

**REPORT**  
OF THE  
**Constitution Committee**  
OF  
**BHOR STATE**



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The age requirement for voters is the completion of 21 years. Plural voting is strictly forbidden. No voter will be permitted to stand as a candidate for election in more than one constituency.—42.

### Citizenship and Residence.

It is unnecessary to require that voters and candidates should be "citizens" of the State.—43. As the rulers or subjects of Indian States are allowed to take part in elections in British India, so might "aliens" be allowed to take part in the election to the Bhor Legislative Council.—44. No residence requirement is prescribed for those who satisfy conditions of property qualification, but in the case of those who claim enfranchisement on the basis of education alone a residence requirement of a simple kind is prescribed. These provisions will apply to candidates as well as voters. No postal voting will be allowed.—45.

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### Nominated Members.

Several sections of the community having no chance of success at the polls, it was necessary for the Committee, in order to achieve a complete-

ness for its recommendations, to suggest that the deficiencies in the result of elections should be made good by nominating unofficial representatives of these sections to the Council.—86. The Committee's recommendation in this behalf is that a member of the untouchable castes, a member of the hill and forest tribes, a person who, though perhaps not belonging to these castes and classes, would voice their needs, and a woman should be included among the nominated members.—87. Similarly important interests which fail to receive sufficient representation in the election should be given representation through nomination. If by using the power of nomination in favour of unofficials in this way official members are thought to be insufficient, officials who are not members may be allowed to attend the Council, as occasion demands, for the purpose of giving information and putting forward the official point of view, without, however, the right of voting being conferred on them. Nominated unofficials should, before appointment, be informed that they would enjoy freedom in voting and that their tenure of membership would be for the life of the Council.—88.

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The Committee's modest aim is to make the Council as fully representative of the popular will as is possible in existing circumstances, leaving it to the future to extend this limited franchise so that ultimately it will become universal.—89. But, in order that public welfare will be fully secured, Government and the people must work in harmony and co-operation, the electors returning honest and instructed representatives and Government giving increasing weight and finally full approval to their views.—90. Acknowledgments.—91.

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## Part II.—Minutes of Dissent.

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(*Dissent by Mr. G. B. Potnis.*)

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### Separate Constituency for Bhor.

(*Dissent by Mr. K. G. Deo.*)

The formation of an urban constituency for Bhor involves injustice to the people of Vichitragad taluka and should be avoided.—99 to 101.

### Restrictions on Candidature.

( *Dissent by Messrs. Vaze, Panse, Sane and Potnis.* )

Where no compelling necessity for restrictions exists, there should be freedom for persons eligible to become candidates to offer themselves for election in any territorial constituency, as in fact is the case in British India and several States.—102. Such freedom does not amount to an indirect extension of the franchise.—103. Nor does the formation of single-member constituencies necessitate restricted candidature.—104. Freedom for candidates is not uncongenial to representative government.—105. Freedom for candidates does not take away the right of voters to vote for local candidates and is therefore unexceptionable.—106. Restrictions, not imperatively required by local circumstances, are morally wrong and politically inexpedient.—107. A residential qualification which operated to restrict the freedom of candidates was imposed in three provinces in British India, but it was imposed without justification and has now been removed.—108. The British practice gives full freedom to candidates with happy results.—109. In U. S. A. freedom is restricted by custom, but with results deplored by all.—110. No legal bar should be imposed in Bhor State, so as to prevent the election of candidates of conspicuous ability only because they come from a different taluka.—111. The fear that upper classes of society will monopolise legislative seats if unrestricted freedom is allowed is unfounded.—112. The restrictive provision recommended in the Report should therefore not be sanctioned, but full freedom given to candidates to stand for any territorial constituency.—113.

### Special Seat for Inamdars.

The main question whether inamdars require special protection of any kind is ignored by the Majority.—114. They appear to be numerous.—115. Also economically, educationally and politically advanced enough to take care of themselves.—116. Nor is it contended that they will not win seats in open competition.—117. If protection were needed, it should take the form of reservation of seats in joint electorates, in order to obviate the evils of special electorates, which the Majority themselves admit.—118. The experience of British India does not support the Majority recommendation.—119. The proposed constituency will not consist of territorial magnates as in British India. Nor, it is presumed, is it meant to buttress conservatism.—120. The inamdars ask for a special seat, but this demand ought not to be conceded.—121. Nor is the demand anything like unanimous. Several inamdars oppose it as injurious to their class interests as well as to the general interests.—122. The dissentient Members, although entirely unconvinced of the need for special protection to the inamdar class, were prepared, as a compromise, to offer them a

reserved seat in mixed electorates, but the offer was refused by the Majority. The Majority's recommendation should therefore be turned down.—123.

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### Nominated Members.

In the Committee's recommendation on this subject the official members bear no part. Mr. Deo insists upon five of the eight nominated members (excluding the President) to be unofficial.—135.

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# Bhor Constitution Committee.

## Part 1.—Report.

### CHAPTER I.

#### INTRODUCTORY.

1. The Bhor Constitution Committee was appointed in pursuance of the announcement made by the Rajasaheb on the occasion of the celebration of his sixty-first birth-day on 16th December 1938. An English version of the relevant portion of the announcement, which was made in Marathi, is given below, as published in the Administration Report for 1938-39 :

The Ruler's  
announcement.

Responsible government has been declared to be the goal of my administrative policy as long before as in 1932 by enacting a special law for the purpose, and I avail myself of this occasion to reiterate the same in public.

With a view to facilitate the realisation of the above ideal and to train the people in the art of administration, a Legislative Council for the State was established by me in 1928, and a beginning was thereby made to enable the people to get an opportunity of participating in the administration of the State. Some time thereafter were inaugurated the Taluka Local Boards in 1932, when the constitutions of these local self-government institutions as well as the Legislative Council were so framed and amended as to place the non-official members in them in a majority. Now, therefore, as a further step in that very direction and with the object of advancing a step towards a gradual evolution

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of representative institutions, I declare my intention of applying the elective principle to the Legislative Council and to all the local self-government institutions, which will in future be constituted as follows :

The duration or life of the Legislative Council will be at any one time hereafter of five years, and of the twenty-one members of the Council twelve will be non-officials elected by a system of direct vote. The President for the period will be a non-official nominated, while the Vice-President will be an elected one. The budget, excluding the privy purse, will be placed for discussion before the Council and the members will have the right of suggesting cut motions, which, however, will not be binding on the Darbar.

. . . . .

Not long hereafter I intend to appoint a mixed Committee, with a non-official President, to report their recommendations to the Darbar in the matter of fixing the franchise limit, the formation of electorates or constituencies, framing of the procedural rules of the Council and the like.

. . . . .

Gentlemen, the above are the things which I am determined to do for the present. Of course, the idea underlying all these reforms and concessions being to associate the subjects in a gradually increasing manner with the administrative machinery of the State and to educate them in the modern ideas and methods of government, to facilitate the realization of the above ideal, I herein declare that, if the present atmosphere of peace and order is found to prevail in the State in future and the members of the prospective Legislative Council, in a spirit of co-operation and good-will with the Darbar,

## CH. I. — INTRODUCTORY

brought conviction to its mind regarding their actual capacity to exercise to the best further higher rights and showed their genuine and sincere intention to use them for the good and progress of the State, after the new Council's life of five years is over, I intend to give effect to the following three reforms :

- (a) The conferment upon the Legislative Council of the right to elect its President from among its elected members ;
- (b) The taking up of a member, from the elected members of the Legislative Council, as Minister in the Executive Council and to entrust to his charge the nation-building departments like education, medical aid ; and
- (c) The making of the budget, excepting the privy purse, votable by the Legislative Council, subject to the reservation of the right of certification resting in me.

As the bringing into being of the above three reforms is a question of five years from now, I see no reason to enter into its detail at this time. The framing of rules, etc., regarding the same is a matter to be properly dealt with in future according to the conditions then prevailing.

2. The Committee itself was appointed on 18th August 1939, and the order of appointment is contained in Resolution No. 5 of Fasli 1349 published in an extraordinary issue of the State Gazette of the same date. The personnel of the Committee was as follows :

Personnel of  
the Commit-  
tee.

**Chairman.**

Mr. S. G. Vaze.

**Official Members.**

Mr. K. M. Kumthekar.

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Mr. V. G. Ranade,  
,, N. G. Ambekar,  
,, S. S. Kale,  
,, V. V. Bavdekar.

### Unofficial Members.

Mr. G. M. Panse,  
,, G. B. Sane,  
,, G. B. Potnis,  
,, Krishnaji Ganesh Deo,  
,, A. P. Konde Deshmukh.

Committee's personnel remained unchanged throughout the course of the deliberations that have taken place so far, except that Mr. R. V. Apte was appointed a member in place of Mr. Kumthekar on 20th July 1940, by which time the Committee had taken decisions on most of the points which were before it for consideration.

Its terms of  
reference.

3. The terms of reference to the Committee (to give an English rendering of them) were :

(i) To whom should the right of voting be given in existing circumstances at the election of the members of the Legislative Council of Bhor State ?

(ii) What should be the qualifications of candidates standing for election to the Legislative Council ?

(iii) What should be the constituencies which are to return members of the Legislative Council ?

(iv) What should be the electoral law and electoral rules governing the election of the members of the Legislative Council ?

(v) What should be the rules for the transaction of business in the Legislative Council in accordance with the terms of the announcement ?

## CH. I.—INTRODUCTORY

The Committee was asked to take these matters into consideration and submit its recommendations to the Rajasaheb.

4. It is obvious that the electoral law and electoral rules can be formulated only after Government has passed orders on the recommendations of the Committee in regard to the first three terms of reference, and that the rules governing the conduct of legislative business will be required after all preparations have been made for the holding of elections to the Legislative Council. For this reason the Committee decided at its first meeting to take in hand first the questions raised in the first three terms of reference. And this Report embodies the Committee's recommendations only on these questions. Later, the Committee will frame proposals with regard to the questions included in the last two terms of reference.

The Report deals with three of these.

5. The Committee was first assembled by the Diwansaheb on 4th November 1939, and at this meeting the procedure for subsequent meetings was fixed and a questionnaire was decided upon which was to be issued for the purpose of eliciting public opinion. The questionnaire is printed elsewhere as an Appendix. With it was given, as will be seen, such statistical information as was then available to the Committee and as was thought likely to be of help to the would-be witnesses in giving evidence. Arrangements were made to send the questionnaire to about 700 individuals and public bodies, and a general invitation was issued to the public through eleven newspapers to help the Committee with advice. We must thankfully acknowledge that the Committee's request for co-operation evoked a very good response. More than 150 representations were received (vide Appendix I) and among those who submitted them were all classes of intelligentsia and men in all kinds of occupations like traders, inamdars, farmers and peasants. The Commit-

Procedure.

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tee's only regret is that women, untouchables and hill tribes were not as largely represented as it would have liked, though their cause was espoused by a few witnesses, some of them belonging to their own sex and class. Oral evidence was tendered by some 100 witnesses (vide Appendix I), and the Committee considers it its duty to say that the written and oral evidence received by it afforded much valuable guidance in its work. It considered all the evidence at a meeting held at Bhore from 6th to 9th May 1940, when it framed conclusions on most of the major points. On other points conclusions were reached by the Committee at a meeting held at Bhore on 21st and 22nd July 1940, when the draft Report was adopted.

The Report largely follows evidence received.

6. The Committee would like to add that it has, in regard to most of the questions which came within its purview, made a deliberate attempt to frame its recommendations in accordance with the opinions placed before it by a majority of the witnesses. It has thus every reason to hope that its recommendations, however imperfect they may be in themselves, will be generally acceptable to the people of the State. This, in the Committee's judgment, is the chief merit of its recommendations. Individual members of the Committee showed willingness to adjust their own views to those of the Committee as a whole, and the conclusions arrived at represent, in several cases, a compromise so effected between differing views. It is only on points of major importance that a divergence of opinion is indicated in the following pages and on points of vital importance dissent expressed; but it must not be supposed that on other points there was absolute unanimity, though the recommendations concerning them may be said to represent the consensus of opinion in the Committee. It may be stated here, in order to prevent misunderstanding, that the Report is a piece of composite authorship, paragraphs 47 to 52 of Chapter VII and the whole of Chapter X, in respect to which Minutes of Dissent have been appended, being from one pen and the rest of the Report from another.

## CHAPTER II.

## EXTENT OF THE FRANCHISE.

7. Our terms of reference did not restrict us to a limited franchise; on the contrary, we were free to consider even the immediate adoption of universal suffrage. We accordingly included in the questionnaire drawn up for consulting public opinion a question as to whether universal adult suffrage could be immediately established, and whether, if this was not feasible or advisable in present conditions, its establishment should be regarded as the ultimate goal. The evidence we received in answer to the question was almost completely unanimous that while the introduction of universal suffrage was not at present attainable its attainment must be looked forward to as the final stage in the progressive development of the franchise. We share this view on both the points. The constitutional development of the State has been definitely set by the Ruler, in his declaration of January 27, 1932 (since embodied in Act I of 1342 Fasli), in the direction of democratic responsible government, and such a government implies almost inevitably that all citizens, barring such obvious exceptions as minors, insane persons, etc., should be entitled to vote in the election of the members of the legislature. It is now the accepted theory of government that everybody on whom the Government operates should have a vote, and this principle has in fact become the general rule in all advanced democratic states. There is no reason why the Bhor State, which aspires in course of time to be numbered among these, should not have it laid down that adult franchise would be its goal in electoral arrangements, and that it would be its firm resolve to advance steadily to it *pari passu* with every increase in powers conferred upon the Legis-

Adult franchise —

— should be declared to be the goal.

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Immediate  
establishment  
not possible.

lative Council. We are unable, however, in agreement with most of the witnesses who tendered evidence to us, to recommend the immediate application of universal manhood and womanhood suffrage, or even manhood suffrage, accompanied though these may be by certain possible devices intended avowedly to check the size of the electorate.

Reasons.

8. It is hardly necessary to elaborate the reasons. A direct vote is yet something new to the State. It is in force only in the Bhore Municipality ; and there too a bare twenty per cent. of the population are enfranchised. This again is a very recent development. The principle of direct election was first introduced in the municipality in 1929. So far as the Legislative Council is concerned, a part of its unofficial members is elected by the members of the Bhore Municipality and taluka boards who, except for the municipality, are themselves all nominated by Government. If the people of the State are mostly unfamiliar with the mode of direct election even in local government concerns, so are the officials unfamiliar with the administrative duties which such election casts upon them. In a State having a large number of small and detached villages these duties will be particularly arduous. While therefore we are in favour of admitting to the electoral franchise as large a number of persons as may reasonably be believed to be capable of exercising it in an intelligent and responsible manner, we cannot agree to invest all persons of lawful age with this privilege, irrespective of any kind of property or educational test, at the very first launch of the State on to the current of self-government and thus put in grave jeopardy the success of this modest enterprise. (Mr. Potnis disagrees with the other members of the Committee in this view : he is in favour of adult franchise being introduced immediately. A separate Minute of Dissent recorded by him will be found in Chapter XIII.)



