

# THE HIGH COURT OF SINDH AT KARACHI

CP.No.D-3461 of 2024

Before: Mr. Justice Salahuddin Panhwar &  
Mr. Justice Amjad Ali Sahito.

Petitioner : Zulfiqar Ahmed  
through S.M. Ishrat Ghazali, advocate.

Respondents : Province of Sindh & others  
Through Mr. Rajendar Kumar, AAG

Date of hearing : 07<sup>th</sup> October 2024

Date of Judgment : 25<sup>th</sup> November 2024

## J U D G M E N T

**SALAHUDDIN PANHWAR, J.-** Through this petition, petitioner above named has prayed for the following reliefs:

- a. To direct the respondent No. 2 to produce the record of the petitioner's ancestor claim/land without further delay.
- b. To direct the respondent No. 2 to show the eod [record] of the case along with the name of the people who had acquired or benefited the land of the petitioners on account of their forged claim in capacity of etc. in case of **Noor Muhammad, Nabi Bux & etc.** vide case No. 490, which was announced 20/8/64 by additional settlement Commissioner West Pakistan.
- c. Any other relief which this honorable court deems fit and proper in view of the maxim i.e., **Adal o Ahsan**.

2. The relevant facts are that petitioner ancestors/forefathers namely NabiBux, Noor Muhammad S/o Kalay Khan and Hashim Ali S/o IlahiBux Khan migrated from India to Pakistan in 1947; that they were landlords/Jagirdars in Jaypur British India, therefore they filed their respective claims after their migration in Pakistan before the respondent No.2 subordinate of Respondent No. 1; that the respondent No. 2 and 3 had accepted their claim and issued Entitlement Certificate bearing No. 377 & 162; that that the petitioner has continuously approached the relevant authorities for years to resolve the issue, as these settlement properties remain **sub judice** in this Court. Despite orders passed in **CP-D 344/1986** and other related cases (dated **30/3/2005**, **18/5/2011**, and **03/02/2012**), the respondents failed to produce the necessary records, leading to this petition; that Petitioner also got his inheritance

NOC/clearance when this Court had inquired the issue with Govt. officials whether the petitioner is the legal heir of Noor Muhammad; that thereafter, concerned EDO reported that the Petitioner named is on serial No. 1 being a grandson of the deceased Noor Muhammad S/o Kalay Khan; that Petitioner also filed HCA No. 380/2006 wherein the Court directed the respondent No. 2 to examine and disposed of the petitioner's pending request/application vide order dated 18/5/2011; that petitioner again approached to the court by filing CP-D No. 344/1986 therefore another order dated 03/02/2012 was passed and AG Sindh had assured to communicate the issue to the respondent No. 2 but petitioner has still failed to get any result; that the respondent No. 2 vide its letter dated 14/6/2022 approached to the Lahore Board of Revenue and inquired the whereabouts of the claim of the petitioner's ancestors; that in response of the letter dated 14/6/2022, the Board of Revenue Punjab/respondent No. 4 vide letter dated 24/01/2023 pointed to respondent No. 2 that the record of petitioner is lying with Additional Claim Commissioner (ADMN) South Zone Karachi; that they issued another letter dated 04/10/2023 wherein only disputed the parental name of petitioner's grandfather i.e., Hashim Ali S/o Ilahi Bux, which contradiction in the name cannot vanish the genuine claim of the petitioner and Punjab Board of Revenue deliberately turning and twisting the facts of the case; that petitioner also approached vide letter dated 5/3/2024 to respondent No. 2 wherein clarify his position whereby the petitioner asserted that he is inquisitive about another two claims records, which are in the name of Mr. Noor Muhammad S/o Kalay Khan and Mr. Nabi Bux S/o Kalay Khan; that prior to the letter dated 4/10/2023 of Punjab Board of Revenue, the respondent No. 2/ Board of Revenue Sindh wrongly forwarded the request of the petitioner to the Deputy Commissioner Mirpur-Khas vide letter dated 22/6/2023, who after going through request further demanded a valid record from the petitioner vide letter dated 24/8/2023; that since 2005 till 2024 the petitioner is moving to different forums and has now approached this Court. Hence this petition.

3. Learned counsel for the petitioner contended that the petitioner asserted his claim which was assigned or granted in lieu of genuine claim on account of migration from British India to dominion of Pakistan and certificate is issued by Central Board of Evacuee Lahore; that petitioner's

property right as secured in the constitution of Pakistan and other laws of the land; that the respondent No. 2 is not ready to show the name of people who unlawfully occupied the land of the petitioner in lieu of his ancestor claim; that the petitioner's right is secured under the inheritance law and the petitioner wants to challenge all persons who deprive the petitioner from his genuine claim i.e., the claim of his grandfather on account of migration from India to Pakistan; that the respondent No. 2 knowingly the facts that the letter dated 4/10/23 for Punjab Board of Revenue is confirming the claim of the petitioner's ancestor and intentionally fail to explain further two claims and wrote the letter vaguely than the question to go to the Deputy Commissioner Mirpur Khan does not arisen; that the petitioner's request to have a record of his ancestor is a valid demand, both in law and fact, and with ulterior and nefarious reasons, the respondent No. 2 due to unlawful motives and intentions, in violation of Article 9 of the Constitution has denied such right.

4. Learned Additional Advocate General while unfolding the history has raised some serious questions regarding the claims made under rehabilitation of Displaced Persons laws. He argued about the pre partition status of the agricultural and non agricultural lands and told that there was a common practice of mortgaging the lands in lieu of loans by the land owners and such lands could not be redeemed for want of payment of huge markups. The Hindu traders occupied most of the lands belonging to Muslims on failure by the original owners to make payments in time. This issue went very serious in then-united Punjab, resulting that, the Lieutenant Governor of the Punjab, Charles Rivaz, presented the Imperial Legislative Council with a proposal titled the Punjab Alienation of Land Bill. Though opposed by Congress and Hindu Elites terming it a discrimination against them, the bill was passed by the Legislative Council in the year 1900 titled The Punjab Land Alienation Act 1900, the law aimed at limiting the transfer of land ownership in Punjab Province, whereby a category of agricultural tribes was created and the membership of which was almost compulsory to buy or sell land. This legislation protected the agriculturist class of United Punjab and prevented the mortgage of land with money lenders.

5. It is a matter of record that **Punjab Alienation of Land Bill**, though opposed by Congress and Hindu Elites terming it a *discrimination* against them, the **bill** was passed by the Legislative Council in the year 1900 titled "**The Punjab Land Alienation Act 1900**", the law aimed at *limiting* the transfer of land ownership in Punjab Province, whereby a category of agricultural tribes was created and the *membership* of which was almost compulsory to buy or sell land. This legislation protected the agriculturist class of United Punjab and prevented the mortgage of land with money lenders.

6. As a consequence of "Punjab Land Alienation Act 1900", The National Unionist Party was established to protect the interests of agriculturists. Subsequently, "The Punjab Land Alienation Act of 1907" further *restricted* the transfer of land ownership between various groups.

7. With regard to Sindh, learned AAG while referring to a book of the late historian M.H. Panhwar, mentioned the historical background that the Sindh was conquered by British on 17<sup>th</sup> February 1843 and annexed to Bombay Presidency, the dominant Muslim Population of Sindh underwent the British Colonization and was being governed from Bombay which continued for 93 years until April 1936 when Sindh was restored with the status of a separate province.

8. Sindh's economy was agro based which saw a great depression caused by the World War I, brought miseries to the rural people of Sindh as they were unable to pay taxes and purchase day-to-day needs, other than grain which was the only source of survival produced by themselves. Thus from the year 1917-1942, all agricultural land-owners drowned in the heavy debts by mortgaging their lands with the urban traders mainly Hindus. As this economic depression spread over the upcoming decades and another great war broke out among the European and Asian powers, the more and more people mortgaged their lands and as debts could not be repaid, the lands were transferred to the money lenders by the civil courts and who by year 1947 owned 40% of agricultural land in Sindh

9. Learned AAG laid emphasis that the lands transferred to Hindu traders were actually conditional in nature and required the reversal of title to their original owners but at the time of Independence since the same were under ownership of Hindus who migrated to India therefore

the properties were declared Evacuee and sold or granted to the claimants under rehabilitation laws. He prayed for dismissal of the petition.

10. The partition saw a challenging displacement of people from both sides of the border, their settlement became the core issue for newly created governments of India and Pakistan. The Properties left by the Hindus immigrating from Pakistan were declared as Evacuee properties and were kept reserved for compensating the Muslims who migrated from India to Pakistan.

11. At partition times unlike the other province of Pakistan the status of immovable properties in Sindh was quite different as the most of the properties under title cover of Hindus were mortgaged by the Muslim peasants and small khatedars to the Hindu traders under money lending through conditional sales and such lands could not be redeemed but it never meant that the Hindu immigrants were under full ownership of the said properties, for all means and purposes these lands were to be returned to the original owners because the conditional mortgage had itself lost its value when the money lender himself was not available within the premises of country to claim his right of mortgage, since it is a closed and past transaction only the Government of Sindh can make any efforts to compensate those families who lost their properties which were under conditional mortgage.

12. After careful consideration of the arguments presented by the learned counsel for both parties and a thorough examination of the materials available on record, we have meticulously reviewed the matter.

13. The Petitioner has raised claim of ownership over property which to his own showing was granted to his grandfather but not actually given to the family.

14. The cursory glance at history reveals that soon after its independence from Bombay presidency in 1936, the Provincial Legislative Assembly of Sindh was established in 1937 under the India Act of 1935. The Members of the Provincial Legislative Assembly of Sindh realized the menace of money lending and its impact on Sindh Economy, the interest of Hindu traders in mortgaging the lands had by now increased multifold as the irrigation System in South Eastern parts of the Sindh had enhanced the cultivation capacity of lands due to the controlled irrigation system of Jamrao Canal in year 1907 as many new branch canals and distributaries were added to the system. The construction of Sukkur Barrage and its opening in year 1932 brought a revolution in the irrigation system of Sindh bringing five major perennial canals replacing the inundating canals and bringing millions of the acres of land under cultivation.

15. The Legislative Assembly passed the Money Lending Act in the year 1944, and to further secure the interest of moneylenders as well as that off land owners Sindh Rural Credit and Land Transfer Act was passed in the year 1947. The debate over the bill in the Legislative Assembly of Sindh clearly shows the concerns of the Muslim Members regarding money lending, land mortgages and unending markups being paid by the farmers to the traders. For the sake of historical perspective, the debate is reproduced hereunder to reference the relevant speeches as historical documents and list of the members of the Sindh Provincial Legislative Assembly who cast votes in favor of and against the bill:-

آنر بل مسٽر پير زادو. جناب صدر هن بل سان ڪڏ ٻيو بل به ايندو جهڙو  
 آئينده جي انتقال سان لاڳو آهي. جنهنجو نالو آهي-Rural Credit & Land Transfer Bill.  
 جنهن وقت وڪرو رد ڪري ۽ ڪروني ٺهرايو وڃي ٿو ۽ ڇا  
 آهي ته جيڪڏهن لهيٽيڊار جي قبضي ۾ اها زمين ۲۰ سال ساندو رهي  
 آهي ته پوءِ اهو fair آهي ته اها زمين بنان عمر ضي وٺڻ جي اصلي  
 مالڪ کي موٽائي ڏني وڃي ۽ اهو اصول آهي. اوهان کي خبر هوندي  
 مالڪاڻو زمين جو جيڪو مقرر ٿيندو آهي سو ۲۰ سالن جي produce تي  
 لهندو آهي. تنهنجي معنيٰ ته ڪروني قرض جا ٻه سا خون بهنود ادا ٿي ويا.  
 تنهنڪري بنان بئسن وٺڻ جي ڪروني موڪلجي ويندي - ۽ زمين اصلي  
 مالڪن کي موٽي ملڻ گهرجي، ۽ تنهن هوندي به جهڙوڪڏهن ۲۰ سال  
 نه ليا آهن ته اسين جيڪي اختياري لاڏيون نه هون ٿا سو ڪري نه  
 جهڙوڪڏهن سال گذريا آهن، الهه به ڪهڙا ٻه سا لهيٽيڊار کي ملي چڪا

هو لدا ۽ ڇڄ اصل انصاف سان معصو ڪندو. جهڙڪڏهن اڃان نه ڪريو،  
 جي موڪل مان رهڻي وڃي هوندو ته پوءِ آبادگار جي اختيار آهي ته  
 پنهنجا پوسا ڏيئي زمين هٿ ڪري وٺي. نه ته وري ڪليڪٽر کي اختيار  
 آهي ته جهڙڪڏهن پوسا لڳو وٺي ته پوءِ به زمين هٿ ڪري پيو سال به  
 ٽي چوٿاڻو آهي پوسا وٺڻ لاءِ زميندار کي ملڻ سمجهڻ تي به  
 ڪو به سان اها زمين لهڻدار وقت رهندي جهڙڪڏهن ڪليڪٽر  
 فيصلو ڪندو. آخر زمين هٿ ڪري آبادگار کي ملندي.  
 اهي اصولي ڳالهون آهن. ۽ اسان الهيءَ فيصلي لاءِ Sessions Judge  
 ڏي سٽوڪٽ ڇڄ جيڪو هاڻي هجي يا ٿي رهيو هجي الهيءَ کي مقرر  
 ڪيو آهي. رواجي طرح سان انهن فيصلن ڪرڻ لاءِ Subordinate  
 Judge وقت Suit داخل ٿي سگهي ٿو. نه سٽوڪٽ ڇڄ ۽ سڙڻ بيت  
 ڇڄ جي وچ ڪيڏو فرق آهي سو اوهين محسوس ڪري سگهڻا  
 ٿيندڪري هون هنن کي وڏو ڇڄ ڏنو آهي جهڙڪڏهن انصاف سان فيصلو  
 ٿي سگهي.

رواجي ڪورٽن ۾ Suit داخل ڪرڻ سان ڪيترا stamp پڙڻا لڳا پون  
 پر هن حالت ۾ ڇڄ کي جهڙڪڏهن صرف ڪا درخواست ڪئي ويندي  
 ته اها ٻڌي ويندي ۽ Stamp جي ڪا به ضرورت نه ٿيندي.

هن چيف ڪورٽ جو ڇڄ appeal لاءِ مقرر ڪيو آهي.

Session Judge اصلي ڪيس لاءِ ۽ الهيءَ جي ۽ ان appeal لاءِ.

Judge of Chief Court ٿيندو. اهو سڀ ڪڇ ڪاڏي به چيو آهي. هن  
 ۾ خاص procedure مقرر ڪيو ويو آهي. جنهن ۾ سوڻي سان  
 ان انصاف سان فيصلو ٿي سگهندا. ٿيندڪري ٿو لکي ڪاڏي آهي  
 ته ڇڄ هائوس مٿن جو هيءُ ال جو اصول قبول ڪندو.

### English Translation:-

“Honorable Mr. Pirzado. Mr. President along with this bill another bill will also be moved which shall be applicable on transfer in future and it is called the Rural Credit & Land Transfer Bill. When the mortgaged land has been in the possession of the landlord for 20 consecutive years then it is fair that the land shall be redelivered to its original owner without compensation and this is the principle. You must know that the ownership of the land is fixed on the produce of 20 years, meaning thereby the mortgage was automatically paid. Therefore, the mortgage is discharged without payment and the land is returned to the original owner, and even if it has not been 20 years, we authorize the judge to decide as to how much money is due to the owner in the years that have passed and as to how much money the landlord will have received and the judge will decide fairly. If there was still no mortgage payment left, then the settler has the right to get his land back by paying money he owed. Otherwise, the collector has the right that if he does not take the money, the land will be



returned to him, but every two or three years, until the money is received by the landlord, the land will remain with the landlord as the collector decides. Finally, the land will be returned to the settler. These are the principles. We have appointed a District & Sessions Judge to decide this. A suit can be filed with the Subordinate Judge to make these decisions in a routine manner. You know the difference between the District Judge and the Subordinate Judge, so I have given them senior judge so that he can decide fairly.

By filing a suit in ordinary courts, many stamps become obsolete, but in this case, if an application is submitted to the judge, it will be heard and there will be no need for a stamp.

