshiarpur is an enlightened district and people there are naturally inclined to take more part in enlightened political affairs than the people of any other district and so I will condemn the action of the Government in this matter if they want to impose punitive police to punish people for their political activities. If on the other hand the Government have imposed this additional police simply with a view to detect thefts and with a view to detect those people who cause trouble to the people in the locality, then I shall gladly vote for this grant. Before giving my vote, I should like to know what the Government member has to say on this point.

The Honourable Sir John Maynard (Finance Member): I suppose the House has noticed that these men are mounted men and one does not use a small troop of mounted men for dealing with the political activities of the kind of gentlemen of whom my honourable friend Pandit Nanak Chand is thinking. That is not the sort of work that is done by mounted men, nor are they particularly useful for the purpose of detection of crime. What they are wanted for is something different from that. It is something very different indeed from that terrorising of the country to which the first speaker, the mover of the amendment, alluded. So far from being a question of terrorising the country, these police were required and are still required in the small numbers in which they are employed for giving confidence to the country. When crime was rife in the Doaba the reason why it was necessary to post the additional police for that tract was this. It was the regular method of operation of the particular gang of criminals which has been mentioned this afternoon to terrorise the peaceful and law-abiding inhabitants of that tract. They terrorised them and thereby prevented them from

defending themselves and others and also prevented them from coming forward to give evidence in cases and thus enabled their own prestige to be established in the Doaba, with results which we have had grave cause to regret. In order to prevent this kind of terrorising, it was necessary to have a mobile force of men who can at any moment be moved to any portion of the district in order to put an end to the vacillations and allay the anxieties of those who desired to maintain peace and order in the tract. The purpose was to give confidence to the countryside and that is the purpose for which it is desired still to retain this small portion of the original force.

Mr. President: Grant under consideration, reduction moved :—

"That the grant be reduced by Rs. 2 with respect to the item of Rs. 34,780—Additional police for the Hoshiarpur and the Jullundur districts."

The question is that that reduction be made.

The motion was lost.

Mr. President: The question is—

"That an additional 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 of March 1926 in respect of Police."

The motion was carried.

LAND REVENUE GRANT.

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

"That a supplementary sum not exceeding Rs. 45,81,600 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of 'Land Revenue'."

Sir, I crave a little indulgence on your part to let me make a statement which I was precluded from making last time when the demand was placed before the House in the budget session. Unfortunately, on that occasion on account of guillotine, I was prevented from making a very important announcement which I intended to make at that time and perhaps owing to the omission of that statement being made some of my honourable friends here took the unusual step of throwing out the whole demand by a bare majority of 2 votes and thus tried to put a stop to the working of the Revenue department of the Government of the Punjab. If I had occasion at that time to make that statement which I had intended to make, I presume that honourable members of this Council would not have treated me in that fashion. However, I was assured by honourable members afterwards that such was not the intention and that their intention was simply to say that the demand was being thrown out because the Government of the Punjab had not taken steps to put forward the Land Revenue Bill. With your permission, Sir, I would make the statement which I intended to make at that time and if you permit me, Sir, I will read out the statement to the Council.

At the time when the constitutional reforms came into operation, the local Government was already considering the desirability of introducing legislation regarding the principles of Land revenue assessment in the province and on the 31st May 1921, asked the Financial Commissioners to report whether legislation should be undertaken to embody in the law the main principles by which the land revenue was determined, the methods of valua-

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

tion, the pitch of assessment, the period of revision, the graduation of enhancements and other chief processes which touch the well-being of a revenue payer. On the 1st of August 1921, the Legislative Council passed a resolution recommending Government to appoint a committee to examine its present assessment and land revenue policy and to report what changes should be made in it. A committee was accordingly appointed under the chairmanship of the Financial Commissioner. The committee met six times and in November 1922, submitted a report to Government embodying the changes which it recommended in a redraft of Chapter V of the Land Revenue Act. These proposals which were of a controversial nature and which by no means represented the unanimous decision of the committee were carefully considered and were with certain modifications accepted by Government. A draft Bill was accordingly drawn up to give effect to the proposed changes and was submitted to the Government of India with a view to sanction being obtained to its introduction in the session of the Legislative Council to be held in January 1924. The Government of India, however, desired that the introduction of the Bill should be postponed until they had an opportunity of considering it comprehensively in consultation with other local Governments which might be affected and perhaps embarrassed by the principles involved. The Punjab Government has consequently been constrained to postpone the introduction of the Bill from time to time pending the receipt of definite orders from the Government of India. After giving due weight to the considerations put forward by the Government of India, the Punjab Government has again addressed the Government of India. The situation was reviewed at a meeting of the Land Revenue Standing Committee of the Legislative Council on the 18th and 19th of March 1925, at which the views of the non-official members were elicited on the subject of the standard of assessment and the term of settlement. The correspondence with the Government of India on the subject still continues and it is hoped that in the course of the hot weather when the Punjab Government will have the advantage of closer contact with the Government of India in Simla, it will be possible to arrive at a settlement, in which case it is the intention of Government to introduce the Bill in the autumn session of the Legislative Council.

I hope, Sir, that after the assurance that I have given on behalf of Government, the honourable members will not treat me in the way they treated me last time. The remedy in my hands at that time was to ask His Excellency the Governor to certify the demand, but I chose at that time not to take that course and requested His Excellency the Governor to let me put forward this demand again before this House. (Hear, hear.) I had fully expected that if I had had a chance of making my statement on the last occasion and which I was unable to do owing to the guillotine, my friends would have viewed the case differently. I have every hope that in this wish of mine, I shall not be disappointed now that I have given an assurance.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 45,81,600 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of 'Land Revenue'."

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

"That the grant be reduced by Rs. 100 with respect to the item of Rs. 9,000—Total Pay of Establishment—Staff for Hoshiarpur Chos."

Sir, before I begin to discuss this matter, I wish to assure the honourable member who has just introduced his demand that it will receive our whole-hearted support. The matter which I am considering refers to the *chos* of the Hoshiarpur district about which a committee was appointed by Government some four years ago and which I understand has now sent in its report. Hoshiarpur, Sir, is one of the most beautiful districts of the province, but the great misfortune of that district is that it is destroyed by the floods, by what we in Hoshiarpur Punjabi call khuds or *chos*. Now the reason for this calamity is that in the rainy season, floods descend down from the Shivalaks called the Katar Dhar and ruin the lands of the people. I have seen with my own eyes the lands of hundreds of people being destroyed by the *chos* or khuds. Government has had the management of these Katar Dhars or *chos* for the last twenty years if I mistake not, but there has not been any appreciable improvement in the *chos* or in the khuds. On the other hand, people feel that the Katar Dhar has now been occupied by the Government and the Government intends to make it its own. There is a great misapprehension in the minds of the people on this point. A further difficulty of the people is that Government employs a number of chaukidars or watchmen for the preservation of the so called forest on the Katar Dhar. These chaukidars and officials take bribes from the people and allow those who pay the illegal gratification to have wood or grass from these tracts. The result of that is that people are not benefitted in any way. On the one hand they have practically lost the use of these lands, on the other they have to pay illegal gratification to the chaukidars. I hope that Government will sympathetically go into this question and try their level best to do something for the poor zamindars who have no canals and who cannot dig wells because of the danger of their being washed away by the floods. I hope that Government will pay its attention to the matter at the earliest possible opportunity and recognise the rights of the people in the land which they once made over to Government under the Chos Act or which Government acquired under the Chos Act and also remove their grievances. With these words I commend the motion to the Council.

Mr. President: Grant under consideration, reduction moved:—

"That the grant be reduced by Rs. 100, with respect to the item of Rs. 9,990—Total Pay of Establishment—Staff for Hoshiarpur Chos."

The question is that that reduction be made.

Diwan Bahadur Raja Narendra Nath: Sir, will Government please say whether any action has been taken on the report of the committee that was appointed to inquire into the question of chos?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia (Revenue Member): Sir, if I am permitted to intervene in the discussion at this stage, I will be in a position to put forward certain photographs and plans which I have only received the day before yesterday. I hope that I will be able to convince my friend on certain points so that he will not feel the necessity of pressing his amendment to a division.

Mr. President: I think you had better wait. One or two other members want to speak.

Rana Firoz-ud-Din Khan [South East Towns (Muhammadan), Urban] (Urdu): Sir, before I make any speech on the subject I feel it necessary to ask a question. Will the Honourable Revenue Member be pleased to say if the report of the committee on this subject of chos has been received?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I may inform my friend that the report of the committee appointed to examine the working of the Chos Act was received some days ago but the plans and photographs accompanying the same have only been received the day before yesterday. That report, Sir, is under the consideration of Government.

(No body rose to speak.)

Mr. President: You may make your statement now.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): My friend Pandit Nanak Chand in making his motion said that the land was being destroyed by chos. It is a fact that previously the land was being destroyed by chos, but here I have got in my hands certain plans, which I will lay on the table of this House for the honourable members to see if they like to do so. But before I lay them on the table* I may be permitted to show them from a distance to honourable members. If honourable members will look at this plan which I hold in my hand they will see a portion in yellow. That is the chos as it stood in the beginning. If the members will see the lower portion of the plan they will notice green patches. These are the effect of the action taken to reclaim the areas under the Chos Act. They will see that green patches are now appearing in different places. This is in connection with the Siana Choe in Tahsil Garhshankar. There are other plans also in connection with the other chos in that district. Now I will show another plan of the Nara, Dada and Chohal Choe. Here honourable members will see the yellow, showing the state of things as they existed before the Chos Act was applied and a little lower down what has been the condition now. They will find that green patches are appearing. I need not say anything more on the subject because I intend to lay these plans on the table of this House so that honourable members who are interested in the matter may see the things for themselves. Similarly, I will now show the Council the photograph which I am holding in my hand showing the condition of hills. They will notice that the hills are quite barren and there are no trees on them at all. If they look at the other pictures they will see another hill which is covered with trees. The effect of the afforestation is visible there. I am going to place these photographs also on the table of this House. The complaints of the people have been looked into by the members of the committee which was appointed by Government. The committee has thoroughly gone into the matter and the report of the committee which is unanimous has come before Government only recently and is being considered. Then there were certain complaints as regards the chaukidars taking bribes and troubling the people. That, I can assure my friend, will be looked into. If there are any such real complaints, they will be remedied. I am as anxious as my friend opposite to see that troubles of this nature are not given to people of this province. As regards the sympathy of Government, I need not dilate on that subject. We have been doing in the past what has been possible and we shall go on

* Not printed.

doing so in future as carefully and sympathetically as Government can do. If there are any complaints in the working of the Chos Act, possibly we will have to amend the Chos Act and necessary action will be taken after the report, which is now in the hands of Government, has been fully considered. I hope that on this assurance my friend will not press his amendment.

Pandit Nanak Chand: Sir, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Sayad Muhammad Husain: Sir, I am satisfied with the assurance given by the honourable member and I do not move my amendment*. But, Sir, the Bill should be acceptable to the House.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I can assure the honourable member that no Bill will be placed on the Statute Book unless it is passed by this House.

Chaudhri Afzal Haq [Hoshiarpur-cum-Ludhiana (Muhammadan) Rural] (Urdu): Sir, I beg to move—

"That the total grant be reduced by Re. 1."

Sir, I shall not take much of the time of the House. The assurance given to-day goes a long way to satisfy the zamindars and I thank the Government for thus considering the susceptibilities of the zamindars. But, Sir, the answer to the question given to me shows that it is not time yet for the zamindars to expect any great thing for them. As stated in the answer the Government of India is anxious about the thing because "some matters of principle are involved in the Bill," and which are causing this delay. Sir, I take this opportunity of making it clear that the province wants to see a Bill passed in this country which may give them a permanent settlement and an assurance that, unless it is proved to the satisfaction of the House, no further enhancement in the revenues will be made. There will be no peace in the country unless such a Bill is placed before the House and passed. Sir, the poverty, the population, and the general condition of the province deserve that it should be saved from repeated settlements be they even after twenty, thirty or even forty years. Unless this is secured in the Bill, it will prove no solution to the difficulties of the zamindars. I would like to place briefly the condition of the villages before the House. In the districts of Hoshiarpur, Sialkot and Ludhiana the conditions are so bad .....

Sardar Tara Singh: Why not Ferozepore as well?

Chaudhri Afzal Haq: I have not studied the conditions there. The honourable member knows them better. (then continued in Urdu) Settlement Reports of the Government show that there is no more room for further development. Water for irrigation in the wells is daily decreasing and the population of the district is steadily increasing. Even the zamindars have to get grains for their own use from outside the district. There may be other districts similarly situated. In such districts where there is no further room for development settlement should be made once for all and special consideration should be shown to these districts in the proposed Bill. As stated by the Honourable Sardar Bahadur Sundar Singh, Majithia the Punjab Government will discuss the principle of this

* "That the grant be reduced by Rs 10,31,000 in respect of the item of Rs. 10,31,000—Survey and Settlement—5-C—Land Revenue."

[Ch. Afzal Haq.]

Bill with the Government of India. Yet there are to be so many discussions between the Punjab and the Central Governments. I submit that due regard should be had to the fact that the population of Hoshiarpur and Ludhiana is increasing beyond the limits of subsistence. That is why the people of the districts of Ludhiana and Hoshiarpur form the major portion of the people who have emigrated to other countries in search for a living. There are certain districts where there is no room for further development and if special consideration is not made for these districts I am afraid the people will not be satisfied with the Bill. With these words I withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 45,81,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1926 in respect of Land Revenue."

The motion was carried.

THE SIKH GURDAWARAS AND SHRINES BILL.

Sardar Tara Singh [Ferozepore (Sikh), Rural] : Sir, as the Sikh Gurdwaras and Shrines Bill has been published under Rule 18 of the Punjab Legislative Council Rules, I need not move for leave to introduce the Bill. I therefore formally introduce the Sikh Gurdwaras and Shrines Bill.

Sardar Tara Singh : Sir, I beg to move—

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

Sardar Gurbakhsh Singh,

Sardar Jodh Singh,

Sardar Mangal Singh,

Sardar Narain Singh,

Diwan Bahadur Raja Narendra Nath,

Dr. Gokul Chand Narang,

The Honourable Rai Sahib Chaudri Chhotu Ram,

Mian Muhammad Shah Nawaz,

Malik Firoz Khan Noon,

Mr. H. D. Craik,

Mr. J. G. Beazley,

The Honourable Sir John Maynard,

The Honourable Mian Sir Fazl-i-Husain,

Mr. M. V. Bhide,

The nominee of the Honourable the President and

the Mover,

and that the Council direct the Select Committee to submit its report by the 15th June 1925".

Mr. President : The nominee of the President is Sardar Mohinder Singh.

Sardar Tara Singh : Sir, in order to be able to understand the principles upon which this Bill is drafted it seems necessary for me to briefly summarise the objective of the Gurdwara movement.

Everyone to whichsoever religion he may belong will agree with me that the temples are the life and soul of a nation. To the Sikh community especially these Gurdwaras are their life and soul. Their very life is dependent upon the purity, upon the emancipation, upon the freedom of these Gurdwaras from all corrupt practices. Sir, historians or those who study the Sikh history will find that the Sikh religion which is pre-eminently a congregational religion and not individualistic was founded with temples and the main source of its dissemination was the temple. We have Guru Nanak as the founder of Sikh religion, who is hailed by every community as its own and as the harbinger of the unity of God and brotherhood of man. Wherever he set his foot he left marks of his teaching and founded dharamsalas for the dissemination of his mission.

Sir, I will briefly describe from the life of the ten Gurus that the succession to the holy places was not hereditary, but they were given to those who deserved them most, to those who had to undergo severe trials and repeated examinations. Sir, it will not be out of place if I refer to Guru Nanak and the second Guru Angad whose original name was Lehna. Lehna was not the son or the heir or the descendent of Guru Nanak, but he was made a Guru, he was made to succeed in the presence of sons simply on the ground that he served the Sangat, he fulfilled the condition laid down by the Sikh religion, that he passed all examinations, he went successfully through all the ordeals put upon him by Guru Nanak. Similarly, you may go through other instances of other Gurus. You will find that succession went to him who deserved the most, and not because he was the son of the first Guru, but because of his life, of his conduct and of his actions. He was the fittest person for the gaddi. Now, Sir, I lay these circumstances before you in order to show the principle upon which the Bill is based.

The second point that I come to is that these places of worship were from the time of the Gurus controlled and managed by local congregations, local people and these were termed Sangat. The word Sangat is so sacred to the Sikh community and its significance so wide that we have fought for the sanctity of the Sangat, for its eminence and for the proper position of the Sangat. It will be found from the life of the Ten Gurus that they had so much regard for the Sangat that they kept themselves one degree lower than the Sangat. Here, I am reminded of a certain saying of Guru Govind Singh:

"Sangat ikk wisve te Guru bis wisve".

This means that if the matter comes to voting the voting power of the Sangat will be "21" while the voting power of the Guru will be "20" only. This clearly shows that in the Sikh religion the Sangat is the paramount and decisive authority. I will quote another instance to show the paramountcy of the Sangat. Once the tenth Guru, Guru Govind Singh, in order to test the spirit of independence in his disciples, while he was passing by the tomb of a certain saint lowered his arrow as a mark of respect to the saint. According to Sikh religion worship of tombs is strictly forbidden. The followers of the tenth Guru at once pointed out to the Guru that he was acting contrary to his own teaching and that he committed a sin against his own teaching. The Guru at once apologised to the followers and paid Rs. 125 by way of penalty to the Sangat. All these instances conclusively go to show that the Sangat has the greatest power and the Sikhs hold this principle

[S. Tara Singh.]

very sacred and very essential to the existence and maintenance of the Sikh religion. Sir, it may be said that such incidents did not occur afterwards. I may again quote the incident of Maharaja Ranjit Singh. He was an absolute monarch at that time. Once he went astray with a woman of bad conduct and when he was taken to task for that, though an absolute monarch, yet he had to go with folded hands and bended knees before the Akal Takht to entreat them to forgive him for his faults, and he had also to pay a certain penalty. All these things conclusively prove that not only the Gurus but even secular monarchs had to bow before the power of the Sangat. Thus it was the Sangat that had the absolute power over all the religious places and was the controller or the manager of all these places.

In times of Gurus local congregations managed these places through Masands (Priests) appointed or approved by Gurus. Except in straightened circumstances these Masands never received any remuneration from the Gurdwara revenues, rather they looked upon it as poison. With the lapse of time and change of circumstances things grew from bad to worse till under the present rule and policy imperceptibly and by gradual process important Gurdwaras came under the Government control and on account of neglect and deterioration, the Mahants became absolute masters and looked upon the Gurdwara property as their own. With such huge income at their disposal they began to defy the wishes of the community so much so that dances and drinking parties were held in the very precincts of these temples. Rituals and ceremonies began to be entirely neglected and even if conducted they were done in a spirit hostile to the teachings of Guru Granth Sahib. Things went so far as the worshippers of reforming views were not allowed admission into these holy places. This deplorable and hopeless state of affairs awakened the community and it revolted against the present incumbents.

Though the reform movement has been occupying the people's mind for over 3 decades, it assumed serious proportions during the last 5 years. The objective of this reform was (1) to bring these places under Panthic control and management, (2) to do away with the permanent position of the Mahants by ending their irresponsibility, (3) to utilize the property and income of the Gurdwaras for the purposes for which they were founded and save it from being wasted in luxurious and immoral living, and (4) to conduct the rituals and ceremonies according to the teaching of Guru Granth Sahib.

I may here mention briefly that the reformers entertained no idea whatsoever to interfere in any way with non-Sikh temples, nor do they contemplate touching even those Sikh places of worship, which are of an exclusive nature, *i.e.*, places belonging to any Samparda, *i.e.*, Udasis, Nirmalas, etc., or to any private individuals. The movement never aims at turning out all incumbents or functionaries good or bad. They only aim at getting bad incumbents reformed or removed and ending irresponsibility in all cases. Nor again do the reformers mean that any secret political purpose be obtained under the garb of religion. There never was any idea to subvert law or order. The allegations that violent methods have been used to obtain the object are partly based on misconception and mainly due to an effort at misrepresentation. We may have heard of rare cases when a zealous worker has erred from the set path, but it is unfair to brand the whole movement as lawless or violent on account of such stray individuals.

If those who make such allegations had any idea of the zeal and pain which fill the heart of the awakened Sikh Community they would give

credit to the Shiromani Gurdwara Parbandhak committee for exercising such rigorous restraint in regulating the efforts of the community to fulfil its firm determination to reform its temple. It is the greatest credit to this august and much revered body that under extremely provoking circumstances extending over a period of 4 long years it has successfully kept the deeply stirred community within the iron walls of complete non-violence. The faithfulness with which the lead of the Shiromani Gurdwara Parbandhak Committee has been followed is the proof of the community's love for organisation and not for lawlessness and violence.

In order to purify these temples and eradicate all evil and corrupt practices the reformers, at first resorted to law, but it was so dilatory, expensive and defective that they were sorely disappointed. The Mahants who were wealthy, and weilded enormous influence on this account could easily defeat the poor reformer who had no such means at his disposal. Their sincerity and earnestness will not allow them to stop in despair. The community became at once organised and tried to achieve their object by the use of moral pressure for the righteous cause. No sacrifice was too great or difficult for them. Even life was too small a price to effect these reforms. It is well proved in the enormous sacrifices made during the last 4 years at Tarn Taran, Nankana Sahib, Guru-ka-Bagh, Bhai Pheru and Jaito. Briefly summarizing these sacrifices amount to 30,000 arrested, 400 died and killed, 2 000 wounded, Rs. 15 lakhs of fine inflicted, including forfeiture of pensions of retired soldiers. In addition to this, ban has been placed on civil and military recruitment of Sikhs.

(At this stage Mr. President vacated the chair, which was occupied by the Deputy President.)

Having briefly explained what Gurdwara Reform means and what it does not mean and what sacrifices have been made to achieve it, let me now briefly survey the efforts that have been made in the past to solve this problem by evolving some legislation.

In the beginning the Government kept aloof and only watched the movement from a distance. Soon after the tragedy of Tarn Taran and Nankana Sahib, it shook off its neutral attitude and started on a campaign of repression. Some efforts were made at compromise or to secure a satisfactory piece of legislation, but they were of no avail. Several Bills were drafted and at last one was passed in the teeth of unanimous opposition of Sikh and Hindu members, but it remained a dead letter. Birdwood negotiations met the same fate, till in November 1924 on certain interpretations of mine negotiations were started which have resulted in the present Bill, I have introduced to-day.

The Bill is a long measure consisting of 146 sections. The principle party concerned is the Sikh community and I would first consider how it affects their interests. In the first place this measure is based on the fundamental principle that Sikh Gurdwaras or shrines are the heritage of the Panth and would be controlled and managed by the Panth through a Central representative elected body effectively supervising the work of all the Committees of management of single Gurdwara or groups of Gurdwaras as the case may be. These committees of management in turn are also thoroughly representative inasmuch as they are all elected. In order to keep the

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Central body really in touch with the Committee of management, one out of the five members of each Committee is the nominee of the Central Board. In the case of more important Gurdwaras such as Darbars of Amritsar, Tarn Taran, Muktsar, and Nankana Sahib, etc., this nominated element of the Central body is much larger, as also the total strength of these Committees. Subject to the control of the Central body the Committees of management shall enjoy complete control over the property, ritual, worship and all incumbents, and servants of the Gurdwaras All funds are to be utilized only for religious, charitable and educational purposes. Regular accounts are to be kept and audited. Every Sikh will have the right to obtain copies of these accounts on payment of prescribed fee. Both the Central Board and local committees are based on the broadest franchise, for every Sikh male of 21 years or over exercises a vote whether a Keshadhari Singh, an Udasi or a Sahajdhari. No person who professes to be a Sikh in the sense that he believes in the ten Gurus, the Guru Granth Sahib and belongs to no other religion is denied any vote. As regards female I regret very much the failure to assure them this right but Government has agreed to extend this right to them if this House passes a resolution to that effect. Every registered voter has a right to stand for the membership of either the Central Board or the local Committee provided (1) he is not a paid servant of either the Central Board or local Committee, (2) he is not a patit, (3) he is not an undischarged insolvent, or (4) of unsound mind.

(At this stage Mr. President resumed the Chair.)

