

The Punjab Colonisation Act and Sir Mian Muhammad Shafi

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In 1907 the political situation in the Punjab became very serious. In that year the Punjab Government unwisely decided to pass the Punjab Colonization Act. The Chenab Colony in the Punjab was mostly inhabited by ex-soldiers the majority of whom were Sikhs. They were given lands in this rainless but irrigated area by the Government for their services to the British rule. As the size of each holding was being reduced by partition among the heirs, the Government proposed to check further division by passing an Act providing for inheritance by primogeniture. This and other regulations in this connection were resented by the people as an unjustified interference in their time-honoured practices and traditions. Numerous meetings were held in which the Government's actions were criticized. Some of the meetings were addressed by Lāla Lājpat Rāi, a prominent Ārya Samājist and Congress leader of the extremist group and Ajit Singh, a young man with revolutionary ideas, and other local leaders. The Bill was severely criticised in the Punjab Legislative Council and numerous petitions were sent, but the Punjab Government wanted to run the colony as a model farm and considered the Bill essential for the better administration of the colony. Accordingly the Bill was passed. Later on, when the agitation grew stronger, it became a question of prestige with the authorities. The Punjab Government exaggerated the tension and succeeded in securing from Lord Minto, who was the Viceroy at that time, orders for deporting Lājpat Rāi and Ajit Singh. They were arrested and deported after riots at Lahore and Rāwalpindi, in none of which they were directly involved. Sir Denzil Ibbetson was the Lieutenant-Governor of the Punjab at that time. He was considered to be an authority on Punjab affairs and Minto's ready acceptance of the Punjab Government's recommendation to deport Lājpat Rāi and Ajit Singh was due to his complete faith in Ibbetson's wisdom. But soon he had to change his views and he disallowed the Act, notwithstanding

the fact that it had been approved by the Home Department and adopted by the Executive Council.*

An important memorandum on the subject was sent by Mian Muhammad Shafi to Col. Dunlop Smith, Private Secretary to the Viceroy. This memorandum, dated 29 June 1907, is in the Minto Collection at the National Library of Scotland, Edinburgh. This memorandum has great historical significance and is reproduced here in full.

I.—The Colonisation of Government Lands Act

The news that His Excellency the Viceroy has been pleased to withhold his assent from the Colonisation of Government Lands (Punjab) Act has given an amount of universal satisfaction which it is difficult to describe in words. The agricultural communities, who, as will be shown hereafter, are materially and directly connected with these colonies, are deeply grateful for this extremely desirable and wise step taken by the august representative of His Most Gracious Majesty the King-Emperor of India.

It is not my object here to discuss the provisions of the Act in question. In a memorandum submitted by me to the Punjab Government on behalf and with the approval of the Executive Committee of the Zamindārs' Association, Lahore, I ventured to express the views held by the class to which I have the honour to belong with reference to the various provisions of that enactment and in the covering letter accompanying the said memorandum was conveyed a respectful warning of the misapprehensions, from the political point of view, likely to arise from the passing of that measure into law. The object with which the present memorandum has been written is to discuss the existing situation in the colonies, to point out those features in their constitution and administration which called for special attention, and to describe what, in my humble opinion, is the correct policy to adopt in dealing with these newly created tracts of the Punjab. Being proud of the fact that my country is a part and parcel of the glorious British Empire, sincerely convinced that the interests of my own community are absolutely identical and bound together with those of our Rulers, and deeply grateful for the manifold blessings which the British Rāj has

*For a detailed account see: Wasti, S. R., *Lord Minto and the Indian Nationalist Movement, 1905—1910*, Oxford, 1964.

conferred on the Indians in general and the Muhammadans in particular, I regard it as my bounden duty to lay my humble views relating to an important problem such as this before the authorities in the belief that perchance these might be of some slight use to the Government in arriving at a proper solution of this difficult question.

II.—The agricultural communities and politics during the period preceding the foundation and extension of these colonies.

The political storm which some 25 years ago burst in Bengal and went on gathering volume from year to year spread itself, with varying intensity, throughout the country. The Punjab was one of those provinces where its effects reached later than in the Eastern and Southern parts of India. And when it did break out in this province, it found the local atmospheric conditions far from congenial and, in consequence, its current was, like the exhausted waves of the monsoon, for a number of years, a very feeble one. The causes of this state of things are not far to seek. More than half the population here were Muhammadans. The warning-note struck by that far-seeing statesman, that sincere believer in the justice of the British rule, the late Sir Sayyad Ahmad Khān, had found its echo in the hearts of the vast majority of his co-religionists throughout India, and more particularly in the Punjab. Here the Muhammadan community had, almost to a man, from the very beginning held absolutely aloof from the so-called National Congress. This being so, even the influence of the educated urban over the ignorant rural Muhammadan population resulted in cementing the bonds of union between the rulers and the ruled, and, as the time went on, in intensifying their feelings of loyalty towards the British Government.