## CH. II.—EXTENT OF THE FRANCHISE

9. The franchise must therefore be a limited one in the initial stages, and we can only endeavour to make the limitations as broad and the suffrage provisions as liberal as circumstances will permit. The entire citizen body or even a major portion of it cannot now, by enfranchising it, be endowed with active citizenship; our aim will only be to enfranchise as large a portion of it as at present seems practicable and desirable; and, even if the proportion of citizens in whom the right of voting is vested appears small, to see that no important and numerous element in the population is excluded from it. In approaching this task we had to strike a balance between two opposite considerations, one demanding exercise of caution and the other urging boldness in devising our franchise scheme. The population of the State is in an extremely backward condition economically, educationally and politically. There are hardly any industries in the State. The population subsists almost wholly on agriculture. The soil is generally poor, warkas land predominating to the extent of 62 per cent. of the cultivable area. This warkas land of a particularly poor quality is used to some extent as an adjunct to rice land, but to a very much larger extent for the cultivation of inferior millets. The mode of husbandry practised on such land is necessarily of a rude type, and though the people show great ingenuity in damming up water-courses and stepping fields on the hill slope and thus raising a rice crop wherever possible, rice land amounts only to 10 per cent. The result is shown in the low assessment obtained. Even this low assessment, it should be noted, was, when introduced, based on a much higher rating than that applied to adjoining villages in British districts. For it is well-known that the British Survey Department, when formulating proposals for assessment in Indian States, usually allowed rates which were 15 to 20 per cent. higher than in the adjacent British territory in order to induce the Princes to give

Factors suggesting a restricted franchise.

Economic backwardness.

their consent to the introduction of the Survey tenure ; and the Settlement Reports of Bhor State bear ample testimony to the fact that this policy was followed in that State also. The general appearance of the villagers is enough to show the exceedingly low level of material prosperity at which they live.

Educational  
backward-  
ness.

10. In the matter of education also the condition of the people, though considerably improved in recent years, is still very unsatisfactory. The amount of illiteracy is woefully large. There are, in every thousand persons, as many as 965 who are illiterate or unable to read and write and only 35 who are literate. (The figures given here are quoted from the 1931 census returns.) The magnitude of illiteracy will become manifest when we reflect that in 1881, when the movement of mass education had hardly begun, there were in the Bombay Presidency 935 illiterate and 65 literate persons in every thousand. That is to say, the spread of literacy, miserably inadequate as it was at the time in the Presidency as a whole, was still greater there some fifty years ago than it is at the present date in Bhor State. The usual disproportion between male and female literates is to be found in this State also. There are in every thousand males 60 who are literate, while in a similar number of females there are only 11 who are literate. Put otherwise, there is one male literate in 17 of his sex and one female literate in 91 of her sex. Compare these with the figures for the British districts of the Bombay Presidency : there is one male literate there in 7 of his sex and one female literate in 27 of her sex. Bhor State lags very much behind Sangli State also in the matter of education. Whereas in the latter the percentage of scholars to the total population is 6.6, in the former it is one-third of this. When it is borne in mind that illiteracy shuts out people from the chief means of acquiring a knowledge of things outside the limited range of their personal observation and experi-

## CH. II.—EXTENT OF THE FRANCHISE

ence, the need for going slow in a general extension of the franchise becomes apparent. Politically, too, the people of Bhor State suffer from a corresponding backwardness. They are yet comparative strangers to the working of representative institutions even in the local government sphere and more so in the larger sphere of State administration. Though stirrings of a political consciousness are to be vividly observed in these latter years and though popular grievances are vigorously put forward when they become acute and their redress forcibly urged, a steady political activity on the part of organisations through which political education can be continuously imparted to the public on questions which ordinarily lie beyond their ken is almost non-existent.

Political backwardness.

11. If on the one hand this economic, educational and political backwardness of the community for which we have to frame a franchise scheme requires us to proceed with care and with due attention to safety, on the other the considerable constitutional changes to be brought about immediately and contemplated in the near future bid us go forward, so that the electoral machinery may be adapted to the constitutional framework. It is a commonplace of political science that the franchise should bear a close relation to the rights of self-government, and that an increase in the latter should be accompanied by an enlargement of the former. For this reason it would be pertinent to consider what the present constitution is and what alterations are proposed in it. The Legislative Council was first constituted in 1928 with 20 members, half official and half unofficial, appointed by the Government and with the Diwan as *ex-officio* President. To it was given the power of asking questions, moving resolutions and discussing the budget. Four years later the composition of the Council was changed in favour of the unofficial element, though the Council's

Factors suggesting a wide franchise.

Present constitution.

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power underwent no increase. The Diwan still remained ex-officio President, but the number of official and unofficial members appointed by Government was reduced each from 10 to 7, and 6 elected unofficial members were added, maintaining the total number of members as before. The Council was also given the right of electing a Deputy President from among the unofficial members. This reform in the composition of the Council secured to unofficial members a majority of 13 to 8 whereas before there was an official majority of 11 to 10, counting the Diwan-President among the members. But the principle of election then introduced was of little practical value. For of the six members thus elected five taluka boards, themselves wholly nominated, elected one each from among the unofficials appointed by Government and the Bhore Municipality, consisting of an equality of nominated and elected members, elected the sixth from among its unofficial members. Had the taluka boards been reconstituted, as was intended to be done three years after their creation, on a partially elective basis, the system of election introduced into the Council, might have had some amount of reality. As it is, even the indirect election then supposed to be introduced has till now remained a make-believe.

The constitution now to come into force.

12. However, the reforms announced by the Rajasahab on 16th December 1938 constitute a real advance. The total strength of the Council will remain as before at 21, but four-sevenths or 12 of the members will be unofficials elected on a system of direct voting. The number of seats out of the remaining nine that will be assigned to unofficials to be appointed by Government has not been fixed, but it is only reasonable to assume that a fair proportion of these will be filled by spokesmen of communities and interests that will fail to secure adequate representation in the elections. Popular representatives will thus be in an assured majority in the new Legislature, and, what is of far greater importance,

## CH. II. — EXTENT OF THE FRANCHISE

they will be the agency, if the suffrage now to be conferred is properly used, for an authentic expression of the general will of the people. The President will be an unofficial appointed by Government and the Deputy President will continue to be an unofficial elected by the Council. The powers granted to the Council are not to be materially increased, in so far as the terms of the announcement go, except in one respect, viz. that whereas till now the budget was presented to the Council for general discussion, hereafter the members will also have the right of proposing motions for reducing budget appropriations. The Council is thus placed, by reason of its statutory unofficial majority, in a position of exercising a large measure of influence, if not control, over the financial policy of the Government. On the general policy also, it can, provided it knows how to wield its powers, exert considerable influence, and for the same reason. It is true that the Council will still remain juridically a purely advisory body; it will have no determining voice either in legislation, administration or finance. But in practice it may come to have an appreciable share in all these, though in theory its powers will not extend beyond giving expression to the popular will which the Government may or may not choose to carry out.

13. If the constitutional development in being appears to be but limited, it is very much greater in prospect. For the Ruler's announcement contained also a solemn promise to introduce further reforms five years after the constitution of the reformed Council, provided this Council showed, by using the powers granted to it for the promotion of the common weal, that it had justified the trust committed to its care. These reforms consist in the right to elect the President from among the elected members (the Deputy President can be a nominated unofficial, but the President must be an elected one); the right formally to divide the House on the budget; and, what is of far-reaching significance, the introduc-

The constitution to come into force after five years.

## BHOR CONSTITUTION COMMITTEE

tion of a measure of responsibility in the government by entrusting nation-building departments to the administration of an elected member of the Legislative Council who, as Minister, will be responsible in the first instance to the Council and ultimately to the electorate. The last particularly is a reform of outstanding importance as it changes the whole character of government. When it is inaugurated, the Legislative Council will be in a commanding position in a part of the governmental field. In this sphere it will not merely influence but control the executive; it will be converted from a body of advisory powers into one which will possess the final and definitive power of shaping and executing public policies. This is a change not of degree but of kind, and the new dispensation that is opening before the people of Bhore State must be held to comprehend, along with the reforms that will come into operation immediately, those that will come into operation five years hence.

Franchise must be capable of easy expansion.

14. We of the Committee, who are commissioned to devise a suitable scheme for the franchise, must keep in mind both these reforms. The suffrage that we are to recommend must be such as will not only serve the needs of the Legislative Council for the first five years but will be susceptible of an easy expansion, so that it will be wide enough to justify the exercise by the Legislature of the very much more extensive powers to be conferred upon it thereafter. Under a system of responsible government the Legislature controls the executive but is itself under the control of the electorate; thus the executive is in the final analysis responsible to the electorate. And it follows from this that if responsible government is to function well and justly, the franchise on which the electorate is to be based must be so broad as to represent all sections of the people in right proportions. In view, therefore, of these wider reforms which are calculated to effect a fundamental change in the system of government, we shall be justified, and

## CH. II—EXTENT OF THE FRANCHISE

indeed in our opinion are required, while paying due regard to the factors that enjoin caution, so to devise the franchise that at the next stage it can easily be made sufficiently wide for the superstructure of responsible government that is to rest upon its foundation.

15. We have stated above the general considerations that guided us in framing our recommendations, and the practical questions that we had to answer were: How broad, in the light of these principles, should the franchise be? What should be the size of the electorate? What ratio should it bear to the total population? For, after all, nowhere is the franchise determined with reference to any *a priori* theory as to the fitness of an individual to cast a vote. That a voter should possess the ability to vote in an intelligent and the will to vote in an upright and public-spirited manner is a proposition that is readily granted; but difficulties arise in giving concrete application to it. The proposition itself does not afford much help in evolving a workable principle or devising a practical solution. For no infallible or even fairly reliable criteria have been or can be discovered of the personal attributes which may be said to constitute an ability to vote intelligently and a disposition to vote conscientiously. Certain qualifications, which being intended to be applied to a mass of people must necessarily be low, can but raise the presumption that the possessors of them are endowed with the judgment that is necessary to form a correct opinion of the political, economic and social issues that come before the legislature; and as to the moral worth of the voters one can only proceed on the assumption that where large numbers are concerned a voter who will employ his power for the public good will be the general rule.

Size of the electorate should first be determined.

16. We are at pains to say all this at such length because a goodly number of witnesses have taken exception to the very question we addressed to them as to

No accurate criteria of fitness can be laid down.

what in their opinion, speaking roughly, would be the proper size of the electorate. This appeared to them to be an essentially wrong proceeding. Find out first, they said, the constituents of a fitness for voting and then give the right to vote to such as satisfy the requirements and withhold it from others, however large or small may be the resulting number of those to whom the right accrues or to whom it is denied. For the reason stated above it is not practicable to go on this basis. In the House of Commons, on the last occasion twenty-two years ago when the franchise was widened in England and made co-extensive with adult suffrage, Sir Herbert Samuel, as he then was, addressed himself to the question: "How to distinguish between the thoughtful voter and the non-thoughtful voter?" and he answered the question thus: "I have seen at the Mint an automatic balance which deals with the stream of sovereigns as they come through and casts out on one side those which are even a grain over-weight and those which fall short of their respective weights, passing those which are of the right weight. But you cannot weigh men by any automatic balance. If only you could, the problems of democracy and government would be very much simpler than they are." And he went on to add that one could only adopt some broad distinctions, his final conclusion being that "You must necessarily take the mass—the good with the bad—and trust to them; and, in the long run, they will prove trustworthy." This is all that it is possible to do; and the method that is, therefore, generally followed is to form a sort of idea as to the total strength of the electorate that seems desirable and then to prescribe conditions of voting which would produce such an electorate, though in devising these conditions care ought to be taken to secure as far as possible that those that are brought on to the electoral roll will be fit to vote, however vague and indefinable this fitness may be. We could not take a different route.



## CH. II. — EXTENT OF THE FRANCHISE

17. Among the witnesses who appeared before us both classes of people were strongly represented. There were those that would keep the franchise rather narrow at first in order to insure that such power as the constitution had granted would fall into the hands of persons who could use it wisely and effectively, hoping that later on it would be possible to broaden the franchise as the example of the success achieved educated the people at large in the use of this power. There were also those that would from the outset make the franchise somewhat wide, believing that nothing tends to quicken the political intelligence of a people so much as the actual exercise of a vote, and that even if in the initial stage they used it ill things would right themselves quickly in the later stages. But even the first who would play for safety generally gave expression to the opinion that the electorate should not embrace less than ten per cent. of the total population and the second who would plump for a wide franchise from the commencement, even if they had to proceed by the method of trial and error, expressed themselves by a large majority in favour of 20. or 25 per cent. We ourselves agree that, considering the present and prospective political development of the State, a minimum of ten per cent. of the population ought to be enfranchised ; that a higher percentage, could it be reached, would be desirable ; and that it would be both inexpedient and unpractical to aim at more than 15 per cent. at present.

The electorate should be between 10 and 15 per cent.

18. We did not think it necessary to arrive at a more definite and specific conclusion than this, because we are so circumstanced that even if we proceeded to formulate our recommendations with a view to enfranchising a certain fixed proportion of the population we should be unable to say with any degree of confidence which conditions should be prescribed to qualify for a vote so that the desired proportion would in fact be obtained. We called for information about

No reliable data.

the number of persons that would fulfil certain conditions as possible bases for the franchise. But the information collected and presented to us was in several material respects extremely unsatisfactory. Some of it was obviously wide of the mark ; and some other was such as to inspire us with a grave doubt as to its accuracy. We could have had the information collected afresh ; but unless some extraordinary precautions were taken we could not be certain that these figures were not again at fault.

Quick decisions required.

19. Moreover, it would have taken more time than we felt we could allow. At the session of the Legislative Council held in January 1938, when a prayer was made to him for extending by a year more the life of the present Legislative Council which was then about to run its course, the Rajasaheb expressed his earnest wish that the fixation of the franchise and the formation of constituencies would, among other things, be "completed with the utmost dispatch," and it was clear from what he then said then that while a year's delay seemed inevitable he did not contemplate more than a year for the opening of the reformed Council. Already when we entered on our task two years had elapsed since his pleasure was known, and we did not feel ourselves justified in getting fresh statistics on which we could base our conclusions.

Revision after five years.