The question arises which Gurdwaras have these local Committees to control, and how will they come under the management. There are three ways to decide them as notified Gurdwaras or shrines and apply the new management to them:—

I. Gurdwaras or shrines included in Schedule I about which no substantial doubt exists will be declared by this House to be in reality Sikh Gurdwaras or shrines which will at once come under the new management. The only condition to be fulfilled in this respect will be the filing in a list of property pertaining to them within 90 days of the commencement of this Act.

II. Fifty worshippers or more of a thana in which a Gurdwara or shrine is situated, can apply to the Government to declare it a Sikh Gurdwara or shrine and if no objection is taken to this petition within the prescribed time Government shall make declaration as asked for. In case of objection the petition will be referred to an impartial Tribunal who will apply to it the test of section 16 and on its favourable finding that Gurdwara or shrine will come under the Panthic management. All such petitions are to be made within a period of one year or as further extended by the local Government.

III. As it is expected that the great bulk of the work will be cleared within this prescribed period it is laid down that afterwards it will be necessary to institute a suit of special nature similar to those under section 92 of Civil Procedure Code, in any ordinary Court of Law in order to bring under Panthic control any place of worship that may be left. Thus all Sikh places of worship are brought within the scope of the Bill in order to determine which of them are fit subjects for Panthic control and section 16 of the Bill provides a satisfactory and a comprehensive definition of a Sikh Gurdwara or shrine.

As a substitute for the present expensive and dilatory machinery the Bill has provided for a special independent Tribunal against whose decision an appeal will lie in the High Court. Schedule III has been attached to this Bill prescribing a moderate scale of Court-fee.

Defacto-changes in management voluntarily effected between the reformers and incumbents after 1st January 1920 will be confirmed by the Tribunal after due enquiry. Any request for restoration by any past office-holder will fail if the Tribunal declares that place to be a Sikh Gurdwara or shrine. Irresponsibility engendered by the hereditary system in the Gurdwaras will be replaced by responsibility and Panthic management. But at the same time preferential treatment will be meted out to those old office-holders or chelas who choose to serve under the new conditions.

Provisions have been made to safeguard the property pertaining to Gurdwaras. Section 25 requires all such property to be entered in the name of Gurdwara or shrine. Section 18 creates a special rule of evidence improving upon the provisions of section 44 of the Punjab Land Revenue Act. Section 116 safeguards the improper alienation of Gurdwara property. The main grievances of the Gurdwara reforms were the corruption of Mahants and the interference of executive officials. The first will be remedied as explained above. As for the second, section 144 of the Bill forbids the interference of the local Government or any Government servant in the official capacity in any Gurdwara or shrine.

When once a place of worship is brought under Panthic control and management, the jurisdiction of courts with respect to it will be curtailed in several directions and certain disputes relating to its administration, such as devotion of surplus fund, scheme of administration, will be settled by a Judicial commission of 3 Sikhs, two of whom will be appointed by Government out of a panel of 7 Sikhs given by the Central body. This commission will also deal all questions of religious nature and in these cases its decision will be final.

Now I come to Mahants, the next important party. Except for the termination of irresponsibility and the bar against the restoration of expropriated undesirable office-holders two measures which are indispensible for the safety of reform, the Mahants have been treated with greatest consideration. Sufficient and satisfactory provisions have been made for securing compensation to Mahants who being already out of it are not restored or do not choose to remain under the new management and resign within one year. To quote "The Tribune" these provisions are not only perfectly fair but abundantly liberal. He can be restored to his office only when the Tribunal finds that a place of worship is not a Sikh Gurdwara or shrine. Mahants who accept the new management can be dismissed only if he is guilty of one of the misdemeanours specified in section 135 or has ceased to be a Sikh. His dismissal is to be preceded by a regular enquiry and he has a right to appeal either to Central Board or Judicial Commission and in the latter case a further appeal to the High Court lies. The Chela or Chelas may also claim compensation if he was so appointed before 1st December 1924. The Chela of the Mahant who has chosen to remain in office under the new management will have preferential right to succeed if he is educationlly, morally fit or otherwise suitable.

The complaint of the Udasis and Sahajdharis that they were not enfranchised in the constitution of S. G. P. C. has also been removed. The apprehension of Udasis and Nirmalas that their Akharas and Dera

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will be usurped by the reformers has been set at rest by excluding such institution from the operation of the Tribunal, except with the consent of the majority.

There is no other party apparently affected by the Bill. As in the past, though not now, Hindu brethren had some misgivings that the reform may not adversely affect their religious places, it is not out of place to point out here that the determination of the nature of place of worship is left entirely in the hands of an impartial Tribunal consisting of three members, one of whom will be a Judge of the High Court and that an appeal lies to the Divisional Bench against the decision of the Tribunal.

As a matter affecting peace and good government, this Bill naturally concerns the Government. But I am glad to say that it has been framed in consultation with the Government and I need not say more about its acceptability from the Government's point of view. Government's complaints of admixture of political motive in this religious movement, have all been set at rest by carefully defining the objects for which Gurdwara funds can be expended and also by providing for their audit by the Government auditors in case of Central body and by certified auditors in case of local committees.

Short-comings.—From a Sikh point of view it is not an ideal Bill. I will rather call it a compromising measure necessarily accompanied by short-comings of a more or less important nature. One chief defect is patent on the face of it, that is the absence of female franchise and the community has clearly and strongly pronounced its verdict in its favour.

Female Franchise.—There may be certain apprehensions in the mind of the Government that with the grant of female franchise to the Sikhs they may have to grant similar right to this tender sex in the Provincial and Imperial case. But this case is as different from the Council franchise as religion is from politics. A little insight into Sikh history will show what a heroic part they have played in it ever since the time of its foundation. They have been taking equal part with their brethren and have on occasions guided the community as leaders. In our religious *dewans* and Conferences their number has been just the same as that of males. There is far more higher education among the Sikh females than in any other community. In this Gurdwara struggle their record has been glorious. I am right in saying that one half of the community has been debarred from taking part in this management.

Another deficiency is that the Central body is not at once designated as the Shiromani Gurdwara Parbandhak Committee. This has been left to the Board subject to the approval of the Government. Here, too, although it is a matter of principle and deep sentiment to the Sikhs, a compromise has been made, out of deference to the hesitating official mind. The reasons advanced from official sides are not at all convincing but the Sikhs are prepared to accept the challenge, and to show by returning suitable members that the whole Panth loves the Shiromani Gurdwara Parbandhak Committee.

Powers of Central Board.—This is a complaint with the majority of the Sikhs that the Central body has been kept only as a figure head without necessary powers to exercise effective supervision. To some extent these complaints are true. I should say that they should be satisfied if the local com-

mittees were asked to submit their budget to the Central body for approval and I am sanguine that this House will give a favourable consideration to this point.

Schedules I and II.—The publication of schedules I and II have given rise to a storm of agitation in the Sikh Community and numerous representations and telegrams numbering about 100 have been received by me about them. I am sorry to say that though the Bill was drafted with the Government members and discussed with them at length we could not discuss these schedules, mainly for want of time. To all concerned I may therefore say that these are not final and they can be amended in the Select Committee by addition in schedule I and subtraction in schedule II.

Another deficiency is the absence of provisions for the representation of the Sikhs of the Indian States on elective basis. The Sikhs of Indian States have played a noble and glorious part in this religious fight, but the difficulty of the Punjab legislature to legislate for their territories could not be obviated.

Though I have briefly touched the main and important provision of this Bill, yet it will certainly convice the honourable members of the House how sincere and honest efforts have been made to safeguard the interests of all concerned. To again quote "The Tribune" the provisions of the Bill itself are on the whole just and reasonable and there is no attempt to carry things high-handedly or coerce any of the parties concerned into accepting a one-sided and patched up arrangement. I am therefore, confident, it will meet with the unanimous approval of the House.

Before I resume my seat I wish to record here my deep appreciation of the assistance rendered by Messrs. Emerson and Puckle in framing the Bill. They have taken special pains and have worked day and night to see it through. My hearty thanks are also due to honourable member Mr. Coldstream but for whose hard work it would not have been possible for me to put this Bill before the Council so soon. He sacrificed all his comforts and worked even on his annual festivals to expedite its presentation in this session. But for the sympathies and actually helpful attitude of His Excellency the Governor in particular and his Government in general all the expert assistance that we got would have been nowhere, for the solution of this complicated difficulty would have been further delayed one cannot say how long. His Excellency's personal talk with me and other members of the Sikh Councillors' Sub-Committee has naturally changed our views, and he commands my admiration and respect. To him I feel specially indebted.

In conclusion, I wish to appeal to the honourable members of this House to support this measure and help to end the sufferings of millions of their brethern. To the Sikhs I say do not magnify the defects of the Bill, give it a trial and then later on try to amend it in the light of practical experience. Give proof of your statesmanship and do not lose this substantial measure which concedes most of your fundamental demands.

To the Hindu Councillors, I would appeal not to be carried away by the petty selfishness of the Mahants and realizing the spirit of the time to throw in their lot with the reformers. I request you to adhere to your policy of sympathy evinced since November 1922 and listen not to those who wish to separate you from your Sikh brethren, rather listen to venerable and trusted leaders like Pandit Madan Mohan Malaviya and Lala Lajpat Rai. To the

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Muslim Councillors I say, here is an opportunity for you to retrieve the sad mistake of November 1922. To the Christians I say, we value your support and sympathy all the more though your number is small. To the Government I say you have helped in framing the Bill and it is upto you to put your whole-hearted support. I do hope that the pronouncement of His Excellency the Governor about granting all facilities for the passage of this Bill about extending the hands of friendship once more to the Sikhs about doing his best to solve other allied religious problems once the Bill is passed will be amply made good.

I am fully aware of the fact that besides the Gurdwara Bill there are other equally important allied Gurdwara grievances and I have ventured to introduce this Bill believing that as the struggle started with the Gurdwara Bill it should as a matter of principle end with it. The so-called extreme section in the community has withdrawn its opposition to the Bill in order to give a proof of their *bona fides*, and honesty to the Government and the public. They have supported it. I will ask the Government to work in the same spirit and give a similar proof of their honest intentions on the passage of the Bill by creating a calm atmosphere by meeting the genuine Gurdwara demands of the community.

I have every hope that His Excellency Sir Malcolm Hailey will realize his responsibility and avoid another dead lock after its passage.

Lastly, I request the members of the Select Committee to sacrifice all their engagements, and set on this important task to be able to submit a report at an earliest date. They realize it very well that sooner it is done the earlier the situation will be eased. Then I will be in a position to approach His Excellency with a request to arrange for a special meeting to pass this Bill.

Mr. President: The question is—

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

Sardar Gurbakhsh Singh,
Sardar Jodh Singh,
Sardar Mangal Singh,
Sardar Narain Singh,
Diwan Bahadur Raja Narendra Nath,
Dr. Gokul Chand Narang,
The Honourable Rai Sahib Chaudhri Chhotu Ram,
Mian Muhammad Shah Nawaz,
Malik Firoz Khan, Noon,
Mr. H. D. Craik,
Mr. J. G. Beazley,
The Honourable Sir John Maynard,
The Honourable Mian Sir Fazl-i-Husain,
Mr. M. V. Bhide,
Sardar Mohindar Singh, and
the Mover;

and that the Council direct the Select Committee to submit its report by the 15th June 1925."

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, I am highly pleased that a problem which has convulsed not only the Sikh community but the whole of this Province is nearing its solution. I hope that the Bill with such modifications as the Select Committee may make will be passed by the Council, and not only be passed, but will be acceptable to the Sikh community and be acted upon by them. I hope that the former relations between the Government and the Sikh community, the former cordial relations will be restored and the attitude of mutual suspicion will be removed. The gist of the Gurdwara movement which has been before us for sometime is to transfer the control of Gurdwaras from the hands of the Mahants to those of the Panth. So far as that object is concerned, it has the sympathy not only of the Hindus, but also, I can confidently say, of the Muhammadans as well. It is a movement which, if circumstances permit, may be adopted and imitated by the Hindus and by the Muhammadans too. The honourable mover has referred to the past history of the Sikhs and has said that in former days, at the time when the Sikh religion and Sikh culture and civilisation were in their palmy condition, the Gurdwaras were controlled by the Sangat. I am glad to hear that and I find corroboration of this fact here and there in the history of the Sikhs. The Sikh community is described as the great commonwealth of Guru Gobind Singh. The democratic spirit of the Sikh community does not admit of any doubt. But apart from the peculiar genious of the Sikhs, the movement is in the right spirit and is in consonance with the spirit of the times. We are in a democratic age and the control of the individuals and the classes has been claimed by the masses. Everywhere we see attempts to transfer the control of important matters from the hands of individuals or classes to those of the people. The Bill itself bears evidence of the great labour and care bestowed on it and I congratulate the honourable mover as well as those who collaborated with him on the labours bestowed upon the preparation of this Bill. It is a Bill longer than the ones we had before and it, therefore, needs careful perusal and examination. I won't say anything further about the Bill itself, but I would draw the attention of the honourable mover and of my Sikh brethren as well as the members of the Government to the fact that a great deal depends upon the schedules I and II. The Gurdwaras mentioned in schedule I have to be treated on a different footing from those which are not mentioned therein. With regard to the Gurdwaras, which are not given in the schedule, the test laid down is mentioned in clause 16, and I think it would be a natural desire on the part of the members of the Select Committee if they want to satisfy themselves that each Gurdwara in Schedule I satisfies the conditions which have been laid down in the clause for inclusion of new Gurdwaras in the scheme. The Select Committee has got a very important duty to discharge, they have to adjudicate on the claims of both sides and in order that they may be better able to do so I request the Government to place at the disposal of every member of the Select Committee a short history of each Gurdwara and of each of the holy places mentioned in schedules I and II. I hope our labours will be very much facilitated if we study those histories beforehand and come prepared with some views to be expressed in the Select Committee. On the other hand, if a brief history is given to us only at the sittings of the Select Committee, the sittings of the Committee will be prolonged and we will not be able to arrive at a decision as expeditiously as we can if the history is placed before us in advance.

The Bill is a very important one and I should prefer to have a longer time given for its examination and for the examination of the schedules before the Select Committee sits. But I find that my Sikh friends are anxious to

[D. B. Raja Narendra Nath.]

dispose of this very important question as soon as possible and their view is shared by the honourable the Leader of the House who said yesterday that very serious consequences would follow if the Gurdwara Bill were not taken up in this session and if we do not arrive at a satisfactory solution of the Gurdwara question at as early a date as possible. Therefore I say nothing with regard to the date on which the Select Committee is to assemble or as to the date on which the Select Committee is to submit its report. I repeat my request and I earnestly do so that the history of the Gurdwaras should be placed in the hands of the Select Committee sufficiently long before the Select Committee meets.

Mr. H. D. Craik (Chief Secretary): Sir, I should like to take the earliest possible opportunity of extending to this Bill a hearty welcome from the official benches. I do so with the greater pleasure in that I have been for sometime intimately connected with the movement which has found expression in the Bill now brought before the House to-day. I welcome this Bill not only because it seems to me to be conceived in a spirit of compromise and moderation which has perhaps not always been conspicuous in the history of this movement, but also because I am sanguine enough to hope that in this Bill we have the dawn of a new era in the history of the Sikhs and their relations both with the Government and with other communities. The Bill appears to me, as I have said, to be founded on principles of reason and moderation and in a spirit of compromise. I am confirmed in that view by the very warm welcome which the Bill has received in almost every section of the Press. I do not deny that there has been opposition, but such opposition as I have seen has been largely factious and not very well informed. The Press as a whole has examined the Bill with care and its verdict is favourable. I would like, if I may be allowed, to refer to the very careful and thoughtful articles published in the *Tribune* during the last few days, articles which I have read with pleasure and with profit. They combine an excellent analysis of the actual provisions of the Bill with a thoughtful estimate of its effect in working. I welcome the spirit which animates the Bill because it seems to be based on two sound democratic principles. The first of these principles is that the temples of any religion are the property of the adherents of that religion, and that the ministers of those temples are not the owners but are only trustees. The recognition of that principle in a legislative measure is of great importance. I think that is a principle which is based on sound democratic ideas.

The second principle is that in a matter of this kind in which the feelings of the whole of a community are deeply stirred, the will of the majority must in the end prevail, no matter at what cost of interference with vested rights or with prescriptive rights to property. There is probably no one in this House who is more loath than myself to disturb vested interest or the rights in property, but I recognise that in this instance we are up against a situation where nothing else is possible and where, to put it bluntly, the minority must go to the wall.

This Bill embodies four main principles. The first is that when it is a question whether any particular shrine is a Sikh shrine or not the decision shall rest with an independent tribunal. In some cases the decision will rest with this House, in others with the special tribunal appointed for the purpose, and in other cases at a later stage with the ordinary courts. That, Sir, I think is a principle that all communities and all sections of this House will acknowledge as sound.

The second main feature is that once a shrine is decided to be a Sikh shrine, it will be controlled by some form of popularly elected committee or in other words the control will rest with the representatives of the congregation. Over all these committees there will be a central body with certain general powers of supervision and control.

The third, and perhaps the most important principle of all, is that the revenues of these shrines are to be administered for certain purposes specified in the Act and for no other, that is to say, on religious, charitable or educational purposes, that their accounts are to be properly kept and properly audited and are to be open to inspection. Let us hope that this very wise provision will do away once and for all with the reproach and the risk that temple funds are being misappropriated or misapplied.

Lastly the Bill embodies the principle that in a purely internal dispute which concerns the Sikhs alone regarding the administration or the management of the shrine, the final decision shall rest with a purely Sikh body. As regards the Ministers and the Mahants who will to a great extent lose their present position under this Bill, I have already explained that in my view that is a result which is practically inevitable. The Bill does, however, give statutory recognition to a principle which all will admit is fair, namely, that persons dispossessed as a result of this Bill will be entitled to financial compensation.

I do not say, Sir, that the Bill is now in the form in which it will finally emerge from this Council. I have no doubt that the labours of the Select Committee will bring into it certain changes. I recognise that the Select Committee will have before it a task of very great difficulty and magnitude, and that it will be impossible for it to complete that task without a most careful investigation not only of the clauses of the Bill but of the various shrines mentioned therein. But I have no doubt that the Select Committee will gladly respond to the call that is made on its time and labour.

There is, however, one point which I would like to impress upon the members of the Select Committee and if I may be forgiven for doing so, one word of advice which I would like to give to the promoters of this Bill. The promoters of the Bill are now within sight of the goal for which they have striven for some years, and I think we all hope that a successful and generally acceptable solution of this problem is within their sight. May I be forgiven if I express the hope that at the moment when this long deferred goal is reached, the promoters of this Bill will exhibit that spirit of magnanimity and toleration which is so urgently wanted in the settlement of all religious questions? Do not let your Bill be marred by a spirit of narrow intolerance? I speak mainly from the point of view of the Sikh community itself. I should like that community to remember that those religions have the greatest vitality and the greatest force whose principles are based on broad-minded tolerance, that the more sectarian they are, the narrower the religion becomes, the smaller and the less sure is the foundation on which it rests. That is an observation based on historical experience. To-day, you have a great majority of the Sikhs belonging to one particular form of that great religion, but surely he would be a rash man who would prophesy that a generation hence other forms of Sikhism may not gain in force and he would be no real well-wisher of the Sikh community who would at this stage seek to exclude those lesser sects from the fold of orthodox Sikhism. That, Sir, is the appeal that I would make to the promoters of this Bill and to this House when it takes the Bill into consideration (Applause).

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, I rise to welcome the Bill moved by the Honourable Sardar Tara Singh on behalf of myself and on behalf of the members of this side of the House. This Bill, as all know, is the result of five years' continuous efforts and numerous sacrifices on the part of the Sikhs. Sir, the introduction of this Bill, with the approval of the Government, brings into fore-front the principle and admittedly true principle that no nation that sets to work with a view to achieve an object with patience and perseverance and unmindful of the difficulties coming in its way can fail to reach the goal in view and that there is no power on earth to check its progress. I welcome the Bill on the ground because on the one hand, the Sikhs, having been blessed with the fruit of their labours, will now find time to think of utilising the time and money, that they have been spending to bring the campaign to a successful issue, in other useful ways. On the other hand the Government will be relieved of the anxieties on this score and the public money, that it has been expending to cope with the situation, will become available to be utilised for the development of beneficent departments so far neglected for want of funds.

My second reason in supporting the Bill is that the Government, by its approval just now expressed by the honourable member Mr. Crark has admitted the principle that all communities have a similar right to demand the centralisation of control of their respective places of worships, shrines and endowments, provided they do not interfere with the rights of their sister communities.

The third and the most important reason why I support the Bill is that the Government, by associating itself with the Bill, seems to have learnt at last to respect and bow before the force of public opinion. It has thereby given proof of its magnanimity and power and not of its weakness and I say so because I know that only those can show regard to the brave who are themselves brave. I think it will not be out of place if I say that it is high time that the Government should likewise try to find out solution of other problems that are at present agitating the minds of the public. At the same time I ask other communities to follow the noble example set up by the Sikhs, and to remember that it is only through perseverance and sacrifice that they can achieve their desired object.

5 P.M.

Before I resume my seat I again congratulate both the Sikhs and the Government for introducing a measure which is acceptable to all communities alike and I earnestly hope that it will be worked out in a most satisfactory manner.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I rise to welcome this measure and to congratulate the Sikh community and Government in general and my friend Sardar Tara Singh in particular, on this Bill which seems to be complete in every way. I congratulate the Sikhs on the sacrifices which they have made in the cause of this reform. They have not gone in vain but have been crowned with success. To-day we have before us a measure which is acceptable to the Sikhs as well as to the Hindus. It is not a measure which has been superimposed upon the Sikh community like the previous one which has remained a dead letter. I suggested at the time the last Bill was before this Council that there was no

use in passing a Bill which had not the support of the Sikh community. If it was meant to be for the benefit of a community and that community did not like it and if it was for safeguarding the rights of another community which community did not like it too, it was no use passing a measure like that. All that money has been wasted. Happily a new era has now dawned and Government as well as the Sikhs equally are to be congratulated. It will not be out of place if I suggest for the information of the Sikhs that it seems to me that the Schedules I and II require certain modifications and for their information I suggest something which might be rectified in the Select Committee. I am not on the Select Committee and so for their information I will tell them .....

Mr. President: I am afraid I cannot allow the honourable member to go into detail. You must express your approval or disapproval of the Bill. You can communicate those suggestions otherwise if you like.

Sayad Muhammad Husain: I was only saying that there is a Gurdwara named Bhuman Shah Gurdwara in the Montgomery District which is not included in the list of Gurdwaras while a kindred Gurdwara of Kacha Pakha is included in it.

Mr. President: I distinctly said that you should not go into detail.

Sayad Muhammad Husain: I want to say that this Bill is complete in every way. Not only does it safegurad the Sikh interests but it provides for the maintenance of the Mahants. They will have to go now. It also safeguards the rights of the Udasis. They have nothing to complain just as the Sikhs have nothing to complain. I think that Musalmans too should have a similar measure in respect of their shrines. I know that lakhs of rupees out of the income from shops attached to the mosques which are in charge of a single man, a Pir or any body else are being wasted I myself am a Pir in charge of a *wakf* with an income of Rs. 20,000 a year. If there is any measure which can be made for the proper maintenance of the Muhammadan shrines, I will be first to support it. I can give a hint to the Honourable Minister in charge of Education who is in charge of Muhammadan shrines to learn a lesson from the Sikhs. Let him pass a real living Act in order to regenerate the Muhammadan community and to purify their institutions. Something must be done to ensure that the manager or whoever he may be spends the income in a useful way, not on himself but for the uplift of the community, for the good of the institutions and for the dissemination of Islam. Is it not disgraceful to find that our orphans are not getting even enough to eat? We have one orpharage .....

Mr. President: I hope the honourable member will confine himself to the motion before the House. He has incidentally remarked on Muhammadans. That is enough. He need not dilate upon it as if that is the subject before the House.

Sayad Muhammad Husain: With these words I congratulate the Sikhs and Government and all those who are interested and ask them to forget and forgive the past and to start anew.