I have appointed the Chief Court Judge for appeal. Sessions Judge for the original side and it will be appealed before a chief court judge. All of it is according to law for which a special procedure has been set in which easy and just decisions can be made. Therefore, I hope that the entire House will accept the principle of my bill"

رئيس علي محمد هري - جناب صدر، جيڪو بل آر بل روينيو  
منسٽر صاحب هم پيش ڪيو آهي ۽ اسانجي دوستن آپوزيشن ميمبرن  
مخالفت شروع ڪري ڏني آهي، انجي حقيقت ڇا آهي نه شروع ڪا وائي  
جڏهن کان اسيمبلي سيشن شروع ٿيو آهي تڏهن کان وائي چوڪا روزمره  
جي ڪار وائي هن هائوس ۾ هلي رهي آهي انهيءَ جي نصريح اسانجي  
آپوزيشن ميمبرن صاحبن رڳو اها ڏني آهي نه هر ڪنهن ڳالهه جي مخالفت  
ڪجي پر ڇڱي هجي يا ڇڙي.

آنءُ سمجهي نٿو سگهان ته آر بل روينيو منسٽر جيڪو بل پيش ڪيو  
آهي سو حقيقت ۾ ڪيئن آبادگار فرقي کان زمينون وٺي ۽ انهيءَ فرقي  
کي بچائي ٿو.

اوهان ڏسندا ته هن نولي سنڌ جي الڌر مٿين قسم جي ڪلاس  
کي ڇڪڻ نه ڏنا ۽ برباد ڪيو ويو آهي. جيڪڏهن انهيءَ ڪلاس کي  
بچائڻ جي ڪوشش ڪئي ٿي وڃي ته صرف سنڌ جي الڌر ٻيون خرابيون  
روڪي سگهجن ٿيون پر انهيءَ ڪلاس ۾ ڪو به هجي هندو هجي  
يا مسلمان.

لندن لنڊن زميندارن ۽ ڪاليدارن تي ڪيئن ڪاهون جي معرفت  
ڪوڙا ڪيس ڪرائي انهن لنڊن زميندارن ۽ ڪاليدارن کي مجبور ڪري



۽ الهن کي ڦاسائي الهن جون زمينون گروي ڪرائي الهن کان ڪنهن وٽون آهن. منهنجي صلح لوڻب شاھ ۾ تعلق شھداد پور ۾ ڳوٺ ڪابل لغاريءَ ۾ هڪ سيمٽ ڪمپني مل مارشل لا واري وقت ۾ ڪيترن بيگناهن کي ڇڏڻ ۽ لوڙهن ۾ رڳو ڇوڙ جو هڪ مارشل لا اختيارين وٽان ۽ پوليس سان هلندي ڪهڙي هٿي ۽ ٻارو ڪيترن جون زمينون ۴۰ يا ۵۰ ايڪڙ حساب سان وڪرو ڪرائي گروي رڪيون. اهڙي طرح ڪيترا مثال موجود آهن جنهن ڪيترن مظلوم ڪاليدارن جون زمينون وڪرو ڪرائي يا گروي رکي الهن جو قبضو وٺي الهن جي روزگار تي لٽون هيٺيون ويٺيون آهن.

پوءِ هڪ مثال آهي ته ٽنڊي آدم ۾ منهنجي ملازم وٺي محمد کان اسي ايڪڙ زمين جا هڪ سيمٽ راندا ڪرڻ ۳۰ رپيا ايڪڙ جي حساب سان شرطي وڪرو ڪرائي ورتا. هيٺ ڏنل آهن هڪ هزار رپيا لڳي. الهيءَ لموٽي سان ملڪ ۾ جهڪا بي انصافي هجي ۽ جا چاهين سالن کان هلندي آئي هجي ۽ جهڪڻهن ڪا گورنمينٽ الهيءَ جو مقابلو ڪري الهيءَ کي دور ڪرڻ چاهي ۽ حقدارن کي حق وٺي ڏيڻ چاهي ته انهي حملي ڪيا وڃن ۽ انهي شڪ شهباه آندا وڃن. اها ڪهڙي آزادي آهي ۽ اهو ڪهڙو اصول آهي ته صرف سر ماڻهون کي بچائڻ لاءِ مخالفت ڪجي. ڇو جو الهيءَ جو اثر غريبن تي پوي ٿو ۽ مسلمانن تي پوي ٿو جن جا حق ناچائڻي طريقي سان ڪسما ويا آهن ته اسانجي آهڙين کي اها ڳالهه خراب ٿي لڳي. ڪاليدارن ۽ لنڊن زميندارن جن جا حق ڪسي مصيبت ۾ وڌو ويو آهي پوءِ چاهي ڪهڙي به ڪهه وٺي جا هجن اسان کي سپورٽ ڪرڻو آهي ۽ الهن کي پنهنجا حق ڏيارڻا آهن. اڄ سنڌ جي صوبي ۾ مسلم ليگ جي گورنمينٽ آهي جا مسلم قوم جي نمائنده عيوضي آهي ۽ جا چاهي ته جهڪا بي انصافي مسلمانن چاهي هندن سان ڪئي وٺي آهي الهيءَ کي دفع ڪجي ته اسانجا دوست اسان کي سپورٽ ڪرڻ بچاءِ اسانجي مخالفت ڪري رهيا آهن ۽ بي انصافي دور ڪرڻ کان بچي رهيا آهن. انهن گورنمينٽ کي دل ۾ مبارڪبادي ٿو ڏيان جو الهيءَ غريبن جي بهبودي ۽ بهڙهه ۽ ستايلن کي حق ڏيڻ ۽ انهن ۾ اهڙو بل پيش ڪيو آهي. ۽ اسان کي وڏي خوشي آهي جو اوهان اهڙو بل آڻي غريب ۽ مظلومن کي پنهنجو حق ڏيارڻ لاءِ قدم ڪيون آهي. (ٽاڙيون Cheers)

**English Translation:-**

“Raees Ali Muhammad Marri. Mr. President, the bill presented here by the Honorable Revenue Minister and our friends opposition members have started to oppose it. The fact is that since the beginning of the assembly session, day-to-day business has been going on in this House. The interpretation of this by our opposition members is only that they oppose everything, whether it is good or bad.

I cannot understand that the bill presented by the Honorable Revenue Minister actually protects the community in taking land from the settlers.

You see how the upper class of Sindh has been destroyed. If an effort is made to protect this class, other evils can be prevented in the province of Sindh, no matter who belongs to that class, be it a Hindu or a Muslim.

How have they made false cases against small landlords and account holders and forced these small landlords and account holders and trapped them and mortgaged their lands and have taken away. One Seth Gaheemal in village Kamal Laghari in Taluka Shahdadpur in my district Nawab Shah put many innocent people in jails and sufferings during the martial law because he had influence with martial law authorities and police. And many lands were sold and mortgaged for 40 or 50 rupees per acre. In this way, there are many examples where the lands of many oppressed khatadars have been sold or mortgaged and their possession have been taken and made them unemployed.

Another example is that in Tando Adam, Seth Radha Krishan purchased 80 acres of land @ Rs30 per acre on sale conditions from my employee Wali Muhammad. Now that land is valued at Rs1,000. In this way, the injustice in the country and has been going on for 40 years, and if any government wants to fight it and remove it and give rights to the rightful, it is attacked and created doubts upon him. What freedom is it and what principle is it to oppose only to protect the capitalists. Because it affects the poor and the Muslims, whose rights have been illegally taken away, our opposition finds it bad. Khatadars and small landlords whose rights have been put in trouble. So no matter what community they belong to, we have to support them and give them their rights. Today, there is Muslim League's government in the province of Sindh, which is representative of the Muslims, and wants to end the injustices done to the Hindus and the Muslims, however, our friends are opposing us instead of supporting us and running away from removing injustice. I heartily congratulate this government that it has presented such a bill for the betterment of the poor and the uplift of the rights of the oppressed. And we are very happy that you



have taken steps to give such a bill to the poor and the oppressed. (Cheers)"

دستر غلام محمد و سارن جناب صدر هيء جهڙو آر بل رٿيو  
 منسٽر Land Alienation Bill وارو بل پيش ڪيو آهي تنهن لاءِ مان  
 گورنمينٽ کي مبارڪباد پيش ڪريان ٿو - اسانجي هيءَ امنا ڪمپن  
 ٿيڻ کان هٿي نه هئ هائوس ۾ اهڙو بل پاس ٿي مگر پنهنجيءَ مان  
 full majority نه هئي تنهنڪري هن بل پيش ڪرڻ ۾ دير ٿي آهي -  
 جهڙي الجار ووٽرن سان وزير صاحب ڪري آيا آهن تن مان ڪجهه  
 ڪجهه عمل ٿي رهيو آهي - آهڙو پيش پيش ٿان مخالفت هڪڙي ٿي رهي  
 آهي جو هن بل پاس ٿي ڪري مسلمان قوم کي وڏو فائدو پهچي ٿو -  
 جيڪڏهن اهڙو بل آڏو وڃي جو هندو صاحبن کي فائدو پهچائي نه  
 ٿو ۽ جي ڪڏهن به هو صاحب مخالفت نه ڪندا - جناب صدر مان  
 پوڄان جي ٿي انهن نه اسانجي سانگهڙو ڪپري ۽ عمر ڪوٽ تعلقي  
 ۾ زمينون نه فقط پيسن ٿي گروي ٿيل آهن مگر پاڻيءَ جي دلاسي ٿي  
 به آهي گروي ٿيل آهن، مان آر بل رٿيو منسٽر کي عرض ڪندس ته  
 جيڪي ڪراپريٽو سوسائٽيون ۾ ماڻهن جون زمينون ٿيل آهن اهي  
 به ساڳيءَ طرح سان موٽي ملن - مهر هالي ڪري اها به درست ڪئي  
 ويندي هن بل ۾ نه غريبن جو پلو ٿي ٿو ٿو -

ڊاڪٽر قاضي محمد اڪبر: جناب صدر، هر ٽي اميد هئي ته هن  
 بل جي هن هائوس جا سڀئي sections سپورٽ ڪندا - اهي اسانجا  
 دوست جهڙي nationalist هئا جي دعويٰ ڪري رهيا آهن انهن جو  
 بلڪل اهو فرض نه آهي ته اهڙي قسم جو بل جنهن مان انصاف سولڙ ۽ مستر  
 ٿي ۽ سڀڪنهن اڻ پڙهيل ۽ غريبن کي انصاف مهيا ٿي سگهي ٿي  
 کي سپورٽ ڪن -

جناب صدر - اسانجي شڪايت آهي ته اڌين ٻن ڪوڊ ۽ سول  
 ارسچر ڪوڊ اهڙو نه complicated آهي جنهن ۾ غريبن ۽ اڻ پڙهيل ماڻهن

جو انصاف لکرا لکري پوي . نتيجو اهو لکيو آهي جو اسانجي ملڪ ۾ اڄ وڪيل  
 فون وٺي وٺي غريبن کي وڌائي اهي انصاف لکيا وٺي ٿا . جيڪڏهن  
 اسلام موجب قاعدو هجي ها ته غريبن کي انصاف ٻڌڻ پوي ها . اسانجي  
 قاعدي جو سڀ کان وڏو اصول اهو آهي ته انصاف سولو ۽ مستور هجي  
 ۽ سڀ ڪنهن غريب ماڻهوءَ کي ٻڌڻ پوي سول ڪورٽون بههڪ آهن ۽  
 اهو قبول ٿو ڪجي ته سول ڪورٽن جا جج انصاف ڪندڙ جج آهن ۽  
 بهن عملدارن کان گهڻي قدر بهتر آهن پر اها هڪ حقيقت آهي  
 ته سول ڪورٽس ۾ ٻارو سميڊر اهڙو نه بههچيدو آهي جو غريبن  
 جي ڪيسن ۾ ڄمار ڪسي وڃي ٿي ۽ بههڙنهن جون بههڙهون ڪيس  
 هلندا . ۽ اسانجا وڪيل صاحب انصاف کي مهالگو ۽ بههچيدو ڪري  
 ڇڏين ٿا .

مان هڪ مثال بههس ڪندس ته هڪ سڀ جج وٽ ۽ stamp ليل  
 ۽ ستاويڙ پنجهن يا ٿڌهن رهنئي ٿڪلي لڳل مون ٿا جنهن ۾ ٿالا وٺندڙن  
 جا ٿو پڌاس . جههڙو مل وغيره لڳل هئا ۽ آنگو ٿا هڪ لڳل هئا عيسيٰ  
 ۽ هوسي جا .

اهو اوهانکي معلوم هئو گهرجي ته اسانجا وڪيل صاحب ڪن  
 انصاف جي مٿي پليٽ ڪندا . جڏهن ڪڏهن ڪنهن جت جي زمين  
 وڪرو ٿي ته پوءِ التي سمن ڪندا . جت و بههچار و حاضر نه ٿين پوءِ  
 اخبار جي و بههچي لو ٿيس ڪندا و بههچار و جت جا چاڻي اخبار مان جو  
 پتو پويس ته مونکي ڪورٽ ۾ وڃڻو آهي پوءِ اسانجا وڪيل صاحب چو ٿا  
 ته مدعا عامه غير حاضر تنهنڪري Ex-Party ڪيس decide ڪيو وڃي ٿو  
 کان وٺي Dekkhan Agriculturists Relief Act آيو آهي تنهن کان وٺي  
 اسانجي سول ڪورٽن قطعي وڪرو ڪيو آهي ۽ شرطي وڪرو ڪيو  
 آهي ، انهن سول ڪورٽن شرطي وڪرو قطعي ڪرائي ورتا . جت کي



چو نندا نه موٽي پروسو ڪر اهو شروعاتي وڪرو آهي پر اسانڪي نظريي لکي  
 ٿي ۽ پوءِ اسانڪي پئسا ملندا پوءِ اوهانڪي زمين واپس ٿي ايندا آهن. اهو  
 بل الهيءَ خيال کان آندو ويو ۽ چيو ته سنڌ ۾ آباد ڪار فرضي جو ٽيهن سالن  
 کان بل پڙهيل ۽ جاهل هو ۽ الهيءَ جي نبي علمي جو فائدو وٺي اسانجا دوست  
 سينيورن ۽ شاهوڪار بدجي پيا آهن نه الهنڪي پنهنجو حق بلڪه پري ۳۰  
 سال اڳي agriculturists جو طبقو موجود هو جي پنهنجا هر هلائي سگهندا  
 هئا. تن ٽيهن ۾ پاڻيءَ جي سخت اثاث هئي وڏن وڏن زميندارن  
 مونڪي ٻڌايو ته اسان جو ٿر جي ماني کائي ٿو ٿا جا مٿا پي پنهنجون زمينون  
 پڇاڻيون. مان اوهانڪي هڪ مثال ٻڌايائون. سيد امام علي شاهه ٿاڏلي  
 جي زمين جي دستاويزي لکيل هو ته بنان لشي ۽ ري فريب آندو  
 پنهنجي پوٽي ٿو پوڙيان. هن هڪ رپئي ايڪڙ زمين وڪي آهي. ٿه  
 هزار ايڪڙ زمين هن وڪيا. ۽ مطابق ٻه ويهن سالن جو ٿو ويو. قاعدا  
 قانون اسان ٺاهيا آهن الهنڪي ٻاهي به اسين سگهون ٿا. اهي مثال ٿاڏلي  
 نه فلاڻو قلم ڪر وٺيمنت آف الڊيا جو پڇي بوندو ۽ فلاڻي قلم جي ابتڙ  
 اها ڳالهه ٿيندي سونو نه آهي. قلم به اسان ٺاهيا آهن پڇي الهنڪي سڌاري  
 به اسين سگهون ٿا. آخر اهو ته ٿو سڻو گهر جي نه الهن قلمن ٺاهڻ وارو ڪو  
 هو ۽ سهڻو وارو ڪو هو. اهي قلم هاڻ ردي ۽ بڪار آهن. اسين  
 الهن قلمن ۾ دستي ڪريون ٿا. قلمن ۽ قاعدن جا ٿڌا اٿارڻ اجايا  
 آهن اڄ زماني ۾ انقلاب اچي رهيو آهي ۽ اسانڪي انهيءَ انقلاب جي  
 روح ۾ هليو گهر جي. جيتري قدر انقلاب جي آڏو ايندا ۽ اڪثريت  
 واري قوم جي اڳيان رڪاوٽون وجهندا اوتري قدر وڌيڪ خرابي  
 پيدا ٿيندي. الهيءَ بل مان ڪيترن هندن کي به فائدو پهتو آهي ۽  
 ڪيترن مسلمانن کي. پر جيئن ته اسانجي هن صوبو ۾ اڪثريت آهي  
 پنهنجي وڌيڪ فائدو اسانڪي ٿيندو ۽ پنهنجي الهيءَ بل جي  
 مخالفت ڪرڻ وڌي ٿا جائز ڳالهه ٿيندي اهي چند ماڻهون جي غرض  
 جوت چوسي وڏا پست ٿي ويا آهن الهنڪان هاڻ اهي ملڪيتون  
 اڳاڻيون آهن. هن ۾ بي الصافي ڪهڙي آهي جو اسانجي مخالفت  
 ڪئي وڃي.