20. Apart from the Ruler's wish of which we were aware, we ourselves thought it infinitely better to finish our work with the greatest possible expedition and to make such provisional recommendations as were practicable in the circumstances, keeping the general considerations in mind, than to delay the inauguration of the new reforms in the hope of achieving a degree of finality for our recommendations. The reforms intended to come into operation after the close of the first term of the reformed Council are of such a far-reaching character as to necessitate a review of the

## CH. II.—EXTENT OF THE FRANCHISE

electoral position in any case. We therefore thought that while we should give the best consideration we could in framing our recommendations on the basis of such knowledge as we possess at present, the occasion of this review had better be taken to step up the electorate if it fell short of our expectations and to correct any discrepancies and defects that might be left in it. But we recommend that the franchise qualifications we have proposed be sanctioned for the time being, whatever be the size of the actual electorate they may produce in the end. It is of greater importance, in our opinion, to proceed with the inauguration of the reformed Council as soon as practicable than to spend a good deal of time in getting an electorate of just the right size.

For the present the franchise qualifications now recommended should be accepted.

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21. With these preliminary observations, we turn to our main task of considering, since the franchise must be restricted, what tests should be imposed to restrict its universality. These tests can be twofold, based on property and education. The term "property" is used here in a wide sense, including ownership or occupation of land and premises, payment of taxes, receipt of income, salary or wages, etc. Property is everywhere the main foundation of the franchise when it is restricted. One reason for it is that property gives to its owner a stake in the country and a real interest in its welfare, and another that possession of property acquired by industry and thrift affords presumptive evidence that its possessor is more fit for a share in government than a propertyless man may be supposed to be. In several countries, in addition to the property qualification, an educational qualification was at one time required, and in most of them it was no more than a bare literacy. Any qualification applied to large numbers must necessarily be very low, and it was thought that those who did not possess even the elements of an education were obviously unworthy

Property tests.

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No supplementary education test desirable.

to exercise the responsible function first of choosing the members of a legislature and then of holding them to account on matters of policy. But this test has now been generally discarded, for it is recognised that, whatever be the merit of a high educational requirement, it has to be ruled out in any system of a democratic suffrage, and mere literacy does not necessarily connote any greater intelligence, political or any other, than the mother-wit with which an illiterate farmer or peasant on an average manages his affairs. We are in agreement with this view and do not insist upon literacy as a condition of voting on top of other conditions like the ownership of property or the payment of contributions for the maintenance of the State.

But an alternative education test necessary.

22. Though we thus reject literacy or any other educational test as an additional requirement, we are firmly persuaded that it is necessary in Indian conditions to provide some kind of education test as an alternative qualification and as an independent means of acquiring the right to vote. In the Hindu community junior members of joint families and an overwhelming proportion of women in all families would on account of the law relating to property be excluded from the franchise if the latter were based solely upon a property test, and for this reason an educational qualification must be laid down as another avenue through which large classes of persons can have their names registered on the electoral roll. Another reason which makes it imperative to allow a separate educational test is that it affords the one possible means, so long as universal suffrage is not introduced, by which masses of people in the lower strata, who on account of their poverty cannot fulfil a property qualification and would thus be shut out from the vote, can be enfranchised. And the great merit of an education test is that, provided the State pursues a vigorous policy of educational expansion by providing the necessary facilities on an ever-increasing scale, it automatically brings larger and larger numbers on to the voters' list. We have therefore made provision for property tests and separate education tests.

## CHAPTER III.

## TAXATION QUALIFICATIONS.

23. There is little scope in the State for basing the franchise on the payment of taxes, but what scope there is must be fully utilised. The mohatarfa levied upon all persons engaged in any kind of business at the rate of Rs. 2 on every Rs. 100 earned as profit in the business in the course of the year yielded a little over Rs. 1,000 last year. Of this about one-half is collected in Bhor town, and in the year 1939 when the general elections of the Bhor Municipality took place 84 persons were enrolled on the municipal register in virtue of a payment on their part of Re. 1 or more in the way of the mohatarfa. We propose to maintain this franchise qualification in Bhor town for election to the Legislative Council, and we must in equity recommend its extension to all other places. A contribution of Re. 1 in this way appears too lenient a condition when compared with the contribution to land revenue which we recommend in the next Chapter as a condition to securing the right of suffrage. But the persons who are assessed to this tax form a distinct class in the population which it would be advisable to enfranchise in a somewhat liberal measure. We found ourselves unable to accept the suggestion made to us that the trading community be formed into a special electorate or combined with the special electorate for inamdars and watandars, and we were the more disposed on that account to include them in the voters' register on conditions which are easier than those which are made applicable to landowners. Such inclusion, we are convinced, will bring in an intelligent section of the people worthy of encouragement and will add an element of diversity to the list of voters which it is desirable to secure.

Mohatarfa.

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Dhangar  
mahal.

24. Another tax that is capable of being used as a franchise qualification is the fee levied upon buffalo-keeping and sheep-keeping dhangars. This tax is not collected by the State direct from those who are liable to pay it. The right to collect the tax at certain rates is sold by auction to contractors, who pay the amount for which their bidding was accepted and collect the tax from the dhangars. The sums which were paid last year into the State treasury on account of the tax on buffalo-keeping and sheep-keeping dhangars were about Rs. 1,500 and Rs. 900 respectively. The dhangars form a part of the population which it is essential on the grounds of social justice to bring on to the electoral roll in as large numbers as possible, and for this reason we think it highly desirable to find a place for them in the electorate on conditions which will not be too hard. Of the two classes of dhangars mentioned above those who keep flocks of sheep are nomadic people who usually have no permanent abode in the State. For the purpose of taxation they are divided into two classes, those whose stay in the State is limited to a week or less and who are charged at the rate of Re. 1-9-0 per hundred sheep which they keep and those whose stay is longer and may extend to six months and more and who are charged at the rate of Rs. 3-8-0 per hundred sheep. With the former we are obviously not concerned, but even the latter are not a settled community. It is not, we are told, as if they live all the year round in the State, moving about from place to place within the State limits, where their business may take them ; but most of them come from outside and pass through the State, though their sojourn in the State is often of a fairly long duration. There were about 125 dhangars last year who paid each of them Rs. 3 and over. But, on the information received, we are afraid, we must deny the franchise to even the more stable of the sheep-keeping dhangars. Moreover, we must take account of the serious and

Sheep-keep-  
ing dhangars  
to be exclu-  
ded.

## CH. III. — TAXATION QUALIFICATIONS

almost insuperable difficulty the candidates will experience in approaching them, even if the right to vote were conferred upon them. For these reasons we are compelled to withhold the suffrage from all sheep-keeping dhangars.

25. But the buffalo-keeping dhangars are of an entirely different kind. They are definitely a permanent element in the population and economically they are better off than the other class. Their accession to the electorate is desirable in every way and should be facilitated by all means in our power. The buffalo-keeping dhangars are required to pay each Rs. 1-12-0 in cash for every buffalo they keep, except that gavdas amongst them whose status corresponds to that of patils are wholly exempt from the tax and margales whose status corresponds to that of chaudharis are exempt from the tax leviable on half the number of buffaloes kept by them. Our recommendation, therefore, is that all gavdas and margales and all buffalo-keeping dhangars who have paid a tax on at least one buffalo in the past year be given the right of voting. As it is the custom amongst the dhangars for each youth to set up for himself as soon as he becomes old enough to carry on his profession, our recommendation will bring in almost the whole of the adult male population of buffalo-keeping dhangars. This is a result which we very cordially welcome. But the total numbers affected are not large. The permanent residents among the buffalo-keeping dhangars are returned at about 300, and those who paid Rs. 3 or over in the way of the tax or dhangar mahal last year numbered only 187. For the number of payers of this tax one has to depend at present on the figures that farmers of the tax supply. The information obtained in this way is not at the moment very reliable. But it is possible, even within the structure of the existing arrangements for auctioning, to insist upon accurate statistics being

Buffalo-keeping dhangars to be included.

furnished by the contractors, and it is suggested that the authorities will pay heed to this.

Royalty on hirda.

**26.** There is a third form of tax with a fairly large yield, viz. Rs. 6,000 a year, which, could the amount of its levy from individuals be ascertained, would have been very valuable. This is a royalty on hirda. But it is paid not by those who collect the fruit, but by contractors and other vendors who buy the fruit from those who collect it and export it for sale, paying a duty at a certain rate. How much is collected from each individual cannot be discovered and the tax cannot therefore be made the basis of the franchise.

Ranwa fee.

The fee on minor forest produce from which was derived a revenue of about Rs. 1,750 last year is realised in exceedingly small amounts, and this must also be left out of account for the purposes of the franchise.

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## CHAPTER IV.

### PROPERTY QUALIFICATIONS.

Holders of Government and alienated land.

Assignees of land revenue.

Khots.

**27. Land.**— In regard to the qualification based on the assessment of agricultural land, it will apply, as in British India, to holders of Government land bearing assessment and also to holders of alienated lands which are rent-free or on which a quit-rent is levied. It will also apply to assignees of land revenue who have been granted the right to enjoy the revenue assessed on a particular area of land or who receive the revenue direct from the revenue payers. Similarly, in khoti villages khots, who have no proprietary rights in but are revenue farmers of the villages which they manage, will be entitled to the franchise. The provisions in this behalf will be drafted on the lines of similar provisions in the Bombay Province. No record-of-rights being introduced in Bhore State, the register



## CH. IV. — PROPERTY QUALIFICATIONS

maintained by Government of landholders who are legally responsible for the payment of Government dues cannot be said in every case to reflect the actual state of landholding in the State. A man in whose name any particular field stands in the Government records may possibly have been dead long ago, and his successors may in reality be jointly holding it without their names being entered as khatedars. Or the khatedar may have transferred his field to others and yet no change may have been effected in the records to show the transfer. Such things are not only possible but common as there is no obligation on individuals corresponding to that in section 135 C of the Bombay Land Revenue Code to report their acquisition of rights in land. We understand, however, that though no changes in landholding are recognised by Government unless it is formally apprised of them, the village account books show who have in fact paid the assessment and who are in reality sole or fractional owners of any piece of land and what their holdings are. In making out a list of the landholders who are entitled to the franchise, care will have to be taken to include in the list not those who are entered as khatedars in the Government records but those who are in actual possession of the whole or part of the fields. The possessory occupants and not the registered occupants of land are the persons who should find entry in the electoral roll. Instructions to this effect were given by Government while collecting statistics of landholding for the use of the Committee. The public should by a notification be called upon to establish their claims to the vote on account of this qualification, but subject to this the entries in the village accounts should be regarded as conclusive evidence as to the possession or non-possession in any particular case of the qualification.

Possessory  
occupants of  
lands.

28. The Committee has come to the conclusion that the normal standard of assessment which should

Land revenue  
qualification.

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entitle a landholder to the right to vote should be fixed at Rs. 8, but in view of the great divergence in the pitch of assessment on account of the poor quality of soil and other local conditions the standard must be reduced to Rs. 6 and Rs. 4 in certain wide tracts. The variations are noted below :

(a) Vichitragad taluka :

- (1) Bhor municipal limits—Rs. 8.
- (2) Shirwal tract—Rs. 8.
- (3) Utravli and Ambavde tracts—Rs. 6.
- (4) Hirdoshi tract—Rs. 4.

(b) Rajgad taluka :

- (1) To the east of the Shivaganga—Rs. 6.
- (2) To the west of the Shivaganga—Rs. 4.

(c) Prachandgad taluka :

Whole of it—Rs. 4.

(d) Pawanmawal taluka :

Whole of it—Rs. 4.

(e) Sudhagad taluka :

Whole of it—Rs. 8.

According to this recommendation in regard to the application of varying standards of assessment, out of the total population of 1,36,446 in the State ( exclusive of Bhor town in which there is a negligible quantity of agricultural land ) 37,736 people or 28 per cent. will come under the operation of the eight-rupee standard, 22,231 or 16 per cent. under the operation of the six-rupee standard, and 76,479 or 56 per cent. under the operation of the four-rupee standard.

Tenants  
included.

29. We propose to confer the voting privilege as well on tenants as on landholders. All the witnesses were in favour of their inclusion in the voters' list, and, in accord with them, we would include all kinds of tenants, from the permanent to the yearly.

## CH. IV. — PROPERTY QUALIFICATIONS

Some of the witnesses pressed strongly their view on the Committee that, the relative economic position of a landowner paying a certain amount of assessment and a tenant cultivating land on which that much assessment is due being vastly different, a higher rental qualification should be fixed for the latter than the corresponding assessment qualification for the former ; but this view did not find much support among the witnesses in general, and we ourselves see no reason so to discriminate to the disadvantage of the tenant. A large number of witnesses suggested a definite figure of rental which in their opinion would on an average be paid for land which bore the assessment required for qualifying a landowner. But there seems to be no particular merit in specifying the amount of rent. Even if produce rents could be commuted into cash, the method would be inapplicable to cases in which a system of crop-sharing prevails. The easiest method of assessing a tenant's qualification would be that which is followed in British India, viz. to lay down that a tenant who is on land bearing the amount of assessment which qualifies the landowner to be a voter should himself become a voter. But it has been pointed out to us that, on account of many tenants cultivating small portions of survey numbers, it will not be possible to ascertain the amount of assessment which the plots let to them bear. In such cases a different method of assessing a tenant's qualification has to be followed. It can only be a rough and ready method. We recommend, therefore, that the multiple of assessment represented by rent be regarded as three, and that if the rent is payable in kind instead of in cash ten maunds be regarded as the proper rent for land bearing Rs. 8 assessment. In the case of khots, tenants, one paying Rs. 12 or ten maunds to his landlord should be treated as a tenant cultivating land with an assessment of Rs. 8. This method should, however, be followed only where the mode in

Qualification  
for them.

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common use cannot be applied, viz., that of basing a tenant's right to the franchise on the quantity of rented land bearing the requisite amount of assessment.

**30.** Following the provisions in this respect in British India, it may be laid down as follows :

A person shall be qualified to be included in the electoral roll of a constituency if he—

- (1) holds, or occupies as a tenant, alienated or unalienated land, being land included in that constituency assessed at, or of the assessable value of, not less than Rs. 8, Rs. 6, or Rs. 4 land revenue, according to the standard fixed for different tracts ; or
- (2) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 8 in respect of alienated land in that constituency ; or
- (3) is a khot or sharer in a khoti village in that constituency and is responsible for the payment of not less than Rs. 8 land revenue.