Rai Bahadur Sir Gopal Das, Bhandari (Nominated Non-Official): Sir, I wish to take two minutes only to say a few words. Sir, I have never risen to speak with as much pleasure as I do at the present occasion to congratulate Government and the members of the Sikh community for their genuine colloboration and putting before us a Bill which is acceptable to each

[R. B. Sir Gopal Das, Bhandari.]

and everyone in the House. I have already promised not to take any more time of the Council so I will finish all that I have to say in a few words. It is well conceived, it is nicely designed and one word I have to say more and that is that I wish and hope that it will be successfully carried out. The last thing is the most important one. No doubt the time to congratulate is when a certain good thing is produced before the general public. No doubt people are congratulated at the time of wearing the arms but really the proper time for congratulation is when they lay down their arms and when we know what good they have done. So I beg to say that the time for the Sikh community, for the Hindus and for the Muhammadans to be pleased would be when we see that the provisions of the Act which have been so nicely designed have been carried. I have every hope that all those who have a genuine desire to make this a very good thing, judging from the way in which they have brought the Bill before us, will do their best to make it as good a thing as possible. How is it that the former Act become a dead letter? I was not in those days a member of this Council but I did take very keen interest in the Gurdwara Bill by reading in the newspapers. But the reason why it failed, if I may be allowed to say so, was that it was never considered in the proper sense in which it should have been. Here in this Bill we find that the principle and the procedure are very nicely and admirably blended. Defects there may be but they will be ordinary ones like the striking of one line and adding another and so on.

I again congratulate the members of this Council, Mr. Emerson and Mr. Puckle who gave their valuable advice in the preparation of the Bill. I also congratulate the Sikh community with whose aid and advice the Bill has been made possible. I hope that this shall be a successful Bill and that it will really be a matter of congratulation to each and every one of us when we meet again to see that this Bill becomes a law.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural]: Sir, I beg to associate myself with the welcome that has been extended to the Bill under consideration and I do so for more than one reason. To start with it is a compromise which does not compromise any of the principles involved. We have on the one side our Sikh friends who have for years suffered and sacrificed themselves for a cause so dear to them, and, however, much we may differ from some of their methods, all of us who have any sentiment or feelings in us respect and admire the great sacrifice which they have made for their great cause. It has been, Sir, the lot of many a reformer to serve his cause by his defeats. Our Sikh friends are now in an enviable position that they have served their cause by their success and as such we congratulate them. On the other side there is the Government and those who agree with them that the Sikh grievances are genuine, but legislative sanction does not provide them with all the facilities which should be given to them. They are entitled to what they ask, but let them come through the orbit of law and talk to us in legal language and ask us what they want. This is what the Government says. But to-day Government also with a magnanimity which has already been referred to has conceded a great deal for a great cause. Then, Sir, there are the Mahants and others who are associated with this matter. They have also it seems, begun to realise that their position is that of a trustee and not that of a usurper and as such they are entitled to maintenance or compensation which they will get under the Act. With these words I beg to associate myself with the remarks expressed by those who have spoken before me and I shall finish my speech with an appeal to

all the officials and non-officials who sit in the Select Committee to remember that this House entrusts to them a very delicate subject and that therefore they should stretch their tolerance to an extent which will make all parties come still more closely on a later day in the cooler atmosphere of Simla.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) : Urban] : Sir, I did not think it necessary for so many honourable members of this House to speak in welcoming this measure which was sure of a welcome without any formal speeches being made. But thinking that my keeping silent may be misunderstood I have considered it necessary to stand up and say a few words of welcome to the measure which has been proposed. This is not the time to speak of the merits of the Bill, because the merits of the Bill have not been considered by any one yet, but so far as the principles are concerned, and it is only the principles that are to be considered at this stage, I do not think any one will find any fault with the Bill. It is the right of every community to have a control over its places of worship, it is the right of every community to see that the property with which those places of worship are endowed is properly controlled, it is the right of every community that the accounts of income and expenditure are properly kept and it is the right of the worshippers to see that the ministers placed in charge of the places of worship behave well and carry out the objects of the various shrines placed in their charge. So far as these principles are concerned there cannot be any two opinions. So far as the Hindus are concerned I think Raja Sahib has voiced their feelings and their views when he extended his welcome to the measure before us now. Speaking as one of the Hindus myself and as one who has since his very childhood taken a more than ordinary interest in the history and literature of the Sikhs, I must say that a Hindu will not deserve to be called a Hindu who has not every sympathy, affection and deepest love for the Gurus and their followers who have done so much for the Hindu community. It would be repeating things if I say that but for the Gurus perhaps this House would have consisted only of one community or perhaps of two communities only instead of consisting as it does at the present time of four communities. That fact alone must inspire every Hindu member with feelings of gratitude for the Gurus. So far as the various provisions of this Bill go, this is not the time to talk about them. If there is any difference of opinion on matters of detail it will be settled as differences are settled between two brothers when any question on which difference of opinion is possible arises between them. So far as this measure is concerned it is considered and rightly considered as a measure affecting both the communities jointly, I mean the Hindus and the Sikhs together ; but I am sure, and I can give every assurance that it is possible to give at this stage that the Hindus will approach this Bill in a brotherly spirit and will go into the various clauses and schedules in a brotherly spirit and there will not be any occasion whatsoever for any complaint either on the one side or on the other. That is my hope and I am sure with the co-operation of the Sikh members and others in the Select Committee that object will be achieved. My only regret is that such a Bill has been delayed for such a long time. Any sufferings that have been caused by the delay in bringing this Bill before the House must be laid at the door of those who did not perhaps realise fully the gravity of the situation. I was not a member of the Council when the first Bill on the subject was introduced, but it surprised me no less when I learnt that here was a measure of legislation which was opposed by those whom it affected, both the Hindus and the

[Dr. Gokul Chand, Narang.]

Sikhs and was supported and passed by those whom it did not affect at all. An attempt was made to force this bad Bill down the unwilling throats of the Sikhs, but I am glad to find that the Sikhs closed their throat tightly enough and did not swallow that unwelcome measure. Their sufferings and their sacrifices and especially the unprecedented non-violence they showed during this campaign in spite of the mass force which was used on various occasions, deserve a prize which I believe the passing of this Bill will deservedly place in the hands of the Sikh community. My only wish is that the Hindu community as such will also wake up and try to redeem the property worth perhaps millions which is attached to the various places of worship belonging to the Hindus and of which proper use is not being made. I also wish that this Bill even at this stage would serve as a warning to the Hindu Mahants and other managers of places of worship and will wake them to a sense of responsibility which as managers of places of worship they ought to have and they would not give any occasion to the Hindus to adopt similar methods as the Sikhs were forced to adopt in the earlier stages of their movement. I hope the same lesson will also be learnt and taken to heart by the Muhammadan community and no better person can be found to sound that note of warning than the Pir Sahib himself who I understand is in possession of a large endowed property but is quite prepared to sacrifice his own interests and place that property at the disposal of his community so that it may be used for the fulfilment of the object for which it is endowed. (Hear, hear and laughter.)

Rai Bahadur Sir Gopal Das, Bhandari: What about the warning to the Hindus?

Dr. Gokul Chand, Narang: I have already referred to that. Probably Rai Bahadur Sir Gopal Das was engaged in some conversation then. If he is the manager of some endowed property as I believe he is, he also ought to take the warning, because I have heard complaints from Amritsar that there is some property in the hands of his Hindu Sabha which is not properly used and controlled and utilised for carrying out the objects for which the property was placed in his hands. I am glad he drew my attention to it so that I can draw his attention to his responsibility in the matter. (Laughter.) I am sure Sir Gopal Das would be the first to set this example so that it may be followed by the managers of other temples, so that property worth millions which the Hindu Princes and other patrons of the community have placed in the hands of the managers of these places of worship may be properly utilised, so that social reform may be carried out, so that arrangements may be made for the proper education of those people who have got nobody to look to for their education, so that Hindu widows and orphans may not starve or suffer in any way. With these few words, Sir, without taking the further time of the Council I welcome this measure so far as the principles are concerned and as a member of the Select Committee (I hope I may be able to attend all its sittings) I shall do all that is possible for me to smooth the way of the movers of this Bill so that most friendly and brotherly settlement of this question may be arrived at (Cheers).

Subedar-Major Farman Ali Khan [Rawalpindi (Muhammadan) Rural] (Urdu): Sir, on behalf of the Muhammadan soldiers, I heartily congratulate my Sikh brethren on the introduction of the Gurdwara Bill. I congratulate them not out of courtesy or because they are our countrymen, but because we have a deeper cause of love and esteem. Sir, they are our comrades-in-

arms. We have fought side by side for the upkeep and the glorification of the Crown, Sir, I shall never forget the memorable day on which the 15 Sikhs Regiment sacrificed itself to the last man in the Dardenelles to save a Muhammadan Regiment.

Now, Sir, petty quarrels do occasionally spring up in every home and village, and even the master and the servant do have cause for quarrel. But how sweet is the reconciliation! There has been of late some differences of opinion and a little disaffection between the Government and the Sikhs, but this Bill reconciles the two old friends. In the end, I strongly hope that our Sikh brethren will be as loyal and devoted servants of the Crown as they have ever been and the Government will regard them with the same paternal love. With these words I heartily congratulate the Sikhs.

Sardar Buta Singh [Multan Division and Sheikhupura (Sikh) Rural]: Sir, I beg to move—

"That the names of the Honourable Sardar Bahadur Sardar Sundar Singh, Majithia, Rana Firoz-ud-Din Khan, Professor Ruchi Ram, Sahni and Rai Bahadur Lala Sewak Ram *be added* to the list of members of the Select Committee on the Sikh Gurdwaras and Shrines Bill."

Mr. President: Motion under discussion: amendment moved—

"That the names of the Honourable Sardar Bahadur Sardar Sundar Singh, Majithia, Rana Firoz-ud-Din Khan, Professor Ruchi Ram, Sahni and Rai Bahadur Lala Sewak Ram *be added* to the list of members of the Select Committee on the Sikh Gurdwaras and Shrines Bill."

The question is that that amendment be made.

The amendment was carried.

The Honourable Mian Sir Fazl-i-Husain (Minister for Education): Sir, I have to congratulate the Council on having its first important and elaborate private Bill before it. We have had two private Bills, very small ones—three sections Bills only. But this is the first effort of a private member to bring in for the purpose of legislation a matter of very great importance in a very elaborate Bill. I am not sure whether any other Provincial Legislature has had such an important and such an elaborate measure introduced in it by a private member. Having congratulated the Council on this private Bill, I proceed to congratulate the honourable the mover of this Bill and the community to which he belongs for having now brought in this Bill. It was said in this Council two years ago that we would welcome any Gurdwara Bill which was brought in by a private member and which had the support of the Hindu members of this Council. We promised that we would welcome such a measure and that we would give all the consideration and the sympathy and the consideration which it deserved. During the course of the debate to-day, it has unnecessarily been mentioned that the history of the attempts at legislation on this subject is marred by the fact that a certain Bill dealing with Gurdwaras was passed in the teeth of the Sikh opposition. I had no wish to refer to this incident, but as currency is given to this statement in the Council and outside the Council, I just want to refer to the records of the Legislative Council to show that the Bill referred to was introduced in the Punjab Legislative Council at the written request of all the Sikh members of the Legislative Council and passed in the very words in which they had in their written request asked me to get it passed (Hear, hear). That written request will be remembered well by those members of the present Legislative

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

Council who were then present and it is still on the records of the Gurdwara Bill file. Therefore, Sir, I do not think it is fair in a matter like this to hold the Government responsible for having forced the Bill on the Sikh community or the Sikh members of the Legislative Council, while as a matter of fact it was merely a verbatim copy of the Bill the Sikh members themselves wanted. During the course of the debate on this Bill this fact was brought to their notice and the only reply they could give was: "We wanted the Bill six weeks ago; now the conditions have changed and so we do not require this Bill and therefore we do not stand by our written request." Well, Sir, six weeks may change their minds as to the advisability of having a Bill or not, but so far as the provisions in it are concerned or principles underlying those provisions are concerned, I fail to see how any change can take place. However, as I have already said that is an incident which should not have been mentioned, when we are all here to welcome the present Bill. But let the past be forgotten, and those who have anything to forgive in it, let them be generous enough to forgive those whom they think were responsible for anything that was done. We, as I have already said, welcome this measure as the effort of the Sikh community in the matter of reforming their Gurdwaras in the way in which they think that reform ought to be carried out. As I have said, I was always anxious to get this measure from them and also to get it introduced by one of themselves. Personally I will frankly state—I say personally and individually—that the principle of Panthic control as such or centralised control over places of worship as distinguished from local control of the people who are votaries of a particular shrine does not appeal to me. I admire democratic institutions and I would give anything to democratise my political institutions, but where the liberty of conscience and of public worship of a few people is concerned, I would not sacrifice it for any unity that one may hanker after. There again, I say, these are absolutely my personal and individual opinions, but in the matter of Gurdwara reform, I welcome gladly the measure which enunciates the theory of Panthic control as the expression of the considered opinion of the Sikh community and in a matter of principle like this, I have not the slightest doubt that the Select Committee will not care to interfere in any way.

So far as the matter of arranging to supply information in the Select Committee is concerned, I can assure you, Sir, that the Government are anxious to place all the available materials at the disposal of the Select Committee whether for the benefit of the Hindu or the Sikh members. But I must warn honourable members that unless we concentrate our minds on what may appear to some of us to be disputed items, we will not get through this business expeditiously. I understand that so far as Schedule I is concerned, the honourable mover of this Bill has already made up his mind that it lacks something like 18 more entries and he has given a list of those Gurdwaras and the case of these Gurdwaras is being investigated and as soon as information on these 18 entries is ready, the matter will, I trust be made available to the members of the Select Committee. Now so far as the existing entries in Schedule I are concerned if any member of the Select Committee or any member of the Council or for the matter of that any member of the public thinks that a particular item should not find a place in the Schedule I, I trust he will at once inform the Secretary to the Transferred Departments of his suggestion, so that when all the suggestions are received information with respect to those particular Gurdwaras that are pointed out as doubtful ones will be collected and also made available to the members of the Select

Committee. I cannot go further than that in collecting information as to all the Gurdwaras entered in Schedule I, because it is bound to take a long time. We might as well set about writing a very reliable and trustworthy history of all the Gurdwaras in Schedule I, and that will take not a few days, not even a few weeks, but months. I trust honourable members will realise that it is no use to attempt to get at the Gurdwaras which are undoubtedly and indisputably Sikh Gurdwaras. Only such of the Gurdwaras in Schedule I, as are objected to as not being fit ones to be included in the Schedule should be pointed out to us and with reference to those items we will collect all the information we possibly can. As to getting through the work expeditiously, I welcome the suggestions of my honourable friend Raja Narendra Nath and other members who have spoken on the Bill. We ought to expedite the work of the Select Committee. I propose holding the first meeting of the Select Committee on the 18th of this month at 10-30 A.M. at Ellersile, Simla East. Any suggestions that are desired to be placed before the Select Committee should be made either to the honourable mover of the Bill or to the Secretary to the Transferred Departments whom I have requested to collect them and to put them before the Select Committee as soon as we meet. It is hoped that the Select Committee will proceed to hold the sittings from day to day till the report is ready and though the Select Committee is a large one, yet it consists of members who are keenly interested in this Bill and who are extremely anxious to bring this Bill to a successful conclusion and therefore I trust that there will be no difficulty in such a big committee, which practically may be called unweildy, still working with such rapidity and thoroughness as would be the envy of all the other committees. This is all I wish to say about the measure at present.

Mr. President: The question is—

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

Sardar Gurbakhsh Singh,
Sardar Jodh Singh,
Sardar Mangal Singh,
Sardar Narain Singh,
Diwan Bahadur Raja Narendra Nath,
Dr. Gokul Chand, Narang,
The Honourable Rai Sahib Chaudhri Chhotu Ram,
Mian Muhammad Shah Nawaz,
Malik Firoz Khan, Noon,
Mr. H. D. Craik,
Mr. J. G. Beazley,
The Honourable Sir John Maynard,
The Honourable Mian Sir Fazl-i-Husain,
Mr M. V. Bhide,
Sardar Mohindar Singh,
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia,
Rana Firoz-ud-Din Khan,
Professor Ruchi Ram, Sahni,
Rai Bahadur Lala Sewak Ram, and
the Mover,

and that the Council direct the Select Committee to submit its report by the 15th June 1925.

The motion was carried.

ANSWERS TO CERTAIN UNANSWERED QUESTIONS LAID ON THE TABLE.

The Secretary: Answers to certain Council questions which have been received from Government since the publication of the Council Debates* are laid on the table, for the information of members.

* *Vide* Appendix IV.

HOUR OF SITTING ON 8TH MAY.

Mr. President: We have fortunately finished the main business which we had before us for this session. What remains to be done to-morrow is answers to questions of which the honourable members have given notice. I have received a suggestion that instead of meeting at two o'clock we may meet for a short time at 4-30 or 5 so that answers can be given. After that I understand there is an idea that members of the Council be photographed in a group with His Excellency the Governor. If that time is acceptable to most of the members, I think that would be a good way of arranging everything that we have got to do to-morrow. I just want to know the wishes of the House in the matter.

The Honourable Mian Sir Fazl-i-Husain: 4-30 will, I think, suit all members, including busy people.

(Members assented).

The Council then adjourned till 4-30 P.M. on Friday, the 8th May 1925.

PUNJAB LEGISLATIVE COUNCIL.

6TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 8th May 1925.

THE Council met at the Council Chamber at four-thirty of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

POSITION AND STATUS OF THE INSPECTOR AND ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES.

1875. Chaudhri Afzal Haq: Will the Government please state the position and status of the Inspector and Assistant Registrar of Co-operative Societies, if possible, in comparison with the corresponding posts in the Revenue Department?

The Honourable Rai Sahib Chaudhri Chhotu Ram: An Assistant Registrar is the lowest grade of gazetted officer in the department of Co-operative Societies; an Inspector is the highest non-gazetted officer. The lowest gazetted and highest non-gazetted officers in the revenue department are an Extra Assistant Commissioner and a Tahsildar. The pay of an Inspector is from Rs. 100 to Rs. 250, and of an Assistant Registrar from Rs. 250 to Rs. 750. The pay of a Tahsildar is from Rs. 185 to Rs. 300, and that of an Extra Assistant Commissioner from Rs. 300 to Rs. 800.

INSPECTORS OF CO-OPERATIVE SOCIETIES.

1876. Chaudhri Afzal Haq: (*i*) Will the Government please state the number of Inspectors of Co-operative Societies appointed during the last nine years showing—

(*a*) how many of them were graduates or otherwise appointed by direct recruitment;

(*b*) how many of them were promoted from among the Sub-Inspectors?

(*ii*) Will the Government please say whether any percentage has been fixed for recruitment for the posts of Inspectors from among the Sub-Inspectors? If so, what is the percentage? If not, has the Government already considered or does it now propose to consider the desirability of fixing such a percentage?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (*i*) Sixty-four Inspectors have been appointed during the last 9 years:—

(*a*) Out of the above number, 47 were appointed by direct recruitment; 41 are graduates and 6 non-graduates.

(*b*) Seventeen men have been promoted from Sub-Inspectors.

[Hon. R. S. Ch. Chhotu Ram.]

(*ii*) No percentage has been fixed, nor is it advisable to fix a percentage, since the number of qualified applicants of either class varies from time to time.

POLITICAL PRISONERS.

1877. Chaudhri Afzal Haq : (*i*) Will the Government be pleased to lay on the table—

(*a*) the total number of Punjab political prisoners excluding Gurdwara prisoners who served their term of imprisonment in different jails in the years 1921, 1922 and 1923 ; and

(*b*) the number of Hindus, Muhammadans and Sikhs amongst them ?

(*ii*) Will the Government be pleased to state how much fine was realised from those persons who were convicted of political offences in the years 1921, 1922 and 1923 ?

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.

MR. NIL KANTH, A MADRASI PRISONER.

1878. Chaudhri Afzal Haq : (*a*) Is it a fact that Mr. Nil Kanth, a Madrasi prisoner, is undergoing his imprisonment in Multan Central Jail ?

(*b*) Is it a fact that he often requested that he may be transferred back to Madras because the climate of the Punjab does not suit him ?

(*c*) Is it also a fact that he is a long-term prisoner ?

(*d*) If so, has the Government considered the advisability of transferring him back to Madras so that his health may not be impaired ? If so, with what result ?

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

(*b*) He made such a request to the Inspector-General of Prisons early this year, and a similar request has recently been forwarded to the Madras authorities for disposal.

(*c*) Yes.

(*d*) The prisoner's health is improved and he has gained in weight from 94 lbs to 101lbs since his arrival from Madras. Government does not consider it necessary to take steps for his transfer.

SARDAR SARDUL SINGH, KAVISHAR.

1879. Chaudhri Afzal Haq : (*a*) Is it a fact that Sardar Sardul Singh, Kavishar, is serving his term of imprisonment in Mianwali District Jail ?

(*b*) Is it a fact that he always gets sick on account of skin disease ?

(c) If so, will the Government consider the advisability of transferring him to some hill station?

The Honourable Sir John Maynard: (a) Yes.

(b) The greater part of last summer he suffered from extensive boils. His health at the present time is good.

(c) No.

CANDIDATURE OF SHEIKH HASAM DIN FOR THE AMRITSAR MUNICIPAL COMMITTEE.

1880. Chaudhri Afzal Haq: Will the Government be pleased to say—

(a) if it is a fact that Sheikh Hasam Din, B.A., who was sentenced to imprisonment for more than a year in non-co-operation days (1921) stood as a candidate for election to the municipal committee of Amritsar during the recent elections?

(b) Is it a fact that Government subsequently informed Shaikh Hasam Din that his candidature could not be accepted now but his case would be sympathetically considered in a bye-election?

(c) Will the Government be pleased to lay on the table the correspondence between the Deputy Commissioner, the Commissioner and the Local Government on the subject?

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

(c) No.

LOANS FOR INDUSTRIAL ENTERPRISES.

1881. Professor Ruchi Ram, Sahni: (a) Is it a fact that a sum of Rs. 3,00,000 was provided in the Budget for 1924-25 for loans under the Industrial Loans Act?

(b) Is it a fact that nothing was spent during the year out of the allotted sum?

(c) If the answers to (a) and (b) are in the affirmative, will the Government please state the reason for allowing the budget allotment to lapse?

(d) Will the Government be pleased to place on the table the applications for loans under this Act that were received by Government during the year?

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

(b) A loan of Rs. 63,500 was granted to the Punjab Arts and Crafts Depôt out of this allotment during the last financial year.

(c) None of the applicants has so far satisfied the Director of Industries as regards the security offered or the capability to repay the loan.

(d) A list of applicants with certain other particulars is enclosed.

[Hon. R. S. Ch. Chhotu Ram.]

List of applications for loans under the Punjab Industrial Loans Act received during the financial year 1924-25.

		Rs.	
1.	The Frontier Chemical Works, Rawalpindi.	5,000	Application in the prescribed form was called for, but has not been received up to date.
2.	Messrs. Khushi Ram and Bros., Wiremill Manufacturers, Ram Gali, Lahore.	5,000	The applicant could not satisfy Director of Industries regarding the security offered and capability to repay the loan.
3.	Pandit Ram Saran Sharma, Lahore	30,000	Application in the prescribed form was called for, but has not been received up to date.
4.	Lala Kishan Chand, Victoria Silk Hosiary Factory, Lahore.	2,000	Ditto ditto.
5.	The Doaba Engineering Works, Jullundur.	42,000	Application withdrawn.
6.	The Oriental Tannery, Lahore ...	...	The application in the prescribed form was called for, but has not been received up to date.
7.	Sultan Mohammad, Multan Cantonment.	1,500	Ditto ditto.
8.	Mr. Dina Nath, Seth, Proprietor, The Croco Stationery Works, Moghulpura.	5,000	Machinery offered as security could not be accepted, no other form of security has since been offered.
9.	The Indian Industries, Dharampura (Lahore).	40,000	The applicant could not satisfy Director of Industries regarding the security offered or the capability to repay the loan.
10.	Lala Sundar Lal, Sialkot City ...	...	Application in the prescribed form was called for, but has not been received up to date.
11.	Bharat Chemical Works, Lahore...	...	Ditto ditto.
12.	M. Ishaq Khan, Amritsar ...	...	Ditto ditto.
13.	Mr. D. J. Horn, Manager, The General Electric Supply Company (Lahore Branch).	2,00,000	The application was not considered *bonâ fide* under the Act.