#### English Translation:-

"Mr. Ghulam Muhammad Wassan. Mr. President, I  
 congratulate the government for the Land Alienation Bill  
 presented by the Honorable Revenue Minister. It has been

our desire for many days to pass such a bill in this House, but unfortunately there was no full majority, so it has been delayed. Some of the commitments made by the minister are being implemented. The opposition benches are opposing this bill because its passing will greatly benefit the Muslims. If such a bill was brought to benefit the Hindus, they would never oppose it. Mr. President, I would like to bring to your attention that the lands in our Sanghar, Kipri and Umarkot Talukas are not only mortgaged on money but also on the promise of provision of water. I will request the Honorable Revenue Minister that the lands of the people who have been auctioned in the cooperative societies should also be returned in the same manner. Kindly rectify it as well in this bill so that the poor will benefit from it.

Dr. Qazi Mohammad Akbar. Mr. President, I was hoping that all sections of this House would support this bill. These friends of ours who are claiming to be nationalists, it is their duty to support this type of bill which will make justice easy and inexpensive and justice will be available to all the illiterate and the poor.

Mr. President, our complaint is that the Indian Penal Code and Civil Procedure Code are so complicated that poor and illiterate people do not get justice. The result is that in our country today, the lawyers take money from the poor and do not dispense them justice. If there was a rule according to Islam, then the poor would have gotten justice. This is the most important principle of Islamic law. That justice should be easily accessible to all the poor people. Civil courts are indeed there and they accept that the judges of civil courts are fair judges and are much better than civil servants, but it is a fact that the procedure in civil courts is so complicated that the cases of the poor pass down from generation to generation and the lawyers make the justice expensive and complicated.

I will present an example that I saw a stamped document with five or ten rupees in the hands of a judge, in which names of those purchasers were Hatpandas, Jhamromal etc., and the thumb impressions of Essa and Moosa were affixed below.

You should know how our lawyers spoil the justice. Sometimes when one illiterate person's land is sold, then they will issue summons on it. If the illiterate person did not appear, then they would issue a notice through the newspaper. How would the illiterate person know through the newspaper that he has to appear before the court. Then our lawyers will say that the defendant is absent so the case



may be decided ex parte. Since the Dekkhan Agriculturists Relief Act has promulgated, our usurers have made absolute sales and conditional sales have not taken place, these usurers have made conditional sales absolute. They will say to the illiterate person that it is a conditional sale, but give us a written statement and then we will get the money and then we will return the land to you. The bill is brought from the idea that the settler in Sindh was illiterate and ignorant for thirty years, and by taking advantage of his ignorance, our friends have become richer, so that they can benefit from their rights. 30 years ago, the class of Agriculturists was present which could plough their own land. For three days, there was a severe shortage of water. The big landowners told me that they saved their lands by eating lassi with barley bread. Let me give you an example. It was written on the land document of Syed Imam Ali Shah's grandfather that I have sold 10,000 acres of land at Rs1 per acre on 20-year lease. We have made the rules and we can amend the same. It is not right to give such examples that such a section will destroy the Government of India and it will be in contravention to such section. We have made the sections and we can amend/rectify them as well. After all, it is important to see who the creators and sustainers of these sections were. These sections are now useless. We make corrections in these sections. It is useless to raise the objection on these sections and rules. Revolution is coming in today's time and we should walk in the spirit of this revolution. The more they obstruct the path of the revolution and the majority of the nation, the more disorder will arise. Many Hindus and Muslims will benefit from this bill. But since we are the majority in this province, we will benefit more and therefore opposing this bill will be a big illegal thing. They are sitting on the blood of the poor people and now they have deprived them of their properties. What is the injustice in this that we are being opposed."

مسٽر پر سرام ٿهرا مائي - اول اول منهنجي مرضي آهي ته هن  
 بل متعلق مان الهن اصولن تي ڳالهائڻ جي اصول عام ريت آهي اڄ به  
 هائوس کي مسان يعني پاسا پيش ڪمالو. هر قانون جي ٿيڻ لاءِ آڊيٽر  
 پهرين اول وڃڻو پيو آهي ته قانون اهڙو ڏنو وڃي جو قانون سامهون  
 جهلي. مدعي مدعا عام وجهه يا فراديءَ جو اڀاڻا وجهه پوري ماهيت  
 جهلي. اهڙيءَ ڳالهه ۾ ڪنهن قسم جي هلڪائي ڪرڻ هڪ ٻي  
 لاڃاڻو ڳالهه آهي.

قاضي اڪبر: سامن هلڪائي Unparliamentary اٿر آهي.

آر بل سپيڪر: نه اهو Unparliamentary ڪو نه آهي. هلڪائي

معني Light-heartedness

مسٽر پر سرام ٿهرا مائي. الهيءَ مان ٿي سبو ته اهي ڳالهون هن قانون  
 ٺاهڻ وقت هائوس نه ڪيون ويون آهن. اسانجي ڳالهه مان ايترو  
 معنائون ڪڍڻ ۽ اسانجي مخالفت تي نٿوليون ڪرڻ نه آهي. اوهانکي  
 مخالفت کي ٿڌي سيني ٻڌڻ گهرجي ۽ جيڪو سچ هجي سو ڪرڻ ڪڍي  
 ۽ جيڪو ڪڇ هجي سو ٿڌو ڪڍي. جنهن مراد سان قانون آڏو  
 وڃي، بل آڏو وڃي، انهيءَ مراد ۾ ٿواب ڪرڻ لاءِ نه سڄي نه اڳيان  
 قانون ٺيڪ نه آهن يا ڪافي نه آهن ته پوءِ الهن قانون ۾ ٿيڻ ڪرڻ  
 ٺيڪ ڳالهه آهي ۽ پوءِ الهيءَ ۾ نه رهنديون بل ڪنهن، پوءِ ٻيلي اڳوڻي بل  
 کي قطعي ڪرڻ گهرجي. پر مان چوندس ته اهڙي جانچ ڪافي ريت  
 نه ڪئي ويئي آهي ۽ جي ڪم هجي ها ته اهڙي نموني جي ٿيڻ قانون  
 ڪرڻ ۾ نه اچن ها. قانون آڻڻ ۾ اسانکي رڳو قانون immediate مراد جو  
 وڃڻو نه ڪرڻو آهي قانون اهڙي شي آهي جنهن ۾ واٽي ٿي جا بهاريءَ  
 کي شفا ڪري هڪ ٻيو مرض اڀي ڪري ٿو. جنهن مرض جو اسمن قانون  
 ٺاهيون ته منهنجي لاءِ اسانکي ٿيڻ گهرجي ته مٿان ڪو ٻيو خوفناڪ  
 نتيجو پيدا ڪري. هن بل ۾ اها سنڀال نه ڪئي ويئي آهي. ٺي ڳالهه  
 اوهانکي ٿيڻ ۾ رڪڻ گهرجي ته ڪو به قانون Social opinion يا عام راءِ  
 جي خلاف ٺاهجي ته سو آخر مرد و ٿي پوئو. شادا انڪٽ جو مثال  
 اوهان اڳيان موجود آهي ڪنهن قانون ٺاهڻ ۾ خيال رکڻ گهرجي ته قانون  
 عام راءِ سان ٺهڪي اچي ۽ عام راءِ جي ٺي ٺهڪي نه ڪو نه ٿو  
 وڃي يا غلط نه ڪو نه ٿو وڃي ۽ پوءِ اڪي ٺاهڻ گهرجي. آر بل منسٽر جيڪو  
 هي بل پيش ڪيو آهي تنهن صاحب منهنجي نظر ۾ الهيءَ اصولن  
 ڪا به پوري نسل ٿيڻ ٿيڻ اشارو نه ٿو.

يعني جوستان الزام ايس ٿي. ايسٽاءِ الڪي ٿي لٿو لهرائي سگهجي  
 جهڪو مدعي اها نه درخواست ڪندو نه ظاهري ريس قطعي وڪرو آهي نه  
 حقيقت ۾ شرطي وڪرو هو نه پوءِ جنهنجي برخلاف اهڙيون درخواستون  
 ٿينديون نه آهن ڪي ڪهڙي اڪليف رسندي. جهڪو نه درخواستون ڪريو الڪي  
 وڌيڪ سهولتتون نه ٿيون ڇهينون ٿينديون مان چوندس نه قانون ساهي  
 پوري ٿيڻ جهلي پوءِ اڳڪا قانون ڪافي آهن جهڪي ڪاهيون اوهانڪي ٿي  
 نه آهن انهنڪي پل نه رسم ڪريو. مان لٿو چوان نه گورنمينٽ وقت مثال  
 نه آهن. اهڙا وڪرا جهڪي ظاهري ريس قطعي آهن ۽ حقيقت ۾ شرطي  
 وڪرا آهن نه اهڙي وڪري جي پل نپاس ڪئي وڃي.

We should not rush in where angels fear to tread

ٿيندي اسانڪي هاڪڙائي کان ڪم وٺڻ نه گهرجي. ملڪ مٿان  
 حڪومت ڪرڻا هڪ نازڪ ڳالهه آهي.

مسٽر نيوندرام: جناب صدر هن بل متعلق منهنجي دوستن قاعدي جي  
 نظريو نگاه کان ڄاڻي لکتچيني ڪئي آهي. ظاهر آهي نه اڄ موجوده سيني  
 قانون تي ٿيو ڪري هڪ ئي قلم جي نوڪ سان هڪ قانون طر يقو اختيار  
 ڪيو ٿو وڃي. البت عجب ڪاڏو پيو وڃي نه ڪالنگر بس غريبن جي  
 همدرد ۽ مددگار سا هن بل جي مخالفت ڪئي ٿي ڪري. پر سچ پچ  
 چيڪڏهن هيءُ بل آبادي تي مدار رکندڙ ان غريب فرقي لاءِ اچي ها  
 نه سڀ ڪنهن پاسي کان اهڙي بل کي Support ملي ها. مگر اها ڳالهه نه  
 هن بل ۾ آهي نه ڪانه. ڪا به بل ۾ حد مقرر ڪيل نه آهي غريب لاءِ  
 هن بل ۾ هزار، ۲ هزار، ۳ هزار ايڪڙن جي زمين به جيڪا هن کان اڳ  
 وڪرو ٿيل آهي قطعي اهر سوال نه ڪولي سگهجي ٿو. اڄ ڪلهه غريبن  
 جي نالي ۾ ايترو ڳالهائين ٿا. فضا ٿي پئي آهي غريبن جي نالي ۾  
 اڙڪ ڳاڙڻ يا دانهون ڪرڻ. ۽ سچ پچ جي غريبن جي پلي لاءِ هيءُ  
 ڪجهه ڪم ڪن ها نه جهڪو غريبن جي حالت اڄ اهڙي خراب حالت  
 ٿي نه پهي ها. مان چوان ٿو نه جيڪڏهن سچ پچ سرڪار کي غريبن  
 جو اولو آهي نه سرڪار کي ڪهنڊو هو نه وڌن زميندارن جي زمين جو  
 ڪجهه حصو غريبن کي ورهائي ڏي پوءِ چاهي هو هندو  
 سڀني چاهي مسلمان. سرڪار کي هڪ جهڙي سيني سان روش



ر ليا ڪوي - جهڪڻ هن اهڙيءَ طرح سچ پچ ڏيکارين جو ٻيو سرڪار کي  
 دل ۾ آهي ته ٻيو لائي سرڪار اهڙي قسم جو بل هڻي آڻي ته سڄي دنيا  
 ڪيترائي نه آجهان اهڙي بل جي هن طرف کان لنگهي نٿي - پر هتي ٻيو  
 هن بل آڻڻ سان ڏيکارين جي لائي نه ڪن انهن ماڻهن کي ورساڻو ڏيو  
 وڃي جهڪي سچ پچ الهيءَ وقت تعليم پائڻ ۽ سمجهڻ وارو ماڻهو هئا -  
 انهن ماڻهن جن چڱيءَ طرح سان پنهنجو دماغ لڳائي زمين وڪرو  
 ڪئي هئي اهي اڄ هڪ ئي قلم جي هڪ ئي نوڪ سان پنهنجون  
 اهڙيون وڪرو ڪيل زمينون ۸ آلي جي در خواست ڪرڻ سان  
 واپس وٺي سگهن ٿا - سرڪار کي گهڻي زمين ٻيڻي آهي ڏيکارين  
 کي ڏيکارڻ لاءِ - جهڪڻ هن سرڪار چاهي ته ڏيکارين کي گهڻي  
 زمين ڏيڻي سگهي ٿي - پر ڏيکارين سرڪار جي حقيقي مراد  
 ئي آهي - سرڪار کي پنهنجي مراد چڱيءَ طرح سان ظاهر  
 ڪرڻ ڪوئي هئي -

زمين حڪومت جي ڌڻي سان هميشه ٻئي ڌڻي آهي ٻيو اهاڻ  
 سان با ٻي انصاف سان - اڳي به جئين جئين بادشاهتون ٻيڻي ڌڻيون  
 آهن تئين زمين به ٻيڻي ڌڻي آهي - ڏاڍو جي اڳيان ڪرڻ به حق جي دعويٰ  
 ٿو ڪري سگهي - هن وقت حڪومت مسلمانن جي آهي - جهڪڻ  
 ائين تسليم ڪري وينا آهن ته اڪ ائينءَ طرح ڏيکارڻ جي ضرورت  
 ڪانهي ۽ الهيءَ حالت ۾ هڪ ئي قلم جي نوڪ سان ڪٿي آرڊر ڪن ته  
 هنن انڪريون جي بادشاهت ائين کانو ئي جهڪي زمينون خريد ڪيون  
 آهن سي مسلمانن کي ڏيڻي ڇڏين - ائين ڪرڻ وڌيڪ بهتر آهي جو  
 سچي قصي کي ڳولڻ لاءِ مال ڪيو وڃي - جنهن مان آخر خراب نتيجو  
 نڪرندو - تنهن ڪري هيءَ سڀ هو پادا جا لڳا لنگهي وڃڻ ڪيترائي  
 قدر نه ٿي انصاف جي ٿيڻي ٿيندي - اوهان کي اوهان جي ٿيڻي ٿيندي نه  
 هنن وٽان زمين کسي مسلمانن جي هٿن ۾ ايندي پر انڪري جهڪا  
 بدامني پيدا ٿيندي الهيءَ جو شڪار اوهان کي به ٿيو ٿو ٿو - قاعدن سان  
 جهڪا هڪ ڇوڪرو ڪڍي سا سنڀالي ڪڍي - قاعدو باءِ والڪر آهي - مان سمجهي  
 سگهان ٿو ته توهان وڏيون سان انعام ڪيا آهن - وڏيون جون ٻيون به  
 ڏانهن آهن - سرڪار وقت هميشه زمين ٻيڻي آهي - هن الهيءَ ڏيکارين به  
 حساب ڪري ٻڌايو ته 30 لک ماڻهو گذر ڪري سگهن ٿا - 5 ماڻهو  
 family ٿي وٺو ته 6 لک families ٿينديون - نه هميشه زمين ڪا به ڏيکارين

ٺي ٺيئي سگهي ٿي - هيءَ نه لوڪشاهي هڪ Community جي ٺيئي  
 Community، Dictatorship ٿيندي ۽ اها dictatorship اوهان کي هلائيندي  
 آهي نه پوءِ هوندي ٺيئي ساري قانون جي ضرورت ڪا آهي - صرف ٻن لفظن  
 پر پنهنجي حقيقي مراد ظاهر ڪري سگهو ٿا - پوءِ اسين به سمجهي سگهون  
 ته توهانجو مطلب ڇا آهي ۽ اسين ڪهڙي position پر آهون - ان ڪري  
 سڄي مراد هن بل جي صاف ڪئي وڃي ته بهتر ٿيندو - انهن چوڻ نه  
 هيءَ زمينون اڻڄڻيون هيون ۽ اسانجي هٿن مان هندن وٽ هليون وڃيون  
 اهر سراسر غلطي آهي - مان پڇان ٿو ته آخر توهانجو اهڙي زمينون ڪٿان  
 آيون جو توهين انهن کي پنهنجون ڪري ٿا سمجهو - ٺهينڪري آڻڻ  
 وري به عرض ڪندس ته هن بگڙيل فضا کي لاهڻ جي ڪوشش ڪريو -  
 منهنجو چوڻ آهي ته هيءَ بل فرقيوار نظر سان آندو وڃي - جهڪڻ  
 سڄي بچ سرڪار کي غريبن جو خيال آهي ته انهيءَ ئي لحاظ کان هيءَ بل  
 سڌاري آندو وڃي ته بهتر آهي - ۽ پوءِ توهين ٺهيندا ته اهڙي قسم جي  
 سڌريل بل جي هن طرف کان ضرور Support ٿيندي -

#### English Translation:-

“Mr. Prasiram Thalramani. First of all, I would like to talk about this bill on the principles which are generally accepted. I present both sides to the honorable House. In changing any law, the first thing to consider is that the law should be planned in such a way that the law is presented in front of the plaintiff, the defendant, or between the plaintiff and the defendant, and holding the whole matter between the plaintiff and the defendant.