**31. House Property.** — The difficulties which attend on an attempt to make the voting qualification dependent on the ownership or on the occupation or tenancy of a house or building are obvious in those places where no tax or rate based on the annual rental of houses or buildings is levied. A number of bogus claims are likely to be advanced if liability for the payment of a tax or rate does not attach to such claims, and for this reason in British India and most of the States this kind of qualification is allowed as a general rule only in towns where the annual rental of premises can be accurately determined with reference to the tax which goes with it. Only in exceptional cases is a deviation from this general practice permitted; and the Southborough Committee, on whose recommendations quali-

## CH. IV.—PROPERTY QUALIFICATIONS

fications for a direct franchise were first introduced in British India, was at pains to show why in any particular town the capital value of the premises had to be made the basis of the qualification although the annual rental was not there subject to a tax. Knowing that much scope is left for misrepresentation on the part of the claimants and for miscalculation on the part of those who are appointed to examine the claims in places where no house tax is levied, we hesitate to recommend the annual rental or value as a general basis of qualification. In Bhor State a house tax is imposed only in Bhor and Shirwal by the local bodies for local purposes. The annual payment of a house tax of Re. 1 qualifies a resident of Bhor for the municipal franchise ; so also the payment by a tenant of the annual rent of Rs. 24. We propose the same qualifications for the legislative franchise in Bhor. In Shirwal the house tax is levied on the basis of the value of a house. In no other place is a tax levied on house property. We recommend that in Shirwal, Nasrapur, Velhe, Kolvan, Pirangut, Pali, Jambhulpada, Nadsur and Atone the legislative franchise be conferred on owners of houses worth Rs. 500 and over and on tenants paying annually no less than Rs. 12 as rent. In the Velwand valley the owners and occupants of houses of Rs. 200 and over should enjoy the franchise. Outside of these places we do not recommend the franchise being conferred on this basis. It would be no great hardship either. In villages the system of renting houses is not prevalent. Every peasant probably has his own house, however modest in dimensions and structure it may be. The house qualification will thus not add many voters and will certainly not make for a diversity of voters. We would therefore leave it out in all places except those enumerated above.

Bhor town.

Nine other places.

Velwand valley.

All other places excluded.

32. *Salary*.—Income cannot be employed in Bhor State as a basis for the franchise save for those who are in Government employ. Private firms employing men

on a regular salary are few, and the income of men engaged by traders, etc., is too uncertain to afford a suitable basis for the right of voting. The question was, therefore, considered whether Government employees enjoying a certain amount of salary should be given the franchise. It was felt that thus to bring in a class of persons who would consist exclusively of Government servants was somewhat open to objection. A witness who would be the last person to be suspected of entertaining a prejudice against the Government appeared before us and pleaded that though Government servants should not be debarred from voting at the elections of the Council, they should not *qua* Government servants be permitted to exercise the franchise. As a matter of fact neither in British India nor in many States do Government servants as such enjoy the franchise. But in our Committee it was insisted that all persons in the employ of Government who draw a salary of not less than Rs. 20 a month and all Government pensioners whose pension is Rs. 7 and over a month should be given the right to vote. The former class numbers about 125. The Committee agreed to recommend the enfranchisement of both classes, in view particularly of the fact that most of the Government servants in receipt of a monthly salary of Rs. 20 and over would anyway come on to the electoral roll in virtue of one qualification or another.

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CHAPTER V.

EDUCATION QUALIFICATION.

**33.** In an earlier part of the Report (vide para. 22) we have stated that while we would not impose a supplementary education test on those who are otherwise qualified to vote we consider it necessary to make education in itself the basis of the franchise, apart

## CH. V. — EDUCATION QUALIFICATION

from any other qualifications, and the question is what such an alternative educational qualification should be. The suggestions we have received from witnesses in this connection range from a bare literacy to the passing of the vernacular final or the matriculation examination, though not a small number have counselled us to take a middle course and fix the passing of the vernacular fourth standard examination or the possession of education of an equivalent standard as a suitable qualification. We follow this counsel. Completion of the high school or even the vernacular school course would be too stiff a standard to prescribe in this State. The number of students who passed the matriculation examination and the vernacular final examination from schools in the State last year was 27 each or 54 in all. This would be a meagre annual addition to the educated electorate. On the other hand mere literacy would be too low a standard. It is notorious that all over India an awful amount of wastage takes place in primary schools, there being a small percentage of pupils who complete the lower primary stage. Those who leave school at an earlier stage often lapse into illiteracy if they have acquired literacy before. For the attainment of permanent literacy it is thought essential that a pupil should have completed the lower primary course. As the recent report of Messrs. Abbott and Wood says, "Literacy does not consist in reading and writing but in the use of reading and writing," and what we desire to secure in the voter who finds a place on the register in virtue of the educational qualification alone is that he is in sufficient measure acquainted with the tools of knowledge and not merely that he could boast of having at one time made such acquaintance. Our recommendation, therefore, amounts to no more than that the educated voter should have attained to a permanent possession of literacy. It would be unwise to go below this minimum standard. At present there are 33 schools in the State teaching up

Vernacular  
fourth  
standard.

## BHOR CONSTITUTION COMMITTEE

to the vernacular fourth standard, and to date 2,185 boys and 448 girls, or 2,633 children in all, passed out of the State schools after finishing the lower primary course. Last year's output of such pupils was a little less than 150. This again is too small a yearly addition to the number of voters. It would not be a net addition either, for there will be many duplications of those who, on coming of age, will be qualified for the franchise on other tests. But we feel ourselves to be in a position of helplessness in the matter of lowering the educational qualification.

34. It should be stated here, however, that, by providing for this independent educational qualification, we are not thinking merely of future additions to the electoral roll; we desire that in the roll that will be compiled in the beginning all such persons will be included as will satisfy the test. We are aware of the difficulties with which the officials entrusted with the compilation of the register will be faced, but they are not insurmountable. It should be left to those who claim to possess this qualification to apply for enrolment. Some of these may have received education in English; they may be passed as satisfying the test without any further scrutiny. In the case of a great many of those who have not received such education it may be difficult to obtain records from school authorities. But some officials may be specially appointed for the purpose of determining whether particular applicants are or not, in a general way, up to the standard connoted by the completion of the lower primary course. We admit that there will be a certain amount of indefiniteness in the application of this test, whatever rules be framed on the subject. But we would, even at the risk of an unequal working of the rules in individual cases, aim at an enlargement of the electoral roll from the commencement rather than look to the future for such enlargement from, if we

Personal  
application  
for enrolment.



## CH. VI. — QUALIFICATIONS FOR SPECIAL GROUPS

may say so, men of education. In the future a certificate of having passed the fourth vernacular standard may be rigorously insisted upon in the case of those who are now of the primary school age and in the case of those who will come after, but what should be required in the case of older people is an education which, in the judgment of those appointed for the purpose, is roughly of a standard equivalent to the vernacular fourth.

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 CHAPTER VI.

 LOWER QUALIFICATIONS FOR  
 SPECIAL GROUPS.

35. *Women.*— We do not propose the imposition of a sex disqualification on women. They will thus be entitled to exercise the franchise if they possess the requisite qualifications detailed above. But the number of those who will be thus enfranchised will be very small. Few women hold property in their own right, and even if women are permitted, as we recommend, to come on to the electoral roll in virtue of their own property qualification, it is not expected that women voters will form more than a twentieth part of the total electorate, even if so much. In British India, under the Montagu-Chelmsford reforms, women laboured in the matter of the franchise under the disability of a sex bar, which, however, was removable at the wish of the Legislative Council, and which in fact was later removed in every Province. In the Bombay Presidency the female franchise was granted in 1921; even so in the general elections that took place in 1923 it was found that, under the qualifications then in force which were based purely upon property, there was only one woman for every 21 men on the voters' list. In the elections that were held three years after

Probable  
 number of  
 women who  
 will be en-  
 franchised on  
 the property  
 qualification—

the ratio of women to men electors became 1 to 19. The ratio would in all probability be even more unfavourable to women in Bhore State, in so far as the property qualifications are concerned.

—and on the educational qualification.

36. But we have also added education *per se* as an independent means of enfranchisement. The educational qualification will help somewhat to alter the proportion in favour of women. Though absolutely the number of men who will be qualified on the basis of this test will be very much larger than that of women, the relative disproportion between them will tend to become less, albeit to an exceedingly small extent. Girls' education is making up lee-way in an encouraging fashion in recent years. The number of girls under instruction has increased within the last five years from 500 to about 950. There are two girls at school now for every five boys. These figures are given only to show that the education test will operate to reduce the gulf between men and women voters, to a minute degree in the beginning and more and more as years go by.

Test of literacy enough.

37. But we are not satisfied with the result. Only 45 girls were certified as having completed the lower primary course last year. We must have a larger addition to the women's electorate every year. And though we should not be understood as saying anything now which detracts from our earlier remarks on the insufficiency of bare literacy as an alternative qualification, we are compelled to recommend its adoption in the case of women. The law and custom regarding property-holding are so disadvantageous to them and female education, in spite of its recent advance, is yet so very much behind male education, and withal the need for bringing women nearer to a position of equality with men is so urgent and imperative that no alternative is left to us. Even in British India it has become necessary to go below the standard

## CH. VI. — QUALIFICATIONS FOR SPECIAL GROUPS

of permanent literacy and introduce bare literacy as an independent qualification for women. In Bhor State, where things are even more unequal for them, we cannot afford to be sticklers for the maintenance of what is ordinarily regarded as a minimum educational standard. We must in common with British India adopt literacy in the sense of ability to read and write in any language as a sufficient voting qualification for women. Some of those who drop off before they complete the lower primary course will thus be added to the electoral roll, and easy means will be placed within the reach of women by which they can increase their electorate from year to year. It is even more necessary in the case of those who are to be enfranchised on the basis of literacy than in the case of those who are to be enfranchised on the basis of a higher educational qualification to make a personal application for being placed on the electoral register and to establish their claim. The State will have to make arrangements for having such claims examined and decided.

38. Another means adopted in British India for increasing women voters is to enfranchise women on the strength of their husbands' property qualifications. We are not disposed to recommend that this means be employed in Bhor State. We are fully alive to the need for further extending women's suffrage; but there appears to be such complete apathy in regard to all matters of public concern among the women as a whole and more particularly such want of appreciation of the value of the vote by them that we do not at present feel justified in conferring the right to vote on women on the ground of qualifications possessed by their husbands. We feel a serious apprehension that the right would in many cases be either not exercised at all or exercised at the dictation of the male persons in the family. In either case it would lead to abuses which, at the first introduction of the direct vote, should be avoided.

Enfranchise-  
ment on hus-  
bands' quali-  
fications not  
recommended.

Rapid promotion of women's education urged.

39. The utmost length to which we can go in giving the franchise to women is to lower the qualifications which they in their own right should possess, and literacy is proposed for them expressly for the purpose of reducing the disparity in voting strength between men and women. It is unfortunate that the disparity will not be sufficiently reduced even when we go to the extreme limit in lowering the qualification, but, as observed by the Lothian Committee, "literacy is a qualification which almost any woman who has the will can acquire," and "it is a qualification which will increase the number of women voters year by year as opportunities for education improve." Moreover, it may be presumed that a fair proportion of such women as become entitled to the suffrage on the ground of literacy, low as the qualification is, will have the desire to exercise the suffrage, provided sufficient polling facilities are placed within their reach ; but a very much larger proportion of those who may be brought on to the voters' list on account of their husbands' qualifications will leave their privilege unused. For these reasons the only concession that we would recommend to be given to women for the present is that the education test for them be lowered to that of bare literacy. It is hoped that active steps will be taken by the State to secure the rapid promotion of the education of women.

Property qualifications halved and bare literacy made the education test.

40. *Backward Classes.* — The untouchables or scheduled castes and hill and forest tribes like dhangars, katkaris and thakurs require a lowering of the qualifications if they are to be placed on the electoral roll in any appreciable numbers. There was an overwhelming preponderance of opinion among the witnesses that made representations to us that the property qualifications be halved and the test of education as an alternative qualification be fixed at literacy in their case. We endorse this suggestion and recommend that

## CH. VI. — QUALIFICATIONS FOR SPECIAL GROUPS

effect should be given to it. Even with such a lowering of the qualifications, we are afraid that a very small percentage of these sections of the population will be enfranchised and that their voting strength will be far less than that of the other comparatively more advanced classes. Not only will the present register of the backward class voters be restricted, but the only practicable means to which we can look forward in future for its eventual expansion is the improvement which literacy among them will undergo. Literacy is by no means an onerous test, and it is very much to be wished that special efforts will be made by the State to promote the growth of education among these classes, not only because education is in itself a valuable acquirement, but because it is for the bulk of them the only means of obtaining a share in government. There were about a hundred children belonging to the untouchable classes and 25 belonging to the dhanger community under primary instruction in the State schools last year and there was not a single child belonging to the thakur and katkari classes who was at school. The importance of the spread of education will thus be readily understood.

Special efforts for the spread of education urgently needed.

41. We feel that we must leave the matter at that ; but we take comfort in the fact that we are in a position to make a recommendation which would bring a large number of mahars and ramoshis on to the electoral roll. The village services performed by these servants are rendered in common by certain families who often enjoy watans for the purpose. As the watans, where they exist, are shared by all the members belonging to these families, so is the liability to render service. And, following the provision made in this behalf in the Bombay Province, we recommend that whoever belonging to the mahar and ramoshi communities is held liable by Government for the performance of village service should be enrolled in the voters' register.

Mahars and ramoshis.

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We do not make the enrolment of these classes dependent on their being watandars for the reason that the mahars in Sudhagad taluka, we understand, are liable to render service although they do not enjoy watans, and it is but proper that they should be included among the voters with the mahars who, if they bear liability for work, are also guaranteed a reward for it. Since mahars form 86 per cent. of the total untouchable population in the State, we are gratified to see that the recommendation that we now make will help a very considerable proportion of this neglected community.

Age requirement.

42. The Committee's recommendation in regard to the age requirement is that the elector should have completed 21 years. Its further recommendation is that plural voting should be absolutely forbidden and, to anticipate a point that will arise later, that no voter should be permitted to offer himself as a candidate for election in more than one constituency. If a person is qualified for the vote in two or more constituencies, he may have his name included in the electoral roll of each of them. But even if a name appears on the register of two or more constituencies, the person concerned can vote only in one of them. It will be for him to choose in which constituency he will cast his vote and to communicate his choice to the officials appointed for the purpose in time. Thereupon his name will be retained only in that constituency and removed from the rest. But the rule of one man one vote will be enforced in every case without exception.

No plural voting.

## CHAPTER VII.

### CITIZENSHIP AND RESIDENCE.

43. A suggestion was made by several witnesses that the right to vote and the right to stand as candidates for election to the Legislature be restricted

## CH. VII. — CITIZENSHIP AND RESIDENCE

to the "citizens" of the State. The Committee, after giving the suggestion due thought, has come to the conclusion that it is unnecessary to complicate what is at bottom a very simple matter by importing into it intricate legal problems of nationality and citizenship. There is no substantive law of citizenship nor of naturalisation enacted in the State. The matter is in a somewhat fluid condition, and even if a law is passed defining citizenship in a precise way, it would, if rigidly followed in franchise matters, deprive not a few persons of participation in the rights of active citizenship, whatever be the stake that they may hold in the State. A disability such as this will only damage the public interest. For in this State many men of intelligence and position, belonging originally to the State, find it to their advantage, while retaining their interest in the affairs of the State, to settle in a neighbouring British district. They would, if afforded the necessary facilities, give considerable help in the State's political development, and it would be wrong deliberately to raise obstacles in the way of such men coming forward to take a share in the government in this formative stage in the history of representative institutions.