SCHOLARSHIPS FOR PUNJAB STUDENTS AT THE ROORKEE ENGINEERING COLLEGE.

1882. Professor Ruchi Ram, Sahni: (*a*) Is it a fact that a sum of Rs. 8,000 was provided in the Budget for 1924-25 for scholarships to Punjab students undergoing instruction at the Engineering College, Roorkee?

(*b*) Is it a fact that no scholarships were actually awarded during the year?

(*c*) Is it a fact that some students applied for these scholarships ?

(*d*) Will Government be pleased to say why no scholarships were awarded during the year ?

(*e*) Will Government please state the amount spent annually on account of such scholarships during the three years previous to 1924-25 ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (*a*), (*b*) and (*c*) The answer is in the affirmative.

(*d*) A reference is invited to item 1 of the proceedings of the Standing Committee on Industries held on the 20th November 1924, published on page 18, Part V, of the *Punjab Gazette*, dated the 30th January 1925. It has not been possible to award these scholarships as the information required to enable a selection being made is not yet available. The awards will be made, it is hoped soon, as soon as the information, which is being collected, is complete.

(*e*) Up to 1921 the United Provinces Government awarded 10 scholarships which were open to United Provinces students and to students of certain other provinces including the Punjab. After 1921 the United Provinces Government decided to reserve the scholarships awarded by them for United Provinces students only. During the years 1921-22, 1922-23 and 1923-24 no expenditure was incurred by the Punjab Government on scholarships.

Professor Ruch Ram, Sahni : Will the Government please give a generous response to the applications which I understand have been received, for the award of scholarships in view of the fact that no scholarships have been given for so many years ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The question of generosity hardly arises. There are three scholarships and they will be awarded under the rules as they stand.

MANDI HYDRO-ELECTRIC PROJECT.

1883. Professor Ruchi Ram, Sahni : (*a*) Will Government be pleased to state for how many months the daily gauges of the Uhl stream have been observed at the site of the tunnel head in connection with the Mandi Hydro Electric Scheme ?

(*b*) Will the Government be pleased to place on the table a statement showing the daily gauge readings and their corresponding discharges for the period ?

(*c*) Will the Government be pleased to state if the expert advisers in London who were consulted by Government were told definitely that the information about the daily discharges did not extend beyond two years or so ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (*a*) Fifteen months, that is, for three successive winter seasons, 1922-1925.

(*b*) A chart of the daily discharges will be placed on the table when available.

[Hon. R. S. Ch. Chhotu Ram.]

To prepare a copy of the daily gauge readings would take considerable time and labour and the result would not be commensurate with the labour involved.

(c) Yes.

Professor Ruchi Ram, Sahni: Will the Government allow the record of daily discharges to be copied by a private person?

The Honourable Rai Sahib Chaudhri Chhotu Ram: No.

Professor Ruchi Ram, Sahni: Not even by a member of this Council?

The Honourable Rai Sahib Chaudhri Chhotu Ram: I am afraid not.

MANDI HYDRO-ELECTRIC SCHEME.

1884. Professor Ruchi Ram, Sahni: (a) Is it a fact that the details of the Mandi Hydro-Electric Scheme, have not been available for public information and criticism ever since they were prepared?

(b) Is it a fact that the scheme has been revised during the past few months?

(c) Will the Government please lay a copy of the scheme on the table of the Council as soon as it becomes ready?

(d) Meanwhile does the Government propose to have a careful examination of the scheme made in the office of the Superintending Engineer, Hydro-Electric Survey?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) It is not usual to issue for public information and criticism details of engineering projects to be undertaken by Government. As the Mandi Hydro-Electric Scheme is of general interest to the public, the Public Works Department have issued for public information a printed note entitled "The Punjab Hydro-Electric Scheme—what it is and what it means." This contains a popular account of the project, and a copy of this was distributed to every member of the Council.

(b) No revised scheme has been prepared during the past few months.

(c) The final general report on the scheme is in the Press and a copy will be placed on the table at the first session of the Council after the report is received from the Press.

(d) The scheme has been examined by leading experts both in England and India, and Government does not propose to have any further examination made.

Professor Ruchi Ram, Sahni: With reference to the answer to part (b) of the question, is the Honourable Minister quite sure that the scheme has not been revised? I have received a letter from the Hydro-Electric Department that the scheme is being revised for the last few months, and that the new scheme is under preparation and will be available in August next. I am prepared to produce the communication to the Honourable Minister.

The Honourable Rai Sahib Chaudhri Chhotu Ram: I shall be pleased to have that communication, but I may inform the honourable member that the only thing he terms revision is the omission of just one transmission line.

PUNJAB EDUCATIONAL SERVICE.

1885. Professor Ruchi Ram, Sahni: (*a*) With reference to the answer to question No. 1521 asked on the 9th March 1925, will the Government please say whether the object of fixing a selection grade is to make the promotion to that grade dependent entirely upon a more than usual degree of ability and distinction?

(*b*) If so, will the Government please say whether it proposes to subvert this object by introducing communal or any other consideration in the matter of promotion to the selection grade in the Provincial Educational Service?

(*c*) If the answer to (*b*) is in the affirmative, has the Government considered that one effect of this course of action will be to intensify communal bitterness?

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

(*b*) No. Promotions to the selection grade are made by definite selection.

(*c*) Does not arise.

PEONS FOR AGRICULTURAL ASSISTANTS.

1886. Chaudhri Nur Din: Will the Government please state—

(*a*) Whether it is a fact that the agricultural assistants of the agricultural department are not given peons to attend to their official calls when on duty?

(*b*) Will the Government please say whether Tahsildars, Inspectors of Police, Inspectors of Excise, Inspectors of Co-operative Societies, etc., are allowed peons to attend on them? If so, will the Government please state why peons have not been given to the agricultural assistants?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Yes.

(First question). Yes.

(Second question). The matter is under consideration.

GARDEN ATTACHED TO THE SARAGARHI MEMORIAL AT FEROZEPORE.

1887. Mr. B. Maya Das: (*a*) Is it a fact that the garden attached to the Saragarhi memorial at Ferozepore was for a time under the management of the district board, Ferozepore?

(*b*) (*i*) If so, for what length of time during this period was contribution paid by the Government to the district board for the maintenance of this

[Mr. E. Maya Das.]

garden? (*ii*) What was the amount of contribution so paid and (*iii*) what was the actual cost of maintenance of the garden by the district board?

(*c*) Is it a fact that from about 1917 onwards the Government contribution for this garden was absorbed in the consolidated grant for the district board and that no separate contribution was made?

(*d*) (*i*) If so, what was the amount of the consolidated grant the board was in receipt of from Government during these years? (*ii*) How much of this grant was intended for the maintenance of the garden referred to?

The Honourable Mian Sir Fazl-i-Husain: (*a*) Yes, from December 1913 to July 1922.

(*b*) (*i*) for the whole period;

(*ii*) Rs. 772, up to 1917 when it was absorbed in the consolidated grant;

(*iii*) not known but in January 1923 it was reported to have gone up to Rs. 1,700.

(*c*) Yes.

(*d*) (*i*) Rs. 2,000 for five years from 1917-18;

(*ii*) the board was expected to maintain the garden out of the consolidated grant. The condition of the original grant (in 1913) was that the district board should meet all further expenditure from its own funds.

AGRICULTURAL ASSISTANT, FEROZEPORE DISTRICT.

1688. Mr. E. Maya Das: With reference to the answers given to questions Nos. 1014* and 1681† asked on the 18th November 1924 and 24th March 1925, respectively, is it a fact that the term of service of the agricultural assistant who is paid by the district board, Ferozepore, expires on or about the 26th July 1925?

(*b*) If so, will the Government be pleased to consider the advisability of relieving the district board of this expenditure from this date and keeping an agricultural assistant in Ferozepore district and paying him from provincial funds from that date?

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

OUTLETS ON HISSAR MINOR.

1689. Chaudhri Sahib Dad Khan: (*a*) Will the Government be pleased to state in how many cases since the amalgamation of revenue and canal departments on the Western Jumna Canal the revenue officers recommended for the increase or the decrease of the size of outlets on Hissar Minor and whether those recommendations were accepted by the canal authorities or not?

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* Vol. VII page 501. †Page 812 *ante*.

(*b*) If the recommendations were not accepted by the engineering department, what were the grounds for the same ?

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.

OUTLET IN THE HANSI BIR MINOR.

1890. Chaudhri Sahib Dad Khan: (*a*) Is it a fact that lands granted to Honorary Lieutenant Wali Dad Khan and other military officers in the Hansi Bir get no canal water ?

(*b*) Is it a fact that this matter was brought to the notice of the Financial Commissioner when he visited Hansi Bir last October ?

(*c*) Is it a fact that the Financial Commissioner had ordered the opening of an outlet in the Hansi Bir Minor for the irrigation of land referred to in part (*a*) of the question ?

(*d*) Is it a fact that the Revenue Assistant and the Deputy Commissioner, Hissar, also recommended an outlet for the said lands ?

(*e*) Is it a fact that in spite of all this no outlet has been opened as yet for the irrigation of lands referred to in the question ?

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.

DRINKING WATER IN CERTAIN VILLAGES OF HANSI AND BHIWANI TAHSILS.

1891. Chaudhri Sahib Dad Khan: Is it a fact—

(*a*) that in villages Bhartana and Kinamar of Hansi tahsil and villages Alakpura and Khanak of Bhiwani tahsil, drinking water is brackish ;

(*b*) that canal water flows at a distance of six miles from these villages ;

(*c*) that the people of these villages requested Government or its subordinates to arrange for the supply of canal water for drinking purposes and, if so, what action has been taken on their request ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) & (*b*) Yes.

(*c*) Investigations are being made as to what can be done to give a supply of drinking water to these villages.

PUNITIVE POLICE AT LAHANI.

1892. Chaudhri Sahib Dad Khan: (*a*) Will the Government please state whether it is a fact that the Muhammadans of village Lahani in

[Ch. Sahib Dad Khan.]

the Bhiwani tahsil are being prevented by the other residents of the place from saying their prayers, calling *azan*, taking water from village pond to wells, and grazing their cattle ?

(*b*) If so, what steps have been taken by the Hissar police to stop these evils ?

(*c*) Is it a fact that the Muhammadans applied to the Government for the location of a punitive police at Lahani on account of this conduct of the people of that place ? If so, what steps have been taken in this matter ?

The Honourable Sir John Mayard : (*a*) Allegations of this nature are under adjudication in a criminal court.

(*b*) Security proceedings have been taken.

(*c*) No. The suggestion was made by one individual.

The location of a Police post has not been considered necessary at present by the local officers.

HONORARY MAGISTRATES IN THE CAMPBELLPUR DISTRICT.

1893. Sayad Muhammad Husain : Will the Government be pleased to state how many honorary magistrates are in the Campbellpur district and how many of these are retired military officers ?

Mr. J. M. Dunnett : There are altogether twelve honorary magistrates in the Attock district, of whom one is a retired military officer.

Lieutenant Sardar Sikandar Hayat Khan : Will Government please issue instructions to favourably consider the case of military officers when names are sent up in future ?

Mr. J. M. Dunnett : Government will observe the rules which have been laid down after consulting a committee of this House and so far as these considerations are within the scope of the rules will give them due weight.

WATERLOGGING IN HAFIZABAD AND WAZIRABAD TAHSILS.

1894. Sayad Muhammad Husain : (*a*) Is it a fact that a considerable area of the tahsils of Hafizabad and Wazirabad has become unculturable on account of waterlogging and its other evil effects ?

(*b*) Is it also a fact that the economic condition of the zamindars of the aforesaid tahsils have become worse, their lands have deteriorated and have become unfit for all practical purposes of cultivation and grazing, and the mortality among the cattle there is higher than in any other district of the province ?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will the Government kindly state what palliative measures they are going to adopt for the relief of these people ?

The Honourable Sardar Bahadar Sardar Sundar Singh, Majithia : (*a*) Out of a total area of 211,770 acres, 5,920 acres have, owing to waterlogging, become unculturable.

(*b*) Water-logging must necessarily imply deterioration. No statistics regarding the mortality among the cattle are available.

(c) The Irrigation Department is conducting drainage operations and it is hoped that a large proportion of the land may be reclaimed.

INDIAN POLICE SERVICE.

1895. **Sardar Mohindar Singh**: (a) Is it a fact that at present there is no Sikh in the Indian Police Service in the Punjab promoted from the Provincial Service?

(b) Is it a fact that the Lee Commission has recommended that more promotions from the Punjab Police Service to the Indian Police Service than before should be made? If so, does the Government propose to take into consideration the claims of the Sikh community when making promotions from the Punjab Police Service to the Indian Police Service?

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.

MUHAMMADAN SUB-INSPECTOR FOR THE CITY POLICE STATION AT BHIWANI.

1896. **Chaudhri Sahib Dad Khan**: Will the Government please state whether the Deputy Inspector-General of Police has issued instructions that a Muhammadan Sub-Inspector should be posted to the City Police Station at Bhiwani?

(b) If so, will the Government please say whether the instructions have been carried out? If not, why not?

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.

PROVISIONS IN THE BUDGETS OF DISTRICT BOARDS FOR EDUCATION.

1897. **Mr. E. Maya Das**: Will Government be pleased to state if it is a fact that district boards are required to provide in their budget at least 25 per cent. of their income for expenditure on education? If so, how is this 25 per cent. to be calculated?

The Honourable Mian Sir Fazl-i Husain: The honourable member is referred to paragraphs 16 and 17 of the Education Department's C. M. 536-A. S.,* dated June 29th, 1922.

LIST OF PEOPLE WHO CULTIVATED UNCULTURABLE LAND ON THE LOWER BARI DOAB CANAL.

1898. **Chaudhri Nur Din**: (a) Will the Government be pleased to state if it caused to be prepared a list of those people who cultivated unculturable land on the Lower Bari Doab Canal for eight seasons beginning from Rabi 1919 to Rabi 1923?

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* Not printed.

[Ch. Nur Din.]

(*b*) Did the Government grant land on proprietary conditions to some of the people whose names were included in the list above referred to and did not grant to others?

(*c*) Will the Government be pleased to give reasons for this discrimination?

(*d*) Does the Government propose to give land on proprietary conditions to those included in the list who have not already been granted land on such conditions?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The honourable member is referred to the answer given to Council Question No. 1623,* a copy of which is laid on the table.

Chaudhri Nur Din (Urdu): In part (*c*) of the question I meant that the list of those people who cultivate unculturable land for eight seasons included all such persons whether locals or people of other districts, but the grants made have been made only to the locals.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Is that a question, Sir?

Mr. President: No.

Answer to Question No. 1623.

(*a*) List of persons, who had been cultivating land in the Lower Bari Doab Canal Colony, whether productive or not, on temporary cultivation for eight or more harvests, were prepared in 1922.

(*b*) The object was to consider the claims to permanent land grants of local men from among such persons.

(*c*) No proprietary rights have yet been granted to any of these persons in the lands under their cultivation. Practically all the temporary cultivators of eight harvests standing, who were locals have, however, been granted lands on ordinary peasant conditions; that is on the conditions published in *Punjab Government Gazette* notification No. 132, dated the 11th December 1916. The few men excluded (about ten in number) were non-agriculturists.

(*d*) No special instructions have been issued by Government regarding the grant of proprietary rights, which will be caused in due course as provided in the statement of conditions for peasant grants.

ILLEGAL RATES CHARGED ON OCTROI RECEIPTS IN THE GUJRA MUNICIPALITY.

1899. Captain Dhan Raj, Bhasin: (*a*) Is it a fact that the present acting Secretary of municipal committee, Gujra, has been charging an extra fee of one anna per each octroi receipt for sale of cattle in the Gujra cattle fairs held there every month and has not been crediting the same to the municipal funds?

(*b*) Is it a fact that the matter referred to in clause (*a*) was reported to the President, municipal committee, who is also the Deputy Commissioner, Lyallpur District?

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* Page 526 *ante*.

(*d*) If the reply to clause (*b*) be in the affirmative, what action has been taken by the President, municipal committee of Gojra, to stop this practice in future ?

(*e*) If no action has been taken by the President, municipal committee, what action does Government intend to take in the matter to stop this practice forthwith ?

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

PAYMENT OF SALARY TO PRIVATE SERVANTS OF *ex*-PRESIDENT OF GOJRA MUNICIPAL COMMITTEE OUT OF MUNICIPAL FUNDS.

1900. Captain Dhan Raj Bhasin : (*a*) Is it a fact that the present President of municipal committee, Gojra, while enquiring into the past administration of the committee has come to know that private servants of the *ex*-President of the committee were being paid their monthly salary out of the municipal funds ?

(*b*) Has any action been taken by the present President in the matter ?

(*c*) If the reply to clause (*b*) be in the negative, what action does Government intend to take in the matter ?

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

CONVERSION OF MUNICIPALITIES INTO SMALL TOWN COMMITTEES.

1901. Captain Dhan Raj Bhasin : (*a*) Is it a fact that Government intends to convert some of the municipalities into small town committees ?

(*b*) If the answer to (*a*) is in the affirmative, will the Government please state why it proposes to do so and how this course of action will help the extension of local self-Government in the province ?

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

(*b*) Does not arise.

The Council then adjourned *sine die*.

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69 PLC—[illegible]—21-5-35 Lahore.

APPENDIX I—(*Vide* Page 23.)

Report of the Select Committee appointed to report on certain proposed amendments to Standing Orders.

THE Select Committee appointed to report on the proposed amendments to the Standing Orders met on the 26th November 1924. Mr. President, Mr. J. Coldstream, Diwan Bahadur Raja Narendra Nath and Mr. J. M. Dunnett were present.

The proposed alterations bearing serial Nos. 1, 5, 6, 8, 9, 11, 11-A, 12, 16, 17 and 18 were approved without alteration and are recommended for adoption.

In serial No. 2 the Committee approve the substitution of the word 'Government'—*for* the word 'Governor' but as a consequential alteration would *substitute* the word 'intimate' *for* the word 'direct' at the end of the sub-order.

Serial No. 3 should also be adopted with the following additional drafting amendments: *Omit* word 'and' at the end of condition (5) and *insert* the word 'and' after condition (6).

Serial No. 4.—The Committee think that the proposed insertion of the words 'being demanded by a member' are undesirable as depriving the President of power to act on his own motion but they approve of the insertion of the proposed proviso. They recommend, therefore, merely the insertion of the proviso.

Serial No. 7.—The Committee would omit the words 'and in the case of motions..... order 73.' They consider that the right of reply on amendments should be allowed only in the case of clauses to Bills, and recommend the proviso as amended by them for adoption.

Serial No. 10.—No necessity has hitherto disclosed itself in this Council or the provision of a quorum in the case of Select Committees. The proposal is therefore not recommended.

Serial No. 13.—The Committee approve of the proposed amendment, but would insert the word 'main' between the words 'one' and 'definite.' The object of the amendment is to make it clear that a resolution should in substance relate only to one main issue, but it is not intended to exclude any number of sub-issues, such as naturally arise out of or are subordinate to the one general issue raised by the resolution, and they think that the insertion of the word 'main' will make the meaning clearer.

Serial No. 14.—The adoption of this amendment is not recommended. In practice no difficulty has arisen from the dual jurisdiction.

Serial No. 15 postponed for further consideration.

Serial No. 19.—The adoption of this amendment is not recommended as cases will be very rare in which it would be desirable to divide discussion of a resolution into compartments.

H. A. CASSON.

J. M. DUNNETT.

J. COLDSTREAM.

NARENDRA NATH.

THE further meeting was held on the 12th January 1925. The following were present : Mr. President, Mr. J. M. Dunnett and Maulvi Mazhar Ali Azhar.

Serial No. 15.—The Chairman informed the members of the Committee that since the last meeting of the Committee he had discussed with other Presidents the correct interpretation of Standing Order 61 and Rule 23 and had ascertained the practice followed in most other Councils. This practice is that the President does exercise original jurisdiction to decide whether a resolution is or is not within the restrictions of Rule 23 ; in fact Rule 23 (2), is read as having the same significance as if the words ' if any doubt arises ' which occur in Rule 8 (2) occurred also in Rule 23 (2). The general opinion is that these words were omitted in Rule 23 (2) by oversight. The Chairman expressed his willingness to follow this general practice. This being so, the adoption of the proposed amendment is not recommended.

The original draft amendments to the Standing Orders and the draft amendments recommended by the Select Committee are enclosed.

H. A. CASSON.

J. M. DUNNETT.

MAZHAR ALI AZHAR.

ANNEXURE

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
1	Standing Order 4 (1). On the termination of a session all pending notices shall lapse.	On the termination of a session all pending notices shall lapse, provided that when a question entered in the list of questions for the day has been called and put and the final reply is not ready either on that day or before the close of the session in time for the final reply to be given during the session, the question and its reply will be entered without further notice in the list of questions for the next session: Provided further that if the Council is dissolved at the close of the session at which the question is put, the question shall lapse.	On the termination of a session all pending notices shall lapse: provided that when a question entered in the list of questions for the day has been called and put and the final reply is not ready either on that day or before the close of the session in time for the final reply to be given during the session, the question and its reply will be entered without further notice in the list of questions for the next session: Provided further that if the Council is dissolved at the close of the session at which the question is put, the question shall lapse.
2	Standing Order 7 (1). At times when Government business has precedence, the Secretary shall arrange that business in such order as the *Governor* may direct.	At times when Government business has precedence, the Secretary shall arrange that business in such order as the *Government* may direct.	At times when Government business has precedence, the Secretary shall arrange that business in such order as the Government may *intimate*.

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
3	Standing Order 15 ...	*Add* the following sub-clause :— "(7) It must not amount in substance to a suggestion for any particular action in a matter raised by the member asking the question, but it may ask for a statement of the intentions of Government in respect of a matter of immediate concern."	Omit the word "and" at the end of clause (5) and insert it at the end of clause (6). *Add* the following sub-clause :— "(7) It must not amount in substance to a suggestion for any particular action in a matter raised by the member asking the question, but it may ask for a statement of the intentions of Government in respect of a matter of immediate concern."
4	Standing Order 26. If the President on a count at any time during a meeting ascertains that fifteen members are not present, he shall adjourn the Council till the next day on which the Council ordinarily sits.	If the President, on a count *being demanded by a member* at any time during a meeting, ascertains that fifteen members are not present, he shall adjourn the Council till the next day on which it ordinarily sits : *Provided that no demand for a count to ascertain the presence of a quorum shall be made within one hour of a previous count.*	*Add* the following proviso to the existing Standing Order :— "Provided that no demand for a count to ascertain the presence of a quorum shall be made within one hour of a previous count."

5	Standing Order 81. A. Proviso :— "Provided that the President may, in his discretion, *admit* at any time any motion at shorter notice or without notice."	Provided that the President may, in his discretion, *allow a motion to be moved* at any time at shorter notice or without notice.	Provided that the President may, in his discretion, *allow a motion to be moved* at any time at shorter notice or without notice.
6	Standing Order 82. (3) No discussion shall be permitted on a *motion* for leave to withdraw a motion except with the permission of the President.	No discussion shall be permitted on a *request* for leave to withdraw a motion except with the permission of the President.	No discussion shall be permitted on a *request* for leave to withdraw a motion except with the permission of the President.
7	Standing Order 88 (3) ...	*Add* the following *proviso* :— "Provided that nothing in the sub-order shall be deemed to give any right of reply on an amendment except in the case of amendments propos d to Bills under Standing Order 46 and in the case of motions relating to supplies made under Standing Order 73."	*Add* the following *proviso* :— "Provided that nothing in this sub-order shall be deemed to give any right of reply on an amendment except in the case of amendments proposed to Bills under Standing Order 46."

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
8	Standing Order 35. (1) At any time after a motion has been made any member may move 'That the question be now put,' and, unless it appears to the President that the motion is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'That the question be now put.' If this motion is carried, the President shall then put the question, after allowing the mover and the member of the Government to whose department the matter relates, to speak in the manner laid down in Standing Order 33 (3).	(1) At any time after a motion has been made, any member may move 'That the question be now put,' and unless it appears to the President that the motion is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'That the question be now put.'	(1) At any time after a motion has been made, any member may move 'That the question be now put,' and unless it appears to the President that the motion is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'That the question be now put.'