Qazi Akbar; Sir light-heartedness is an un-parliamentary word.

Honorable Speaker; No it is not un-parliamentary. Halkai means Light-Heartedness.

Mr. Prasram Tahlramani. It will be seen from this that these things have not been realized at the time of making this law. It's not okay to make fun of our words and make fun of our opposition. You should listen to the opposition calmly and accept what is right and reject what is wrong. The purpose of bringing the law is that if the previous laws are not correct or insufficient, then it is a good thing to change these laws and correct them and later the previous bill may be revoked. I would like to say that such an examination has not been done sufficiently and if it had been done, such changes would not have been made. In bringing the law, we do not have to consider only the immediate meaning of the law. The law is such a thing, as the medicine heals the disease, it creates another disease. We must see to it that the disease we legislate for you does not produce another dire result.

This has not been taken care of in this bill. No matter what, you should keep in mind that any law is made against social opinion or general opinion, then it ends up being ineffective. The example of the Sharda Act is available before you to take care in planning a law that the law conforms to the general opinion and conforms to the general level and does not go wrong or goes wrong and then it should be made. The Honorable Minister who introduced this Bill did not in his speech give any satisfactory indication of this principle.

He cannot be convicted until the charge is proved. The plaintiff who makes a request that apparently it is a definite sale but in reality it is a conditional sale, then those who do not make such requests will suffer a lot. Those who make requests are given more facilities, so I will say that the law does not cover the whole issue, but the existing laws are enough. I do not say that the government does not have examples. Such sales which are apparently definite and in reality are conditional sales, that such sales should be scrutinized.

We should not rush in where angels fear to tread.

Therefore, we should not take the work by forcefully. Governing a country is a delicate matter.

Mr. Nivendram. Mr. President, my friends have severely criticized this bill from the point of view of rule. It is obvious that today all the existing laws are overturned and a different method is adopted with a single stroke of the pen. Of course, one wonders how the Congress can oppose the bill with sympathy and support for the poor. But really, if this bill had come for the poor based on the population, such a bill would have received support from all sides. But this is not the case in this bill. There is no limit set in any bill for the poor. In this bill, 1,000, 2,000, 3,000 acres of land that has already been sold can be opened. Today, they talk so much in the name of the poor, there is a lot of shouting or screaming in the name of the poor, and if they would have done something in the name of the poor, the condition of the poor would not have reached such a bad state. I say that if the government really cares about the poor, then the government should distribute some part of the land of the big landowners to the poor, whether they are Hindus or Muslims. The government should treat everyone equally. If the government really has the good of the poor in its heart, then the government should bring this type of bill here and see how much it receives from this side. However, by bringing the bill, in the name of the poor,



some of those people who were really educated and intelligent people at that time are being neglected. The people who had sold the land in a clever way. They can today with a single stroke of the pen get back their such sold lands by requesting 8 anna. The government has a lot of land to give to the poor. If the government wants, it can give more land to the poor. But it seems that the real intention of the government is not. The government had to make its intentions clear.

The land is always changing with the government, whether justly or unjustly. The land is changing with the change of kingdoms. No one can claim any right before the influential person. At present the government is of Muslims. If they accept this, then there is no need to poke their noses and in that situation, they should order with the stroke of the pen that the Hindus should give the lands they bought after the British rule to the Muslims. It is better to do this than to make the whole story unclear which will eventually lead to bad results. Therefore, it will be an intention of injustice to pass (words ambiguous). You will surely be happy that the land will be taken from the Hindus and it will be in the hands of the Muslims, but you will also have to be the victim of the unrest that will arise due to this. If you amend the rule, do it carefully. The rule is like fire. I can understand what you have done with the voters. The voters have other complaints. The government has so much land. I also calculated that day that 30 lakh people can be accommodated. If you take 5 people in a family, there will be 6 lakh families. That much land can be given to the Khatedars. This Lokshahi will be a dictatorship of one community over another community and you have to run that dictatorship, so there is no need for such a big law. You can express your true meaning in just two words. Then we can understand what you mean and what position we are in. Therefore, it will be better if the true meaning of this bill is clarified. It is completely wrong to say that these lands were ours and they went to the Hindus from our hands. I ask you, where did you get these lands that you consider them yours? So I request you again to try to remove this bad atmosphere. I say that this bill is being brought with a communal view. If the government really cares about the poor, then it is better if this bill is reformed. And then you will see that such a reformed bill will definitely get support from this side.”

مستر آغا بدردين :

جناب صدر - مان پنهنجي تقرير هڪ شعر سان شروع ڪريان ٿو - شعر عرض آ

آئي هي چمن مين ميري گل روکي سواڙي

اي باد صبا خاڪو اڙانا نهين آچها .

قابل احترام صدر -

هر هڪ انسان جو عام طرح ۽ هر هڪ حڪومت جو خاص طرح هي فرض هئڻ گهرجي ته هو هر مظلوم کي نه فقط ظالم جي ظلم کان نجات ڏياري بلڪ هر هڪ اها شيءِ جا ظالم پنهنجي ڏاڍاڻپ ۽ سياڻپ جي زور تي مظلوم جي ڪمزورين مان فائدو وٺي چالاڪي سان ڦهائي آهي سا سموري کيس وٺي ڏي . جيڪڏهن ڪو به وقت جو حاڪم ائين نٿو ڪري سگهي ته کيس حاڪم سڏائڻ جو ڪو حق نه آهي .

صاحب صدر - هي ال به الهيم انصاف ڪندڙ حاڪم هي ڪاروانين هي - رلهڙي زانچر جي هڪ ڪڙي آهي . مان هن ال هي ڪڏهن به ٺاهيند نه ڪريان ها . جيڪڏهن منهنجي اڳيان هي تصور هجي ها ته چند ماڻهن عياشيءَ ۾ پنهنجو مال متاع نٿو آهي ۽ هن ال جو انهنکي فائدو ملندو . مگر هڪ قصوئي اي لاهو به آهي . هڪ فرقو پنهنجي طاقت جي زور تي ڪمزور لاءِ هر ممڪن مهڪلائون پيدا ڪري سندس ضعيفي مان بي واهبي فائدو ورتو آهي جنهن لاءِ هزارين مهال موجود آهن . جنهن ڪري ئي مان هن ال جي ٺاهيند ٿو ڪريان . هن به هيندو جو سوال آهي ته مسلمان جو اسانجا دوست مخالف ٻين کان آواز اٿارڻ آهي ته هي فرقو وارا نه ال آهي جو سندن چرچا سراسر غلط آهي . هو کي خاطري

آهي ته هن بل پاس ٿيڻ کان پوءِ ان جو اثر ڪيترن آرٿر بل مسلم ميمبرن  
 تي جي آرهه ۾ ٿي ويندو آهي انهن تي به بولندو. ها هي ڳالهه  
 علحددي آهي ته هن بل مان گهڻو فائدو غريب ۽ مظلوم مسلمانن کي ملندو.  
 جنهنڪري اسانجا دوست انصاف ڏيڻ لاءِ به تيار نه آهن. هي بلڪل هن  
 مثال وانگر آهي ته هڪ ڪمزور شريف گهر ۾ ستو ٻيو هجي ۽ هڪ ڊاڪو  
 هجي ڪمزور جي مان فائدو وٺي سندس گهر لٽي وڃي ۽ ڪنهن وقت  
 ڇوڪڙن آهي ڪمزور جا هٿيار وارا ٻه ٻه آهن يا هو مظلوم ڪڏهن  
 انصاف ڪندڙ حاڪم وقت درياد تي ٿي ۽ هو ڊاڪو کي چون ته ڇوڪرو  
 مال ڇو رهايو آهي سو مون تي ڏي ته ڊاڪو ڪنهن ڇوڪري نه مال مڙتائين جي  
 انصاف ٿيندي. ڇو اهو مال مان پنهنجي عقل ۽ جرنيل سان هڪ ڪمزور  
 ڇوڪرو هجي جو ستل هو ۽ ڇو ڪمزور هو ته ڀرڻ ڇا ان انصاف تي سندس  
 هٿاهتي يا انصاف ڪندڙ حاڪم ڪنهن اهو جواب ڏيندو ته اڄوڪي پنهنجو  
 مال نه ملندو ڇو تون ستل ۽ ڪمزور هٿين.

### English Translation:-

“Mr. Agha Badruddin:

Mr. President I end my speech with a poem.

آئي هي چمن مين ميري گل روڪي سواري  
 اي ٻار صبا خاڪ اڙانا نهين اچها.

Dear President:

It should be the duty of every human being in general and every government in particular to free every oppressed person not only from the oppression of the oppressor, but the oppressors of everything should benefit from the weakness of the oppressed by the strength of their cruelty and wisdom. If he has tricked him, take him away. If any ruler of the time cannot do this, then he has no right to call him ruler.

Mr. President - This bill is also a link in the golden chain of actions of this ruler. I would never support this bill. If I had this picture in front of me, a few

people have squandered their wealth in luxury and this bill would benefit them. But here the story is of a different pattern. A sect has taken undue advantage of its weakness by creating all possible difficulties for the weak with the force of its power, for which there are thousands of examples. That is why I support this bill. There is no question of being Hindu or Muslim in this. Our friends have raised their voice from the opposing benches that this is a communal bill, which they say is completely wrong. I feel that after this bill is passed, it will affect many honorable Muslim members who are sitting on the Treasury benches. Yes, it is a fact that the poor and oppressed Muslims will get a lot of benefits from this bill to whom our friends are not ready to give justice. It is just like this example that a weak gentleman is sitting in the house and there is a bandit who takes advantage of the weak and robs his House. And when someone comes forward in his support or the victim goes to the ruler to seek justice and the ruler tells the bandit to return the stolen property so he says I have stolen this property with the help of my cunning and sharp mind and why was he sleeping and weak so the victim's supporter or the ruler will tell him that he would not get his property back because he was sleeping and was weak."

Mr. Issardaş Varandmal

سپت ايسرداس وردمل

مولڪي ڳالهائڻ جي خاص مرضي ڪا نه هئي پر مان رڳو ڊوڪٽرن کي بدلتڻ  
 ڪهڙا تڙ نه اهو بل جيڪو ٺاهيو ويو آهي تنهنجو بنياد جيڪو آهي سو هن  
 خيال کان نه شايد همدن مسلمانن جون ڪيتريون زمينون وٺي ويا آهن. تنهن  
 ڪري هيءُ بل آهي الهيءَ مطلب سان نه گروي ٿيل زمينون واپس وٺڻ  
 مان الڪه اڪر ڏيئي ڏيکارڻا تڙ نه زمينون ڪٽڻ وراهيل آهن.



آرٻيل مسٽر بهروزادو - اهو بنياد ڪونهي. اهو پاڪل ٿاڻا آهي.  
 ٽوهين ٻلي ڪوڙي پروڀيڪندا ڪريو.  
 سيمٽ ايسر داس؛ الڪ اڪر هي آهن.

زمين هندن کي	زمين مسلمان	سال
28%	72%	1901
31%	69%	1910
29%	71%	1920
30%	70%	1930
30%	70%	1940
30.2%	69.98%	1942

هن مان ٿسندا به سنڌ جي آدمشماري 45,37,000 مان هندو جيڪي ۱۴ لک  
 هئا تنکي 1901 کالولي اڄ تائين رڳو 30% زمينون آهيون آهن پوءِ اها دانهن  
 ۽ ڪوڪ چوڻي ڪئي وڃي. اوهين اهو بل Select Committee ۾ موڪليو  
 ته جيڪي به خراب Clauses آهن سي ڪڍي ڇڏجن.

سيد علي اڪبر شاه (Sayed ali Akbarshah)

جناب صدر هن بل جي آنءِ تاعيد ڪريائون ڇو ته مخالفت وارا اهو چوڻ  
 شروع ڪيو آهي ته اسان اجايو گورنمٽي مڃايو آهي. مان چونڊس ته گورن  
 رڳو اوهان مڃايو آهي. ۽ چوڻ شروع ڪيو آهي ته هندن کي نقصان پهچائڻ  
 لاءِ اهو بل ٺاهيو ويو آهي. هن به نه هندن کي آهي ۽ نه مسلمانن کي آهي.  
 سنڌ ۾ ڪيترن مسلمان آبادگارن ۽ هندن آبادگارن کي بهڃائڻ لاءِ هي بل  
 ٺاهيو ويو آهي. اهو بل پنجاب واري بل کان گهڻي قدر گهٽ آهي.  
 پنجاب پولسٽ Unionist پارٽي جي زماني ۾ هندن مسلمانن ۽ سڪن اهڙو  
 بل پاس ڪيو هو. مسٽر چوڻوڙا به رٽوليرو وزير پنجاب اهو بل تيار ڪيو هو.  
 پر اڳي به هٿيو گورن ۽ هل هنگامو نه ڪيو ويو آهي ڇهه ٽي و هٿ اسانجي  
 مخالفت (Opposition) وارن گورن مڃايو آهي. حقيقت ۾ هن بل ۾ گهڻو  
 نقصان نه آهي.

آرٻيل ميمبر مسٽر وليچا چيو ته اليڪشن جي اچڻ کان اڳ به هندو  
 زميندار هئا ۽ شاهوڪار هئا. مان چونڊس ته اسان مسلمانن اوهان کي مڃايو.  
 ۷۱۳ع کان وٺي اسانکي بهرين طاقت آئي. مسلمان ان وقت کالولي هندن کي

ٻڌاءُ ڏنو آهي. اسان کي پنهنجي وڃڻ وهايو آهي. اسان هتي ڏهين صديءَ جو عهدو آهي ۽ دولت ۽ عزت جون سهوليتون ڏنيون. اسان جي موجوده گورنمينٽ انگريزي حڪومت جي هڪ هيٺ آهي. جڏهن پاڪستان حاصل ڪيائين، تڏهن اسان هندن کي وڌيڪ سهوليتون ڏيئي سگهنداسين. اها اجائي هوندي هوندي ڪرڻ ۽ اجائي پريس پروپيگنڊا ڪرڻ ۽ هندستان جي ٻين صوبن ۾ پروپيگنڊا ڪرڻ نه سنڌ جي مسلم ليگ، منسٽري فرٽيپر سم منسٽري آهي ۽ Minorities جا حق ريتي رهي آهي ۽ انهن سان التير ڪري رهي آهي سا هڪ نهايت ڪوڙي ۽ غلط پروپيگنڊا ۽ اسان کي بدنام ڪرڻ لاءِ ڪئي وڃي. پريس پروپيگنڊا جو زهر هندستان ۾ پکيڙڻ ۽ مسلم ليگ اڳتي وڌائي ڪري حڪومت هلائي رهي آهي ۽ Minorities جا حق ٽٽي سڃاڻي آهي ۽ ڪري نه اسان جي حقن کي بچايو وڃي. اها ڪوڙي هوندي هوندي سنڌ کي بدنام ڪرڻ لاءِ ڪئي وڃي ٿي ۽ ٻيو ڪو به مطلب اهو نه آهي. انهن ٿورن اکرن سان مان بل جي تائيد ڪريان ٿو.