Citizenship  
idea should  
not be impor-  
ted.

44. Moreover, the view urged upon us ignores the relationship that subsists between the different States on the one hand and between the States and British India on the other. Recognising this inter-statal comity, the Southborough Franchise Committee recommended, at the time of introducing a system of direct election in British India, that the right of voting and the right of candidature be thrown open to the subjects of Indian States as well as to those of British India. To this the Government of India demurred on theoretical grounds, the validity of which had to be admitted ; but practical considerations such as those to which we have adverted and which weighed with the Southborough Committee

Reciprocity  
with British  
India and  
other Indian  
States.

led the Joint Select Committee of Parliament to leave the decision in the matter in the hands of the Provincial Governments, which lost no time in removing the bar from the subjects of Indian States. And indeed both the rulers and subjects of these States were permitted, if otherwise qualified, to take part both as voters and candidates in the election of the legislative bodies in British India. Bhore State may reciprocate by raising no objection to British Indians on the ground of nationality. Necessary safeguards against too wide an extension of the right to vote and the right to stand as candidates to so-called aliens (who in the case of Bhore State will mostly be British Indians and subjects of other Indian States) can always be provided by imposing suitable conditions of residence on voters and candidates.

Residence requirement only for those to be enfranchised on the education test.

45. This brings us to a consideration of the question as to the residence requirement that should be prescribed in the electoral rules of this State. On that our conclusion is that no actual residence of a specified duration need be insisted upon either in the case of voters or in the case of candidates. Similarly, it is unnecessary to provide for any residential condition in the case of those who are entitled to have their names entered on the register of voters in virtue of a property qualification. All such should be presumed to have a sufficient stake in the State and to take a sufficient interest in the management of its affairs to be permitted both to vote and to offer themselves for election to the Legislative Council. Some kind of residential qualification will obviously be required of those who claim to be enrolled as voters on the strength of the education test alone. In their case the condition which, in our opinion, should be imposed may be expressed in this wise :

A person shall not be qualified to be an elector in any constituency in virtue of his educa-



## CH. VII. — CITIZENSHIP AND RESIDENCE

tional qualification unless he is resident in that constituency.

*Explanation.*—A person shall be deemed to be resident in a constituency if he—

- (1) ordinarily lives therein; or
- (2) has his family dwelling-house therein which he occasionally occupies; or
- (3) maintains therein a dwelling-house ready for occupation which he occasionally occupies.

It may be stated here that this kind of residential condition is thought sufficient and is in force in several provinces of British India from the time of the Montagu-Chelmsford reforms and in some of the Indian States. As a safeguard against the possibility of any large incursion at the polls of voters who live habitually outside the State, we would prohibit voting by post and would have the voters cast their votes in person. If such voters came from a distance to exercise the suffrage personally, it would mean that their interest in the State is not transient but enduring. Nor do we think it necessary or desirable to impose a more stringent condition upon candidates. The possibility of abuse of this condition on any appreciable scale can only arise in the case of candidates. But we may safely count upon the voters, with whom the final decision rests, to reject a candidate whose connection with the State is nominal or anything but intimate.

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#### Restrictions on Candidates.\*

46. We may at this point dwell on the question as to whether a person should be allowed to stand as a candidate only in the constituency in which he is

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\* A Minute of Dissent from the recommendation in this section of the Chapter will be found in Chapter XV.

Restricted  
candidature.

enrolled as a voter or whether he should be allowed to do so in any constituency provided he is enrolled as a voter in some constituency. ( By "constituency" here is meant only a general constituency ; for, as regards the special constituency of inamdars whose formation we are going to recommend, those alone can stand as candidates for that constituency who are included in its electoral roll.) On this point opinion was divided among the witnesses, some favouring the first course and some the second. There were also some others who favoured a course intermediate between the two. They were for allowing a person enrolled as a voter in a constituency to stand as a candidate for any of the constituencies in the taluka in which is situate the constituency in the electoral roll whereof his name appears as a voter. A majority of the members of the Committee take this view and make a recommendation accordingly. These members are not in favour of restricting the candidature of persons only to those constituencies in which they are enrolled as voters, but are in favour of restricting it to the constituencies in the taluka which includes the constituency in which they are enrolled. As a number of witnesses pressed strongly the view that no restriction of any kind be imposed upon the right of voters to stand as candidates for any of the constituencies in the State, the reasons which led the Committee by a majority to reject this view are set forth below at some length.

Arguments  
against  
restriction.

47. Those who would allow unrestricted freedom to candidates to stand for any constituency based their supporting arguments upon two, among other, main conditions of the people observable in the State. They argued that a big majority of the State population, excepting that in the capital town and some other big villages, being uneducated to a great extent, economically backward and quite unfamiliar with the

## CH. VII.—CITIZENSHIP AND RESIDENCE

system of voting and election, men of intellectual and positional capacity as well as those having the will and leisure requisite for filling seats of elected members and doing work in the Legislative Council may be found to be either wanting or insufficient, at least in some of the talukas. Whereas, as the maxim goes that "first stroke is half the battle," what is necessary—more especially, when representative institutions are to launch upon their first career of work in the State—is that the allotted small number of elective seats in the Council, if it (number) is to be turned to good and effective account, should be occupied by the right type of men available in the State, that is, by men who enjoy the confidence and popularity of the general public in the whole of the State. To achieve this object provision should be made in the constitution-rules of the Council to remove all obstacles in the path of such men and to facilitate their entry into the field of candidature for Council election.

48. The above purpose in view would be, they say, best served if it is ruled that a voter in one or more constituencies can offer himself for election in any constituency in the State though his name is non-existent in the voters' lists of the latter constituency. The two-fold object—of course, not an unpraiseworthy one—underlying this proposed arrangement is, firstly, that the voters should have before them the best men in the State as candidates from amongst whom to elect and, secondly, that as a result of the above, the election affair should be an easy (candidates being well-known persons) one for the electors. But this suggestion, amounting in effect to nothing else but an indirect extension of the electorate, the merits and demerits of the latter, as noted elsewhere, hold good in the case of this suggestion also. As, on practical grounds, we recommend the simple method of single-member constituency for

Arguments  
for restriction.

election as the best for the State, we obviously feel reluctant to endorse this suggestion for acceptance.

Chief reason.

49. Our main reason for disfavouing this suggestion is that, in a way, it is apprehended, it runs counter to the very root-idea of granting representative institutions in the State as elsewhere. What is primarily and particularly aimed at in the establishing of such institutions and especially in the system of election by direct vote is that the general public should thereby be familiar with modern ideas and methods of government and get an opportunity of educating themselves in the same by participating in the administration of the State. It is with this very end in view that the Committee has, under conditions prevailing in the State, thought it fit to enlarge, to the utmost extent possible, the field of franchise by a resort of devices of halving the property qualification and the like, where needful. If, therefore, the franchise is lowered and extended in order that a maximum possible number of subjects in the talukas of the State should be enabled to take part in and know what voting is and how best the right is to be exercised, it would not stand to reason to welcome any suggestion, howsoever well-intentioned it may be, which would tend in the end to limit the scope or opportunities of candidature of voters in a taluka, whether it is intellectually well-equipped or not for the same.

Unrestricted candidature will create a monopoly for advanced classes.

50. In the first place the Committee sees no reason to agree to the view implied in the suggestion and is not prepared to accept that people in any of the talukas in the State are so backward as to be unable to come forward for seeking election. Comparatively one taluka may be a little more advanced than any of the rest. The difference, if at all, is, as is everywhere found to be the case, one of degree and not of quality. But that is no sufficient reason to insert a provision, though of a permissive nature, in the constitution-rules of the

## CH. VII. — CITIZENSHIP AND RESIDENCE

Council, the ultimate result of which is, it is reasonably feared, most probably likely to close the door of Council through candidature to voters in the so-called backward talukas in favour of those in the so-called advanced ones. For, if that were done, the contest for election between an educated candidate and a relatively uneducated one is obviously to be unequal and so, for fear of, though not certainly yet probably, being defeated the latter will be rather disinclined to enter the contest with the result that the backward taluka would, in this respect, remain for ever so and unaccustomed to Council-work and that Council-membership will be but a monopoly and profession of very few of the advanced class. Such a state of things, which knocks off the very basic idea of representative institutions and wherein public interest also is bound in the long run to suffer, is neither intended nor desirable.

51. This disadvantage by itself is quite enough to outweigh all advantages proceeding or contemplated from the suggestion. Moreover, though education is taken—and not unrightly so—as an index of intellectual fitness for candidature, the converse of it is not an unexceptional truth. It cannot be supposed or said with certainty that an uneducated (in the usually accepted sense of school or college education) person is always incompetent to understand or do Council work; for, it is common knowledge and experience that men engaged in worldly affairs and possessing strong common sense are as wise as educated persons. Of course, chances of mistakes occurring in the practising stage are to be taken, as this (election) is but a beginning in the State; and, as it is well said, “men learn through mistakes,” people of backward talukas must be given the right and opportunity to commit mistakes, learn the right thereby and come up by practice itself to the level of the calibre of their advanced brethren to do Council-work. Experience is

Encouragement to local representation.

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the best teacher in the world and, as they say, "the wearer knows where the shoe pinches," so a voter, with all his drawbacks in other respects, standing as candidate for election from his own constituency is in a better position to know and to express the desires, wants and grievances of his electorate than one of a distant part in the State and offering himself as a candidate for the former's constituency.

A middle  
course  
adopted.

52. Instead, therefore, of leaving it to the will and wisdom of voters to accept or reject candidature of one not of their constituency and immediate or near acquaintance in preference to that of one of their own taluka, it would be fitting, appropriate and beneficial in the nature of conditions obtaining in the State so to rule that voters will be encouraged to stand for election from their own taluka and be gradually more and more fit for Council-work by taking part in it. The Committee, for the present at least, therefore, sees no reason to lend its support to the suggestion under discussion. It is, however, prepared to go to the length of recommending that a voter in a constituency of a taluka or unit of administration can offer himself as a candidate for election in any other constituency of the same taluka, although he is not entitled to be registered and his name does not appear in the voters' list of the latter constituency; for, it is hoped, this will meet half way with the aim of the maker of the suggestion, without causing any serious disadvantage or injustice to any one else.

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## CHAPTER VIII.

### SINGLE AND PLURAL CONSTITUENCIES.

53. On the question of single-member or plural-member constituencies, opinion in the State, to judge from the evidence that was given before us, was

## CH. VIII. — SINGLE AND PLURAL CONSTITUENCIES

sharply divided, though on the whole a majority of the witnesses appeared to favour the single-member constituency plan. No one of course proposed that all the twelve elective seats in the Legislative Council should be filled by the electors at large from the whole State on a single ballot, each elector having twelve votes. The grave objections to which such a system would lay itself open were patent to every one. The ignorance of the ordinary voter concerning candidates from distant parts, which would reduce the election to a farce, carries its own condemnation, even apart from the practical difficulties and inconveniences that would be experienced in operating this kind of system. All witnesses were agreed that the State must be divided for the purposes of election into different units, and the only point of difference among them was whether the electoral units should either wholly or approximately correspond to the administrative divisions of the State, the electors in each unit casting a vote for the number of representatives allotted to it, or whether these units should be further split so that there will be as many units as there will be representatives to be chosen, a single member being chosen from each.

Opinion  
divided.

54. The advocates of multi-member electoral divisions based their preference for this system mainly upon the belief that its adoption would insure or at any rate facilitate the representation of minorities, whether of class, interest or opinion. It may be admitted at once that the single-member system cannot satisfy, and does not profess to satisfy, the demands that may be made upon it for minority representation. All that the system can claim is that, by the laws of probability, it will give to all important minorities a hearing in the legislature and protect them from the tyranny of majority rule. If, however, it is desired that representation should be assured to minorities

Minority  
representa-  
tion.

against all hazards, the single-member system cannot be introduced. Minority representation of necessity involves the formation of plural-member constituencies. But we have not observed the emergence yet in the State of any minority group to which the formation of two-member, three-member or even four-member constituencies will afford any material assistance in obtaining representation in the Legislative Council. When such large minorities appear on the horizon, time will be ripe for considering the introduction of any of the various systems calculated to secure due representation for minorities such as the Cumulative Vote, which has attained much popularity in the surrounding districts of British India, or the Limited Vote which has now a dwindling number of advocates, or Proportional Representation which is making rapid headway in many countries—systems all of which require multi-member constituencies for their operation.

Single-member system recommended.

55. But all these systems have one common feature, viz. complexity, and with an electorate such as what we shall have in Bhore State simplicity is the greatest desideratum. If minority representation is not such an urgent object to strive for, a single-member system is easily the best in the circumstances. It is the simplest of all possible systems. It is also the most economical. While the advantages of comparative inexpensiveness are not to be undervalued, those of simplicity cannot be overrated, particularly in the case of voters largely uneducated and almost totally unfamiliar with the use of the vote.

Advantages.

56. Moreover, another great advantage incidental to the single-member method is that it helps to establish a close relationship between the representative and his constituents. The smaller the electoral district, the better known is the candidate likely to be to the voters and the more intimately acquainted with the local



## CH. VIII. — SINGLE AND PLURAL CONSTITUENCIES

needs and trends of public opinion. It is true that the method suffers somewhat from the defects of its merits, inasmuch as the very close concern which a member returned by a small electoral district takes in its welfare is apt to make him regard himself as a representative of local interests in a way which is not true of one who is chosen by a large district. A broad outlook is thus in danger of giving way to a narrow outlook. While we do not deny the possibility of such an undesirable state of things arising, multi-member constituencies do not always choose candidates who are free from a parochial spirit. Another objection urged against the single-member system, viz., that it leads to the election of men of an inferior calibre by narrowing the range of choice of the voters, we have sought to meet somewhat by permitting a person qualified to stand as a candidate to offer himself for election in any of the constituencies in the taluka in one of which he is enrolled as a voter.

57. The most serious objection to the system, however, consists in the fact that, when it is joined, as is our recommendation, to the relative majority method, under which to secure election it is not necessary for a candidate to obtain more than half the valid votes cast but only more votes than any other candidate, it sometimes has the result of a minority of voters returning a majority of representatives. Such a phenomenon is not rare, and devices like the Second Ballot or the Alternative Vote are used to remedy this defect. These devices are again of a complex nature, and we do not propose their adoption. The rough and ready expedient which has served British India so well need not in this State at the commencement of representative institutions be improved upon. The judgment of a Royal Commission on the working of the single-member system in Great Britain is: "None has been devised more simple to the elector, more

Disadvantages.