(2) At any time after a motion has been made in respect of a Bill promoted by a member of the Government, that member may request the President to put the question, and, unless it appears to the President that the request is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the question.	(2) At any time after a motion has been made in respect of a Bill promoted by a member of the Government, that member may request the President to put the question, and unless it appears to the President that the request is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the question.	(3) At any time after a motion has been made in respect of a Bill promoted by a member of the Government, that member may request the President to put the question and unless it appears to the President that the request is an abuse of the rules or these Standing Orders, or an infringement of the right of reasonable debate, the President shall then put the question.
(3) Where a motion is made under sub-rule (1) or a request is made under sub-rule (2) the motion or the question, as the case may be, shall be put without amendment or debate.	(3) Where a motion is made under sub-order (1), or a request is made under sub-order (2), *the motion, and, if it is carried, the question, or as the case may be, the question* shall be put without amendment or debate : *Provided that the President may allow any member any right of reply which he may have under these Standing Orders.*	(3) Where a motion is made under sub-order (1) or a request is made under sub-order (2), *the motion, and, if it is carried, the question, or as the case may be, the question* shall be put without amendment or debate : *Provided that the President may allow any member any right of reply which he may have under these Standing Orders.*

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
9	Standing Order No. 41 ...	'Legal Remembrancer' might perhaps be changed into 'Secretary to Government in the Legislative Department.'	'Legal Remembrancer' might be changed into 'Secretary to Government in the Legislative Department.'
10		The following Standing Order may be inserted as Standing Order No. 41-A :— (1) At the time of the appointment of a Select Committee the number of persons whose presence shall be necessary to constitute a quorum of the Committee shall be fixed by the Council. (2) If, at the time fixed for any meeting of a Select Committee or at any time during such meeting a quorum is not present, the Chairman of the Committee shall either adjourn it forthwith	The draft amendment proposed is not recommended for adoption.

		to a future day, or shall defer the commencement or suspend the proceedings of the meeting for such period in the same day as he may deem reasonable, and if at the expiry of such period a quorum is not present, he shall adjourn the Committee to a future day.	
		(3) Where a Select Committee has been adjourned in pursuance of sub-order (2) on three successive days fixed for meetings of the Committee, the Chairman of the Committee shall stay further proceedings and shall report the reason for so doing to the Council.	
11	Standing Order 45. (1) (*c*) That the Bill as reported by the Select Committee be *re-circulated* for the purpose of obtaining *further* opinion thereon.	That the Bill as reported by the Select Committee be *circulated* for the purpose of obtaining opinion thereon.	That the Bill as reported by the Select Committee be *circulated* for the purpose of obtaining opinion thereon.

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
	(2) If the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or *re-circulated* for the purpose of obtaining *further* opinion thereon.	(2) If the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be *circulated* for the purpose of obtaining opinion thereon.	(2) If the member-in-charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or be *circulated* for the purpose of obtaining opinion thereon.
11-A	Standing Order 47. (1) If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the amendment to be moved.	If notice of a proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the amendment to be moved.	If notice of a proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his powers to suspend this Standing Order, allows the amendment to be moved.

12	Standing Order 50 (2) ...	Perhaps the words 'Secretary to Government in the Legislative Department' may be substituted for the words 'Legal Remembrancer.'	The words 'Secretary to Government in the Legislative Department' may be substituted for the words 'Legal Remembrancer.'
13	Standing Order 60. Proviso— (a) It shall be clearly and precisely expressed and shall raise a definite issue.	It shall be clearly and precisely expressed and shall raise substantially one definite issue.	It shall be clearly and precisely expressed and shall raise substantially one *main* definite issue.
14	Standing Order 60. Proviso (c)— It shall not relate to any matter which is not primarily the concern of the local Government.	Omit this sub-clause ...	The adoption of the proposed amendment is not recommended.
15	Standing Order 61. (1) The President shall decide on the admissibility of a resolution, and may disallow any resolution when in his opinion it does not comply with these Standing Orders, and shall disallow any resolution if it infringes the rules as to the subject matter of resolutions.	The President shall decide on the admissibility of a resolution *under the Standing Orders* and may disallow any resolution when in his opinion it does not comply therewith, and shall disallow any resolution if the Governor has decided under Rule 23 (2) that it is within the restrictions imposed by sub-rule 23 (1) of the rules.	The adoption of the proposed amendment is not recommended.

Serial No.	Original Standing Order.	Amended Standing Order.	Draft amendments as recommended by the Select Committee.
16	Standing Order 62 (1) (*b*) ...	*Add* the following proviso — "Provided that the member may, with the permission of the President, authorise any other member in whose name the same resolution stands also in the list of business to move it on his behalf, and the member so authorised may move accordingly."	*Add* the following proviso- "Provided that the member may, with the permission of the President, authorise any other member in whose name the same resolution stands also in the list of business to move it on his behalf, and the member so authorised may move accordingly."
17	Standing Order 63. Proviso :— Provided that the mover of a resolution, when moving the same and the member of the Government to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes.	Provided that the mover of a resolution, when moving the same, and the member of the Government to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes, *or for such longer time as the President may permit.*	Provided that the mover of a resolution when moving the same, and the member of the Government to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes, *or for such longer time as the President may permit.*
18	Standing Order 67. (2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.	No discussion shall be permitted on a *request* for leave to withdraw except with the permission of the President.	No discussion shall be permitted on a *request* for leave to withdraw except with the permission of the President.

19	Standing Order 69. When any resolution involving several points has been disposed it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit.	When any resolution involves several points it shall be in the discretion of the President to divide the resolution and confine discussion to each or any part separately or to put each or any part separately to the vote as he may think fit.	The adoption of this amendment is not recommended.		

APPENDIX II—(*Vide* answer to question No. 1282 page 43).

DIGGING OF HEADS OF LOWER SOHAG CANAL FOR THE YEAR 1919-20.

Supply channel, 1919-20.				Mazanadeh Head C. Q. Q.-2, 1919-20.	
R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
36,500	1·98	½	0·95	45,000	1·1
30,000	0·97	22	0·63		
½	0·45	½	...	44½	...
25,000	0·34	21	1·18	44,000	7·5
½	1·67	½	...		
24,000	1·64	20,000	...	43½	5·5
½	1·54	½	...	43,000	6·9
23,000	0·48	19	1·79		
½	0·14	½	...	42½	5·7
22,000	0·85	18	...	42,000	5·4
½	0·30	½	2·67		
21,000	0·23	17	1·67	41½	6·5
½	1·71	½	1·61	41,000	2·5
20,000	2·0	16	0·97		
½	1·50	½	0·66	40½	5·5
19,000	3·32	15,000	0·59	40,000	4·8
½	2·05				
28	0·63	½	2·40	39½	5·5
½	0·78	14	1·28	39,000	7·5
27	1·52				
½	1·96	½	1·42	38½	4·9
26	2·51	13	1·98	38,000	4·5
½	1·22				
25,000	0·74	½	0·07	37½	7·9
½	1·24	12	0·46	37,000	2·7
24	0·83				
½	...	½	...	36½	2·0
23	0·72	11,000	...		

DIGGING OF REACHES OF LOWER SOHAG CANAL FOR THE YEAR 1919-20—*concld.*

UPPER DANA HEAD, 1919-20.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
29,500	1·70	24½	0·09	19½	...
29	...	24	0·28	19	...
28½	1·51	23½	...	18½	...
28	1·60	23	...	18	0·90
27½	1·0	22½	...	17½	1·10
27	0·68	22	...	17	0·48
26½	0·76	21½	...	16½	1·11
26	0·20	21	...	16	...
25½	...	20½	...	15,500	1·59
25,000	0·23	20,000	...	15,000	...
				14,500	2·40

DIGGING OF HEADS OF LOWER SOHAG CANAL FOR THE YEAR 1920-21.

Supply channel and Khiwa Head. 1920-21.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
50,000	1·90	½	...	½	1·55
½	2·93	36	...	23	2·33
49	2·35	½	...	½	1·62
½	1·95	35,000	0·75	21	3·04
48	...	...	...	½	1·67
½	3·23	34	3·40	20,000	1·45
47	1·96	½	1·53	½	1·21
½	2·08	33	0·85	19	1·81
46	2·10	½	...	½	1·21
½	3·38	32	1·50	18	...
45,000	1·85	½	...	½	...
½	1·65	31	1·65	17	...
44	2·20	30,500	2·04	½	1·46
½	2·45	30,000	1·50	16	1·76
43	1·05	½	2·39	½	1·74
½	1·26	29	2·07	15,000	2·45
42	1·40	½	2·04	½	1·50
½	1·53	28	3·14	14	...
41	1·35	½	3·79	½	0·90
½	1·73	27	2·97	13	0·89
40,000	0·56	½	3·33	½	0·64
½	...	26	3·37	12	1·17
39	...	½	2·58	½	...
½	...	25,000	2·06	11,000	...
38	...	½	2·87		
½	...	24	1·54		
37	1·05	½	3·37		
		23	2·98		

DIGGING OF HEADS OF LOWER SOHAG CANAL FOR THE YEAR 1920-21 —CONCLUDED.

GHULAM HEAD, 1920-21.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
48,000	10·48	46	2·71	44	3·81
½	6·49	½	3·48	½	3·86
47	2·34	45,000	4·06	43	4·87
½	2·82	½	3·48	42,500	10·52

DIGGING OF HEADS OF LOWER SOHAG CANAL FOR THE YEAR 1921-22.

Lower Sohag Canal with Ghulam Head 1921-22.						Upper Dona Head 1921-22.	
R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
47,000	3·17	½	3·26	19	2·04	28,000	3·52
47,500	3·55	33	2·55	½	1·11	28,000	2·77
47	3·67	½	2·65	18	2·0	½	2·66
½	2·66	32	3·20	½	2·41	27	2·17
46	2·91	½	2·78	17	2·69	½	2·01
½	2·88	31	3·21	½	2·09	26	1·90
45,000	2·61	½	3·85	16	3·51	½	1·42
½	2·32	30,000	4·67	½	1·85	25,000	1·03
44	2·73	½	5·63	15,000	2·62	½	0·89
½	2·72	29	3·10	½	2·94	24	0·01
43	2·74	½	3·70	14	2·92	½	0·17
½	3·14	28	3·40	½	2·33	23	0·24
42	3·76	½	3·54	13	1·70	½	0·25
½	3·88	27	3·67	½	2·40	22	0·38
41	3·29	26,500	3·75	12	0·51	½	0·01
½	2·23	26,000	5·86	½	1·94	21	0·11
40,000	4·73	½	4·80	11,000	0·32	½	...
½	0·65	25,000	3·16			20,000	...
39	2·87	½	3·14			½	0·14
½	3·25	24	3·09			19	...
38	3·33	½	3·06			½	0·35
½	0·82	23	2·37			18	0·53
37	0·61	½	3·70			½	...
½	2·52	22	2·91			17	2·24
36	0·43	½	2·40			½	0·35
½	2·68	21	1·67			16	...
35,000	3·96	½	2·35			½	0·65
½	4·24	20,000	2·37			15,000	1·64
34	4·67	½	1·97				

DIGGING OF HEADS OF LOWER SOHAG CANAL FOR THE YEAR 1922-23.

Lower Sohag Canal with Matamadek Head, 1922-23.						Lower Dona Head, 1922-23.		Remarks.
R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	
43,250	7·78	29	3·09	½	1·10	26,500	0·52	
43,000	7·50	½	2·74	14	1·08	28	0·70	
½	6·28	30	1·80	½	0·83	½	0·81	
42	4·89	½	2·48	13	0·84	27	0·63	
½	4·75	27	2·91	½	0·58	½	1·17	
41	6·58	½	3·46	12	...	26	1·01	
½	7·80	26	5·47	½	2·31	½	0·80	
40,900	14·14	½	5·28	11	0·15	25,000	1·05	
½	4·92	25,000	3·21	½	0·85	½	0·43	
39,000	5·41	½	2·39	10,000	0·40	24	0·67	
½	5·58	24	3·45	½	1·77	½	0·75	
38	8·03	½	3·50	9	0·35	23	0·86	
½	3·83	23	2·26	½	0·12	½	...	
37	4·02	½	2·52	8	0·40	22	...	
½	2·65	22	2·13	½	1·07	½	...	
36	3·41	21,500	2·06	7	0·65	21	...	
½	3·20	21	2·72	½	0·33	½	...	
35,000	3·30	½	3·63	6	1·40	20,000	...	
½	3·74	20,000	1·21	½	0·17	½	0·04	
34	3·26	½	3·15	5,000	...	19	...	
½	3·03	19	1·70	½	0·42	½	...	
33	2·91	½	2·30	4	0·70	18,500	...	
½	3·22	18	2·03	½	1·47	...	...	
32	2·11	½	2·30	3	0·55			
½	3·01	17	2·96	½	0·43			
31	1·40	½	1·81	2	0·1			
½	2·28	16	1·79	½	0·07			
30,000	2·81	½	2·0	1	0·85			
½	2·54	15,000	1·86	½	0·67			
				0	...			

DIGGING OF UPPER SOHAG CANAL FROM R. D. 0 OR OPPOSITE NIJABAT REST HOUSE, TO R. D.—19,800 FOR THE YEAR 1919-20.

R. D.	Digging, 1919-20.	R. D.	Digging, 1919-20.
—12,800	1·4	—6,000	1·2
—12,500	1·5	—5,500	0·4
—12,000	1·6	—5,000	0·6
—11,500	1·7	—4,500	Nil.
—11,000	1·6	—4,000	Nil.
—10,500	1·6	—3,500	0·7
—10,000	1·3	—3,000	1·7
—9,500	1·2	—2,500	1·2
—9,000	1·2	—2,000	1·8
—8,500	1·0	—1,500	1·7
—8,000	0·4	—1,000	1·5
—7,500	0·4	—500	2·0
—7,000	0·8	—0·0	1·9
—6,500	1·1		

DIGGING OF UPPER SOHAG CANAL FROM R. D. 0 OR OPPOSITE NIJABAT REST-HOUSE TO R. D. 12,500 FOR THE YEAR 1920-21.

R. D.	Digging, 1920-21.	R. D.	Digging, 1920-21.
12,500	1·8	6,500	1·1
12,000	3·6	6,500	2·1
11,500	0·5	5,000	0·5
11,000	0·0	4,500	1·3
10,500	0·0	4,000	0·3
10,000	0·5	3,500	1·3
9,500	0·1	3,000	1·0
9,000	0·3	2,500	1·0
8,500	1·2	2,000	0·1
8,000	0·4	1,500	0·0
7,500	1·1	1,000	1·7
7,000	1·5	500	0·5
6,500	0·9	0	1·3

DIGGING OF UPPER SOHAG CANAL FROM R. D. 0, OR OPPOSITE NIJABAT REST-HOUSE TO R. D. 16,500 FOR THE YEAR 1921-22.

R. D.	Digging 1921-22.	R. D.	Digging 1921-22.
16,500	7·8	8,000	1·0
16,000	6·4	7,500	1·3
15,500	6·2	7,000	0·7
15,000	5·0	6,500	0·9
14,500	5·1	6,000	Nil
14,000	5·1	5,500	0·2
13,500	5·1	5,000	Nil
13,000	3·3	4,500	"
12,500	3·2	4,000	"
12,000	2·6	3,500	"
11,500	1·4	3,000	"
11,000	1·3	2,500	"
10,500	0·9	2,000	"
10,000	0·7	1,500	0·3
9,500	0·4	1,000	0·6
9,000	0.1	500	0·6
8,500	0·8	0	0·2

DIGGING OF UPPER SOHAG CANAL FROM R. D. 0, OR OPPOSITE NIJABAT REST-HOUSE, TO R. D.—15,500 FOR THE YEAR 1922-23.

R. D.	Digging for the year 1922-23.	R. D.	Digging for the year 1922-23.
—15,500	9·5	—7,500	1·9
—15,000	9·7	—7,000	1·7
—14,500	8·5	—6,500	2·2
—14,000	8·1	—6,000	2·0
—13,500	5·2	—5,500	2·2
—13,000	4·8	—5,000	1·6
—12,500	7·0	—4,500	1·5
—12,000	0·8	—4,000	2·1
—11,500	1·2	—3,500	1·6
—11,000	1·4	—3,000	1·5
—10,500	1·6	—2,500	2·0
—10,000	1·3	—2,000	1·4
—9,500	1·3	—1,500	1·6
—9,000	2·0	—1,000	1·5
—8,500	3·3	—500	0·8
—8,000	1·9	—0·0	1·1

DIGGING OF UPPER SOHAG CANAL FROM R. D. 0 OR OPPOSITE NIJARAT REST HOUSE, TO R. D.—19,968 FOR THE YEAR 1923-24.

R. D.	Digging for the year 1923-24.	R. D.	Digging for the year 1923-24.
—19,968	Nil	—7,500	Nil
—19,500	5·71	—7,000	"
—19,000	5·12	—6,500	"
—18,500	5·24	—6,000	"
—18,000	4·98	—5,500	0·07
—17,500	4·16	—5,000	Nil
—17,000	3·78	—4,500	"
—16,500	2·39	—4,000	0·2
—16,000	2·50	—3,500	0·1
—15,500	3·22	—3,000	Nil
—15,000	2·15	—2,500	"
—14,500	0·64	—2,000	"
—14,000	Nil	—1,500	"
—13,500	1·07	—1,000	"
—13,000	3·28	—500	"
—12,500	1·49	—0·0	"
—12,000	0·01		
—11,500	0·22		
—11,000	0·28		
—10,500	0·45		
—10,000	0·17		
—9,500	Nil		
—9,000	"		
—8,500	"		
—8,000	"		

DIGGING OF UPPER SOHAG CANAL BETWEEN REGULAR HEAD OF CANAL OPPOSITE NIJABAT BEST HOUSE TO R. D. 40315 OR FATEH MOHAMMAD REGULATOR.

This 8 miles of clearance of the regular Canal is always included in the head silt clearance estimate.

R. D.	Digging for the year 1919-20.	Digging for the year 1920-21.	Digging for the year 1921-22.	Digging for the year 1922-23.	Digging for the year 1923-24.
0	1·9	1·8	0·9	1·1	Nil.
500	1·8	0·2	0·5	1·2	"
1,000	1·5	0·8	0·5	0·3	"
1,500	2·1	Nil.	0·8	·4	"
2,000	2·4	"	1·6	·6	"
2,500	2·2	"	0·5	·3	"
3,000	1·9	"	0·3	·5	"
3,500	2·0	"	0·2	·7	"
4,000	2·1	"	0·3	·8	"
4,500	2·(	"	0·7	·2	"
5,000	2·1	"	0·9	1·3	0·45
5,500	2·1	0·3	0·9	1·1	0·75
6,000	2·2	0·1	0·2	1·5	1·50
6,500	2 0	0·3	0·7	1·7	1·77
7,000	1·9	0·0	0·4	1·5	1·13
7,500	1·3	1·7	0·0	1·3	1·5
8,000	2·2	0·5	1·3	1·3	2·11
8,500	2·2	1·0	0·0	1·6	1·32
9,000	2·2	0·0	0·0	Nil	Nil
9,500	1·3	0·0	0·3	"	"
10,000	1·7	0·0	1 1	"	0·73
10,500	1·9	2·4	1·7	"	1·47
11,000	2·2	1·7	2·5	·2	1·28
11,500	1·3	1·5	2·2	·4	1·2
12,000	1·9	1·2	2·5	1·7	1·71
12,500	1·9	1·0	1·6	0·2	2·32
13,000	1·2	1·1	2·6	1·2	1·65

DIGGING OF UPPER SOHAG CANAL BETWEEN REGULAR HEAD OF CANAL OPPOSITE NIJABAT REST-HOUSE TO R. D. 40,945 OR FATEH MUHAMMAD REGULATOR—CONTD.

R. D.	Digging for the year 1919-20.	Digging for the year 1920-21.	Digging for the year 1921-22.	Digging for the year 1922-23.	Digging for the year 1923-24.
13,500	2·4	0·9	2·1	1·1	2·35
14,000	1·7	1·5	1·5	1·5	1·36
14,500	1·5	1·5	1·3	Nil	2·07
15,000	1·4	0·6	1·5	„	1·56
15,500	1·6	0·2	0·9	„	1·9
16,000	1·3	0·3	2·0	1·3	0·95
16,500	0·9	0·5	2·0	0·9	Nil
17,000	0·9	0·5	2·5	1·1	„
17,500	0·5	1·0	1·7	1·3	0·95
18,000	1·0	1·8	1·7	1·2	Nil
18,500	0·8	0·5	1·5	0·8	„
19,000	0·2	0·4	1·8	1·1	„
19,500	2·1	0·7	2·1	1·6	1·7
20,000	1·4	0·0	2·0	1·5	0·11
20,500	0·3	0·2	2·6	0·2	Nil
21,000	1·0	1·2	1·4	1·8	1·83
21,500	0·7	0·0	1·0	0·7	1·35
22,000	0·9	1·3	0·6	0·9	1·66
22,500	1·0	2·3	0·7	0·8	1·7
23,000	1·7	3·0	0·9	0·1	1·9
23,500	1·6	1·7	1·2	0·1	2·0
24,000	1·9	1·2	1·3	Nil	2·1
24,500	2·1	1·8	1·4	„	1·5
25,000	1·9	2·1	1·7	1·6	1·9
25,500	1·8	1·5	1·6	3	2·6
26,000	1·0	2·4	1·7	1·2	2·4
26,500	2·1	2·2	2·1	1·7	2·7
27,000	1·9	2·3	2·0	2·2	3·0

DIGGING OF UPPER SOHAG CANAL BETWEEN REGULAR HEAD OF CANAL OPPOSITE NIJABAT REST-HOUSE TO R. D. 40,945 OR TATEH MUHAMMAD REGULATOR—concld.

R. D.	Digging for the year 1919-20	Digging for the year 1920-21.	Digging for the year 1921-22.	Digging for the year 1922-23.	Digging for the year 1923-24.
27,500	1·7	2·1	2·2	2·2	1·7
28,000	1·5	3·0	2·5	2·8	1·7
28,500	1·4	3·0	2·3	3·0	2·4
29,000	1·1	2·8	1·9	2·7	0·4
29,500	0·9	2·6	2·0	2·6	0·7
30,000	1·1	3·2	2·0	2·6	0·9
30,500	1·1	2·9	2·0	2·4	1·6
31,000	1·2	2·7	1·9	2·4	1·4
31,500	1·7	2·8	2·5	2·0	1·1
32,000	1·2	2·3	2·1	2·5	1·2
32,500	1·4	2·6	2·1	1·6	1·2
33,000	1·4	2·4	2·0	2·2	1·0
33,500	0·9	2·8	1·9	2·0	1·1
34,000	1·2	2·2	1·9	2·1	0·3
34,500	1·6	0·5	1·9	1·4	Nil.
35,000	1·8	1·6	1·3	0·3	1·0
35,500	0·9	1·1	1·9	Nil	0·9
36,000	1·3	0·9	2·1	„	0·5
36,500	1·6	1·5	1·7	„	1·3
37,000	1·5	2·6	1·0	0·6	1·1
37,500	0·9	2·0	0·9	1·6	·6
38,000	0·4	1·2	1·3	0·9	·7
38,500	1·4	1·4	1·2	2·1	1·3
39,000	·4	2·0	1·1	1·3	1·1
39,500	Nil	2·0	1·0	1·7	1·0
40,000	0·2	1·5	0·1	3·6	2·1
40,500	0·2	1·2	0·1	1·9	·9
40,945	0·2	1·9	Nil	2·2	1·3

DIGGING OF KHANWAH CANAL WITH HEADS FOR THE YEAR 1919-20.