\* مسٽر سيمونل ڪراچي - سچ پچ اسين منجهي ٻيا آهن. آهستي آهستي هڪڙو هڪڙو عضوو ڪپيو ٿو وڃي. ڪيتي، واپار ۽ لوڪريون. لوڪريون ۽ واپار ۾ جهڪي ڪيو ويو آهي تنهن کان اسان جا آلرٽل دوست واقف آهن باقي رهي ڪيتي. واپار کان لاپرواهي ڪيو ويو آهي. لوڪرين کان تنگ ڪيو ويو آهي ۽ هڪڙو هڪڙو عضوو ڪپيو ٿو. ليٽ به پاڪستان ۾ انصاف ڪندا سو به اسان کي ڏيکاريو. هڪ ڏينهن جماعت جي ڪري سارو هندستان جي فضا خراب ٿي آهي. جا قوم طاقت واري هجي تڏهن اها ڪم ڪالگريس هجي يا مسلم ليگ پر هن کي Minorities جو خيال رکڻ گهرجي. اسان جي ملڪ ۾ سوڌهن جا سبق اڃان تائين ياد هوندا. مان توھان کي عرض ڪندس ته مھر ٻائي ڪري توھان Minorities سان انصاف ڪريو. آخرهه لموئي بد امتي نه وڌندي ته ٻيو ڇا ٿيندي؟ مان پڇاڙي جو رڙهائي ٿو هڪ شعر چوڻ لاس.

” هڪ هندو ٻيو مسلمان ٿيو وڃ وڌائون وڌو،  
 انڌي اولاد نه لهي - تنکي سچ چوڻو ڪيو،  
 پر روحن راه پرين جي جان گهڙي ڏاوسين گهرو،  
 نه رب نرلي ۾ هڪڙو جنهن ۾ ٿيند نه ٿين !!



جھڪڙهيون توهان الله تعاليٰ کي سڃاڻو ٿا ۽ ان جي مخلوقن جا هڪ آهي  
 ته پوءِ اسان ۱۴ لک ماڻهن سان ماڻي جي ماءُ وارو ورثو ڇو ڪيو وڃي.  
 اهو ارهائڻي ڪيتري قدر ليڪ آهي. مان وري به اپيل ڪندس ته مهڙي  
 ڪري اوهان کي چار ڪلاڪ ويهي اسان کي پوري طرح سمجهايو ته ڇو  
 ان بل آڻڻ جو ضرور آهي -

۱۴ لک ماڻهن سان ماڻي جي ماءُ وارو ورثو ڇو ڪيو وڃي -

### English Translation:-

“Mr. Issardas Varandmal. I had no particular desire to speak, but I just want to tell my friends that the bill that has been made is based on the idea that perhaps Hindus have taken away many lands of the Muslims. So this bill is meant to take back the mortgaged lands by giving figures to show how the lands are distributed.

Honorable Mr. Pirzado. It has no foundation. This is absolutely wrong.

You spread false propaganda.

Mr. Issardas statistics are as follows.

Years	Muslims Land	Hindus Land
1901	72%	28%
1910	69%	31%
1920	71%	29%
1930	70%	30%
1940	70%	30%
1942	69.98%	30.2%

You will see from this that out of Sindh's population of 4,537,000, Hindus, who were 14 lakhs, have only had 30% of land since 1901. You have to send it to the Select Committee to remove all the objectionable clauses.

Syed Ali Akbar Shah.

Mr. President, I support this bill because the opposition has started to say that we have made a fuss. I will say that only you have made a fuss and started saying that this bill has been made to harm the Hindus. This will not cause any harm either to Hindus or to Muslims. This bill has been passed to save many Muslim settlers and Hindu settlers in Sindh. This bill is much lower in status than the Punjab bill.

During the time of the Punjab Unionist Party, Hindus, Muslims and Sikhs had passed such a bill. Mr. Chito Ram, Revenue Minister of Punjab had prepared this bill. But there has not been so much noise and commotion. As much as our (Opposition) has made a noise. Actually there is not much harm in this bill.

Honorable Member Mr. Walija said that even before the arrival of the British, Hindus were landlords and were wealthy. I will say that we Muslims saved you. Since the year 712, first we were in power. Muslims have protected them ever since. We have absorbed them. We gave them positions of responsibility and gave him the facilities of wealth and honor. Our present government is under the British government. Once we get Pakistan, we will be able to provide more facilities to Hindus. Making unnecessary noise and making unnecessary press propaganda and propagating in other provinces of India that the Muslim League Ministry of Sindh is a sectarian ministry. And suppressing the rights of Minorities and blinding them with a very false and wrong propaganda and defaming us. Spreading the poison of press propaganda in India and Muslim League is running the government by force and does not recognize the rights of Minorities so that our rights can be saved. This false noise is made to defame Sindh and there is no other meaning in it. With these few words I support the bill.

Mr. Sirumal Karpandas - Indeed we are perplexed. Gradually one by one organ is cut off. With regards to the trade and employment, our honorable friends are aware of what has been done. The remaining that is left is agriculture. Our trade has been destroyed. We have been deprived of jobs and our organs are being cut one by one. Show us that they will do justice in Pakistan. Due to a sectarian party, the atmosphere of the whole of India has become bad. If the nation is strong, whether it is Congress or Muslim League, the minorities should be taken care of, the Sufi teachings will still be

remembered in our country. I request you to please do justice to minorities. Finally, if the unrest does not increase, what else will happen? I will say a poem of Rohani Faqir.

"هڪ هندو ٻيو مسلمان ٿيو وڃ وڌائون ويو،  
انڌي اوند نه لهي- تنکي سچ چونڊو وڪير،  
پر روحن راه پرين جي جان گهڙي ڏنوسين گهير،  
ته رب مرلي ۾ هڪڙو جنهن ۾ ڦند نه ڦير!!

If you believe in Allah Ta'ala and that all are His creatures, then why should us 14 lakh people being treated as stepsons. How good is that for you? I would appeal again that please sit down for four hours and explain to us fully why this bill must be brought."

**"The Honourable Mr. ABDUS SATTAR A. PIRZADA:** Sir, several points have been raised by my Honourable friends in opposing the first reading of the Bill and they have spoken on the different amendments rather than on the principle of the Bill. They have made it a principle just to oppose whatever comes from this side. As a matter of fact, Sir, you also know very well that they themselves have said that such a law already exists. From the very beginning, they have been saying that the Dekkhan Agriculturists Relief Act and Transfer of Property Act already exist and therefore it was not necessary to legislate this special measure.

Again, Sir, coming to the procedure, they have said that the procedure was already there and therefore it was not necessary to resort to this special procedure. Finally, about the courts of law they say that the civil courts exist and therefore Special Judges should not necessarily be there at all. So according to them I have neither brought in any new law nor have I brought any new procedure, neither have I brought in any new Judges nor any new methods of procedure in determining the matters laid down in this Bill. The only objection is that I have appointed Special Judges to try the suits but that cannot be the fault of the law. That way, Sir, they have been complaining that there have been several Magistrates, Police Officers, Revenue Officers and Officers in the Control Department, who have been taking powers and not administering them and doing their duty properly. I do not think, Sir, my honourable friends have brought forth anything in their arguments which goes against the principle of the Bill. Now, my Honourable friends, as I said, in the first place, have

been opposing it by saying that when there is a similar law in existence, there is no necessity of such a law. We can declare the previous transaction, under the ordinary law, whether it was an ordinary sale or mortgage. Again, Sir, they have attacked the very Bill saying why should we determine these things and go into these things at all.

Sir, what is the principle of the Bill? The principle of the Bill is to go into the nature of the transactions. That is the principle and they want to oppose that principle because it does not suit them. I am here, Sir, to legislate against dishonest people, be they Hindus or Mohammedans. This law does not make room for dishonest people. If Hindus happen to be dishonest persons, the law will not spare them. The object of the Bill is not to deprive the Hindus of their land and give them over to Muslims. If Hindus happen to be dishonest people and if they have entered into any shady transactions, they must give it back to the right man. Theft must be returned even after hundred years. They cannot retain what they have obtained by immoral and illegitimate means. If any Mohammedan came in there, I would not mind. Let them also return the land and give it back to the legitimate owner.

Sir, because in 95 out of 100 cases, Hindus will have to give back lands to Muslims is no ground at all for opposition. If 95 per cent of people have become dishonest, let them suffer. Therefore, Sir, just to oppose because Hindus are going to suffer by this Bill, is not the way in which the Opposition should put up their case in this House and camouflage the whole thing and make it a communal question deliberately, when there is nothing in the Bill to warrant it, and deliberately to say that it has been done in order to benefit the Muslims and make it a communal question so that ultimately they will be benefited and again adopt the same methods as was done in the case of the Land Alienation Bill, is not good. All the arguments of the Opposition were directed to that end and no other, as I will show you presently. There is no force in their arguments at all.

Now, first of all, Sir, they attacked the presumptions which shift the onus of proof and the burden of proof, from the mortgagor to the mortgagee. Now, it is quite correct that the onus of

proof is ordinarily on the person who brings the suit or brings the complaint. But even the Indian Evidence Act recognises this principle of shifting the onus of proof. Not only does the Indian Evidence Act concede in case of civil suits, but it concedes, as you know very well. Sir, even in criminal cases, Section 114 of the Evidence Act says that even in those cases where property is recently found in possession of a person he shall be deemed to be a thief or a retainer of a stolen property, unless he proves otherwise. He may not be knowing it that it was a stolen property. It might have come in his possession innocently. All the same the burden of proof is immediately shifted on him. So, that principle already exists in the Criminal law as well as in the Civil law. There are several presumptions that are lent from section 114 of the Indian Evidence Act, and, therefore, I am not introducing anything new here. When I say that the Judge may presume in these cases certain things—and I have said 'may' presume and not 'shall' presume,—my honourable friend says that the Judge could take into consideration certain things. To say that I have compulsorily asked the Judge by this legislation that he shall presume, is quite incorrect and misleading to this Honourable House. So far as these presumptions are concerned, I have clarified the whole thing. The Oppositions say that I have provided something which is definitely against the Hindus, whereas, Sir, if you refer to section 10(a) of the Dekkhan Agriculturists Relief Act, you will find that these presumptions exist there already. Rulings of Courts have been given that if circumstances exist in which the relationship between the purchaser and the vendor is that of creditor and debtor, then the Judge may take that fact into consideration in holding the sale not to be a sale but a mortgage. I have, therefore, merely reduced the rulings of the Courts into law, codified them and given it a proper form. I have given the gist of the law as it exists at present, and one can presume in that case whether the transaction is a sale or a mortgage. Where the price paid is inadequate, it will be one of the circumstances for the Judge to hold that it is a mortgage and not an out-right sale. Therefore, Sir, you will see that there is nothing special, except the propaganda, in all their opposition just to show that they are doing something for the minorities I would have thought that my honourable friends on the other side of the House

would appreciate that I have given them a codified law and would guide me properly. So, Sir, that much about the remarks regarding presumptions.

Then, again, Sir, Mr. Sirumal Vishindas said that we were legislating the law to suit certain class of people. By certain class of people he meant the Muslim Zamindars and khatedars. Again, Sir, Mr. Newandram said that we were playing with fire. It is said that by the passage of this Bill all the land in possession of Hindus will be transferred to Muslims. Is it fair on the part of these people to say like this? This is nothing but propaganda which is being carried on by the people who are not in favour of this Bill. Have I said anywhere that the lands of Hindus will be taken away and given to Muslims. I had only attacked the dishonest people who have taken possession of the land by dishonest methods which I have specifically laid down in the Act. You can imagine, Sir, the extent to which our friends can go and carry on the propaganda in order to achieve their object. There is nothing in the Bill which will harm any honest person. Mr. Nihchaldas said that this Bill will benefit Muslims only. But I say there is nothing discriminatory or communal about the Bill. The Opposition also carried on this sort of propaganda at the time when the University Bill was under discussion in this Honourable House. I read this morning in the paper that one Honourable Member in the Central Assembly has said that no subvention should be given to the Muslim League Governments in Sind and in Bengal because they are not treating the minorities properly. These gentlemen are capable of this sort of propaganda. They have made vehement attack on this Bill, whereas there is nothing in the Bill to which they should have taken any objection.

**Mr. NICHALDAS C. VAZIRANI:** Do we receive subvention now?

The Honourable Mr. ABDUS SATTAR PIRZADA: Congressmen in the Central Government cannot threaten us on the question of subvention. We know how to carry on and we can do without subvention.

Then, Sir, I have given them a Sessions Judge and I have given this assurance that no retired man will be appointed. There will be a man from the permanent



judicial service who will have his service at stake if he misbehaves. I have not given them a retired man. Suits for declaration, whether the property in suit is a mortgage or a sale, are ordinarily triable by a Subordinate Judge, even a Second Class Subordinate Judge, and I have changed that and given them a District Judge who can be relied upon much more than the ordinary Judge. Certainly, my friend might make gestures and minimise the facts. It is no use distrusting a man before he is appointed. We are giving them a District Judge. Honourable Member Mr. Nichaldas takes objection to my calling him Mr. Nichaldas. He is a very clever propagandist. He makes propaganda even while he sits here and makes gestures to minimise the replies that are being given to them, the convincing replies that are being given to them.

**Mr. C T VALECHA:** Why take away the jurisdiction from the ordinary courts of law?

The Honourable Mr. ABDUS SATTAR PIRZADA: It is due to people like my honourable friend here. You know the scandal about civil courts. For how many years the suits have been pending in civil courts. 6, 7, or 8 years is a common thing. My friends are coming to the rescue of the money lender, all the several sections of the Limitation Act and several other Acts, about which Honourable Member Mr. Holaram complained that I had broken all the sections of the existing Central Legislative Acts, all of them are coming to the rescue of the money-lender and the poor man gets no benefit at all. It takes years to decide a suit in a civil court. Where is the poor man to bring money from? First of all he must pay the lawyer for 6, 7 or 8 years. They will not be satisfied with one fee.

**Hon. Mr. Pirzada:**

After a second year they will demand another fee and so on. The result is that the poor fellow would be a pauper, would have nothing left before his case is decided. That is the thing. They want to keep the whole thing permanent and going, to squeeze the blood of the litigants and that is why they want to perpetuate and camouflage it by putting it in this way. They are very clever in all these things. I have replied them that the ordinary civil courts cannot do justice in such things as these. I might tell you that

this is a genuine grievance, a great grievance at present amongst the masses that money lenders, be they Hindus or Muslims—I will call them moneylenders—are dishonest and have taken possession of land of several people by unscrupulous means.

**Mr. NICHALDAS C. VAZIRANI:** What about Pathans?

The Honourable Mr. ABDUS SATTAR PIRZADA: Pathans also.

So that, Sir, to remove the grievance of this class is the greatest thing that Government could do in order to preserve law and prevent any occurrence of disturbance, because that grievance is the first thing that Government should remove and that is a very long standing grievance, as you yourself are aware, Sir, between the moneylenders, between those people who today have taken away the land by unscrupulous means and the landholders. So if you do not remove this, the instances given by my friend of forcible possessions and several other things will go on happening and the peace and tranquility of the province will be disturbed. Therefore the first duty of the Government is to remove the cause of disturbance, this inequity. Therefore necessity has arisen to provide this special procedure so that all those dilatory methods of civil courts will disappear and this grievance which might be the cause of a blaze, an all Sind blaze, in time may be removed as speedily as possible. That is the object, that is the necessity, that is the emergency.

My friend Seth Issardas probably said in a joke: Has any plague or any other illness taken hold of the whole province? That is what he said. He asked what emergency has occurred for this Bill. That was also a propaganda. Is this not an emergency, a grievance which causes disturbance in the whole province, which, admittedly, according to them, is resulting into forcible possessions, to provide a speedy and immediate machinery for that purpose to remove that evil and make them contented? If that is not the emergency, what other emergency can there be? (hear, hear)

from Honourable Pir Illahi Bakhsh) So, Sir, there is an emergency that we should have a law like this, a special procedure, which would avoid all the delay and I have given them a Sessions Judge, a District Judge and again for appeals I have given them a Judge of the High Court, an existing Judge of the High Court. It is no question of a retired Judge. Why do you distrust a District Judge or a Judge of the High Court. I have given them a right of appeal. The only thing is that the matter should be decided speedily and therefore for them to say that apprehensions are being created, that you are out to do something, is mere propaganda. They might create apprehensions for that purpose, for the purpose of their propaganda, but there is nothing to justify those apprehensions. So far as the procedure goes, there is nothing in the Bill to give cause for apprehension. I might draw attention of my Honourable friend to section 9 of the Act. It says:-

“In proceedings under this Act, a Special Judge shall, so far as may be, follow the procedure prescribed for the trial of suits by the Code of Civil Procedure, 1908.”