As regards the rural portion of our Hindu fellow-subjects in this Province, amongst whom I include the Sikhs, the wave of political agitation did not permeate through their ranks in spite of the political activities of a portion of the urban Hindu population. This was due to several causes. In the first place, the vast majority of them being illiterate could have no access to the Congress literature. In the second place, living in peace in their village homes and, therefore, being either altogether isolated from, or having very little contact with, political agitators in the towns, the unhealthy influence of the latter had no effect upon their minds. Further, even in the cities political agitation

was confined to a certain class of Hindus, consisting mainly of Ārya Samājists and those non-Āryās who had either been attracted by the glitter of political oratory and literature or were smarting under some grievances of their own or of their relations and friends. Nevertheless in the Punjab towns the circle of political agitation was being steadily widened and the baneful influence exercised by the agitator as well as that section of the Press with which he is connected was rapidly increasing. Such, in brief, was the political situation in this Province when, in the last decade of the nineteenth century, the Local Government undertook actively the task of colonising the vast jungle tracts stretching for miles and miles in the *Bār 'ilāqah* and lying within easy reach of the two rivers Chanāb and Jhelum.

III.—The Constitution of these colonies

What the Government started to do was to divide off the land into various *chaks*, each *chak* being composed of a number of squares of land. A fairly considerable portion of the squares was set apart for sale by public auction. These were purchased by monied men belonging to all classes without distinction of class, creed, or occupation. The radical lawyer politician, the wealthy gentleman-at-large, the man who had enriched himself by means of commissariat and other Government and private contracts, and, in a minor proportion, some influential members of the agricultural classes—all invested their surplus funds, and in some cases even borrowed money for the purchase of these squares. Then came what were called the Capitalist Grants. These grantees mostly consisted of officers of the civil and military departments, leading gentlemen from amongst the various agricultural tribes of the Punjab who by virtue of their position possessed great influence amongst their respective communities, members of the learned professions who had contrived to obtain the support of the District or other superior officers to their applications for grant of land, and other persons of influence and social position who were considered worthy of special consideration, owing to meritorious services rendered to Government. These gentlemen were to become owners of land granted to them upon payment of certain *Nazrānas* and fulfilment of other conditions contained in the agreements signed by them. It is not necessary here to give a detail of the different kinds of grants made by the authorities. It is sufficient to note that various *sufaidposhi*,

occupancy tenants, and camel and mare breeding grants made mostly to members of agricultural classes residing all over the Punjab brought these people together in a comparatively limited area and, in consequence in close touch with each other—a result which could never have been brought about in so short a period by any other agency.

The consequences arising from this new state of things in the colonies were indeed remarkable. On the one hand, the local tribesmen who had hitherto looked upon the *Bār 'ilāqa* as their own pasture ground became discontented at the intrusion of strangers into what they considered was legitimately their own preserve. A vast tract hitherto almost exclusively Muḥammadan became inhabited by people of all tribes and creeds. Here was represented that portion of the educated class who had imbibed deep those modern notions of liberty which, when allowed unbridled scope, become sources of trouble to Government and to society in general. It is true that this class of men did not personally reside in the colonies but they selected for their agents men who were naturally ever ready to act in accordance with the instructions received from their masters. Moreover, these gentlemen paid periodical visits to their newly acquired possessions and thus came in direct contact with their neighbours, men of all ranks and positions in life from all over the Province. Here were represented the aristocracy, the middle classes and members of agricultural tribes from the large landowner to the petty farmer as well as the farm-labourer. Here were educated townsmen holding all shades of political opinions side by side with the stalwart members of martial races of the Punjab—Pathāns, Rājputs, Jāts, A'wāns, Tiwānas, Gakhars, Baluchs &c., &c.—and the wily money-lender all pitched in close proximity to one another.

The effect of this admixture of all types of men within a given area was to bring into play diverse influences which acted and re-acted upon the members of this newly formed heterogeneous community. The illiterate zamindār saw his next-door educated neighbour from the cities vigilant and alert in safe-guarding and protecting his real or fancied rights, and a new spirit was thus engendered amongst a class whose minds had hitherto been free from such contagion. Coming as these colonists did from all parts of the Province there was very naturally a constant personal and postal intercourse between them and

their relations and friends residing in the villages and towns where they had their original homes. These colonies, in this manner, constituted a miniature Punjab, yet in close touch with the rest of the Province. The complex administrative problem thus presented for solution was fraught with possibilities of great contentment and happiness as well as of grave political difficulties and dangers. Given a colony of this type, living in peace and prosperity and happiness, the beneficial effects would extend themselves to the remotest corners of the Province. But should the state of things be unfortunately otherwise the discontent thus created would radiate itself in every district of the Punjab.