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rapid in operation, more straightforward in result—advantages, in an instrument for use by a large electorate of varying intelligence, which it is difficult to over-estimate.” To the electorate in Bhore State, it need hardly be said, the advantages will be of far greater value. We have no hesitation, therefore, in recommending that constituencies be so framed that one representative will be chosen from each of them.

Sudhagad's demand.

58. Witnesses from Sudhagad taluka urged with one voice that even if single-member constituencies were formed for the remaining talukas their own taluka should be allowed to elect from one constituency to the two or three seats that might be allocated to it. We realise that Sudhagad taluka is somewhat better situated in this respect than the rest; but it only means that the disadvantages attaching to a plural-member constituency will be less felt there than elsewhere, without, however, any special advantages flowing from it. Accordingly we see no reason to make an exception in the case of Sudhagad taluka.

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## CHAPTER IX.

### URBAN CONSTITUENCY.

Distribution of seats.

59. The distribution of the twelve elective seats should, in the Committee's opinion, be made as follows: one seat for the urban constituency of Bhore; one seat for the special constituency of inamdars; and two seats each for the five talukas. The reasons which decided the Committee to allot a seat to Bhore and another to inamdars are given in detail below (vide paragraphs 61 and 66 to 69). In dividing the other ten seats equally among the five talukas the Committee is conscious that strict justice cannot be done as between one taluka and another. For this purpose it would have become necessary to take away a portion

## CH. IX. — URBAN CONSTITUENCY

from one taluka and add it to another for electoral purposes. But we thought it best to follow the administrative divisions in the case of all general territorial seats. The resulting inequality is not very serious, except for Vichitragad taluka. To this latter we have adverted below in para. 63.

60. We may at this point refer to the claim for a third seat put forward by most of the witnesses from Sudhagad taluka. The claim was made in the belief that no seat would be given to any special class or interest and that in the allocation of general seats Vichitragad taluka would rightfully have three seats assigned to it. The witnesses thus saw one loose seat, which they naturally wished to appropriate to their taluka. Various reasons were given as to why this seat should go to Sudhagad taluka. We have carefully examined all these reasons, only to find that they are not sufficiently strong. But we need not detail them here, nor express our view of each of them, since the basis on which the claim was advanced has been radically altered by the Committee in the arrangement of seats.

Sudhagad's  
claim for an  
additional  
seat.

61. The question of forming urban constituencies is a very simple one in Bhor State. Everywhere the distinction between a town and a large village is somewhat arbitrary ; but in Bhor State, which consists pre-eminently of small villages and hamlets (the number of villages with a population of over 1,000 is 12 and that of villages with a population between 500 and 1,000 is 59), the distinction is particularly tenuous. The only place which has any pretensions to be regarded as a town is Bhor, and though the claim of even its population to possess the characteristics of a distinctly urban community may be open to dispute, we would urge that this claim be recognised. It forms the metropolis of the State and as such attracts to it members of the learned professions and contains within

## BHOR CONSTITUTION COMMITTEE

Urban consti-  
tuency for  
Bhor.

it the possibility of a rise and growth of commercial and industrial pursuits, which is one of the main features of a town, as distinguished from a village in which is to be found a predominance of primary occupations. It contains a population of over 5,000 and is also endowed with a municipal corporation, the two criteria that are usually applied in order to distinguish between town and country. The Bhor Municipality has two-thirds elected members with an elected President. A concentration of educational institutions in Bhor also points to a higher intellectual status and a wider outlook of its population. The town has a high school with 250 pupils, of whom nearly 60 are girls. Of the total school-going population in the State over one-fourth receives education in the schools of Bhor and of the girls under instruction nearly one-third. The percentage of literacy in Bhor town is calculated at a little under 60. The introduction of representative institutions on an elective basis in the town may also be presumed to be evidence of the possession by its population of greater capabilities of political development.

A separate  
constituency  
for Bhor  
inevitable.

62. The question on its merits thus resolved itself in our minds, but we noticed that the suggestion to form Bhor into a separate constituency aroused not a small amount of opposition from a number of witnesses, mainly from fear that if this were done Vichitragad taluka would be enabled to lay claim to four seats in all. As a matter of fact only three seats have been allotted to the taluka, and consequently the objection to Bhor as an urban constituency will very likely disappear. But we must state here that, even if we were persuaded to take the view that Bhor has not the characteristics of a town and should not enjoy a separate constituency, there was no alternative open to us but to form it into a separate constituency. If Bhor formed part of a general rural constituency,

## CH. IX. — URBAN CONSTITUENCY

the franchise qualifications for it would have to be the same as for such a constituency. For instance, the education test as an alternative qualification would have to be the vernacular fourth standard. There would be no reason then for maintaining, as we have done, the matriculation or school final or vernacular final examination as the educational standard. But if the educational qualification were only the vernacular fourth, then the legislative qualification would be lower than the municipal qualification, which would be an anomaly. If such an anomaly was to be avoided, we found that we could do so only by constituting Bhor into a separate constituency.

63. But this in its turn has led to other disadvantages. The fusion of Bhor with a number of villages and the framing of a constituency for all of them would have been unfair to the villages, the voters in which would have been swamped by the voters in Bhor. But such injustice to these villages has been remedied only at the cost of a different kind of injustice to the villages of Vichitragad taluka as a whole. For a population of 37,000 in that taluka has now been left with two seats like every other taluka, whose average population is less than 25,000. This glaring injustice we have been unable to rectify, and it is but due to the taluka that we should at least unreservedly confess our inability in the matter. (Messrs. Potnis and Deo, as will be found from their Minutes of Dissent, are opposed to the grant of a separate constituency to Bhor town.)

Resulting  
unfairness to  
Vichitragad  
taluka.

64. We have, in prescribing franchise qualifications for the urban constituency of Bhor, followed in general the municipal qualifications. The number of municipal voters at the last general municipal election was nearly 20 per cent., and we did not feel that there was any justification to raise the qualifications so as to decrease the number of voters for the Legislative Council

## BHOR CONSTITUTION COMMITTEE

Qualifications for the urban constituency.

election. Nor did we feel at liberty to lower the qualifications, thus making the municipal qualifications higher than the legislative qualifications, except where this became absolutely necessary. The only changes that we recommend should be effected in the qualifications for the municipal franchise are as follows :

- (1) the standard of salary of persons in Government and municipal employ be raised from Rs. 15 to Rs. 20 ;
- (2) that of pension of Government pensioners be reduced from Rs. 7-8 to Rs. 7 ;
- (3) that of assessment be reduced from Rs. 15 to Rs. 8 and of rent (where the assessment due on rented land cannot be determined) be reduced to Rs. 24 ;
- (4) that of assessment and rent and other property tests for untouchables and ramoshis and for dhangars, katkaris and thakurs be half of what is prescribed for other castes ;
- (5) the education test as a separate qualification be literacy for women and for the castes mentioned in (4) above.

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## CHAPTER X.

### INAMDARS' CONSTITUENCY\*.

Demand for special electorates.

65. Now we come to the subject of special electorates. Special representation through an electorate of their own was claimed for the inamdars and the harijans in the State by some of the representatives who gave oral evidence before the Committee as well as by some among those who sent in replies to the questionnaire issued by the Committee. The mass of

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\* A Minute of Dissent is attached to this section of the Report in Chapter XVI.

## CH. X. — INAMDARS' CONSTITUENCY

evidence on the point was discussed by the members of the Committee among themselves from the points of view of both principle and local needs and conditions. We take their cases for consideration in order as below.

66. Opinion of the public in general, as ascertained from the above two sources of written and oral evidence, was against the granting of special electorate to inamdars, etc., while those among the witnesses who could be regarded as voicing the sentiments and aspirations of this privileged class were strong and emphatic in their advocacy of the formation of a special constituency for them. The long and short of the public view-point seemed to be, firstly, that the constitutional and financial interests of inamdars, hakdars, etc., are safeguarded by their sanads and also by the treaties of the State with the British Government. Similarly, the State budget comes for discussion before the Council after their share of the State revenues is set apart; and, secondly, that, forming nearly, as they say, a third of the State population, owning likewise a third of the State land and being thus men of influence, they themselves are more likely to be returned by general constituencies; and, thirdly, that special electorate begets narrow-mindedness, sectarian spirit and a permanent dislike for and inability to dip into general election campaign, and is thus more of a hindrance than help to the development of a healthy and corporate political life.

Public opinion on the inamdars' special constituency.

67. The sympathisers of the special electorate system, on the other hand, argued that, though the general interests and grievances of the inamdars, etc., can be presumed to be adequately looked after by all the members of the Council, still the present trend of public life and opinion leaves little room for supposing that this privileged class will secure due representation through general election, unless special provision is made to obtain that end. Besides, they are persons

Inamdars' own view-point.

## BHOR CONSTITUTION COMMITTEE

who have played a large and successful part in the history of the State and even long long before that, and as such possess in the State a vast amount of vested interest of a special nature and of diverse kinds arising out of their double relationship—that is, with the State and with the public as well. This particular and important stake deserves special recognition.

The Committee's conclusion.

68. We have given our deep thought to this question and have come to regard that this is a point in the determination of which local conditions and desires of those concerned ought to predominate and carry the day. It cannot also be denied that inamdars, etc., are, as a class, men of considerable social status and also, as enjoying hereditary higher rights, have a deep-rooted, substantial, unmistakable and peculiar stake in the State ; and that legislative and administrative activities of the Council are bound to systematise relations between the various classes of the community and, as such, the fear is that it is likely to touch and directly or indirectly affect the interests of the inamdars, etc., at many points. Moreover, an average member of the Council is not expected to understand the complicated nature of their rights and liabilities. The need is, therefore the more apparent and urgent that there should be some one in the Council of their own choice to watch matters of particular concern to them, to lay before the Council their view-point or expert knowledge of the case and thereby try to influence the opinion of the members one way or the other. Our considered opinion has been that their demand for special electorate is not, under present conditions, unreasonable or unjustifiable. Hence, we have made our recommendation accordingly.

69. Of course, it is not to be supposed that we are unmindful of the many benefits of joint electorate system and of the consequential necessity for the inamdars to be gradually prepared to move with the



## CH. X. — INAMDARS' CONSTITUENCY

democratic spirit of the times in their own interest. Still, we cannot ignore local conditions and requirements, nor can we sacrifice them in striving for attaining a dead and nominal uniformity, at least in the formative and initial stage of our Council; for, account must be taken of the facts that we are experimenting with the first step of the ladder of elective system and dealing with local conditions which are similar to those that were obtainable in the adjoining British districts in the pre-Morley-Minto reforms times. Moreover, it cannot be lost sight of in this connection that the inamdars have been given a separate representation from the very inception of representative institutions uptil now in the constitutions existing in British India or in any other Indian State. Hence, it is believed, this aspect of the problem that has influenced us in making the above recommendation will remove all misunderstanding, if any, about it. Although we have thus satisfied the present and passing need and expectation of this class, it is hoped that the prospective Council will set up a tradition of non-sectarian work, which will belie the apprehension entertained by the inamdars, etc., and convince them of the safety of their case in public hands and that this will only be a temporary measure, which can be dispensed with at a later stage of constitutional progress of the Council.

Special  
constituency  
necessary at  
present.

70. The Committee's specific recommendation in this matter is that all inamdars, hakdars, etc., whose aggregate annual income from inams of all kinds in the whole State is not less than Rs. 25 should be included in a special inamdars' electorate, and that this electorate should be given the right to return one representative to the Legislative Council. The general scheme in respect to this electorate is that those whose names are entered in the special constituency of inamdars will be eligible to vote or to stand as candidates for election in that constituency alone. They will,

## BHOR CONSTITUTION COMMITTEE

Specific re-  
commenda-  
tion.

however, be given the option to waive their right in this constituency and exercise instead the right, if it belongs to them, to vote or to stand as candidates for election in any other constituency, provided they make known in time to the proper authorities their intention so to exercise the option; but in no case would an inamdar be permitted to vote or to offer himself for election both in the inamdars' constituency and in a territorial constituency. In order that the option given to the inamdars may be effective, it will be necessary while compiling electoral rolls for territorial constituencies to prepare lists of all inamdars, mentioning against their names their inam income, however little or much it may be, in any particular territorial constituency. If it is Rs. 25 or over, their names will be included in the electoral rolls of both the special inamdars' constituency and the territorial constituency. If it is between Rs. 8 and Rs. 25 their names will be included in the electoral roll of the territorial constituency and also entered in a record for the purpose of finding out if this income, added to the inam income in the other territorial constituencies, totals Rs. 25 and above, thus entitling them to be included as voters in the special constituency. If it is below Rs. 8, their names cannot be included in the electoral roll of the territorial constituency, but will be included in that of the special constituency, provided this income when added to the inam income in the other territorial constituencies amounts to or exceeds Rs. 25. Those inamdars who find entry into the electoral rolls of both the special constituency and any of the territorial constituencies will have their names retained in the former and scored off the latter unless they have previously intimated according to rules to be made on the subject that they prefer to have their names included in a territorial constituency, in which case their names will be retained in the electoral roll of

## CH. X. — INAMDARS' CONSTITUENCY

the territorial constituency and taken out from that of the special constituency.

71. The idea underlying the option given to those who will be included in the special constituency of inamdars to vote in or stand for election in a territorial constituency is that of giving an opportunity to both, the inamdars and the rest of the community, to endeavour to bridge the gulf that seems to separate them and to develop bonds of common interest and wide outlook, form habits of co-operation in the intervening period and thus prepare them for joint electorate system, which is generally the aim and object of democratic institutions. The Committee hopes that this earnest wish of theirs be fulfilled by experience of Council work.

Reason for option to inamdars.

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**Claim of the Untouchables.\***

72. Another class whose desire for a separate constituency was regarded by some of the witnesses as necessary and legitimate is that of the so-called untouchables or the harijans among the Hindu community. Their grievances, social, economic and religious, were stressed upon as entitling them to have a special electorate and seats proportionate to, if not more than, their population ratio. The harijans number in the neighbourhood of a tenth of the total of State population. So, if population figures were the only consideration before us as the test entitling a body of people to claim and to grant due representation in the Council, we could have very gladly met the desire of the harijans in this respect. But, for granting a special electorate, presence of two things at least is essential. The people ought to be sufficiently advanced in the scale of political consciousness and they must have

Harijans have no political consciousness nor special interests.

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\* A Minute of Dissent is attached to this section of the Report in Chapter XVII.