Where is it that I have not laid down the procedure. The procedure is as laid down by the Civil Procedure Code of 1908. So ordinarily that is the procedure and that will apply, but in cases where the procedure is going to result in delay, there the special procedure is prescribed by Government and that procedure also will be provided by the rules and those rules will again come before the Assembly. But I might assure my friends that I am not going to interfere with the ordinary principles of justice. The object in framing those rules will be to give speedy justice and not to delay because you know all very well that justice delayed is no justice at all. That is the maxim of law and this Bill follows that maxim throughout and the rules of procedure that I will frame will also follow that principle. Therefore to put the cart before the horse and immediately attack me that whatever will be brought will be alone known in the mind of the Minister, and raise a communal bogey and say I am out to frame a communal bill, that I have enacted something very horrible, is definitely wrong and improper and unjustified.

Now, Sir, I will refer only to one point. It is said that this Bill is an incitement to the people to make applications and they can go and take forcible possession. Now, how they interpret it to be so, I cannot understand. Mr. Nichalaldas was clever enough to give interpretation of presumption and I contradicted him there and then about price of the land whether it was fair or unfair, so it is wrong for Mr. Nichalaldas to say that the Judge will arbitrarily decide straight off come and say: Look at this document, it is unfair price. Certainly not. It is a judicial decision that he has got to arrive at and a judicial decision cannot be arrived at without going into the case properly. It will be raised as a preliminary issue and at the preliminary issue there will be no burden of proof cast upon the mortgagee and if it is alleged that the price is not fair, then certainly the vendor will have to prove it in the first instance. Therefore it is misleading to say that the burden of proof is shifting immediately. Several other things have been done like that, and therefore this allegation that we are inciting and calling upon the people and giving them invitation to go and take forcible possession, is certainly a thing which is not warranted at all. We on the contrary feel, Sir, that this legislation is going to help us in the preservation of law and order. Our friends need not threaten us, that if decisions are made against them they will not allow possession to be taken. Under this Act as soon as decision is made that such and such a transaction was not an outright sale but a mortgage then that man is entitled to possession. He has got to make an application to the Collector and he will be put into possession, so he can take the possession because the land is his. Even Criminal law cannot interfere because the land becomes his. If my friends are preventing and retaining possession by force, let me tell them in advance that we are not going to allow it. As soon as decisions are given by the Special Judge and by the Court of Appeal, the Judge in appeal, that such and such land belongs to such and such person and is a specified mortgage, we will take possession. We will not allow them to continue in possession after that. If they are going to resist, then they will be the sufferers. We must maintain law and order properly. Therefore it is wrong for them to say that we will be inciting people to take possession beforehand and that all those things will happen. We are not going to be cowed down by all these threats and I claim that my Bill is the best Bill for the province. It has been a long standing demand of the masses and a long standing demand to undo



the wrong that has been perpetrated on the poor illiterate people who have been deprived of their holdings. All that I am doing is to give them long delayed justice by incorporating provisions in this Bill and I recommend to the House that they will accept the principle of the Bill. (cheers from Treasury Benches.)

#### RESULT OF DIVISION

There are 29 for the Ayes, and 16 for the Noes, as under:

#### *Ayes*

1. Honourable Mr. Abdus Sattar Abdul Rahman Pirzada
2. Mir Ahmed Khan Abdullah Khan Talpur
3. Mir Haji Alimahomed Attamohamed
4. Mr. Aliakbarshah Ahmed Shah Sayed
5. Mr. Ali Gohar Khan Mahar
6. Agha Badruddin Ahmed Shamsuddin-Khan Durani
7. Mr. Anwar Hussein Ghulam Hussein Hidayatullah
8. Honourable Mir Bandehali Khan Talpur
9. Haji Fazul Mahomed Khan Laghari
10. Mr. Fazlullullah Ubeidullah Kazi
11. Mr. J. Fraser Hossack
12. Honourable Mir Ghulam Ali Khan Talpur
13. Honourable Shaikh Ghulam Hussein Hidayatullah
14. Mr. Ghulam Muhamed Muhammad Hashim Wassan
15. Haji Ghulam Rasool Khan Jatoi
16. Lt.-Col. W. B. Hossack
17. Mir Haji Husseinbakhsh Talpur
18. Honourable Haji Pir Illahi Bakhsh Nawazali
19. Mr. Jaffer Khan Taj Mahomed Khan Jamali
20. Sardar Kaiser Khan Ghulamohamed Khan Bozdar
21. Col. H. J. Mahon
22. Dr. Muhammad Akbar Abdul Qayoom Kazi
23. Honourable Mr. Muhammad Ayub Shah Muhammad Khan Khuhro
24. Muhammad Azam Muhammad Ibrahim
25. Haji Muhammad Hashim Gazdar
26. Mr. Muhammad Mujtaba Mustafa Kazi
27. Mr. Nur Muhamed Khan Sher Muhammad Khan
28. Mr. Rahimbakhsh Khan Soomro
29. Mr. Togachi Mir Mahomed Nohri

#### **Mr. Holaram H. Keswani.**

#### *Noes.*

1. Mr. Choithram T. Valecha
2. Mr. Ghanshyam Jethanand
3. Dr. Gobindram D. Punjabi
4. Mr. Holaram H. Keswani
5. Mr. Issardas Varindmal
6. Swami Krishnand Sanyasi
7. Mr. Madhowdas Shivalomal
8. Mr. Menghumal Perumal
9. Mr. Newandram Vishindas
10. Mr. Nichaldas C. Nazirani

11. Mr. Parsram Vishinsing Tahilramani
12. Mr. Partabrai Khrishukhdas
13. Mr. Rustom K. Sidhwa
14. Mr. Sirumal Kirpaldas
15. Mr. Sirumal Vishindas
16. Mr. Tahilram Tekchand

So the Bill is read a first time.

The Honourable Mr. PIRZADA ABDUS SATTAR: Sir, I

**Second reading** rise to move that Bill No. XXX of 1947: a Bill to provide a special procedure for the determination of the real nature of certain transactions entered into by landholders, be read a second time.

**Mr. SIRUMAL VISHINDAS:** Supposing, Sir, a person who was living in a District town migrated to Karachi after selling his land. He now says "I sold my land at low price." He was not an agriculturist at the time the transaction took place and could very well understand the nature of the transaction. This sale will now be challenged as a mortgage and the law as laid down in the bill will come to his rescue in restoring the land to him. I, therefore, submit, Sir, that the special procedure which my friend is contemplating should only be allowed to persons who were agriculturists, and those who mainly depended on the income from their lands, at the time of the transaction.

**Mr. NICHALDAS C. VAZIRANI:** A person was an agriculturist if his principal source of living was from agriculture. From the speech of the Honourable the Leader of the House I deduce that if any amendment to this Bill is reasonable he will induce his party to accept it. All the speakers that we have heard have said "let us save the Abadgars." Now if a man whose principle source of income is from agricultural land is duped, the provisions of this Act may be extended to this man and not to the people who are not agriculturists by profession.

What is mortgage or sale is a very vexed question and on account of the loose wording of the Transfer of Property Act many complications had arisen in decisions and conflicting decisions have been given by courts. Therefore, in 1929 an Amending Act was passed by the Indian Legislature with the object of clarifying the matter and there it was laid down that whenever a person says that he has made a sale of the land which

actually was a mortgage by conditional sale that statement should find expression in the very Deed of Sale, otherwise no evidence will be admitted. On account of the very bad use which was being taken and the enormous amount of litigation that was arising on account of the looseness of the language and on account of the many frivolous claims, this Act was passed. Only when there is a condition of return, written in the Sale Deed itself, then alone it will be held as a mortgage. Now that experience we are throwing off today by making a new law that by oral evidence it may be shown that a Sale Deed was nothing but a mortgage. Should we take it that by merely possessing the land the man becomes duce, a fool and easily amenable to the weakness of other people? We may take it that villagers who live in small villages, who have all along been cultivating themselves or having lived on agriculture alone, or principally, who have not taken advantage of education and as such they are entitled to some consideration. For them the Dekkhan Agriculturists Relief Act has been passed. Why should we today extend all that rigmarole in case of non-agriculturists and open up of all those things which experience taught us to end and for which the Indian Legislature made a Special Act in 1929. It will be sheer folly. I therefore think that it is very necessary that we should not throw aside the experience which we have gained in the past. But my amendment goes still further and it says that the advantage of this bill should be given only to those persons whose holding is only 100 acres or less. The object of my amendment is this. We should help the small holder even if by his own carelessness or by his own ignorance he has any property. But where there is a question of a rich big landholder, a person who is holding 5,000, 10,000 acres, if he has parted with land for the last 100 years, if he has been careless about the rights for so many years, why should he get the advantage?

**Haji M. H. GAZDAR:** The law which defrauded him.

Mr. C. T. VALECHA: Any person can come to the court within 60 years for determination that the sale was not a sale but a mortgage unless the land be passed to third person. Therefore I say that we should not disturb the property rights of the people who have acquired it by adverse possession of 12 years and over or by a long enjoyment of 10 years for the benefit of other rich people who hold today so many thousands of acres. We should therefore confine the advantages of this bill to those who hold not more than 100 acres at the time when they made the transaction and at the time

when they apply for the benefits. That is the object of my amendment.

The Honourable Mr. ABDUS SATTAR PIRZADA: Sir, this is a very simple point and a lot of time has been taken unnecessarily. Let me invite the attention of my friends to the title of the bill. What is the purpose of the bill. Why has this bill been brought? It says:

"A bill to provide a special procedure for the determination of the real nature of certain transactions entered into by landholders."

It does not seek to benefit or protect the Abadgar under the Dekkhan Agriculturists Relief Act. It has to go into the real nature of the transaction, a transaction which may have been obtained by fraud and several other things and therefore why should the people who have taken land from innocent and illiterate people who are large holders of land benefit. Let them continue and retain the land if they have obtained it by genuine sale. The object is not to protect the agriculturist as defined under the Dekkhan Agriculturists Relief Act. The object of the bill is to enter into the nature of the transaction and see whether the transaction was real sale, conditional sale, mortgage or whether the land was obtained under fraud or by unscrupulous methods. Therefore by accepting their amendment that whatever frauds have been committed with respect to land.....

The result of accepting his amendment would be that in the case of those purchasers who have purchased land from people who are holders of over 100 acres or who are non-agriculturists, even if the lands had been purchased by fraud or collusiveness, there will be no remedy. That is the effect of their amendment. They want to minimise the effect of this Act and as far as possible they want to benefit the unscrupulous people by any kind of means. I want to tell them that in the case of such transactions no question of agriculturist or non-agriculturist, large holder or small holder, arises, because the bill seeks to go into the question of the real nature of transaction itself.

So far as my honourable friend Kazi Fazlullah's amendment is concerned, I have legal advice that under the Indian Contract Act the landholder would include his legal representatives and everything and because this will be a sort of contract or agreement between the



parties, whether it is a sale or a mortgage, this amendment is therefore not necessary and I would request him to drop it.

*Friday, 28th March 1947.*

**The Sind Legislative Assembly met at the Assembly Hall, Karachi, on Friday, the 28<sup>th</sup> March 1947, at 2:30 P.M. the Honourable the Speaker, Sayed Miran Muhammad Shah, presiding.**

*P R E S E N T*

Abdus Sattar Abdul Rahman Pirzada, The Honourable Mr.  
 Alimahomed Attamohamed Mari, Haji  
 Aliakbarshah Ahmed Shah Sayed, Mr.  
 Ali Gohar Khan Haji Khan Mahar. Mr.  
 Ali Shah Bhawanshah, Pir  
 Agha Bardruddin Ahmed Shamsuddin Khan Durani  
 Anwar Hussain Ghulam Hussain Hidayatullah, Mr.  
 Bandehali Khan Talpur, The Honourable Mir  
 Choithram T. Valecha, Mr.  
 Fazul Mahomed Khan Leghari, Haji  
 Fazullullah Ubeidullah Kazi, Mr.  
 Fraser, Mr. J.  
 Ghanshyam Jethanand, Mr.  
 Ghulam Ali Khan Talpur, The Honourable Mir  
 Ghulam Hussain Hidayatullah, The Honourable Shaikh  
 Ghulam Muhammad Muhammad Hashim Wassan, Mr.  
 Ghulain Nabi Muhammad Ibrahim Dehraj, Mr.  
 Ghulam Rasool Khan Jatoi, Haji  
 Gobindram D. Punjabi Dr.  
 Holaram H. Keswani, Mr.  
 Hossack, Lt.-Col. W. B.  
 Husseinbakhsh Khan Talpur, Mir Haji  
 Illahi Bakhsh Nawazali, The Honourable Haji Pir  
 Issardas Varindmal, Mr.  
 Jaffer Khan Taj Mahomed Khan Jamali, Mr.  
 Jenubai G. Allah, Mrs.  
 Kaiser Khan Gulmahomed Khan Bozdar, Sardar  
 Krishnanand Sanyasi, Swami  
 Madhowdas Shivalomal, Mr.  
 Mahon, Col. H. J..  
 Menghumal Perumal, Mr.  
 Moulabakhsh Muhammad Umer Soomro, K. B. Haji  
 Muhammad Akbar Abdul Qayoom Kazi, Dr.  
 Muhammad Ayub Shah Muhammad Khan Khuhro, The  
 Honourable Mr.  
 Muhammad Azam Muhammad Ibrahim, Mr.  
 Muhammad Hashim Gazdar, Haji  
 Muhammad Mujtaba Muhammad Mustafa Kazi, Mr.  
 Newandram Vishindas, Mr.  
 Nichaldas C. Vazirani, Mr.  
 Nur Muhammad Khan Sher Muhammad Khan Bijarani, Mr.  
 Parsrarm Vishinsing Tahilramani, Mr.  
 Partabrai Khaisukhdas, Mr.

Sirumal Kirpaldas, Mr.  
 Sirmal Vishindas, Mr.  
 Tahilram Tekchand; Mr.  
 Togachi Mir Mahomed Nohri, Mr.

**Mr. NICHALDAS C. VAZIRANI:** Sir, I have added those words to the Government amendment, and retained the clause as it is duly amended by them. I say "Yes, that presumption may arise if the balance of credit amount is consideration or part consideration". Sir, my point is this. Every Zamindar has some dealings with some merchant. Supposing he is an ordinary merchant to whom Rs. 2 or Rs. 5/- is owing. Then the creditor-debtor relationship is there. But that has nothing to do with the sale. It is quite possible that there may be so many similar cases touching the ordinary dealings of Zamindars or haris with merchants. There may be Rs. 5/- or Rs. 2/- owing. But the deal is there and it is a clean new deal. The credit may be absolutely insignificant, not worthy of consideration, but still according to this provision the special judge may start with the presumption against him. The consideration may be fair on the face of it, and everything else may be there, but only because at that time there were these simple dealings, because the zamindar or hari purchased some grain from him, and he has two rupees balance owing, the special judge may start with the presumption that the sale is not a sale but a mortgage. I have therefore added those words. I say: "Yes, if there is creditor-debtor connection that debt has nothing to do with the sale". Supposing on account Rs. 5000 are due. If you say Rs. 5,000 more are paid and such land is taken on sale, I can understand. But where the balance is trivial, insignificant, that debt surely has nothing to do with the sale. It may be two or three rupees which may be paid after two or three days or within the next crop, so that the outstanding dealings have nothing to do with the sale in such cases, and so no presumption should arise. In such cases of sale, to insist that the original Government amendment should remain, would be something, which I say, Sir, would be a hardship, to say the least.

**Mr. GHANSHYAM JETHANAND:** Sir, I rise to oppose the third reading of this Bill.

It is being frequently repeated by Muslim League leaders in Sind and outside that in the Pakistan the interests of minorities would be

safeguarded and they would be treated fairly, justly and generously. This assurance has again been repeated by Mr. Jinnah on the occasion of the reception given to him recently by Memon Chamber of Commerce at Bombay. In Sind, with the advent of the Muslim League Ministry, with absolute majority, we find Pakistan in action. The actions of this Pakistan Government gives a direct lie to the professions of Mr. Jinnah and other Muslim League leaders. Not only the minorities are not being treated fairly, justly and generously, but their rights and interests are being trampled upon and every effort is being made to hit them in all possible ways, as is clear from the proceedings of the current session of the Assembly.