Khanwah Canal with Jallokee Head, 1919-20.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
0,000	...	8	1·2	22	0·6	36	1·3
½	1·6	½	1·9	½	1·0	½	0·5
0,000	0·9	9	1·1	23	0·6	37	0·3
½	1·0	½	1·1	½	0·7	½	0·3
1	1·1	10,000	1·1	24	1·9	38	1·2
½	1·0	½	1·7	½	1·6	½	0·6
2	1·0	11	2·0	25,000	0·4	39	0·2
½	1·1	½	2·1	½	2·7	½	0·2
3	1·2	12	1·2	25	2·2	40,000	...
½	1·2	½	1·0	½	1·6	½	...
4	1·2	13	1·0	27	0·6	41	0·2
½	1·7	13,500	1·2	½	0·6	½	0·3
0	0·8	14,000	0·9	28	0·6	42	1·1
½	1·0	½	1·0	½	0·9	½	0·4
1	1·1	15,000	0·9	29	0·4	43	0·3
½	1·2	½	1·0	½	0·1	½	1·5
2	1·6	15	1·2	30,000	...	44	4·0
½	2·1	½	1·0	½	0·3	½	1·6
3	1·7	17	1·1	31	2·1	45,000	2·1
½	2·0	½	1·0	½	0·1	½	1·6
4	2·4	18	1·2	32	0·9	46	...
½	2·2	½	1·3	1	4·3	½	...
5,000	2·6	19	1·6	33	0·5	47	...
½	2·3	½	0·7	35,500	...	½	2·1
6	2·4	20,000	0·5	34,000	0·3	48	1·9
½	2·4	½	2·5	½	0·9	½	3·5
7	2·5	21	2·1	35,000	0·5	49	1·5
½	1·9	½	0·7	½	...		

DIGGING OF KHANWAH CANAL WITH HEADS FOR THE YEAR [illegible]—concluded.

KHERRA HEAD, 1919-20.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
16,000	5·88	½	...	25,000	1·53	½	...
½	3·95	21	...	½	0·50	30,000	0·18
17	3·76	½	0·30	26	0·68	½	0·25
½	4·30	22	0·28	½	0·45	31	0·90
18	4·36	½	0·35	27	0·48	½	...
½	4·55	23	0·53	½	0·20	32	...
19	0·33	½	0·10	28	...	32,500	...
½	0·50	24	0·28	½	2·35		
20,000	0·48	½	0·15	29	0·68		

DIGGING OF KHANWAH CANAL FOR THE YEAR, 1920-21.

NEW DHENGRA SUBSIDIARY HEAD.

R. D.	Digging.
3,300	2·1
3,000	1·05
½	7·33
2,000	7·2
½	6·77
1,000	5·45
500	9·82
200	19·4
0	...

DIGGING OF KHANWAH CANAL WITH HEADS FOR YEAR 1921-22.

KHANWAH CANAL WITH JALLOKE HEAD, 1921-22.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
2,600	2·8	11	1·1	25,000	1·6	39	0·2
2,500	2·4	½	1·7	½	2·0	½	...
2,000	2·4	12	1·0	26	2·6	40,000	0·5
½	2·6	½	0·9	½	0·9	½	...
1	2·8	13	1·0	½	0·8	41	...
½	2·8	½	1·1	½	0·8	½	...
0	2·0	14	1·3	28	0·6	42	...
½	1·7	½	0·6	½	0·8	½	0·2
1	1·6	15,000	0·7	29	0·6	43	...
½	1·9	½	0·6	½	1·2	½	1·7
2	2·2	16	0·6	30,000	1·1	44	
½	2·1	16,500	0·8	½	0·6	½	
3	1·6	17	1·0	31	0·6	45,000	
½	1·4	½	0·7	½	0·6	½	
4	1·0	18	0·9	32	2·0	46	
½	2·0	½	0·1	½	...	½	
5,000	2·1	19	1·5	33	0·9	47	
½	1·7	½	1·5	½	0·2	½	Filling.
5	1·6	20,000	0·9	34	...	48	
½	1·7	½	1·8	½	0·3	½	
7	1·4	21	1·1	35,000	0·3	49	
½	1·4	½	1·3	½	0·4	½	
8	1·2	22	0·7	36	0·2	50,000	
½	1·4	½	0·8	36,500	1·3	½	
9	1·3	23	0·6	37	0·6	51,000	
½	1·6	½	1·3	½	0·3		
10,000	1·5	24	1·0	38	0·5		
½	1·1	½	1·3	½	2·1		

DIGGING OF KHARWAH CANAL WITH HEADS FOR YEAR 1921-22—CONCLUDED.

SUBSIDIARY HEAD KHIZRA EXTENSION.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
19,000	0·1	[illegible]	...	26	0·7	[illegible]	0·8
[illegible]	0·2	23	...	[illegible]	0·4	30,000	0·8
20,000	0·2	[illegible]	0·4	27	0·8	[illegible]	0·9
[illegible]	...	24	...	[illegible]	1·1	31	0·7
21	0·5	[illegible]	0·5	28	1·3	[illegible]	0·8
[illegible]	0·5	25,000	0·6	[illegible]	0·9	32,000	1·9
22	0·1	[illegible]	0·7	29	0·7		

DIGGING OF KHANWAH CANAL WITH HEADS FOR THE YEAR 1922-23.

JALLOKE HEAD OF KHANWAH CANAL, 1922-23.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
				½	1·0	½	0·8
2,250	0·8	½	0·8	16	0·8	25,000	0·8
2,500	1·1	7	1·0	½	0·4	½	0·4
½	1·0	½	0·7	17	0·5	26	0·5
1	0·7	8	0·1			½	0·4
½	0·3	½	1·3	17,500	0·6	27	...
0	1·0	9	1·0	18	0·9		
½	0·6	½	0·6	½	1·6	½	...
1	0·4	10,000	0·2	19	0·7	28	0·3
½	0·4	½	0·4	½	1·1	½	0·5
2	1·1	11	1·3	20,000	...	29	0·3
½	0·7	½	3·6	½	1·6	½	...
3	0·7	12	2·4	21	1·1	30,000	0·5
½	0·6	½	2·6	½	1·0	½	0·6
4	0·3	13	2·5	22	1·1	31	0·2
½	0·5	½	3·7	½	...	½	0·7
5,000	0·5	14	1·1	23	0·7	32	0·1
½	0·6	½	0·9	½	0·3	½	
6	0·3	15,000	1·1	24	0·6	33,000	

DIGGING OF KHANWAH CANAL WITH HEADS FOR THE YEAR 1922-23—*concld.*

KHIZRA HEAD OF KHANWAH CANAL, 1922-23.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
13,500	2·2	23	1·4	33	...	43	...
13,500	2·4	½	1·2	½	...	½	3·8
14,000	0·4	24	1·7	34	...	44	...
½	0·6	½	1·1	½	3·1	½	2·7
15,000	0·8	25,000	1·2	35,000	1·8	45,000	
½	0·2	½	1·4	½	0·1	½	
16	0·6	26	1·1	36	...	46	
½	0·2	½	0·9	½	...	½	
17	0·6	27	0·9	37	...	47	
½	0·3	½	0·7	½	...	½	
18	0·1	28	0·5	38	...	48	
½	...	½	...	½	...	½	
19	0·7	29	0·5	39	...	49	
½	1·2	½	0·2	½	...	½	
20,000	1·2	30,000	0·0	40,000	...	50	
½	1·0	½	0·6	½	...	½	
21	1·3	31	0·4	41	...	51	
½	1·6	31,500	...	½	...		
22	1·4	32	...	42	...		
½	1·0	½	...	½	...		

Village

DIGGING OF KHANWAH CANAL FOR THE YEAR, 1923-24.

Jallokee Head and Feroke Creek, 1923-24.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
9,100	...	½	0·8	21	...	½	...
9,000	0·6	...	0·7	½	0·9	37	...
½	4·0	½	0·8	22	0·1	½	...
8	3·9	7	0·8	½	0·4	38	...
½	4·2	7½	0·4	23	0·2	½	...
7	4·4	8	0·4	½	0·1	39	...
½	5·2	½	0·1	24	0·9	½	...
6	4·1	9	0·8	½	0·7	40,000	...
½	3·2	½	0·8	25,000	0·4	½	...
5	3·4	10,000	0·8	25½	...	41	...
½	2·0	½	1·2	26	...	½	...
4	...	11	1·6	½	0·9	42	2·9
½	...	½	0·2	27	0·1	½	2·6
3	2·9	12	2·4	½	0·8	43	1·7
2,500	3·4	½	1·7	28	...	43½	2·4
2,250	4·2	13	1·6	½	...	45,000	...
2,000	1·2	½	0·9	29	...	½	...
½	1·2	14	0·3	½	...	46	...
1	0·8	½	0·9	30,000	...	½	...
½	0·2	15,000	0·6	½	0·2	47	...
0	1·0	½	0·2	31	1·0	½	...
½	0·4	15	0·5	½	0·7	48	...
1	0·6	½	0·5	32	0·9	½	1·9
½	0·3	17	0·9	½	...	49	...
2	0·7	½	0·8	33	...	½	...
½	0·7	18	...	½	...	50	...
3	0·8	½	...	34	...	½	...
½	1·0	19	1·7	½	...	51	...
4	0·6	½	0·6	35,000	...		
½	0·7	20,000	0·3	½	...		
5,000	0·6	½	0·2	36	...		

UPPER BARI DOAB CIRCLE.

STATEMENT SHOWING THE AMOUNT SANCTIONED FOR THE SILT CLEARANCE OF HEADS OF KHANWAH, UPPER SOHAG AND LOWER SOHAG CANALS FROM THE YEAR 1919 TO 1924.

Serial No.	Year.	Khanwah Canal.	Upper Sohag Canal.	Lower Sohag Canal.
		Rs.	Rs.	Rs.
1	1918-19 ...	36,016	15,030	31,378
2	1919-20 ...	43,193	12,564	37,935
3	1920-21 ...	28,982	17,661	33,804
4	1921-22 ...	30,871	25,244	36,127
5	1922-23 ...	54,705	31,728	51,132
6	1923-24 ...	24,453	15,824	58,438

UPPER SUTLEJ DIVISION, INUNDATION CANALS.

STATEMENT SHOWING THE RIVER GAUGES AT THE TIME OF OPENING OF KHANWAH, UPPER AND LOWER SOHAG CANALS.

Serial No.	Years.	Khanwah Canal.		Upper Sohag Canal.		Lower Sohag Canal.		River gauges at Gandasingh-wala.	Remarks.
		Date of opening.	River gauges at Betu.	Date of opening.	River gauges, Lohia.	Date of opening.	River gauges, Lalingudar.		
1	1919 ...	11th May 1919 ...	...	4th May 1919 ...	2·9	8th May 1919 ...	8·9	8·6	
2	1920 ...	27th May 1920 ...	4·3	3rd May 1920 ...	3·7	27th May 1920 ...	10·9	8·8	
3	1921 ...	21st May 1921 ...	3·4	17th May 1921 ...	3·6	15th May 1921 ...	9·0	7·8	
4	1922 ...	20th May 1922 ...	2·5	13th May 1922 ...	2·8	10th May 1922 ...	10·7	8·6	
5	1923 ...	12th May 1923 ...	2·1	1st May 1923 ...	1·2	4th May 1923 ...	9·5	8·5	
*	*	*	*	*	*	*	*	*	

DIGGING FOR MAJAHADKE RESERVE HEAD OF LOWER SOHAG CANAL FOR THE YEAR 1923-24.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
42,400	7·68	½	1·77	½	2·38
42,000	4·82	40,000	2·80	38,000	2·47
½	2·32	½	2·22	½	1·90
41,000	2·03	39,000	2·23	9,000	2·54

DIGGING OF LOWER SOHAG CANAL (GHULAM HEAD) FOR 1924.

R. D.	Digging.	R. D.	Digging.	R. D.	Digging.
47,000	5·7	34,500	3·3	22,000	2·5
46,500	3·5	34,000	3·3	21,500	2·3
46,000	4·2	33,500	2·7	21,000	3·5
45,500	5·3	33,000	3·5	20,500	3·2
45,000	4·1	32,500	3·2	20,000	2·4
44,500	4·3	32,000	3·3	19,500	2·2
44,000	4·4	31,500	2·5	19,000	2·4
43,500	2·3	31,000	4·1	18,500	2·7
43,000	4·4	30,500	7·1	18,000	1·1
42,500	4·5	30,000	8·1	17,500	4·3
42,000	5·1	29,500	6·4	17,000	2·0
41,500	2·7	29,000	5·3	16,500	2·1
41,000	3·5	28,500	4·6	16,000	3·4
40,500	3·7	28000	3·0	15,500	2·1
40,000	3·9	27,500	3·5	15,000	1·6
39,500	4·0	27,000	2·5	14,500	1·6
39,000	2·7	26,500	2·8	14,000	1·6
38,500	3·7	26,000	4·3	13,500	1·0
38,000	4·3	25,500	3·4	13,000	·9
37,500	6·1	25,000	3·4	12,500	·4
37,000	3·5	24,500	3·6	12,000	·8
36,500	2·4	24,000	3·5	11,500	·8
36,000	3·0	23,500	3·1	11,000	·8
35,500	3·8	23,000	2·0		
35,000	3·2	22,500	3·0		

UPPER SUTLEJ DIVISION, INUNDATION CANALS.

STATEMENT SHOWING THE RIVER GAUGES AT THE TIME OF OPENING OF KHANWAH, UPPER AND LOWER SOHAG CANALS.

Serial No.	Years.	Khanwah Canal.		Upper Sohag Canal.		Lower Sohag Canal.		River gauges at Gandasinghwala.	Remarks.
		Date of opening.	River gauges at Bela.	Date of opening.	River gauges, Lohia.	Date of opening.	River gauges, Lalugodar.		
8	1924	16th June 1924.	9·2	10th May 1924.	1·2	16th June 1924.	9·6	9·2	Sudden rise of river from 7·9 to 9·2.

UPPER BARI DOAB CIRCLE.

STATEMENT SHOWING THE AREA UNDER COTTON IRRIGATION IN THE UPPER SUTLEJ DIVISION, INUNDATION CANALS, TO END OF OCTOBER 1894.

Serial No.	Katora Canal.		Khanwah Canal.		Upper Sohag Canal.		Lower Sohag Canal.		Remarks.
	American cotton.	Desi cotton.	American cotton.	Desi cotton.	American cotton.	Desi cotton.	American cotton.	Desi cotton.	
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	
1	468	3,723	4,291	6,571	4,083	3,517	6,270	5,731	
	4,189		10,862		7,600		12,010		
	34,661								

Appendix III—(Vide answer to question No. 1350, page 111.)

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25.

Serial No.	Names of Institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	Ambala Division.				
1	Sir Harcourt Butler High School, Simla	5,316	6,012	...	6,012
2	Jat Heroes Memorial High School, Rohtak.	9,228	10,056	...	10,056
3	Baptist Mission School, Simla ...	2,292	1,392	...	1,392
4	Islamia Middle School, Simla ...	804	600	...	600
5	Indian Boys School, Sanawar ...	960	960	...	960
6	King George Middle School, Kasauli ...	1,332	1,392	...	1,392
7	Khalsa High School, Ambala City ...	7,128	8,184	...	8,184
8	Anglo-Sanskrit High School, Ambala City.	11,004	9,228	...	9,228
9	Mission High School, Ambala City ...	7,896	7,236	...	7,236
10	Hindu High School, Sonepat ...	6,288	6,492	...	6,492
11	Jain High School, Panipat ...	4,764	5,424	...	5,424
12	D. A.-V. High School, Shahabad ...	3,468	3,108	...	3,108
13	Khalsa Middle School, Chamkaur ...	2,544	2,352	...	2,352
14	Mission Middle School, Kotgarh ...	1,020	1,008	...	1,008
15	Rajput Boarding House, Ambala City...	420	396	...	396
16	Brayne Meo High School, Nuh ...	2,772	3,492	...	3,492
17	Hindu Arya Samaj Middle School, Sadhaura.	1,236	1,404	...	1,404
18	Muslim High School, Ambala City ...	8,568	9,168	...	9,168
19	Mission High School, Kharar ...	7,608	7,212	...	7,212
20	Muslim High School, Sadhaura ...	4,440	4,452	...	4,452

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	AMBALA DIVISION—*concluded.*				
21	Khalsa High School, Kharar ...	2,340	2,664	...	2,664
22	Hindu Muhammadan High School, Ambala Cantonment.	9,036	8,616	—	8,616
23	B. D. High School, Ambala Cantonment.	15,420	16,428	...	16,428
24	Sanatan Dharm High School, Pundri ...	2,580	1,872	...	1,872
25	Anglo-Sanskrit High School, Pundri ...	2,688	2,556	...	2,556
26	Islamia Anglo-vernacular Lower Middle School, Shahabad.	624	768	...	768
27	Islamia Anglo-vernacular Lower Middle School, Kaithal.	588	492	...	492
28	Gaur Brahman High School, Rohtak ...	5,532	5,004	...	5,004
29	Hali Muslim High School, Panipat ...	4,560	2,736	...	2,736
30	Central Muslim Rajput High School, Kalanaur (District Rohtak).	3,108	3,756	...	3,756
	Total ...	1,26,744	1,24,420	...	1,24,420
	JULLUNDUR DIVISION.				
1	Khalsa High School, Bundala ...	4,644	4,560	...	4,560
2	Cantonment High School, Jullundur Cantonment.	4,812	4,404	...	4,404
3	Islamia High School, Jullundur City ...	7,800	7,020	...	7,020
4	Mission High School, Jullundur City ...	9,504	8,688	...	8,688
5	Anglo-Sanskrit Middle School, Nakodar	1,164	1,320	...	1,320
6	Khalsa Middle School, Kalra ...	3,360	2,664	250	2,914
7	Anglo-Sanskrit Middle School, Alawalpur	2,820	2,088	...	2,088
8	Gurudatt Anglo-vernacular High School, Kangra.	4,200	3,492	200	3,692

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Name of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	JULLUNDUR DIVISION—*concluded.*				
9	Zamindar Anglo-vernacular Middle School, Sultah.	1,332	1,224	...	1,224
10	Sanatan Dharam High School, Una ...	3,084	3,000	...	3,000
11	Anglo-vernacular Middle School, Charakgarh.	2,568	1,788	...	1,788
12	Islamia Middle School, Dasuya ...	912	936	...	936
13	Sardar Bahadur Amin Chand High School, Rajwara.	4,536	4,428	...	4,428
14	Khalsa Middle School, Mahalpur ...	1,752	1,080	...	1,080
15	Sanatan Dharam High School, Hoshiarpur.	2,448	1,884	...	1,884
16	Khalsa High School, Garhdiwala ...	1,944	2,148	...	2,148
17	D. A.-V. High School, Hariana ...	4,788	4,752	...	4,752
18	Islamia High School, Hoshiarpur ...	2,844	3,300	1,200	4,500
19	Khalsa Anglo-vernacular Middle School, Jaspalan.	2,472	2,124	...	2,124
20	J. P. Arya High School, Ludhiana ...	5,016	5,988	...	5,988
21	Islamia High School, Ludhiana ...	660	996	...	996
22	Khalsa High School, Ludhiana ...	7,596	8,796	...	8,796
23	Hindi Parchatak Middle School, Ludhiana.	468	480	...	480
24	Ewing Christian High School, Ludhiana	5,184	4,308	...	4,308
25	Khalsa Anglo-vernacular Middle School, Ferozepore.	1,584	1,440	...	1,440
26	Islamia Anglo-vernacular Middle School, Fazilka.	1,632	1,608	...	1,608
27	Harbhagwan Memorial High School, Ferozepore City.	7,968	7,728	...	7,728
28	Islamia High School, Ferozepore Cantonment.	4,068	3,984	...	3,984

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	JULLUNDUR DIVISION—*concluded.*				
29	Arjan Das High School, Dharmkot ...	2,796	2,880	...	2,880
30	Manohar Lal High School, Ferozepore Cantonment.	6,816	6,804	...	6,804
31	Mission Verunacular Middle School, Moga.	3,324	3,600	...	3,600
32	Dev Smaj High School, Moga ...	5,448	4,524	400	4,924
33	Khalsa High School, Jullundur ...	11,196	9,972	...	9,972
	Total ...	1,31,580	1,24,608	2,050	1,26,658
	LAHORE DIVISION.				
1	Salvation Army Lower Middle School, Lahore.	1,248	...	...	...
2	Watan Building Islamia School, Lahore	2,028	1,776	...	1,776
3	Sat Sabha Lower Middle School, Lahore	216	120	48	168
4	Sanatan Dharm Lower Middle School, Washh wali, Lahore.	612	588	...	588
5	St. Francis Lower Middle School, Lahore	588	600	...	600
6	Cantonment Aided High School, Lahore	3,912	3,300	...	3,300
7	Khalsa High School, Amritsar ...	25,260	20,916	540	21,456
8	Majha Khalsa Middle School, Kairon ...	3,180	3,144	...	3,144
9	Khalsa Middle School, Nowshehra Panwan.	2,676	2,148	...	2,148
10	M. A. O. Middle School, Amritsar ...	3,564	3,624	...	3,624
11	C. M. S. Middle School, Majitha ...	4,488	3,828	312	4,140
12	Muslim High School, Batala ...	4,200	3,624	...	3,624

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of Institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs	Rs.	Rs.	Rs.
	LAHORE DIVISION—*continued.*				
13	Mission Anglo-vernacular Middle School, Dhariwal.	4,401	4,020	...	4,020
14	Crosse Islamia High School, Fatehgarh	2,448	2,628	...	2,628
15	D. A.-V. Middle School, Behrampur	2,460	2,220	...	2,220
16	Public A.-V. Middle School, Balun (Dalhousie).	1,572	1,560	...	1,560
17	Anglo-vernacular Middle School, Baramanga.	4,284	3,276	564	3,840
18	King George Hindu High School, Gujranwala.	3,984	5,616	624	6,240
19	Khalsa High School, Gujranwala ...	16,008	12,744	696	13,440
20	Islamia High School, Gujranwala ...	8,124	6,316	876	7,192
21	Mission High School, Gujranwala ...	9,468	8,952	...	8,952
22	A. N. High School, Emianabad ...	7,464	6,516	...	6,516
23	Scotch Mission High School, Sialkot ...	6,816	6,960	...	6,960
24	Church of Scotland Mission High School Daska.	9,792	9,096	...	9,096
25	Arya High School, Bhopalwala ...	7,464	6,916	...	6,916
26	A. M. High School, Sialkot ...	6,156	5,760	...	5,760
27	Khalsa High School, Narowal ...	8,268	7,248	...	7,248
28	Khalsa High School, Sialkot ...	7,140	5,952	168	6,120
29	Mission High School, Narowal ...	7,464	7,808	...	7,808
30	Anglo-vernacular Mission Middle School, Martinpur.	2,592	1,740	120	1,860
31	T. I. High School, Qadian ...	6,480	6,288	...	6,288
32	A. L. O. E. High School, Batala ...	11,712	10,800	...	10,800
33	Baring High School, Batala ...	7,044	6,396	...	6,396

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	LAHORE DIVISION—*continued.*				
34	S. B. S. Khalsa High School, Lahore.	9,696	7,968	264	8,232
35	Muslim High School, Lahore ...	7,320	6,012	228	6,240
36	Islamia High School, Sheranwala Gate, Lahore.	9,840	7,812	1,056	8,868
37	D. A.-V. High School, Patti ...	4,728	4,104	...	4,104
38	Mission High School, Lahore ...	16,704	15,456	...	15,456
39	Islamia High School, Bhati Gate, Lahore.	6,312	5,604	...	5,604
40	Sanatan Dharm High School, Lahore ...	8,316	7,056	672	7,728
41	Dyal Singh High School, Lahore ...	17,856	15,180	...	15,180
42	D. H. Dev Samaj High School, Lahore.	4,620	4,320	...	4,320
43	D. A.-V. High School, Amritsar ...	3,732	2,952	504	3,456
44	G. G. S. Khalsa High School, Sarhali Kalan.	8,592	7,080	324	7,404
45	Hindu Sabha High School, Amritsar ...	9,696	9,276	...	9,276
46	S. G. A. D. Khalsa High School, Tarantaran.	5,516	5,628	...	5,628
47	G. T. B. Khalsa High School, Baba Bakala.	10,116	9,672	...	9,672
48	M. A.-O. High School, Amritsar ...	11,592	8,508	816	9,324
49	P. H. N. High School, Amritsar ...	10,620	8,148	948	9,096
50	Ganda Singh Hindu High School, Sialkot	8,449	7,620	...	7,620
51	K. C. Arya High School, Sialkot ...	6,240	5,568	...	5,568
52	S. M. Middle School, Sialkot Cantt. ...	4,584	3,540	156	3,696
53	Public Middle School, Ghartal ...	1,812	2,016	...	2,016
54	Christian Training Institute, Sialkot ...	6,912	6,444	...	6,444