## BHOR CONSTITUTION COMMITTEE

some special interest to guard as against that of the rest of the classes in the community. Now, it is an admitted fact, so far as circumstances in this State are concerned, that the harijan people are wanting in these important requisites. Socially, intellectually and economically they, as a class, are too backward to make a discriminate and responsible use of the right of vote. Their stake in the State also is neither so separately pronounced nor so material. In these respects their case presents vast difference as compared with that of the inamdars and hakdars.

Special electo-  
rate harmful.

**73.** In disfavouring the suggestion of a special electorate for the harijans it is not in any way to be supposed that the Committee approached the question from their own pre-conceived notions in the matter or that they were not sympathetic with their grievances and disabilities. The Committee is quite alive to these and has taken an unbiassed view of the problem and has definitely come to the conclusion that special electorate is not only no remedy, but on the contrary is worse than that in achieving its purposes of redressing their grievances. In principle itself, special electorate is not a general rule. It is only an exception ; for like the lion's den, there are many ways to it but, practically speaking, no way out of it. Hence, it ought to be shunned altogether. At least no resort to it should be made where it is not so necessary and is likely to be more harmful than beneficial. The Hindu mind has of late come to realise the unbearable position and pitiable condition of harijans and has determined to remove their grievances. Of course, the process is bound to be slow ; but, the ball is set in motion in right earnest and there is no reason to fear or despair of the ultimate result. Special electorate under these circumstances is likely to perpetuate their present isolation and breed ill-will or, in the least, apathy towards their cause in the mind of the touchables

## CH. X. — INAMDARS' CONSTITUENCY

among the Hindus. The prospect of their obtaining an honourable position among the classes that constitute the Hindu society are brighter under joint electorate system ; for, good results from good-will and co-operation of all. Hence, we are constrained, in the ultimate interest of the harijans themselves, to deny to lend our support to this artificial and baneful barrier of special electorate.

74. At the same time the Committee hopes that the future Council will be watchful of the interests of the harijans, if any, and transact its business with a view to surely and earnestly, though gradually, minimise their all possible grievances and promote their assimilation into the Hindu society of which they form an essential fraction. To facilitate the realisation of the above object the Committee has been liberal in lowering by a half the scale of property qualifications of franchise to enable them to take a growing interest in public affairs and properly appreciate the value of vote by being familiarized with Council work relating to the day-to-day administration of the State.

Harijan interests will not be neglected

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75. We are asked under our terms of reference to recommend the formation of constituencies for the holding of elections. The special inamdars' constituency will extend over the whole of the State and the urban constituency of Bhor will extend to the municipal limits of Bhor town. We have recommended that ten other constituencies be framed, two for each taluka. The actual delimitation may well be left to the official agency. We believe that the variation that we have recommended in the qualifying amount of land revenue according to the economic condition of the different tracts will result in the number of voters in each tract being roughly in proportion to the

Delimitation of constituencies left to officials.

population of that tract. It would therefore be enough in our opinion, in forming the constituencies, to bear chiefly in mind the population of the villages to be grouped in a constituency and the means of inter-communication between them.

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CHAPTER XI.

QUALIFICATIONS OF CANDIDATES.

Higher property test not to be imposed.

76. Several witnesses suggested that higher property qualifications be fixed for a candidate for election to the Legislative Council than for a voter. Associating the ownership of property with the possession of certain qualities in the individual which indicate legislative fitness, they seemed to think that even if the franchise was low and the electors included a number of persons with little property and thus presumably with little knowledge of things in general, the resulting harm would be very much mitigated if the voters were asked to elect from amongst people every one of whom would be a man of substance and thus of some amount of discernment. If the scope of the electors' choice was thus narrowed, it would not much matter (such was the mode of reasoning) upon whom ultimately the choice fell. The actual qualifications thus proposed differed very considerably; some of them were so high as to make the Legislature an oligarchic body and some, though higher than the qualifications for a voter, were still so low as to make their imposition almost useless for the end in view, but high enough to become an unnecessary irritant. Neither kind of qualifications can be recommended.

77. Experience has shown that in countries where higher property qualifications are prescribed for members than for voters serious practical difficul-

## CH. XI. — QUALIFICATIONS OF CANDIDATES

ties have often to be faced. Such qualifications usually take the form of receipt of a clear annual income or possession of real property above a certain amount, and close scrutiny of these qualifications is required before any candidates are permitted to contest the elections. But even this scrutiny cannot be final. Recently in one British Colony five out of eight members returned to the Legislature have had their election declared void by the law courts for failure to possess the requisite qualifications. The waste of public time and money involved in the process is criminal and must be avoided. The kind of special qualifications for candidates that were pressed on us by witnesses were of this nature and appeared to us to be somewhat indefinite or at any rate such as would render it difficult to decide whether in particular cases the conditions were satisfied or not ; and for the reason stated above as well as for the reason that such qualifications would limit the choice for voters without sufficient cause we are against the imposition of any separate property qualifications on candidates for election to the Council.

Experience of other countries.

78. The Committee was placed in a similar dilemma in considering educational qualifications for candidates. Education, it is true, is a better index to those qualities which are essential in a wise and capable legislator than the possession of property. But apart from the fact that a formal education cannot be regarded as wholly reliable evidence of legislative competence, the education test must be so high even if it is to insure a minimum degree of fitness in one who may be chosen to fill a seat in a legislature as to be beyond the present equipment of a considerable proportion of the people in the State. On the other hand, if it be made low enough to throw the Council's doors wide open, it would defeat the object for which an education test is at all to

An education test prescribed.

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Vernacular fourth or an equivalent standard.

be prescribed. The Committee was conscious of the difficulty facing it on both sides, and some of the members were consequently of the opinion that no educational qualifications be required of candidates and that the choice of representatives be left without reserve to the electors. But the Committee as a body came to the conclusion that upon the whole it would be well to lay down that no voter should be permitted to offer himself as a candidate for election to the Council unless he had passed the vernacular fourth standard or was certified as having attained education of a corresponding value.

Exceptions might be allowed.

79. Even so the Committee recognised that exceptions would have to be allowed. While therefore recommending that this educational qualification be fixed, it wishes the Government to take power to itself to remove the disqualification that may attach to certain people who would offer themselves as candidates on account of their being unable to fulfil the education test. This power should be exercised by the Government in all appropriate cases, and would-be candidates should also be permitted to pray for the exercise of the power in their favour. In any case if a person has obtained from a competent authority a certificate which shows that he possesses the educational qualification required of a candidate, it should not be open to anyone to question or for a civil court to set aside that person's candidature on the ground of education. The finding of the authority appointed for the purpose of looking into the educational qualifications of candidates should be final.

A deposit by candidates.

80. At this point we would recommend the insertion of a provision requiring a candidate for election to the Council on his acceptance of nomination to make a deposit of cash or its equivalent to the value of Rs. 50, which would be forfeited in the event of his not securing one-eighth of the total number of votes



## CH. XI. — QUALIFICATIONS OF CANDIDATES

polled at the election in which he stood as a candidate. Such a provision is highly desirable for the purpose of discouraging speculative or vexatious candidatures. While there should be freedom for all to offer themselves for election, it is necessary to weed out mere freak candidates. A multiplication of candidatures, some of which are frivolous, only helps to confuse the mind of the elector, and in a system of single-member election by relative majority the larger the number of candidates the greater is the danger of the return of the least popular candidate. Therefore a rule such as we recommend would be salutary inasmuch as it would insure the genuineness of candidates without restricting in any way which would be unfair the range of choice offered to the electors.

81. We may perhaps add a remark here about the desirability of a provision requiring a candidate to make a statutory return of his election expenses within two months after the polls. It would of course be laid down which kind of expenses can be legitimately incurred and which cannot. For the present nothing more than a declaration by the candidate of the amount actually spent by him is contemplated, and it will be for consideration on a future occasion, after sufficient experience is gained, whether the election expenses could not and should not be limited to a certain maximum amount. If this be found practicable, it would place candidates of unequal economic standing on a more equal footing. But at present we do not advise any such action being taken.

Return of election expenses,

82. The Committee considered what the minimum age limit should be for the members of the Council. In Great Britain and generally in the British Dominions nothing more than the attainment of the majority or 21 years is required; but in several other countries a higher age is prescribed, which is often 25, and a still higher age for the second chamber where the legislature

Age requirement.

## BHOR CONSTITUTION COMMITTEE

is bi-cameral. In British India the age requirement is that the candidate should have attained the age of 25. Most members of the Committee thought, however, that it would be better in Bhore State to prescribe that the candidate standing for election should have completed thirty years of age, and this is the recommendation of the Committee.

Disqualifications for voters and candidates.

**83.** The disqualifications attaching to electors and candidates should, the Committee thinks, be framed generally on the lines of the Government of India Act, 1935. No person should be regarded as qualified to have his name entered on any register of voters if he is of unsound mind or is suffering the punishment of transportation, penal servitude or imprisonment to which he may have been sentenced. Since no person will be capable of being elected a member of the Legislative Council who is not entitled to vote at such an election, these disqualifications will apply to candidates also. Another such disqualification for being a candidate would be that a person is an undischarged insolvent. It is universally recognised that the legislative function and administrative office are mutually incompatible, and it is everywhere provided that no holder of an office of emolument under the Government should be qualified to offer himself for election in the Legislature. A similar provision should be introduced in Bhore State. As in British India, a conviction involving a sentence of two years or more should constitute a bar to election for a period of five years from the date of expiration of the sentence, but it should be within the power of Government to remove the disqualification in suitable cases. Perhaps it may be added that in considering such cases Government might pay special attention to whether or not the offence of which a particular person is convicted was committed in circumstances involving moral turpitude. Disqualifications resulting from

## CH. XI. — QUALIFICATIONS OF CANDIDATES

corrupt practices or election offences have also to be provided for, as we understand that the law dealing with this subject in British India has already been applied in Bhor State.

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84. It is now universally recognised that elections cannot be free unless effective arrangements are made for the voter to express his choice in secret. Until fairly recently, however, voting was public in many countries; in England till 1872 and in France till 1914. The system of voting in full view of the public appears at first sight to have the great advantage of developing in the elector a sense of responsibility; but in fact it has only been found to expose him to pressure, which often becomes irresistible, to vote for the candidates favoured by the Government, landlords, employers and such other powerful elements in the population. The system has therefore now given place almost in every country to one of secret ballot, and in Bhor State also we recommend that that system should be introduced.

Vote by  
ballot.

85. In regard to the method of recording a vote, we recommend the adoption of the symbol system. The Hammond Committee describes it as follows in its report: "In this case a token such as a tree, an umbrella or a bicycle is printed on the left side of the ballot paper opposite each candidate's name and the voter is instructed beforehand by the candidate as to the particular token against which he is to put his mark." In order further to help the elector, the polling officer should be allowed, as the Committee recommends, to "make a cross on the ballot paper according to the direction of the elector, showing the same, if so requested by the elector, to any one person whom he may designate." It appears to us that nothing further can be done, in the existing state of illiteracy of the electorate, to preserve secrecy of the ballot, which is an

Method of  
voting.

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Facilities for polling.

essential condition of a free and independent suffrage. The State must of course provide the necessary facilities for the exercise of the franchise. The polling day should be declared a holiday and a sufficient number of polling stations should be provided, the elector thus not having to travel too long a distance to reach the place where he is to cast his vote.

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### CHAPTER XII.

#### NOMINATED MEMBERS.

Necessary to make recommendations concerning nomination.

86. On a strict interpretation of our terms of reference, it would perhaps not be within our competence to express an opinion as to the manner in which nominated unofficial members should be selected. But what we have stated in previous parts of the Report will make it abundantly clear that some large and important elements in the population will fail to secure representation at elections for some time to come, and that these deficiencies will detract very considerably from the representative character and thus the usefulness of the Legislative Council. Such deficiencies can be made good in existing conditions only by nomination, and we cannot therefore refrain from recording our conclusion, even if in doing so we may be thought to travel beyond our legitimate sphere, that nomination should be resorted to as a matter of convention in order to supply whatever gross deficiencies may be found to result from the process of election. We assume here that a portion of the appointive seats will be assigned to unofficial persons, that is to say, to persons who are not in receipt of any emolument from the Government. We do not feel called upon to make any suggestions about the selection of official members, and even in regard to what we propose below about the choice of unofficial members our

## CH. XII. — NOMINATED MEMBERS

proposals should not be understood as limiting the prerogative of the Ruler to select such members according to his judgment. Subject to the maintenance of this prerogative intact, we recommend that full and due consideration be given, while exercising the prerogative, to the importance and desirability of including in the Legislative Council representatives of certain interests or elements of particular importance in the community which ought to find representation but which, we are convinced, will not secure it by election.

87. Since the untouchables or the scheduled castes form one-tenth of the population, one seat out of the twelve to be filled by election was considered by some of us as their due, and these members of the Committee were accordingly willing to earmark one seat for these classes, to be filled by election on the common roll. But the Committee as a whole has not provided for such reservation. We would, therefore, recommend the nomination of one member belonging to these classes. Backward classes like the dhangars, thakurs and kataris are not as numerous and as politically conscious as the untouchables; but they form a category of the population whose problems, being distinct in several respects from those of the other classes, are in danger of being neglected, unless they have a representative in the Council. These classes will have absolutely no chance at the polls; their representation can therefore be secured only by nomination. We think it would be possible to find a spokesman for them belonging to their own class. The appointment of such a representative would not only enable their needs and grievances to be voiced, but would enhance their social status and bring to the other classes a realisation of their importance. In addition to the nomination of one representative of the untouchables and one of the backward classes, we would recommend the nomination of another

Sections  
that need  
nominated  
representa-  
tives.

## BHOR CONSTITUTION COMMITTEE

member, who may not necessarily be drawn from either of these classes, but who, from the concern he may have shown for their welfare, can be relied upon to interpret their wishes and do everything in his power to protect their interests. In the African countries it is usual to nominate Christian missionaries to represent natives, and some of them are known to have championed the native cause with the utmost vigour and with far greater knowledge and effectiveness than any native in the present state of their education could do. Bhor State has men who can play a similar role in relation to the untouchables and hill tribes, and we can think of no better method of insuring justice for these classes in existing circumstances than to include one such among the nominated members of the Council. It would also be well to nominate a woman to look after the women's interests generally.

Purpose of nominating non-officials.

88. We do not by this enumeration exhaust the number of unofficial nominated members of the Council. It would be desirable to have recourse to nomination when it is felt that any particular interest of sufficient importance has failed to receive its due share of representation in the election, but we have no desire to trench to any greater extent than is absolutely necessary on a field which has not been expressly entrusted to us for inquiry. We may state, however, that the very purpose of importing a nominated unofficial element into the Legislature everywhere is to provide for the representation of classes and interests insufficiently represented by the process of direct election and to make available the service of individuals who, though well qualified to render it, would not seek or would not find entrance into the Legislature by the avenue of the constituencies. If it be thought that adequate provision for all such elements cannot be made without unduly curtailing the number of nominated officials, the practice may be introduced, as is

Officials may attend.