Though the minorities in Sind have a higher stake at present in education, as a very large number of schools and colleges have been founded and maintained by them and a very large number of professors, teachers and students come from their ranks, still they have been relegated to a position of permanent statutory minority in the Sind University which is to be created under the Bill passed in this session. Further, they have been statutorily deprived, on the strength of brute majority of the Muslim League Party, and against all canons of justice and fairplay, of their freedom to affiliate their colleges and schools to the University of their choice.

Instead of sympathising with the members of the minority in their sad plight of having to leave their hearths and homes and migrate to towns owing to conditions of insecurity of life and property in villages and offering a helping hand by granting plots to them for residential purposes, the minority community has been ridiculed and suggestions were made to forcibly sent them back to the villages.

In the matter of services the members of the minority community are being ousted from positions of responsibility and other posts, by promotion of junior and less qualified Muslims over their heads. This is happening not only in administrative departments, but in technical departments too. In some cases such supersessions have taken place against the recommendations of the Public Service Commission and even without consultation with it. The result of this has been that almost all the key

posts are now held by Muslims. Instead of safeguarding the interests of minority communities by reserving seats for them and allowing free scope to compete with the majority community, the latter is being favoured at its expense by granting it 70% reservation in services, irrespective of their competitive merit and length of service; and that is being achieved by supersession of senior employees belonging to the minority communities.

In the matter of trade also, the majority community is being favoured at the expense of the minority community. There is no objection to the Muslims joining the trade, but to deprive the members of the minority community of their legitimate source of livelihood and give 50% trade in all controlled articles to persons whose livelihood was from sources other than trade because they belong to the majority community is most unjust and ruinous to the minority community. On the top of this all, legislation is being rushed through, the main object of which is to hit the minority community in their agricultural property. This particular piece of legislation (Landholders Mortgages Bill) is conceived in undisguised hostility of the League Party to the legitimate rights and interests of the minority community in the agricultural property which they have been holding and enjoying for decades past by lawful means, by registered documents and the decrees of Courts and in this Bill accepted canons of law and equity have been mutilated to make it easy for the majority community to achieve their object of depriving them of their agricultural land and to this end wholesome provisions of Contract Act, Evidence Act, Civil Procedure Code, and the Limitation Act have been superseded. Already there have been several instances where members of the minority community have been forcibly dispossessed of their agricultural property and this Bill is likely further to aggravate the evil.

The above legislative and administrative measures do not exhaust the list of hardships suffered by the minority community.

In view of the determination of the Muslim League Government to establish dictatorial rule of majority community over the minorities in utter



disregard of their rights and interests, as is evidenced from what has been stated above, my Party has decided to walk out as a protest and not to participate any further in the proceedings of this session.

**The Honourable Mr. ABDUS SATTAR PIRZADA:** Sir, an important and serious statement containing several allegation has been made by Honourable Leader of the Apposition which needs a befitting reply. Let me make it clear that the conduct of the Congress party, who call themselves to be representatives of Muslims and Hindus all over India and who want us to join them at the centre for forming a single union centre, in Sind has always been definitely communal. This is abundantly clear from the speeches that they have made in this House on several measures. In the present session of the Assembly they have always treated everything communally, and tried to pitch the rights of Hindus as against the Mussalmans. It is they who are responsible for having taken up this attitude, and we have not trampled over their rights, the rights of the minority, in any way. Their objective, all along, has been not to give the reins of Government to the majority, the Mussalmans, but take hold of it by any means. They had done this in the past. The reason behind it is that they have held power in Government service, power in trade, power in possession of property, by undue methods. Therefore, Sir, it is always very difficult to hand over power to legitimate owners. They realize all that. Now the Mussalmans have awakened and are asking for justice, and my friends find it very difficult to give up. Therefore, Sir, they want to make a huge propaganda that the rights of minorities are being trampled upon. The rights of Mussalmans have been trampled upon for ages due to unjust laws, due to the chains and fetters that bound the Muslims all the time. When the injustice that had been done to Muslims is being righted, they resist and fight and raise a hue and cry saying that injustice is being done to them.

I make it quite clear again; Sir, that we are doing no injustice at all. My words may be bitter to them today, but after some time, when the whole agitation finds its own level and when the Muslims and the Hindus have their due rights, and everything comes to its proper level, then they will realise that

what I had said was correct, and that I was not their enemy when I made this statement.

Now, Sir, I shall show that all the allegations made against us are entirely unfounded. They are merely made from propaganda point of view and are not real facts at all. Coming to the University Bill, I ask what have we done? What has this Government done except giving due representation of 70% to Muslims. Is it not a fact that we have given 30% representation to the minorities? Is it not a fact that the Muslims are 73% in Sind and non-Muslims 27%? In spite of that we have given minorities assured representation for all time to come of 30%. They do not like it just now, because they have held power all along. They were in a majority in the Bombay Senate, and they want a majority in Sind Senate also, which we shall not give them. We shall give them their proper and due share. Is it unfair? We represent 73% of the population. We give them their due share – rather I should say their overdue – 30%. Is it injustice that we have done to them. We remember what attitude they had adopted in the Bombay University Council? Today they are making a grievance of it and are making a propaganda throughout the whole of India and the whole world that the minorities are treated unfairly in Sind. It is part of their engineered propaganda which they want to make at this critical stage when the fate of this country is to be decided, when it is to be decided whether Sind is to have sovereign Government or not, when it is to be decided whether the Punjab and other provinces are willing to come and form Pakistan or not. This is propaganda directed against us because, as you know very well, the Viceroy has invited Mr. Gandhi and Qaid-e-Azam Mohammadali Jinnah and talks are going to take place in regard to these matters. So they want to spread propaganda throughout the whole world that the minorities are not treated fairly, and therefore Pakistan should not be given. There is no substance behind all their arguments, and all this walk out and demonstrations are nothing but mere propaganda.

Therefore I warn everybody that they should not be misled by this propaganda at all. We have done no injustice in the University Bill. What we have done is to maintain the rights of Muslims. We have reserved 30% seats to the minorities.

The second instance that they have given is about the grant of plots, and the action taken by my Department, the Revenue Department. They alleged that they were not given plots when they wanted to go to towns. Sir, they should not mislead people and say that there is disorder and insecurity in villages. If they want to go and live in towns I shall give them plots, and I have given them plots. Afterwards these very Congress friends of mine came to me for plots and I have given them 10 extra plots to go and live in Khipro. I tell them, Sir, if they want to go and settle in towns and want plots want plots, I shall give them plots but they should not put forward the excuse that there is insecurity in the mofussil and spread propaganda that we are not protecting the minorities. Sir, it is therefore necessary to refute these false allegations. It is also false that we are forcing them to go and live in villages. It is they who forced Muslims in Bihar to go and settle in villages. I can say with all the emphasis at my command that Mr. Gandhi, who is their greatest leader, has by persuasive methods exhorted them to go back to their villages to be murdered by the majority there. This is also another form of coercion. They said that we had appealed to them to go back to villages. Can they quote one instance where we have appealed to them to go back to villages? If they come out openly, I am prepared to give them plots in towns where they want to stay. So the statement that there is insecurity in the villages is untrue. The fact is that they want to live in towns. We do not want them to go to villages, or force them back to villages. Definitely not. This is false and mischievous propaganda on their part.

Then they alleged that we are superseding senior Hindu service men. It is true that a resolution had been passed in this House, but that does not mean that that is the order of Government. They have created propaganda all over in the newspapers that the League Government in Sind has decided to give 73% seats to Muslims and 27% to others, whereas the population of Muslims is 70%. We have taken no such decision. The matter is under the consideration of Government. That is what the Hon'ble Premier said in reply at that time.

The whole thing has to be considered. We said that Muslims should have 70% representation in the services. Is it not fair, Sir? They have had their due

share in the services so far. Are we not entitled to have our due share and claim for ourselves that share? Is that injustice to minorities? Certainly not. Again, Sir, their allegation that we are going to supersede Hindu Senior men in Services is false and mischievous, I should say. There is no such decision of Government at all. What I said on that day was that in services, for future recruitment the communal ratio of 70 to 30 should be maintained. If necessary, we shall have to give all new appointments to Muslims so that this communal ratio may be achieved. That is what I had told them at that time, and I make that quite clear again.

Are we touching a single senior Hindu already in service? Certainly not, Sir. All this is false propaganda. My friends cannot give even a single instance in which a senior Hindu Government servant has been superseded on communal grounds. It is a false and mischievous. propaganda.

Another point that they raised was regarding trade. They said that we want to ruin their general trade. Where is the question of general trade at all? My friends, the Sindworkies, might go to Gibraltar, might go to China, they might go anywhere. We are not prohibiting them at all. What we are going to do is that in the case of shops for which licences are granted by Government— with which my friends have nothing to do e.g. cloth distribution and other rationed articles for which Government has to grant licenses,— we are, in the distribution of those licences, giving 50 per cent of licences to Mussalmans. Why 50 per cent? I should say we should give Mussalmans 70 per cent. We are entitled to do that. Where is the question of touching any other shops than those which are under control of Government and for which licenses have to be given? Where is the question of axing their trade at all that they should carry on propaganda like this? Therefore it is false to allege that we are hampering their trade in any way. What we are doing is that we are giving 50 per cent licenses of new shops which in the hands of Government. I am angry with my friend why he is giving only 50 per cent to Mussalmans. He should give them 70 per cent. (Hear, hear; from Treasury Benches).

Coming now to this particular Bill, at the third reading of which my friends have raised this furore and this storm for nothing. I have made it very clear that this is an Act directed against those people who are dishonest, who are money-lenders, and who have taken away the property of innocent people who do not know how to read and write and from whom mere thumb impressions might have been obtained and their property taken away. All this is directed against them. How is this communal legislation, I am not able to understand it at all. Because it affects the Bania money-lenders, because Hindus happen to be money-lenders, and because it is they who are likely to commit all these fraudulent acts, should they therefore raise a hue and cry and oppose this measure? Certainly not. This is directed against those people, Hindus and Mussalmans, who have committed fraudulent acts and misappropriated the property of poor and innocent people. They may be Hindus. They may be Mussalmans. But if the cap fits them, let them wear it. (Hear, Hear). Therefore the propaganda that we are introducing communal legislation and taking away their property and giving it to Mussalmans is definitely mischievous. We have enacted a very just Act. On the contrary, I asserted yesterday that I am bringing legislation to do away with the root cause of the grievance, which is the bone of contention, that the people in Sind have been deprived of their lands by unscrupulous means. Now my friends allege that forcible possessions of land were taking place. These are due to those feelings. Let all those who have been robbed of their property by undue means, have it back and the root cause of the trouble disappear and let us live in peace and prosperity in this province. That is my submission to you, Sir. The bill is a very beneficent one. It is directed against dishonest people and it is going to undo the great wrong which has been perpetrated on poor and innocent illiterate masses for ages, and I am certain the House will accept the third reading of my Bill.

(Hear, Hear).

THE HONOURABLE THE SPEAKER: That the Bill be read a third time.

The Honourable SHAIKH GHULAM HUSSAIN HIDAYA-TULLA: I wish to say a few words.



Sir, I do not want to repeat all the arguments that have been advanced by my honourable colleague the Revenue Minister. Let me first start with the services. My friend was quite right when he said that not a single senior Hindu has been superseded. They cannot show me one instance in which a senior Hindu has been superseded. This time we have asserted ourselves and we want for our people services in proportion to the population, which is nothing new. What have they done in the Congress Province in Bombay? They have not given one seat more to the Musualmans than their population.

Coming to the University Bill, there also we have followed the principle of population. Throughout india they say seats should be given in proportion to the population. That is what we have done. Our population is 73 per cent or 70 per cent and we have not taken on seat more than 70 per cent."

In the speeches referred above, the worthy members Ghulam Mohammed Wassan, Syed Ali Akber Shah and Ali Mohammed Mari have painted a gloomy picture of those days when even the big Zamindars mortgaged their lands in rupees One per acre and could not redeem the same for financial constraints and increasing mark up rates.

16. That the Legislations of Pakistan enacted following laws to deal with the Evacuee properties left by the Non Muslims migrating to India,

a. The Registration of Claims (Displaced Persons) Act 1956

b. The Pakistan Rehabilitation Act 1956

c. The Pakistan (Administration of Evacuee Property) Act 1957

d. The Displaced Persons (Compensation and Rehabilitation) Act 1958

e. The Displaced persons (Land Settlement) Act 1958, and the subordinate legislation in the shape of regulations as;

f. The Scrutiny of Claims (Evacuee Property) Regulations 1961

g. The Price of Evacuee Property and Public Dues Recovery Regulations 1971.

17. The settlement schemes were introduced to compensate the displaced persons but none of these laws protected the rights of the affectees who lost their properties due to mortgage with Hindu traders, though after creation of Pakistan mortgage money was not payable and by operation of law all such contracts lost their legacy and validity, the Government of Pakistan ought to have compensated the owners of such

properties in all the four provinces of country who lost their properties to Evacuee Pool for aforementioned reasons.

18. In an agro based economy like our country it's the land which provides livelihood to a human and to our view the fundamental rights of the people whose lands were under conditional sale or mortgage were infringed and violated as they were not given a chance to assert their rights before proper forum and their properties were kept under evacuee pool.

19. This important aspect of the society was realized by the legislative assembly of Sindh, in year 1947, the year of independence, when Muhammad Hashim Gazdar, a representative from Karachi, introduced the Land Alienation Bill in the Sindh Provincial Legislative Assembly. The bill sought to return mortgaged lands to their original owners, who had lost them between 1917 and 1947, without requiring compensation. The rationale was that moneylenders had already earned more than the original loan amounts, making further repayment unnecessary. This proposal created a divide between Hindu and Muslim members of the assembly. The creation of Pakistan was within sight therefore the Governor General of India deferred his assent to the would be government of newly created Pakistan, the history reveals that after independence, the bill was presented for final approval to Governor-General Of Pakistan Mohammed Ali Jinnah the father of nation who reportedly, on advice of the then Prime Minister Liaquat Ali Khan declined it. As a result, the 40% of agricultural land that had shifted to Hindu ownership in rural Sindh, initially lost by Muslim farmers due to mortgages was transferred into Evacuee Pool.

20. Since the Evacuee properties and displaced persons Laws mentioned para No 14 supra have been repealed by the Evacuee Properties and Displaced Persons Laws (Repeal) Act 1975 and in the advent of 18<sup>th</sup> Amendment in the Constitution of 1973, the subject matter of the lands has been transferred to the provinces, resulting into the enactment of Sindh Evacuee Trust Properties Act 2021, we would like that the Government of Sindh should look into the above important aspect of the properties under conditional sale transferred to Evacuee, for this purpose the Board of Revenue Sindh is required to make a comprehensive

probe into the titles transferred to Evacuee Pool without affecting the rights of persons who subsequently got the properties under claim or otherwise.

21. The **18<sup>th</sup> Amendment** was incorporated into the **Constitution of the Islamic Republic of Pakistan, 1973**, through the **Constitution (Eighteenth Amendment) Act, 2010**. This significant constitutional reform transferred legislative competence over matters concerning provincial governance from the federal legislature to the provincial legislatures. It conferred enhanced legislative and administrative powers upon the provinces, particularly in relation to subjects falling under their exclusive domain. A key feature of the amendment was the **abolition of the Concurrent Legislative List**, which previously allowed both the federal and provincial governments to legislate concurrently on certain subjects. Following its abolition, exclusive legislative authority over these subjects was vested in the provincial assemblies. These subjects include, but are not limited to:

- **Education**
- **Health**
- **Environment**
- **Labour and Manpower**
- **Agriculture**
- **Social Welfare**

22. Moreover, the amendment expanded the provinces' legislative jurisdiction to encompass other matters that were previously shared or under the control of the federal government. It also granted provinces greater autonomy in managing their natural resources, including oil, gas, and minerals, empowering them to regulate and utilize these resources independently. In addition, the provinces were conferred enhanced fiscal powers, enabling them to collect and manage their revenues more effectively. This shift towards financial autonomy was intended to strengthen the fiscal capacity of the provinces, ensuring better governance and service delivery at the sub-national level. In essence, the **18<sup>th</sup> Amendment** marked a historic shift towards decentralization and federalism, significantly redefining the relationship between the federation and its constituent units.