IV.—The system of administration adopted in the colonies

The heterogeneous community thus established in these new tracts was, undoubtedly with the best intentions, placed under a system of administration quite different from that to which the colonists had hitherto been accustomed. The foundation of an ideal colony with model villages is, in the abstract, a highly commendable object. But the materials upon which the Government had to work was of a kind unsuitable for such an excellent scheme. The ordinary illiterate villager put his thumb mark on the printed agreements presented to him without, in ninety-nine cases out of a hundred, understanding a word of their contents. He was leaving his home for a jungle tract hundreds of miles away to settle in a part of the Punjab hitherto altogether unknown to him. Besides the payment of *Nazrānas* he had to spend money and labour in cutting away trees, in clearing away thick natural undergrowth, in breaking up lands that have never felt the touch of the plough probably since their first formation and in the erection of houses and other buildings. The solicitude which the benign Government had always shown for the welfare of the agricultural classes all over the Provinces had filled their naturally grateful hearts with hopes for a bright and happy future. Under these circumstances, he expected to receive at the hands of the authorities, in his new home, treatment even more considerate and gentle than what he had met with up to the period of his migration from his ancestral village. But the Government had, instead on making the colonists in these new tracts subject to the ordinary law of the land as administered by the existing judicial and revenue authorities, thought fit to adopt in the new colonies a system of administration as rigid as steel. Even if it was necessary

to place the colonies under a system of administration all their own, what the peculiar and complex circumstances of the case required was to place at the head of each colony, a civilian of standing and experience well known for his sympathy and tact, and to give him for his assistant or assistants Indian officials of position, themselves either members of the agricultural classes, or at any rate belonging to families of standing, who by their natural tact and experience in service, could handle a community so peculiarly constituted as this to the satisfaction of the higher authorities and to the happiness and contentment of the colonists themselves. It is gentlemen of this type who can check the vagaries and exactions of the subordinate ministerial officials and thus save the simple agriculturalist from that constant bleeding of which he is the victim at the hands of these leeches. In selecting the official machinery, however, these necessary considerations were not always kept in view. The Colonisation Officer himself had, on the whole, been, more or less, carefully selected. But for his assistance he was given a young civilian of comparatively little experience in service whose acquaintance with the manners, customs and feelings of the various classes of which these new communities were composed was of the slightest, and who treated the colonists of all ranks with equal iron sternness. The example thus set by these higher officials was more than followed by their subordinate ministerial officers of a certain class who are ever longing for opportunities of this description.

What were the consequences of this state of things? An inspection of official records in the colonies will reveal some of the most astounding orders that have ever been heard of irrespective of any legal justification on authority for the same. Nay, cases are said to have occurred of fines levied and other orders enforced of which no trace can be found in an Office or Court record: cultivation of lands, granted to military and civil officials who had rendered distinguished and loyal services to Government and of gentlemen belonging to highly respected families who possessed the esteem and respect of the communities to which they belonged and thus wielded considerable influence amongst them, was stopped because their agents' families were not found residing in their *chaks* during the visit of the inspecting officer. Innumerable fines were levied for reasons such as these: cattle-sheds dirty, compounds not clean, tenants' houses not in as satisfactory condition as the inspecting officer would like them to be &c., &c.

Mark the far-reaching consequences of these rigid disciplinary measures on the minds of people absolutely unaccustomed to this sort of treatment. Not only did it create discontent in the colonies, but the complaints reached far and wide owing to the constant personal and postal intercourse between them and their relations and friends throughout the Punjab. This was the chance of the professional political agitator which he had hitherto been longing for in vain, and which he now readily and promptly availed himself of. The political stir set in motion by him had not, up to this time, even touched the outskirts of the agricultural circle, and he had, in consequence, been hopeless of forcing the hands of the Government until he could inspire the sturdy agriculturist with a little of his own spirit of mischief. The introduction into the Provincial Legislature of that unfortunate measure, the Punjab Colonisation of Lands Bill, gave him his opportunity. The consequences of his uncalled-for and mischievous meddling are now too well-known to need discussion here. Fortunately recent measures of Government have now allayed the excitement. While on the one hand, strong action, taken not a bit too soon, against the professional agitator and the seditious newspaper has had a highly salutary effect upon those who, whether covertly or in an open manner, had been undermining the prestige of the Government and creating discontent against the British Rule, on the other hand the vetoing of the Colonisation Act, the suspension of the Water-rates Notification for one year and the remission of a quota of land revenue in Lyallpur and elsewhere have deeply gratified the agricultural classes and restored in their minds that confidence and trust in the justice of the British rule, which till lately, was the one prominent feature of that class of His Majesty's subjects.