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONCLUDED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	LAHORE DIVISION—*concld.*				
55	V. D. J. High School, Wazirabad ...	14,882	5,903	396	6,204
56	Mission High School, Wazirabad ...	6,600	6,223	...	6223
57	G. S. A. S. High School, Hafizabad ...	5,436	4,068	516	4,584
58	G. N. Khalsa High School, Sangla Hill	7,752	5,808	924	6,732
59	Muslim A.-V. Middle School, Baddomalli	150	120	...	120
60	Islamia High School, Sialkot ...	4,068	6,912	...	6,912
	Total ...	4,67,706	3,51,188	10,52	3,61,640
	RAWALPINDI DIVISION.				
1	C. M. Z. High School, Gujrat ...	14,852	16,344	...	16,344
2	S. D. High School, Gujrat ...	7,248	8,160	...	8,160
3	Scotch Mission High School, Gujrat ...	8,940	9,888	...	9,888
4	S. K. High School, Kunjah ...	3,756	3,624	...	3,624
5	S. H. S. High School, Dingah ...	8,648	6,096	...	6,096
6	Khalsa Middle School, Kharian ...	2,532	2,136	...	2,136
7	Khalsa High School, Kallar ...	5,568	4,728	...	4,728
8	Khalsa High School, Rawalpindi ...	7,260	9,000	...	9,000
9	Mission High School, Daiwal ...	10,140	10,944	...	10,944
10	Khalsa High School, Chakwal ...	8,256	8,508	...	8,508
11	S. D. High School, Bhown ...	2,352	2,136	...	2,136
12	O. B. Islamia High School, Shahpur Sadar.	7,452	8,424	...	8,424
13	Khalsa High School, Sargodha ...	6,096	5,784	...	5,784
14	S. D. High School, Sargodha ...	4,152	4,284	...	4,284
15	R. M. B. High School, Mianwali ...	6,396	4,752	1,000	5,752

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS, DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	RAWALPINDI DIVISION—*concluded.*				
16	Khalsa High School, Sukho ...	7,572	5,784	600	6,384
17	Khalsa High School, Sayyad ...	7,560	6,156	600	6,756
18	Islamia High School, Gujar Khan ...	6,336	7,884	...	7,884
19	Dennys High School, Rawalpindi ..	8,556	7,620	...	7,620
20	Mission High School, Rawalpindi ...	9,264	9,720	...	9,720
21	Islamia High School, Rawalpindi ...	8,172	8,160	...	8,160
22	D. A.-V. High School, Rawalpindi ...	12,504	11,232	...	11,232
23	S. D. High School, Rawalpindi ...	10,572	10,128	...	10,128
24	S. D. Middle School, Chohe Bhagtan ...	408	1,080	...	1,080
25	Islamia Middle School, Sukho ...	792	876	...	876
26	Mission Middle School, Jhelum ...	2,904	3,252	...	3,252
27	Mission Middle School, Sanghoi ...	1,632	1,752	...	1,752
28	D. A.-V. Middle School, Bhown ...	1,836	1,788	...	1,788
29	Khalsa High School, Fateha ...	7,368	7,692	...	7,692
30	K. R. A. S. High School, Bhera ...	10,608	10,596	...	10,596
31	Khalsa Middle School, Pindigheb ...	420	312	...	312
32	Mission School, Jalalpur Jattan ...	3,432	3,456	...	3,456
33	Islamia School, Jalalpur Jattan ...	1,632	1,932	...	1,932
34	Khalsa School, Sanghoi	3,060	2,940	...	2,940
35	Khalsa School, Mitha Tiwana ...	1,956	1,776	...	1,776
36	Khalsa High School, Gujar Khan ...	7,968	5,244	...	5,244
	Total ...	2,16,288	2,14,198	2,200	2,15,398

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—concluded.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	Multan Division.				
1	Muslim High School, Lyallpur ...	7,762	7,428	...	7,428
2	Dhanpat Mal A. S. High School, Lyallpur.	5,118	4,656	...	4,656
3	Bhiratri High School, Leiah ...	4,728	5,100	...	5,100
4	Islamia High School, Chiniot ...	6,456	7,560	...	7,560
5	Islamia High School, Jhang ...	5,856	6,264	...	6,264
6	Islamia High School, Chak No. 333 ...	2,688	2,496	...	2,496
7	Cantonment A.-V. Middle School, Multan Cantonment.	4,680	4,656	...	4,656
8	Hindu Lower Middle School, Dera Ghazi Khan.	564	564	...	564
9	Islamia High School, Multan ...	6,660	5,352	720	6,072
10	D. A.-V. High School, Multan ...	8,304	7,764	...	7,764
11	Sanatan Dharm High School, Multan ...	4,764	5,208	...	5,208
12	K. G. Hindu High School, Jhang ...	9,616	10,140	...	10,140
13	Malik Bhagwan Das High School, Chiniot.	3,528	3,456	...	3,456
14	Bar Khalsa High School, Chak 42, Lyallpur District.	7,584	7,296	...	7,296
15	Zamindar Islamia High School, Pasuha ...	7,956	7,236	...	7,236
16	Sanatan Dharm High School, Lyallpur ...	7,044	7,956	...	7,956
17	Khalsa High School, Lyallpur ...	10,488	8,616	720	9,336
18	A.-V. Middle School and Pathsala Chiniot.	684	1,140	...	1,140
19	G. A. S. Middle School, Ahmadpur ...	504	576	...	576
20	Khalsa Middle School, Lyallpur ...	1,548	1,740	...	1,740
21	Muslim Boarding House, Gojra ...	732	792	...	792
22	Mission Boarding House, Gojra ...	732	660	...	660

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONTINUED.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	MULTAN DIVISION—*concluded*.				
23	Khalsa Boarding House, Gojra ...	1,464	1,476	...	1,476
24	Islamia Boarding House, Toba Tek Singh.	876	636	...	636
25	Khalsa Boarding House, Toba Tek Singh.	564	528	...	528
26	Khalsa Boarding House, Jaranwala ...	612	672	...	672
27	Islamia Boarding House, Muzaffargarh	1,356	1,452	...	1,452
28	D. A.-V. School, Karor Lal Isan ...	300	276	...	276
	Total ...	1,13,116	1,11,696	1,440	1,13,136
	GIRLS SCHOOLS.				
	AMBALA DIVISION.				
1	A. P. Mission Boarding Anglo-Vernacular Middle School, Ambala City.	1,860	1,920	...	1,920
2	Vedic Girls Primary School, Ambala Cantonment.	420	408	...	408
3	Jain Girls School, Ambala ...	420	336	...	336
	Total ...	2,700	2,664	...	2,664
	JULLUNDUR DIVISION.				
1	Arya Putri Patshala, Jullundur Cantonment.	420	480	...	480
2	Dev Samaj Girls High School, Ferozepore.	3,132	2,824	...	2,824
3	Sikh Kanya Mahavidyala, Ferozepore ...	5,316	4,056	...	4,056
	Total ...	8,868	7,360	...	7,360

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—concluded.

Serial No.	Names of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
	GIRLS SCHOOLS—concld.	Rs.	Rs.	Rs.	Rs.
	Lahore Division.				
1	National Parkman Girls High School, Lahore.	1,500	1,524	...	1,524
2	Kinnaird High School for Girls, Lahore.	6,990	6,760	...	6,760
3	Alexandra Girls High School, Amritsar.	5,364	5,160	...	5,160
4	Avalon High School for Girls, Pathankot.	7,046	7,570	...	7,770
5	A. P. Mission Middle Girls School, Sialkot.	2,316	2,256	...	2,256
6	Scotch Mission Girls Middle School, Sialkot.	804	828	...	828
7	Arya Girls Middle School, Sialkot ...	803	824	...	824
8	Christian Middle Girls School, Narowal.	912	1,020	...	1,020
9	Shahab Mission Girls Middle School, Dasuya.	840	840	...	840
10	Sikh Middle Girls School, Sialkot ...	408	408	...	408
11	Christian Middle Girls School, Amritsar.	1,458	Amalgamated with Alexandra Girls School, Amritsar.	...	...
	Total ...	27,408	27,296	...	27,296
	Rawalpindi Division.				
1	Shri Guru Nanak Girls Primary School, Campbellpur Cantonment.	852	852	...	852
2	American Mission Anglo-Vernacular Girls Middle School, Rawalpindi City.	648	708	...	708
	Total ...	876	936	...	936
	Multan Division.				
	Nil.				

STATEMENT OF GRANTS SANCTIONED FOR AIDED INDIAN SCHOOLS DURING 1923-24, 1924-25—CONCLUDED.

Serial No.	Name of institutions.	Grants sanctioned during 1923-24.	Grants sanctioned during 1924-25.		
			Sanctioned originally.	Sanctioned subsequently.	Total.
		Rs.	Rs.	Rs.	Rs.
	SUMMARY.				
	Boys.				
	Ambala Division	1,35,744	1,34,400	...	1,34,400
	Jullundur Division	1,31,540	1,24,803	2,062	1,26,865
	Lahore Division	4,07,700	3,51,188	10,452	3,61,640
	Rawalpindi Division	2,16,268	2,14,188	2,200	2,16,388
	Multan Division	1,13,118	1,11,696	1,428	1,13,124
	Total ...	10,04,434	9,86,080	16,142	9,54,222
	Girls.				
	Ambala Division	2,700	2,664	...	2,664
	Jullundur Division	8,868	7,860	...	7,860
	Lahore Division	27,408	27,228	...	27,228
	Rawalpindi Division	876	996	...	996
	Multan Division	...	...	...	...
	Total ...	39,852	38,748	...	38,748
	GRAND TOTAL ...	10,44,286	9,74,828	16,142	9,90,970

Special grants for Board Schools.

		Rs.
District Board School, Kot Addu	...	1,500
Municipal Board School, Gojra	...	11,874
District Board High School, Kallar	...	2,000
Municipal Board High School, Pindigheb	...	2,000
District Board High School, Patto Hira Singh	...	3,000
District Board High School, Sirigobindpur	...	1,200
Municipal Board School, Batala	...	2,000
Cantonment School, Lahore	...	1,524
Total	...	25,198

Grants to New Schools.

		Rs.
Islamia A.-V. Middle School, Dera Gazi Khan	...	404
Islamia High School, Chak 333, Lyallpur	...	1,231
Khalsa High School, Kurali	...	2,366
C. A. V. School, Hissar	...	4,674
Islamia School, Simla	...	874
Islamia School, Rupar	...	1,019
Sanatan Dharm School, Simla	...	445
Mathra Das High School, Moga	...	4,416
Khalsa High School, Moga	...	5,233
Islamia High School, Ludhiana	...	538
Mission High School, Palampur	...	2,100
Z. A. V. High School, Sullah	...	936
Khalsa School, Kharar	...	1,551
Islami Anglo-Vernacular Middle School, Jalalpur Jatan		500
Total	...	26,347

Special Grants.

		Rs.
D. A.-V. High School, Shahpur	...	1,000
Khalsa High School, Shahpur	...	1,000
Islamia Middle School, Jhelum	...	500
Islamia High School, Sangla	...	1,200
Khalsa Middle School, Nawanpind	...	900
G. D. Islamia School, Maingri	...	1,200
Sanderson D. A.-V. School, Baramanga	...	600
A. S. High School, Karor (Muzaffargarh)	...	450
Khalsa A.-V. Middle School, Khanewal	...	800
Vaish High School, Rohtak	...	2,000
Total	...	9,650

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Appendix IV (vide page 1121).

ANSWERS TO CERTAIN UNANSWERED QUESTIONS LAID ON THE TABLE.

The Secretary :—The answers to the following questions have been received since the publication of Volume VIII, Nos. 4 to 17 of the Council Debates :—

1373, 1377, 1385, 1387, 1388, 1430, 1433, 1477, 1491, 1530, 1532, 1533, 1535, 1544, 1545, 1547, 1552, 1561, 1565, 1573, 1576, 1582, 1591, 1610, 1615, 1630, 1631, 1641, 1643, 1645, 1695, 1696, 1702, 1717, 1720, 1721 and 1722. They are now laid on the table for the information of members.

Grants of land to Sikh Zaildars, etc., of Ambala Division for Military Service.

Answer to Question No. 1373 (page 140).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The following zaildars in the Ambala Division were granted land rewards for military services —

Ambala District.

1.	Bhai Ram Singh	2 Rectangles.
2.	Bhai Teja Singh	1 Rectangle.
3.	Bhai Jai Singh	1 „

Hissar District.

4.	Sardar Sahib Bhai Chatar Singh ...	2 Squares.
5.	Sardar Sahib Partap Singh	3 „

Karnal District.

6.	Nand Singh	50 Acres of land.

No reward was granted in the Rohtak District. There is no Sikh zaildar, sufedposh or lambardar in the Gurgaon and Simla Districts, and no land grants were made to sufedposhes and lambardars in the Ambala, Hissar and Karnal Districts.

Communal representation among the staff of the Public Works Department, Irrigation and Buildings and Roads Branches.

Answer to Question No. 1377 (page 141).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (a) Statements attached.

(d) Attention is given by Government to this point, but the onus of qualifying themselves for appointment rests with the members of the communities concerned. The interests of the public service require that the best qualified candidate should be given preference.

Public Works Department, Irrigation Branch.

Class of Establishment.	Number employed.				Total.
	Muhammadans.	Hindus.	Sikhs.	Christians.	
1. Upper Subordinate Establishment.	9	38	7	1	55
2. Subordinate Engineering Service	47	124	54	...	225
3. Lower Subordinate Establishment.	34	52	9	...	95
4. Clerical Establishment ...	319	549	55	54	977
Waiting List of Clerks ...	71	146	19	6	242

No waiting list is maintained for Nos. 1—3 by communities separately.

Public Works Department, Buildings and Roads Branch.

Class of Establishment.	Number employed.				Total.
	Muhammadans.	Hindus.	Sikhs.	Christians.	
1. Upper Subordinate Establishment.	13	14	5	1	33
2. Subordinate Engineering Service	16	41	13	1	72
3. Lower Subordinate Establishment.	7	14	3	...	24
4. Clerical Establishment ...	91	102	18	24	235

No waiting list is maintained for Nos. 1—3 by communities separately.

PANCHAYATS IN THE PROVINCE.

Answer to Question No. 1385 (page 144).

The Honourable Mian Sir Fazl-i-Husain: A statement is laid on the table.—

Name of district.	Number of panchayats actually constituted.	Number of cases decided by panchayats in 1924.
Kangra	Nil	
Shahpur	Nil	
Mianwali	1	
Ferozepore	24	146
Jhang	15	
Gurgaon		
Simla		
Hissar		
Ludhiana	19	328
Lyallpur	8	
Gujrat	18	
Jhelum	8	
Attock		
Gujranwala	2	38
Hoshiarpur	35	
Sheikhupura	7	35*
Ambala	10	40
Jullundur	16	198
Montgomery	1	
Sialkot	7	39
Karnal	9	360
Lahore	9	428
Muzaffargarh	9	200
Gurdaspur	4	101
Rawalpindi	11	
Rohtak	8	11
Dera Ghazi Khan	5	8
Amritsar	3	288
Multan	15	27

*Decided by 5 panchayats, the figures for 2 panchayts are not available.

PANCHAYAT OF VILLAGE DHAGAM, TAHSIL GARHSHANKAR.

Answer to Question No. 1387 (page 145).

The Honourable Mian Sir Fazl-i-Husain: No further Gazette notification of the constitution of the panchayat is required. Under the terms of Notification No. 2170S, dated 26th November 1923, the constitution of the panchayat took effect from the date on which the election of panches was confirmed by the Deputy Commissioner, *viz.*, 10th August 1924.

PANCHAYATS IN THE HOSHIARPUR AND LUDHIANA DISTRICTS.

Answer to Question No. 1338 (*page* 145).

The Honourable Mian Sir Fazl-i-Husain :—

(*a*) *Hoshiarpur district*—No Panchayat decided any case in 1924.

Ludhiana District—(1) Hargana, (2) Zulafgarh, (3) Lalauri.

(*b*) None.

PUNITIVE POST, VILLAGE CHAURA.

Answer to Question No. 1430 (*page 225*).

The Honourable Sir John Maynard: (I) (*a*) Owing to complaints that the villagers were harbouring criminals.

(*b*) No.

(II) The present period for which the post is sanctioned expired on the 31st March 1925. No proposal for further continuance has reached Government.

ILL-TREATMENT OF PROBATIONARY SUB-INSPECTORS AND INSPECTORS BY THE DRILL INSTRUCTOR OF THE TRAINING SCHOOL, PHILLAUR.

Answer to Question No. 1433 (*page 226*).

The Honourable Sir John Maynard: (*a*) Enquiries show that the allegations made against the Drill Staff of the Police Training School at Phillaur are entirely unfounded.

(*b*) Does not arise.

FIXED HORSE ALLOWANCE TO DISTRICT INSPECTORS OF POLICE.

Answer to Question No. 1477 (*page 284*).

The Honourable Sir John Maynard: (*a*) City and Cantonment Inspectors of Police receive a fixed horse allowance of Rs. 30 or Rs. 40 per mensem, according to the locality in which they are serving, provided they actually keep horses. *They are not* debarred by rule from drawing travelling allowance, but the nature of their duties precludes the possibility of travelling, save under very exceptional circumstances.

(*b*) Although obliged to keep horses, District Inspectors of Police do not at present receive any such horse allowance.

(*c*) The question of granting fixed horse allowances to District Inspectors in addition to Travelling Allowance has just been referred to Government by the Inspector-General of Police.

THEFTS IN KASUR.

Answer to Question No. 1491 (*page 328*).

The Honourable Sir John Maynard: (I) (*a*) (*b*) and (*c*) :—

Year.	Number of cases against property.			Value of property stolen.	Recovered.
	Reported.	Traced.	Untraced.		
1924	95	13	80	Rs. 12,188	Rs. 732

II. (*a*) A burglary was committed at the house of the Sub-Judge, Kasur, and property valued at Rs. 1,383 was stolen. The valuation of the property stolen is assessed from the list furnished by the Sub-Judge himself. The house of the Sub-Judge is situated on a public road some distance from Kasur town.

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

III (*a*) It is not a fact.

(*b*) Does not arise.

(*c*) :—

Year.	Number of cases against property.		
	Reported.	Traced.	Untraced.
1922	74	19	52
1923	104	17	81
1924 ...	95	13	80
1925 ...	2	1	1

Book entitled "Taqiqul Islam."

Answer to Question No. 1530 (page 352).

The Honourable Sir John Maynard: "Yes."

The prosecution of the author has been ordered.

Punitive Police Posts, Hoshiarpur District.

Answer to Question No. 1532 (page 352).

The Honourable Sir John Maynard: (*a*) One combined Punitive Police Post of 1 Sub-Inspector, 2 Head Constables and 20 Foot Constables imposed on the following 6 villages of the Mahilpur Police Station is still in existence :—

Kot Fatuhi, Gondpur, Sirhala Khurd, Baddon, Dhada Kalan and Paldi. The period of sanction will expire on 30th September 1925.

(*b*) Yes. But the improvement is due to the imposition of the Punitive Post.

(*c*) Does not arise.

PUNITIVE POLICE POSTS IN THE DOABA.

Answer to Question No. 1533 (*page* 353).

The Honourable Sir John Maynard: Government does not consider the present state of crime in the Doaba reassuring. All posts of additional police have been withdrawn in Hoshiarpur District and all but two or three in Jullundur. It will be necessary to retain a portion of the additional mounted police for a short period till conditions are more secure.

POLITICAL PRISONERS.

Answer to Question No. 1535 (*pages* 353-54).

The Honourable Sir John Maynard: (*a*) to (*d*) No. A special class is recognized in which convicts are placed by order of convicting courts, subject to confirmation by Government, with reference to the status, character and education of the prisoner, and the character of his offence.

(*e*) Persons sentenced under sections 121 and 121-A, Indian Penal Code, are debarred from appointment as convict officers.

(*f*) Yes.

(*g*) Does not arise.

(*h*) Yes.

(*i*) Does not arise.

SUBORDINATE VETERINARY SERVICE.

Answer to Questions Nos. 1544 *and* 1545 (*pages* 357-58).

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(*a*) Yes.

(*b*) The Veterinary Inspectors were drawn by selection from Veterinary Assistants and the Deputy Superintendents were drawn from Veterinary Inspectors. There was no higher examination in either case.

(*c*) Yes. The scale of pay for recruits who have undergone four years course is Rs. 100—10—200—10—300.

(*d*) Yes. The memorial is under consideration.

(*e*) Yes, but no diplomates who had undergone a 2 years' course of training in the old Cawnpore School were engaged as Agricultural Assistants in or after October 1920, when the A and B grades of pay for Agricultural Assistants were introduced. A distinction has been made between the 2 years' English Course Leaving Certificate men and the 4 years' English Course men from the Lyallpur Agricultural College.

(*f*) No, it is not a fact. Sub-Assistant Surgeons with English qualification have always been paid at a higher rate than those not so qualified. There is, however, no Vernacular course now nor are there any more Sub-Assistant Surgeons not qualified in English.

(*g*) Yes, but the qualifications for admission were both of the same low standard, and both were Vernacular courses of not greatly different character.

(*h*) The standard of preliminary education required for admission to the new 4 years' English course at the Veterinary College, the duration and the character of the course, and the standard of Veterinary knowledge attained are so radically different from those of the old 3 years' Vernacular course that it would be unfair if no distinction were made. Government do not propose to drop the distinction.

NEW APPOINTMENTS IN THE EXCISE DEPARTMENT.

Answer to Question No. 1547 *(page* 402).

The Honourable Rai Sahib Chaudhri Chhotu Ram :

(*a*) Yes.

(*b*) (*c*) 9.

(*d*) 26.

PROBATIONARY SUB-INSPECTORS OF POLICE.

Answer to Question No. 1552 (page 405).

The Honourable Sir John Maynard : (*a*) Ten Probationary Sub-Inspectors have been recruited in the Eastern Range this year.

(*b*) and (*c*) Two of these are Jats, *viz.*, Risaldar Kartar Chand, late of the 7th Light Cavalry, and Havaldar Tara Chand, late of 10th Jats. Both have passed the University Entrance Examination and both served in the field in the great war. They were selected on their personal merits alone.

(*d*) and (*e*). There are 6 Jat Sub-Inspectors in the Ambala Division. In view of the fact that Jats form nearly one-sixth of the population of the Ambala Division, the number of Jat Sub-Inspectors is comparatively small. The reasons for this are—(1) that very few suitable Jat candidates for Probationary Sub-Inspectorships have come forward in the past, and (2) that the number of Jats presenting themselves for enlistment in the rank of Constable has been almost negligible.

HINDU JAT SUB-JUDGES IN THE PROVINCE.

Answer to Question No. 1561 (page 416).

Mr. H. D. Craik : (*a*) and (*b*) The honourable member's attention is invited to the reply given to his question No. 41 printed at page 814 of volume VI of Legislative Council Debates, 1924.

(*c*) Fourteen persons were accepted by the High Court in 1924 as candidates for the post of Sub-Judge.

(*d*) Yes. The roll of only one Hindu Jat was submitted but the Judges accepted, in preference, a member of another important agricultural tribe (an Ahir) as he was very strongly recommended by the local officers and his family had rendered meritorious service during the War.

(*e*) Of the 14 candidates accepted there were :—

(*i*) Five Hindus (four B.A., LL. Bs., and one B.A. (Hons.), LL.B.), two being agriculturists. Two of these candidates passed the LL.B. Examination in the 1st Division.

(*ii*) Five Muhammadans (four B.A., LL.Bs., and one M.A., LL.B.), two being agriculturists. Three of these candidates passed the LL.B. Examination in the 1st Division.

(*iii*) Three Sikhs (all B.A., LL.Bs.), one being a Jat. One of these candidates passed the LL.B. Examination in the 1st Division.

(*iv*) One Jain (B.A. (Hons.), LL.B.). This candidate had a brilliant academic career, he passed the LL.B. Examination in the 1st Division and stood first among Punjabi candidates in the I.C.S. Examination of 1922. He stood first also in the B.A. Examination of the Punjab University.

This statement does not include the family services and professional qualifications of the candidates.

LEVY FOR DIGGING OF WATER-COURSES.

Answer to Question No. 1565 (page 418).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) (1) Total amount realized to end of February 1925 from zamindars in the Gujranwala Division, Upper Chenab Canal, for construction of water-courses and water-course culverts is Rs. 6,39,558.

(2) Rupee 0-8-0 per acre per crop.