23. The Government of the then **West Pakistan** appears to have recognized the issue concerning land ownership while enacting the

subordinate legislation titled the **West Pakistan Land Revenue (Conferment of Rights of Ownership) Rules, 1969**. Under these rules, individuals who were recorded as occupants of land as of **31st December 1927**, excluding lessees or mortgagees, were to be recognized as the owners of such lands. The apparent objective of these rules aligns with the purpose of the **Sindh Land Alienation Bill, 1947**. However, as a piece of subordinate legislation, these rules could neither nullify nor override the provisions of the principal legislation, even though both address the same subject matter. Subordinate legislation, by its very nature, must adhere to the framework and limitations set by the primary legislation. It is pertinent to note that during **British India**, a comprehensive land survey was conducted in the year **1927**, commonly referred to as the *1927 Inquiry*. This survey aimed to prepare a **Record of Rights** in accordance with the provisions of the **Bombay Land Revenue Code, 1879**. For the sake of reference and convenience, the relevant provisions of the **West Pakistan Land Revenue (Conferment of Rights of Ownership) Rules, 1969** are reproduced as follows:

**“WEST PAKISTAN LAND REVENUE  
(CONFIRMATION OF RIGHTS OF OWNERSHIP)  
RULES, 1969**

**(Gazette of West Pakistan, Extraordinary  
23<sup>RD</sup> December, 1969)**

**No. 761/69/621. Y (1).**---With reference to the West Pakistan Government Revenue Department Notification No. 496/69/485-U (1), dated the 6<sup>th</sup> August 1969, published in the Extraordinary issue of Gazette of West Pakistan, dated the 30<sup>th</sup> August 1969, the Government of West Pakistan, in exercise of the powers conferred by sub-section (5) of section 184 of the West Pakistan Land Revenue Act, 1967 (West Pakistan Act XVII of 1967) is pleased to make the following rules:--

**PART-I**

**PRELIMINARY**

**1. Short title and commencement.** (1) These rules may be called the West Pakistan Land

Revenue (Conferment of Rights of Ownership) Rules, 1969.

(2) They shall apply to Karachi District and the Divisions of Hyderabad and

Khairpur, excluding Nasirabad Sub-Division.

**2. Definitions.** In these rules, unless there is anything repugnant in the subject or context:-

- (a) "Act" means the West Pakistan Land Revenue Act, 1967 (West Pakistan Act XVII of 1967);
- (b) "Code" means the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879) or the Sindh Land Revenue Code 1879, (Sind Act V of 1879), as the case may be;
- (c) "Form" means a form appended to these rules;
- (d) "Land Revenue Rules" means the West Pakistan Land Revenue Rules, 1968;
- (e) "Section" means a section of the Act.

**PART-II**  
**PROCEDURE FOR CONFERMENT OF RIGHTS OF**  
**OWNERSHIP**  
**ON OCCUPANTS OR PERSONS HAVING PROPRIETARY**  
**RIGHTS**

**3. Conferment of Rights of ownership on the occupants or persons having proprietary rights.** (1) Immediately on the commencement of these rules, Mukhtiarkar concerned shall, on his own motion or on the application of the persons interested, cause to be prepared by the Tapedar an estate-wise statement on Form 'A' in respect of each holder of land recorded as an occupant on the 31<sup>st</sup> day of December 1927, in the Record-of-Rights prepared under the provisions of the Code, other than a lesser or a mortgagee in possession, and also in respect of each person shown in the said Record-of-Rights to have proprietary rights in the land held by him.

(2) The Entries made by the Tapedar in the statement referred to in sub-rules (1), shall be checked and attested, cent per cent, on the site by the Supervising Tapedar within a period of thirty days of the preparation of the statement by the Tapedar, and by the Mukhtiarkar within a period of thirty days of the checking and attestation by the Supervising Tapedar.

(3) The statement so checked and attested shall be submitted by the Mukhtiarkar to the Assistant Collector of the First Grade concerned, who shall cause the same to be notified in the estate (deh) for the information of the public, by beat of drum or other customary method in use in the locality and by affixing a copy thereof on a conspicuous place in or near the land to which it relates.

(4) Any person interested shall be allowed to inspect the statement so notified and displayed and shall also be allowed to have a copy on request.

(5) Any person interested having an objection to the entries made in the statement, may, within thirty days of the statement having been so notified and displayed, submit his objections in writing, to the Assistant Collector of the First Grade concerned.

(6) After hearing objections, if any, received under sub-rule (5) and after making such further inquiry as he deems



necessary, in the manner provided under section 27, the Assistant Collector of the First Grade shall submit his report together with his recommendation or the objections, to the Collector, for orders.

**4. Collector's orders for persons to be recorded as owners.**

(1) On receipt of the report referred to in sub-rule (6) of rule 3, the Collector shall, by order in writing, direct that the persons named in the order having been proved to be entitled to the benefit of clause (a) under subsection (4) of section 184 in respect of the land held by them, be recorded in the relevant record-of-rights, as owners thereof.

(2) When an order is passed under sub-rule (1), the Collector shall issue a certificate

in Form 'B' to the persons who, in pursuance of the said order, are to be shown in the record-of-rights as owners, with a copy endorsed to the Mukhtarkar concerned for necessary actions.

**PART-III  
PROCEDURE FOR CONFIRMATION OF RIGHTS OF  
OWNERSHIP ON  
GRANTEES OF GOVERNMENT LANDS**

**5. Confirmation of rights of ownership in respect of land granted by Government in case the full price thereof has been paid.**

(1) Immediately on the commencement of these rules, the Mukhtarkar concerned shall, on his own motion or on the application of the persons interested, cause to be prepared by the Tapedar an estate-wise statement in Form "C" in respect of each holder of land who was granted land by Government under the provisions of the Code on or after the 1<sup>st</sup> day of January 1928, otherwise than on lease, and who has paid the full price for the land and has also fulfilled all the other conditions, on which the land was granted to him.

(2) The entries made by the Tapedar in the statement referred to in sub-rule (1), shall be checked and attested, cent per cent, by the Supervising Tapedar within a period of fifteen days of the preparation of the statement by the Tapedar, and by the Mukhtarkar within a period of fifteen days of the checking and attestation by the Supervising Tapedar.

(3) The statement as checked and attested by the Mukhtarkar shall be submitted by him, together with his report, to the Collector through the Assistant Collector of the First Grade concerned, for orders.

**6. Collector's orders for grantees of Government Lands to be recorded as owners.**

(1) On receipt of the report referred to in sub-rule (3) of rule 5, the Collector shall, after making further inquiry, including such inquiry as he deems necessary from the Colonization Officer concerned regarding the full payment of the price and fulfillment of all the other conditions on which the land was granted, direct, by order in writing, that the persons named in the order, having been proved to be entitled to the benefit of sub-clause (i) of clause (b) of subsection (4) of section 184, in respect of the land held by them, be recorded in the relevant record-of-rights, as owners thereof, subject to all the rights and liabilities of

a proprietor under the Colonization of Government Lands (Punjab) Act, 1912 (Punjab Act V of 1912). An abstract of the Register Haqdaran Zamin (Form XXXIV appended to the West Pakistan Land Revenue Rules, 1968).

(2) When an order is passed under sub-rule (1), the Collector shall issue a certificate

in Form "D" to the persons who, in pursuance of the said order, are to be shown in the record-of-rights as owners, with a copy endorsed to the Mukhitarkar concerned for necessary action.

**7. Status of grantees of Government lands the full price of which has not been paid.** (1) A holder of land who was granted land by government under the provisions of the Code on or after the 1<sup>st</sup> day of January, 1928, otherwise than on lease and who has not paid the full price of the land or has not fulfilled all the other conditions on which the land was granted, shall be recorded in the Register Haqdaran Zamin (Form XXXIV appended to the West Pakistan Land Revenue Rules, 1968), as tenant of Government under the Colonization of Government Lands (Punjab) Act, 1912 (Punjab Act V of 1912) as follows:-

- (a) Government shall continue to be shown as owner of the land in the column of ownership;
- (b) The grantee shall be recorded as tenant of Government in the column of cultivation;
- (c) The abstract of the conditions on which the land was granted shall be shown in the appropriate columns.

(2) On payment of the full price of the land by the grantee and fulfillment by him of all the other conditions in accordance with the terms of and within the period provided in the grant, the grantee shall be entitled to the conferment of rights of ownership in respect of the land held by him in the manner provided in rules 5 and 6.

#### PART-IV MISCELLANEOUS

**8. Appeal review and revision.** The provisions of Chapter XIII of the Act regarding appeal, review and revision shall apply to the orders passed by the Collector under these rules."

24. The Sindh Land Alienation Bill of 1947 is an important historical legislative effort aimed at addressing economic injustices prevalent in pre-Partition Sindh, particularly the exploitation of the local Muslim population. This bill, introduced, tabled, and passed by the Sindh Legislative Assembly, reflected the socio-economic realities of the time and sought to rectify systemic inequalities. However, its legislative journey, despite being rooted in principles of fairness and justice, ended in disappointment as it failed to receive the requisite assent from key authorities, first the Viceroy of India and later the Governor General of Pakistan. The Sindh Land Alienation Bill was modeled after the Punjab

Land Alienation Act of 1900, a law that restricted the transfer of agricultural land from farming communities to non-agricultural classes, such as moneylenders. The purpose of both laws was to protect vulnerable agrarian communities from the predatory practices of wealthy moneylenders who often took advantage of financially struggling farmers, forcing them to alienate their land to settle debts. In Sindh, a predominantly agrarian province, such protections were particularly critical as the Muslim peasantry was systematically subjected to economic exploitation that jeopardized their livelihoods.

25. The bill was introduced to safeguard the economic interests of local Muslims, who formed the backbone of Sindh's agricultural economy. By the mid-20th century, a significant portion of the Muslim population in Sindh was economically marginalized due to a cycle of poverty perpetuated by exploitative lending practices. Many Muslim farmers and peasants were coerced into relinquishing their lands to settle debts, leaving them landless and destitute. Recognizing the need for structural intervention, the Sindh Land Alienation Bill 1947 aimed to reverse this trend by restricting the transfer of agricultural land and ensuring that it remained in the hands of those whose livelihoods depended on it. The introduction of this bill occurred during a critical period in South Asia's history. The late colonial era was marked by growing awareness among Muslim leaders about the economic disenfranchisement of their communities. In Sindh, the economic struggles of Muslims were intertwined with the broader political movement for independence and the creation of Pakistan. Landowning Muslim farmers, along with laborers, were not only economically vital to the region but also key supporters of the demand for a separate homeland where their rights and interests could be safeguarded. The bill, therefore, was as much an economic reform measure as it was a political statement, symbolizing the aspirations of Sindh's Muslim majority to achieve economic and social justice.

26. Despite its passage in the Sindh Legislative Assembly, the bill encountered significant opposition at the national and colonial levels. Under British rule, the Viceroy of India declined to assent to the bill, reflecting the reluctance of the colonial administration to disturb entrenched economic hierarchies that often favored non-agricultural classes with financial influence. After the Partition of India and the

establishment of Pakistan, the bill was presented to the newly formed government for approval. The **Sindh Land Alienation Bill, 1947**, though well-intentioned and aimed at addressing pressing issues of land ownership, was not approved by the **Governor General of Pakistan**. This decision can be attributed to several contextual factors relevant to that time, reflecting the broader challenges faced by the nascent state. These factors are outlined below:

- Following independence in 1947, Pakistan was grappling with extraordinary challenges, including the **massive influx of refugees**, widespread **communal violence**, and the urgent need to consolidate and stabilize state institutions.
- In such a volatile environment, immediate attention was directed towards survival and stabilization, leaving little room for economic reform measures such as the **Sindh Land Alienation Bill**, which may have been seen as a secondary priority.
- The bill sought to restrict the acquisition of agricultural land by non-agricultural classes, such as **moneylenders, urban capitalists, and absentee landlords**. These groups often held significant political influence and economic power, both at the provincial and national levels.
- As a result, strong resistance from these influential elites may have created concerns about the potential political and social backlash, making it difficult to proceed with the bill.
- The administrative machinery of Pakistan was still in its **formative stages**, and its capacity to implement and enforce complex reforms was limited.
- Enforcing a transformative piece of legislation like the **Sindh Land Alienation Bill**—which involved identifying, recording, and regulating land ownership—would have required a robust and efficient administrative framework, which was not fully developed at that time.
- The timing of the bill coincided with an era of **political and economic uncertainty**, which made the introduction of far-reaching reforms particularly challenging.
- The Governor General of Pakistan may have viewed the bill as a worthwhile initiative but believed that it would be better implemented at a later stage, once the state was more stable and equipped to handle such reforms.

27. The failure of the Sindh Land Alienation Bill 1947 to become law represents a missed opportunity to address deep-rooted economic inequalities. Its rejection highlights the complex interplay between

economic reform and political power dynamics in newly independent Pakistan. While the bill did not succeed, its intent to strengthen the economic conditions of Sindh's Muslims underscores the importance of land and agrarian reform in achieving social justice. Moreover, the bill's underlying objectives remain relevant today, as they reflect a broader vision of empowering marginalized communities and promoting equitable resource distribution. The local Muslim peasantry, whose struggles inspired the bill, were not only central to the region's agricultural economy but also pivotal to the Pakistan Movement. Their economic empowerment was seen as essential to realizing the broader goals of independence—justice, equality, and self-reliance for all. The Sindh Land Alienation Bill of 1947 is emblematic of the challenges faced by post-colonial societies in balancing economic reforms with political realities. It represents a historical attempt to protect the rights of an economically vulnerable population whose contributions were integral to the creation of Pakistan. While the bill was ultimately rejected, its vision of economic justice and empowerment remains a testament to the aspirations of those who fought for an independent state where their rights would be recognized and safeguarded.

28. It is imperative to analyze and identify the reasons why a legislative bill 1947, duly passed by a competent assembly with the specific objective of protecting the local populace from economic hardship and ensuring the restitution of their lands, ultimately failed to achieve its intended legislative purpose. Despite the passage of the Sindh Land Alienation Bill, 1947, the local population was unable to benefit from its provisions due to its failure to secure assent. In light of this, the Province of Sindh is *directed* to address the following aspects comprehensively:

- i. **A detailed examination must be conducted to ascertain the reasons for which the Sindh Land Alienation Bill, 1947, despite being duly passed by the Sindh Legislative Assembly, was not assented to by the competent authorities, thereby failing to become law.**
- ii. An investigation must be carried out regarding the agricultural lands and other properties owned by local Muslims that were either transferred or held under mortgage or redemption agreements with Hindus during the period from 1917 to 1947. For this purpose, a committee shall be constituted at the district level in each district of Sindh. This committee shall be headed by the Deputy



Commissioner currently serving as the Settlement Commissioner. The committee is tasked to:

- **Examine the status of properties under the Evacuee Pool that were originally owned by Muslims but were mortgaged due to moneylending or other financial constraints [including petitioner's so that he may avail appropriate remedy].**
  - **Assess whether these properties could have been redeemed under the provisions of the Sindh Land Alienation Bill, 1947, had it been enacted. The committee shall submit a comprehensive report to this Court through the Registrar within six months. It is emphasized that the rights of any parties who have lawfully acquired title to such properties under existing laws shall not be adversely affected in any manner.**
- i. The Culture Department of the Government of Sindh shall undertake efforts to preserve the history surrounding the partition and its associated complexities. Competent officers shall be deputed to research this topic thoroughly, and the findings shall be compiled into an archival record to be disseminated in the form of publications. This initiative aims to educate the general public on the multifaceted issues arising from the partition and the legislative efforts made during that time.
  - ii. The Secretary for Law, Government of Sindh, is directed to place a copy of the Sindh Land Alienation Bill, 1947, along with the debates and deliberations held by the members of the Sindh Legislative Assembly, before this Court through the Registrar within 15 days.

29. So far as the contention of the Petitioner is concerned, the Petitioner has raised disputed questions of law and fact in the current petition which cannot be entertained under writ jurisdiction as per settled principles. However, the Petitioner is at liberty to avail the remedy available under the law, which is efficacious.

Petition is disposed of in the above terms.

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