V.—The future Government of these Colonies

The problem which remains for solution is how to deal with these colonies in the future. Should the existing special system of administration be retained, or should these tracts be handed over immediately to the ordinary revenue and civil administration of the country? Is there any special legislation at all necessary for these tracts, or are the existing laws sufficient to meet the necessities of the case? And if any special legislation is called for, to what extent and upon what lines should it proceed?

In arriving at a satisfactory conclusion with reference to the above questions it is, to my mind, absolutely essential to bear recent events in mind. A far-seeing and prudent administrator will very naturally take to heart lessons which occurrences like these are calculated to bring home to one's mind. Whatever the final decision may be, I would request the Government to bear in mind the undeniable fact that Imperial policy requires that the authorities should treat the agricultural classes, who, in this Province, not only form the majority of the population, but are its back-bone and constitute the main recruiting ground for the military service, with sympathy and consideration. Given a state of contentment and loyalty amongst these, the Government can well afford to ignore the barking of the professional agitator and the seditious newspaper. While on the other hand, a deep-rooted discontent amongst the agricultural classes is fraught with possibilities of grave danger.

Bearing these considerations in mind, the proper step, in my humble opinion, now to take is to hand over the colonies to the permanent district administration. This will at once result, not only in considerable saving to the public exchequer, but also in the restoration of confidence amongst the numerous colonists. The ordinary district staff, with perhaps a slight addition, will, I venture to think, be found quite sufficient to meet the requirements of the case.

Should any special laws be enacted affecting these tracts? In my humble opinion while rules might safely be framed for the proper sanitation of these model villages, there should be no further interference with the rights of the auction-purchases and those grantees who have become owners by payment of their *Nazarānas* in full. These classes consisting as they do of the wealthiest and most influential persons of various tribes and creeds, should not be subjected to any special legislation. A seeming interference with their rights, even with the best possible and most laudable motives, is liable to misconstruction, and as there seems to be no urgent necessity whatsoever of dealing with them and their lands on a basis different from people of their class in the rest of the Punjab, existing statutory and customary laws are amply sufficient for the proper regulation of their affairs.

There remains the class of people whose legal status is that of tenants of the Government. In my judgment, it would be an act of

sound policy on the part of the Government to transfer proprietary rights of the lands in occupation of these tenants to them for reasonable consideration, and thus not only put an end to a complicated state of things but to win the everlasting gratitude of this class. Should it be the pleasure of the Government, however, to retain the proprietorship of these tenancies into its own hands, the question arises on what principles should the relationship between the two parties be regulated? Now, the Government as the owner of land leased to this class of men occupies the same position in the eyes of the law as any other private landlord does *qua* his tenants. And bearing in mind the tracts from which and the tribes from amongst whom these tenants are drawn, the conditions of their tenancy should, in my humble opinion, be as reasonably favourable to them as possible. Any legislative enactment that may be undertaken in connection with this class of colonists should be drafted so as not to lose sight of the necessities of the situation and the requirements of Imperial policy, *and should, in no case, interfere with existing agreements.* Such legislation should, as far as possible, be in a line with the provisions of the Punjab Tenancy Act (No. XVI of 1887), and their liabilities should not be made more stringent than those of the tenants governed by the said enactment. They should not be deprived of any of the rights and privileges which the Tenancy Act concedes to ordinary tenants, for, if it be otherwise, not only will the tenants themselves have a legitimate cause for complaint, but the action of the Government will be open to this criticism at the hands of private landlords all over the Province that while the Government jealously protects, and from time to time enlarges, the rights of the tenants elsewhere, the same principles are not kept in view when dealing with its own tenants.

In conclusion, I venture to state that the views expressed in this memorandum are the outcome of a sincere desire to be of service to the Government in its dealings with a class of subjects, who, owing to what I have already stated, deserve very careful handling and delicate treatment. The facts herein stated are such whose correctness I can safely vouch for. The many opportunities which, by virtue of my professional as well as social position and of my direct connection

with the agricultural classes themselves, as well as with many of our Provincial institutions, I have the honour to enjoy of making myself thoroughly acquainted with the feelings of the people as well as with the many aspects of the local and provincial situation, place me in a position to form a more or less correct opinion in regard to important problems such as this and to serve the interests of our benign Government as well as of the subject-races on whose mutual confidence perfect understanding, generous consideration on the part of the one and unswerving loyalty on the part of the other depends India's future progress as a part and parcel of that glorious British Empire whose constitution is the most perfect and whose rule is the most beneficent ever known to history.