(*b*) Rupees 3,17,630 have been spent to end of February 1925 on these water-course systems which have been designed and executed up to date.

(*c*) No. The charge is levied under the authority of rule 21 as amended by notification No. 368-R. I., dated 12th March 1923, of the rules under Act VIII of 1873 applicable to the Upper Chenab Canal.

(*d*) The charge is made in order to recoup Government for its expenditure on the construction for the zamindars of an efficient water-course system and the zamindars have also the advantage of paying for the water-courses gradually. Zamindars are credited with the cost of approved water-courses which they themselves have constructed.

(*e*) Until the total cost of work done has been recovered.

(*f*) Irrigation Branch has not received such representations.

(*g*) The charge is to cease when Government has recovered the expenditure incurred in this connection and therefore the question of abolishing the charges does not arise.

SIKH TAHSILDARS, NAIB-TAHSILDARS AND HEAD VERNACULAR CLERKS.

Answer to Question No. 1573 (pages 422-23).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*i*) The information is not available at headquarters and Government does not consider it would be worth while to collect it.

(*ii*) The ratio of Sikh Tahsildars to the total staff is 1 : 11.

The ratio of Sikh Naib-Tahsildars to the total staff is 1 : 7.

The ratio of Sikhs to total population is 1 : 8.

Government do not consider any action is required.

BUDHA KHERA BRANCH OF THE WESTERN JUMNA CANAL.

Answer to Question No. 1576 (page 465).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) and (*b*) No.

(*c*) Applications were received for supply of water to areas which could not be commanded from the distributary.

(*d*) Crops have been damaged in uncommanded areas, as zamindars would not do lift irrigation, though advised by the Executive Engineer to do so.

(*e*) No.

(*f*) Government is in no way responsible for the damage.

(*g*) Excess water occasionally went into the old canal at tail when there was slack demand in the upper reach of the distributary.

COMMUNAL REPRESENTATION AMONG ZAILDARS, ETC., IN THE AMRITSAR DISTRICT.

Answer to Question No. 1582 (pages 467-68).

Mr. H. D. Craik:

(*a*)	Hindu	...	140,306
	Muslim	...	353,951
	Sikh	...	265,791
(*b*)	Hindu	...	*Nil.*
	Muslim	...	9
	Sikh	...	84
(*c*)	Hindu	...	*Nil.*
	Muslim	...	1
	Sikh	...	9
(*d*)	Hindu	...	5
	Muslim	...	2
	Sikh	...	3
(*e*)	Hindu	...	*Nil.*
	Muslim	...	1
	Sikh	...	1

(*f*) 18,172 recruits were enlisted but information is not available showing the communities to which each belonged.

(*g*)	Hindu	2
	Muslim	5
	Sikh	120

ARMS LICENSES.

Answer to Question No. 1591 (page 471).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

The figures are :—

(1) *Multan District*—

Muslims	1,126
Hindus	255
Sikhs	106
Europeans	111
Others	31

(2) *Muzaffargarh District*—

Muslims	1,154
Hindus and Sikhs	269

TEMPORARY SERVICE OF CIVIL ASSISTANT SURGEONS.

Answer to Question No. 1610 (page 520).

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

(*b*) Temporary service, in the Provincial Civil Service, if followed by confirmation, counts for pension but not for increments in the Provincial Civil Service Time-scale.

(*c*) Government has given this matter its careful consideration on more than one occasion and is not prepared to reconsider its decision.

COMMUNAL REPRESENTATION IN CERTAIN HONORARY OFFICES IN MULTAN.

Answer to Question No. 1615 (page 522).

Mr. H. D. Craik.—

	Hindus.	*Muhammadans.*
(*a*) ...	13	37
(*d*) ...	20	297

(*b*) and (*c*) A seat in Provincial or Divisional Darbar is not an office.

CRIMES AT BALIALI.

Answer to Question No. 1630 (page 529).

The Honourable Sir John Maynard: The information required has been collected and is available for the honourable member's inspection.

CANDIDATES FOR POSTS OF SUB-INSPECTOR OF POLICE.

Answer to Question No. 1631 (page 29).

The Honourable Sir John Maynard:—

(*a*) The required statement is attached.

(*b*) & (*c*) No. 5 of the statement, Risaldar Malik Fateh Khan, is a Muhammadan Rajput. The claims and qualifications of other Muhammadan Rajput candidates were not strong enough to secure their selection.

Statement showing the names of Probationary Sub-Inspectors selected in December 1924, and sent to Police Training School, Phillaur, for training on 1st January 1925.

Serial No.	Name.	Place of residence.	Religion and caste.	Remarks.
1	Havildar Tara Chand, late of the 10th Inf.	Ugra Khurd (Karnal District)	Hindu Jat	Personal services in the Great War.
2	Risaldar Kartar Chand, late of the 7th Light Cavalry.	Muggo Wal (Hoshiarpur District)	Jat Sanghia	Ditto ditto.
3	Goverdhan Lal, Bhagat	Rawalpindi City	Hindu, Ahluwalia	Ditto ditto.
4	Havildar Asghar Nizam-ud-Din	Dasuya (Hoshiarpur District)	Punjabi Christian	Ditto ditto.
5	Risaldar Malik Fateh Khan	Mitha Tiwana (Shahpur District)	Muhammadan Rajput (Tiwana)	Personal services in the Great War and with the Dogra Additional Police.
6	Mohammad Akram	Bedala (Jullundur District)	Muhammadan, Arain	
7	Syed Muhammad	No. 1892, Mohalla Bodigran (Delhi Province).	Muhammadan, Syed	
8	Muhammad Ishaq	Jahan Khelan (Hoshiarpur District)	Pathan Muhammadan	
9	Muzaffar Ali Khan	Kasur (Lahore District)	Kakezai Muhammadan	
10	Prithvi Singh, B.A.	Jullundur City	Jat Sikh	

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ELECTORAL ROLLS OF THE SIALKOT CANTONMENT BOARD.

Answer to Question No. 1641 (pages 760-61).

The Honourable Sir John Maynard: (*a*) A rough list was commenced immediately on receipt of the draft rules, but this list was only used to assist in the preparation of the electoral rolls when these rules were confirmed.

(*b*) Yes.

(*c*) The rolls were completed after enquiry from door to door and after reference had been made to all pertinent records in the office of the Cantonment Authority. So far as Government are aware the name of no property owner was omitted.

DEPOSIT OF KASUR MUNICIPAL COMMITTEE FUNDS IN THE BANK.

Answer to Question No. 1643 (pages 761-62).

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

(*ii*) No.

(*iii*) As it is not possible to say what sums the committee would have had to deposit from time to time, it is impossible to state what advantage the committee would have obtained had effect been given to the first resolution.

(*iv*) The bye-laws made by the committee under section 31 of the Punjab Municipal Act, 1911, provide that no motion shall be entertained in regard to a question once disposed of except after the lapse of three months from the date of such disposal, or except on the written application of more than two-thirds of the members of the committee. As however the first resolution passed by the committee was contrary to the provisions of sub-section (1) of section 54 of the Punjab Municipal Act, 1911, it cannot be said that the question of depositing the municipal fund had been disposed of, and in the opinion of Government the second resolution of the committee was in order.

GRANT OF LAND TO MUHAMMADAN RAJPUTS OF HISSAR, ROHTAK AND GURGAON DISTRICTS IN RECOGNITION OF WAR SERVICES.

Answer to Question No. 1645 (page 762).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) 8 squares to 4 persons in Rohtak district and 6 rectangles to 3 persons in Hissar. None in Gurgaon.

(*b*) 2 out of Rohtak and one out of Hissar.

(*c*) One in Rohtak and one in Hissar.

APPOINTMENT OF DOGRA RAJPUTS AS DEPUTY SUPERINTENDENTS OF POLICE.

Answer to Question No. 1695 (page 822).

The Honourable Sir John Maynard (*a*) Twenty-three permanent and twenty-five officiating Deputy Superintendents of Police have been appointed since the year 1921.

(*b*) Nil.

(*c*) Appointments in the rank of Deputy Superintendent of Police are made strictly by selection and not on a communal basis.

SUPERINTENDENTS IN THE POLICE DEPARTMENT AND DOGRA RAJPUTS.

Answer to Question No. 1696 (page 822).

The Honourable Sir John Maynard: Since the year 1920 no direct appointments of Deputy Superintendent have been made. Twelve Assistant Superintendents, 4 Inspectors and 261 Sub-Inspectors have been appointed. Dogra Rajputs secured 4 appointments as Sub-Inspectors.

DETENTION OF CERTAIN TELEGRAMS SENT BY SHIROMANI GURDWARA PARBANDHAK COMMITTEE.

Answer to Question No. 1702 (page 824).

The Honourable Sir John Maynard: The telegrams in question were detained by the Punjab Government in exercise of the powers conferred by section 5 (1) of the Indian Telegraph Act, 1885.

FOREST SUBORDINATES DISMISSED FROM RAWALPINDI EAST FOREST DIVISION.

Answer to Question No. 1717 (page 832).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

Muhammadans	13 out of a total of 91 employed.
Hindus	2 out of a total of 22 employed.
Sikhs	0 out of a total of 4 employed.

SIRHIND CANAL, FEROZEPORE DIVISION.

Answer to Question No. 1720 (page 832).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: No, the Sirhind Canal, Ferozepore Division, was not closed for 1½ months. The canal was closed at head for 15 days for urgent repairs and the Abohar Branch, which serves the Ferozepore Division, was closed for 20 days only for the same reason. The closure has not damaged the Rabi harvest. The Rabi crop this year in the Ferozepore district is not as good as usual, but this is due to cultivation being largely in excess of what the canal is designed to irrigate and what it can successfully mature without the help of rain. The winter rains were practically a total failure.

Remissions of occupiers' rates will be granted for failure or partial failure of crops as admissible under the rules in force.

BARA LAND ALLOTTED NEAR KAHUTA FARM.

Answer to Question No. 1721 (page 833).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) A statement of conditions on which Government granted land to certain persons of the peasant class on the Lower Bari Doab Canal Colony is given in Punjab Government notification No. 22031, dated the 15th September 1920, a copy of which is laid down on the table.

(*b*) No.

(*c*) The question does not arise.

(*d*) (*i*) The land was taken on *bara* land conditions, *vide* Punjab Government notification referred to above.

(*ii*) Certain areas of better land were given concomitantly under the usual temporary cultivation rules. This land is given on these terms to the worst *bara* allotments and in view of the scarcity of better lands their redistribution must necessarily take place from time to time. No proprietary rights are given with these better lands.

(*e*) No, as this would not be in the interests of the reclamation scheme.

The 15th September 1920.

No. 22031.—The following statement of conditions on which Government is willing to grant land to certain persons of the peasant class on the Lower Bari Doab Canal is published in accordance with section 10 (2) of the Colonization of Government Lands (Punjab) Act, V of 1912:—

Statement of Conditions on which Government is willing to grant '*bara*' land situated on the Lower Bari Doab Canal.

1. This statement of conditions is issued subject to the provisions of the Colonization of Government Lands (Punjab) Act, 1912, hereinafter referred to as "the Act aforesaid" and in accordance with section 10 (2) thereof.

2. No person shall be entitled as of right to become a tenant, that is to say, the Local Government hereby reserves to itself and retains absolute discretion in the selection of tenants for the lands referred to in this statement.

3. In this statement of conditions—

(*a*) "the lands" and the "said lands" shall so far as each separate tenancy is concerned, be deemed to apply to and designate the lands included in that tenancy;

(*b*) "the date of the commencement of the tenancy" shall mean the date of the written order referred to in section 10 (3) and (4) of the Act aforesaid confirming the allotment;

(*c*) "Collector" and "Commissioner" shall have the meanings assigned to them in section 3 of the Act aforesaid;

(*d*) "improvements" shall be deemed to mean improvements as defined in section 4 (19) of the Punjab Tenancy Act, 1887.

4. At or after the expiration of five years from the date of the commencement of the tenancy, the tenant, having duly paid all sums due to Government under the conditions hereinafter described and having duly observed all the stipulations herein contained and to be by him observed, shall be entitled at any time to receive from the Government a Sanad giving him a right of occupancy in the said lands: provided that the tenant shall hold and possess the said lands and every part thereof, subject for ever to all the provisions and stipulations herein contained, provided also that the Collector may withhold occupancy rights from any tenant who for want of reasonably assiduous husbandry or from any other cause within his control has failed to bring the said lands up to a reasonable standard of productivity.

5. Where any person is granted a tenancy in accordance with these conditions in respect of land which has already been the subject of such a tenancy, such subsequent tenant shall not enjoy any new period of remissions in addition to that enjoyed by the original tenant under clause 17 of these conditions.

6. The Local Government does not grant to the tenant but hereby absolutely excepts and reserves to itself out of and in respect of the said lands (1) all grounds situate in the said lands or any part thereof already marked out, excavated or otherwise utilized for the distributary channels of the canal; and (2) all existing rights to and over all mines and minerals, coals, gold-washings, earth-oil and quarries in or under the said lands or any part thereof, together with all easements heretofore enjoyed by the Government in respect of the said lands or any part thereof.

7. The tenant shall at all times permit any officer or officers of Government to enter into and upon the whole or any part of the lands and do all acts and things that may be necessary or expedient for the purpose of searching for, working, getting or carrying away any such mines and minerals, coals gold-washings, earth-oil and quarries, and for the full enjoyment of the ground and of each and all of the rights hereinbefore reserved to Government to and over all mines and minerals, coals, gold-washings, earth-oil, quarries and easements in or under the said lands and all parts thereof.

8. The Local Government agrees to pay to the tenant reasonable compensation for any damage at any time directly occasioned by the exercise by the Local Government of all or any of the rights reserved to itself in clause 6 and clause 7 other than existing rights of way and water and other easements.

9. The Local Government does not grant to the tenant but hereby absolutely excepts and reserves all roads situated in the said lands or any part thereof which have been marked out on the ground or delineated in the plan or plans kept in the office of the Collector.

And it likewise excepts and reserves the right of the public to traverse a width of 3 karams along one side of the lines bounding 25 acre rectangles wherever this may be considered by the Collector necessary in the public interest and also to traverse a width of 3 karams otherwise situated wherever the Collector considers this necessary in order to replace an existing thoroughfare.

10. The tenant shall at all time, on receipt of a requisition in writing signed by the Collector, permit the said Collector to take possession of, and finally to resume for the Government, so much of the said lands as may from time to time, in the opinion of the said Collector, be required for the construction, repairs or maintenance of railways, roads, water-courses or any works connected therewith.

11. No compensation shall be claimable by the tenant or any other person in respect of such reservation or resumption as is referred to in clauses 9 and 10, but in respect of any area so reserved no occupiers' rates, land revenue, malikana or cesses shall be payable by the tenant.

12. The tenant shall be chargeable with the whole of the cost of the survey and demarcation of the said lands, together with his share of the cost of the water-course or water courses of estate in which the said lands are situated and of the roads and culverts necessary for the general convenience of the residents of such estate, and also with the costs of keeping such roads and culverts in proper repair. The amounts of such charges, as determined by Government or by the Collector in the case of repairs of roads and culverts, shall be recoverable in such manner and at such times as may be fixed by Government or by the Collector, respectively.

13. The tenant shall duly comply with such directions as the Collector shall from time to time issue requiring him to construct boundary marks on the limits of such lands or any part thereof, and shall keep them when erected in good repairs to the satisfaction of the Collector.

14. The tenant shall render all such assistance in the prevention or discovery of crime as is incumbent on the owners and occupiers of land by any law or rules for the time being in force in the Punjab, and is and shall be responsible in the same manner as headmen, watchmen or other inhabitants of villages are under any track law or rules for the time being in force in the Punjab.

15. If the tenant is ordered, under section 118 of the Code of Criminal Procedure, to execute a bond to be of good behaviour, or is sentenced to a term of imprisonment of one year or upwards, he shall be deemed to have committed a breach of the conditions of his tenancy and the Collector may order the resumption of the tenancy as provided in section 24 of the Act aforesaid.

16. The tenant shall be bound to be and to remain at all times of loyal behaviour, and to render active support to the Government and its officers in any time of trouble or disorder. The decision of the Local Government whether this condition has been violated by the tenant shall be final, and if the Local Government is of opinion that the tenant has committed a breach of this condition, it may resume the tenancy or any portion thereof, either temporarily or permanently and such resumption shall not affect any other penalty to which the tenant may be liable under these conditions or otherwise.

17. The tenant shall pay when due, in respect of the said lands or any part thereof—

(1) all lands revenue assessments, occupiers' rates, cesses or other charges imposed by competent authority under any law for the time being in force.

(2) Malikana at such rate or rates as may from time to time be fixed by the Punjab Government, and all payments mentioned in the clause shall be made to such persons and at such times and places as the Collector shall from time to time appoint:

Provided that the Local Government shall remit the whole demand on account of occupiers' rates, land revenue, malikana and cesses in respect of the first four harvests and three quarters or a half of the said charges in the ensuing four harvests; and may also remit a half of the said charges in the ninth and tenth harvests gathered from the lands of the tenancy, when cultivated by means of irrigation from the Lower Bari Doab Canal:

Provided, also, that the Collector shall decide which is the first harvest gathered from the lands of any tenancy cultivated by means of irrigation from the Lower Bari Doab Canal and what fraction of the charges on account of occupier's rate, land revenue, malikana and cesses should be remitted in accordance with the above clause in the six harvests subsequent to the first four harvests, and that his decision shall be final.

18. The tenant shall settle permanently in the estate in which the said lands are situated within one year of the date on which the Collector directs that he be put in possession of a specified area of land, and within

three years of the same date he shall build a house to the satisfaction of the Collector on a site allotted by the Collector or (with the permission of the Collector) on his own land : provided that when the tenancy is held jointly by two or more persons the Collector may for sufficient reasons excuse any of such joint holders from personal residence in the estate.

19. All trees and brushwood on the said lands shall be at the absolute disposal of the tenant and may be sold by him.

20. The tenant may sink wells, make water-courses, plant trees, build houses and otherwise improve the lands and subject to the due fulfilment by him of the conditions and liabilities set forth in this statement, shall be entitled to all the products of the lands other than those specified in clause 6 hereof. Provided that no water-course shall be made on a plan or in a position not approved by the Irrigation Department, and that every water-course in use shall be kept in proper repair by the tenant to the satisfaction of that department.

21. (*i*) The tenant shall not use the said lands or any part thereof in a manner which renders them unfit for the purposes for which he holds them, and shall in each harvest of the 1st year from the date of commencement of the tenancy cultivate $\frac{1}{4}$th of the area recorded as *bara* in the revenue papers and included in the tenancy. In the 2nd year from such date he shall in the rabi harvest cultivate $\frac{1}{8}$th of the area so recorded as *bara* and in kharif harvest $\frac{1}{4}$th of the area recorded as *bara* and thereafter he shall keep the whole of the *bara* lands included in the tenancy under cultivation to the extent of one-half thereof.

(*ii*) The tenant shall display reasonable energy and assiduity in the cultivation of the said *bara* lands, and failure to do so to an extent which in the opinion of the Collector indicates that the tenant is not attempting to bring the said *bara* lands up to a reasonable standard of productivity shall be deemed to constitute a breach of the conditions of the tenancy justifying the Collector in ordering the resumption of the tenancy.

22. The tenant shall not without the permission of the Collector recorded in writing, cultivate the said lands or any part thereof by means of any person who during the previous two years shall have cultivated non-colony lands in the Montgomery or Multan District.

23. The tenant is bound—

(*i*) if he is in the service of Government or is a pensioner, and has not been selected by the Military authorities as such or,

(*ii*) if he, or any other member of his family to whose property he has succeeded in whole or part or will succeed if he survives him, has previously received from Government any grant of land,

to disclose the fact by written acknowledgment to the officer who allots the tenancy to him and before the completion of the allotment.

In this clause the expression "member of his family" means any descendant of the paternal grandfather of the tenant or any descendant of any ancestor of the tenant in the male line whose name has been entered in any record of rights as that of a shareholder joint with the tenant in any holding.

24 (1) Upon the expiry of five years from the conferment under clause 4 of a right of occupancy in the said lands or at any time thereafter, during the continuance of the tenancy, the tenant shall, if, during the continuance of the tenancy he shall have duly complied with and observed each and all of the conditions in this statement of conditions contained and shall have duly paid, in the manner in the said conditions provided, all sums due to the Government under the provisions of the said conditions and each and all of them, but subject always to the terms and conditions hereinafter in that behalf made and provided, be entitled to purchase from the Government the proprietary right in the said lands and in the event of any such purchase being duly carried into effect and completed, the purchaser and his heirs and legal representatives shall hold and possess the said land every part thereof in proprietary right free of any payment on account of malikana, but subject to the due and regular payment of the land revenue rates and cesses and all other charges leviable in respect thereof under any law for the time being in force in that behalf.

(2) The terms and conditions upon which the tenant may, under the circumstances specified in the preceding clause of this condition, purchase from the Government the proprietary right in the lands granted to him as such tenant, as aforesaid, shall be as follows, namely :—

Firstly—that the tenant shall duly pay to the Government as purchase money for the said lands a sum equal to half the market value at the time of allotment of the said lands to be fixed by the Financial Commissioner, whose decision shall be final, provided that the sum so fixed as purchase money shall not exceed the amount yielded by a rate of Rs. 100 per acre or be less than the amount yielded by a rate of Rs. 5 per acre.

Secondly—that the tenant shall not acquire any proprietary or other right, not conferred upon him as a tenant by the conditions contained in this statement of conditions, and shall continue to be subject to the conditions of the tenancy unless and until the whole amount of the said purchase money shall have been duly paid and discharged in manner hereinbefore provided.

Thirdly—Provided that the Collector may refuse to allow the acquisition of proprietary rights to all or any of the tenants of any estate in which any of the following faults or defects are found to exist :—

(*a*) Gross or repeated encroachment on the charagah, unallotted village site, or public roads or thoroughfares,

(*b*) Grossly insanitary conditions, *viz.*, borrow-pits within the compounds of houses, the heaping of manure within compounds instead of outside the village, the making of village tanks in places other than those indicated by competent authority.

(*c*) Persistent neglect of arboriculture in the village site.

But proprietary right may in such cases be acquired, if otherwise allowable, when the defect for which it has been withheld has been remedied.

Fourthly—Provided also that the Collector may withhold proprietary rights from the tenants of any estate in which the state of crime is such as in his opinion to disentitle the villagers to the concession.

Fifthly—Provided also that proprietary right may also be withheld from the tenants of any estate in which a breach of the canal or distributary has occurred within five years of the date of the application if there is reason to believe that such breach was wilfully caused by residents of the estate.

(3) When any tenant shall, under the provisions and in pursuance of the preceding clauses of this condition, have purchased the proprietary right in any lands from the Government and shall have duly paid the whole of purchase money therefor to the Government and shall have complied with all the terms and conditions hereinbefore provided in that behalf, the Government shall execute or cause to be executed a valid conveyance, granting, conveying and assuring the proprietary right so purchased to the purchaser, and the purchaser shall thereupon, in respect of the land so purchased, cease to be subject to the conditions herein contained with the exception of conditions Nos. 6, 7, 8, 9, 13 and 25 of this statement by which, and by the provisions of Punjab Act V of 1912 applicable to proprietors of land, he shall continue to be bound.

(4) A tenant who has acquired proprietary right in his tenancy, will also receive proprietary right in the land allotted to him in the village site on payment at the same rates as for the tenancy.

25. In the event of any dispute except as provided in clause 4 arising between the Government and the tenant during the currency of the tenancy as to the property and rights hereby reserved to Government, or as to any matter or thing in any way relating thereto, or as to any of the conditions of tenancy, or as to any matter or thing anywise connected therewith, the said dispute shall except as provided in clauses 16 and 24 be referred for the arbitration of the Commissioner of the Division, whose decision shall be final and conclusive between the Government and the tenant.

GRANT OF LAND TO LAND-OWNERS OF THE LYALLPUR DISTRICT.

Answer to Question No. 1722 (*page* 833).

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) (1) As nearly 2/3rd of the holdings in Lyallpur are of one square or larger, Government does not consider the facts are as set forth in the question.

(2) Does not arise.

(*b*) I am afraid no such promise can be given.

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TO

DEBATES

OF THE

PUNJAB LEGISLATIVE COUNCIL.

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