## CH. XII. — NOMINATED MEMBERS

done in some countries, of allowing officials who are not members of the Council to attend Council meetings on occasions for the purpose of giving information. They cannot of course be given the right to vote, but as the Government can in no case have an official majority this should be a matter of little moment. What is far greater importance is that the Council in its unofficial personnel should be truly representative, voicing the sentiments of all sections of the population. The unofficials selected for nomination should be men of independence, and it should be made known to them before they are appointed that they would be free to vote as they might choose and that they would retain their seats until the next dissolution of the Council after their appointment, being of course eligible for re-appointment in a new Council.

Nominated  
unofficials  
should be  
given freedom  
in voting.

89. In framing the recommendations detailed in this Report we have endeavoured to the best of our ability to make the reformed Legislative Council as good an agency for the formulation and expression of the will of the people as appeared to us possible in the circumstances. Our aim has been to afford an equal opportunity to all sections of the community to make their own contribution to the shaping of policies, to the end that no interest shall unjustly suffer and that the common good of all shall be promoted. We are conscious that our aim will only be partially realised; but we may venture to plead that existing conditions render a full realisation unattainable. Only in the measure in which education advances and a keen political consciousness grows among the people will it be possible to approximate to the ideal condition in which all would equally share in the government. We have conceived the task set to us to be a more limited one, viz., that of finding all available means for giving authentic expression to such public

Conclusion.

opinion as exists and for bringing it to bear on the administration ; and this task we have done our best to discharge satisfactorily. For the rest we can only express the ardent hope that, with the steady growth of representative government culminating into full responsible government, the electorate will be correspondingly widened so that it will come finally to extend over the entire citizenship.

Co-operation  
between ruler  
and ruled  
essential.

90. One final word we may permit ourselves to add. To the people at large we would say that even if in our recommendations we have succeeded in making the Legislative Council truly representative of the popular will this fact in itself will not be a guarantee that general welfare shall be secured to the extent of the powers conceded to the unofficial members. They must show, first, that they know what is for their own best good ; secondly, that they are able to select representatives possessed of sound knowledge and competent judgment who will exert themselves to achieve this good ; and, thirdly, that they are themselves willing to make the necessary sacrifices for bringing about the desired result of a promotion of the public welfare. Popular government in the sense of a government subject to the influence of public opinion will succeed only in proportion as this public opinion is instructed, alert and honest. To the Government we would say at the same time that the duty rests upon it of making constitutional arrangements whereby to such authentically expressed public opinion it will be compelled to give at first increasing weight and eventually a controlling voice. For only by doing so will it help public opinion itself to become intelligent, responsible and properly disposed. It is to be wished that the people will show themselves to be qualified to form a just estimate of their own welfare and of the public policies by means of which it can be secured and that the Government for its part will show itself



## CH. XII. — NOMINATED MEMBERS

willing to give full force and approval to such popular judgment. Only if mutual help in full measure is thus forthcoming between ruler and ruled will the acorn of popular government now being planted grow into a mighty oak, and it is the Committee's earnest hope that a sincere effort will be made by both parties to secure and maintain that spirit of co-operation and good-will so essential to the welfare and development of the State.

91. We take this opportunity of thanking all the witnesses who either made written representations to us or appeared before us in person. As we have already said, their views by which we were largely guided were of very great assistance to us. We also desire to record our appreciation of the diligence which our Secretary, Mr. V. B. Deshpande, displayed in discharging his duties.

Acknowledgments.

\*S. G. VAZE.  
 V. B. RANADE.  
 N. G. AMBEKAR.  
 S. S. KALE.  
 V. V. BAVDEKAR.  
 R. V. APTE.  
 \*G. M. PANSE.  
 \*G. B. SANE.  
 \*G. B. POTNIS.  
 \*KRISHNAJI GANESH DEO.  
 A. P. KONDE DESHMUKH.

( The Report was signed at Bhor on 22nd July 1940 by all the members except by Mr. Sane who signed it at Poona on 31st July 1940. )

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\*Subject to the Minute or Minutes of Dissent signed by the member.)

## Part 2.— Minutes of Dissent.

### CHAPTER XIII.

#### ADULT FRANCHISE.

सर्व प्रौढ स्त्रीपुरुषांना मताचा अधिकार देणें, या व अशा विषयांवर श्री. पोतनीस यांनीं पाठविलेली भिन्नमतपत्रिका पुढें दिली आहे. तींत त्यांनीं कमिटीच्या सभासदांकडे शिफारशींची जीं दोन चोटक टिपणें पाठविण्यांत आलीं होतीं त्यांचा निर्देश केला आहे. श्री. पोतनीसांचीं मते कळण्यास हीं टिपणें देणें जरूर असल्याकारणानें तीं सालीं उद्धृत केलीं आहेत.

### शिफारशींचें टिपण.

( ता. १४ मे १९४० रोजीं पाठविलेलें. )

१. प्रौढ मतदानपद्धति अंतिम ध्येय या दृष्टीनें मान्य आहे. परंतु ती आजच सररहा अंमलांत आणणें शक्य व इष्ट नाहीं.

२. मतदारांचें लोकसंख्येशीं प्रमाण कमीत कमी शेंकडा १० व जास्तीत जास्त शेंकडा १५ असावें. मताधिकाराच्या लायकीच्या अटी या धोरणानें सुचविल्या आहेत. परंतु या अटीप्रमाणें मतदारांची संख्या अपेक्षेपेक्षां कितीहि कमीजास्त झाली तरी ठरलेल्या अटीमध्ये तूर्त बदल करूं नये. या अटी नक्की केल्या आहेत असें समजावें. कमिटीचें काम लवकर पुरें करून निवडणुकी सत्वर होण्याच्या दृष्टीनें असें करणें इष्ट वाटलें. यायोगें जे दोष उत्पन्न झाल्याचें आढळून येतील ते दोष दूर करण्याचा प्रयत्न पुढें मताधिकाराचा फेरविचार होईल त्यावेळीं करावा.

### मतदारांची लायकी.

३. साऱ्याचें प्रमाणः--

विचित्रगड तालुका ( भोर खेरीज )--

१. शिरवळ भाग—८ रु.

२. उन्नवली व आंबवडे भाग—६ रु.

३. हिडोशी भाग—४ रु.

राजगड तालुका—

१. शिवगंगा नदीच्या पूर्वेकडील भाग—६ रु.

२. „ „ पश्चिमेकडील भाग—४ रु.

प्रचंडगड तालुका संबंध—४ रु.

पवनमावळ तालुका संबंध—४ रु.

सुधागड तालुका संबंध—८ रु.

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४. इनामदार, इसाफतदार, हक्कदार इ., ज्यांना सालीना ८ रु. इनाम उत्पन्न मिळत असेल, त्यांचा अंतर्भाव मतदारांत करावा व क्याश अलावन्सवाल्यांनाहि हीच कसोटी लागू करावी. मात्र ज्यांना कायमचें वंशपरंपरा ८ रुपयांपर्यंत उत्पन्न नाही अशा नेमणुकवाल्यांचा मतदारांच्या यादींत समावेश करावयाचा नाही. खोतांचा समावेश व्हावा.

५. जमिनीच्या मालकांप्रमाणेंच खंडकरी कुळेंही मतदार होतील. त्या त्या विशिष्ट भागांत दरल्या-प्रमाणें ८, ६ किंवा ४ रुपये सान्याची जमीन कसणाऱ्या कुळांना मताधिकार मिळावा. कुळांकडे खंडानें असलेली जमीन किती आकाराची आहे हें कळण्याचें साधन ज्या ठिकाणी उपलब्ध नसेल तेथें ठरलेल्या सान्याच्या तिषट खंड देणाऱ्या कुळाला मताधिकार असावा. खंड धान्याच्या रूपानें देण्यांत येत असल्यास १० मण मक्ता घालणाऱ्या कुळांकडे ८ रुपये सान्याची जमीन आहे असें धरावें, व ज्या ठिकाणी जें सान्याचें मान ठरलें असेल त्या प्रमाणांत कुळानें घालावयाचा मक्ता असल्यास त्याला मताधिकार द्यावा.

६. घराचे मालक व भाडेकरी:—

(अ) शिरवळ, नसरापूर, वेल्हे, कोळवण, पिरंगुट, पाली, जांमुळपाडा, नाडसूर आणि आतोणें या नऊ गांवांत ५०० रुपये किंमतीच्या घरांचे मालक आणि दरसाल १२ रु. देणारे भाडेकरी हे मतदानास पात्र असावेत.

(ब) वेळवण खोत्यांत १०० रु. किंमतीच्या घरांचे मालक आणि इतक्या किंमतीच्या घरांत राहणारे इसम हे मतदानास पात्र समजावे.

७. कराचें प्रमाण:—

(अ) गेल्या साली ज्यांनीं निदून १ रु. मोहतर्फा भरला असेल, व

(ब) ज्या म्हसके धनगरांनीं कर्मांत कर्मा १ रु. १२ आणे धनगरमहाल दिला असेल अशा इसमांना मतदानास पात्र धरावें.

८. दरमहा निदान पक्षी २० रु. पगार अथवा ७ रु. पेन्शन मिळणाऱ्या सरकारी नोकरांना मताधिकार द्यावा.

९. वरील मालमत्तेच्या अटी पुऱ्या करणारांना शिक्षण असलेंच पाहिजे असें नाही. परंतु ज्यांची मराठी चवथी इयत्ता पास झाली असेल अथवा ज्यांचें इतक्या योग्यतेचें शिक्षण झालें असेल असे इसम, त्यांना मालमत्तेची लायकी नसली तरी, मतदानास पात्र धरले जातील. ही शिक्षणाची लायकी सिद्ध करून देण्याची जबाबदारी ज्या त्या इसमावर राहिल. मतदारांची यादी तयार करणारावर ही जबाबदारी असूं नये.

१०. स्त्रियांना मतदार होण्याची अथवा उमेदवार राहण्याची बंदी नसावी. एवढेंच नव्हे, तर मतदानाचें स्वतंत्र साधन म्हणून त्यांची शैक्षणिक लायकी केवळ साक्षरता अथवा लिहिता वाचता येणें एवढीच असावी.

११. असपृथ व रामोशी तसेंच धनगर, ठाकूर व कातकरी या जातींपुरतें सान्याचें आणि खंडाचें अथवा मकत्याचें प्रमाण निर्भर करावें आणि शिक्षणाचें प्रमाण साक्षरता इतकेंच ठेवावें. शैक्षणिक लायकीमुळें मतदार होऊं इच्छितांवर प्रत्येक वाचतांत आपली लायकी शाश्वत करून देण्याची जबाबदारी टाकावी. स्त्रियांनाहि हेंच लागू आहे.

## BHOR CONSTITUTION COMMITTEE

१२. ज्या ज्या महारावर व रामोशावर गांवकामगार या नात्याने काम करण्याची जबाबदारी सरकारमार्फत टाकण्यांत येते अशा सर्व इसमांना मताधिकार असावा. धनगरांपैकी सर्व गावडे व मरगळे यांना मतदानास पात्र मानावे.

१३. मतदार कर्मांत कमी २१ वर्षे पुरी झालेला असावा.

१४. वस्तीची अट:— मालमत्तेच्या लायकीने जो मतदानास पात्र होईल त्याजवर याबाबत कोणत्याही प्रकारचा निर्बंध असू नये. परंतु केवळ शैक्षणिक लायकीमुळे जो मतदानास पात्र असेल त्याने मतदार म्हणून जेथे नांव नोंदविले असेल तेथे त्याचे राहण्याचे ठिकाण असावे. हे त्याच्या मालकीचे घर असले पाहिजे असे नाही किंवा तेथे त्याने काही विवाहित कालपर्यंत प्रत्यक्ष वसती केलेली असावी अशी आवश्यकता नाही.

### मतदारसंघ.

१५. बारा लोकनियुक्त जागांची वांटणी घेणेप्रमाणे असावी:—

भोर खेरज करून विचित्रगड तालुका— दोन जागा; बाकी चार तालुके— प्रत्येकी दोन दोन जागा; भोर शहरचा नागर मतदारसंघ— १ जागा; आणि इनामदार, इसाफतदार, हक्कदार, क्याश अलावन्सवाले इत्यादींचा विशिष्ट मतदारसंघ— १ जागा.

१६. प्रत्येक तालुक्याचे मतदानासाठी दोन दोन विभाग करून एकेका विभागांतून एकेका प्रतिनिधीची निवडणूक करावी.

१७. भोरच्या नागर मतदारसंघातील मतदारांच्या लायकीच्या अटी म्युनिसिपालिटीतील निवडणुकीच्या अटीप्रमाणेच असाव्या. त्यांत फक्त एवढा बदल करावा:—

(अ) पगाराचे प्रमाण १५च्या ऐवजी २० रु. असावे.

(ब) पेन्शनचे प्रमाण साडेसातच्या ऐवजी ७ रु. असावे.

(क) म्युनिसिपल हद्दीतील जमिनीच्या सान्याची रक्कम १५च्या ऐवजी ८ रु. करावी व खंडाची रक्कम १००च्या ऐवजी २४ रु. करावी. या मानाने खंडाचे व मक्याचे प्रमाण धरावे.

(ड) अस्पृश्य व रामोशी आणि धनगर, ठाकूर व कातकरी या मागासलेल्या जाती, यांजसाठा सान्याचे आणि खंडाचे अथवा मक्याचे प्रमाण निम्मे करावे.

(इ) या सर्व जातींसाठी व स्त्रियांसाठी शिक्षणाचे प्रमाण साक्षरता एवढेच ठेवावे. शैक्षणिक लायकी सिद्ध करण्याची जबाबदारी ज्याची त्याजवर.

१८. इनामदारांचा विशिष्ट मतदारसंघ:—जे कोणी इनामदार, इसाफतदार, हक्कदार, क्याश अलावन्सवाले इत्यादी असे असतील की त्यांचे सर्व प्रकारचे इनाम उत्पन्न संबंध संस्थानांत मिळून २५ रु. अथवा यापेक्षा जास्त आहे अशा सर्वांचा समावेश या मतदारसंघांत करण्याची व्यवस्था सरकारने प्रथम करावी. परंतु या संघातील मतदारांची यादी पुरी झाल्यानंतर जर त्यांत नांव नोंदलेल्या एखाद्या मतदाराने अर्ज करून अशी इच्छा दर्शविली की आपले नांव या विशिष्ट मतदारसंघांत न राहतां दुसऱ्या एखाद्या मतदारसंघांत नोंदले जावे तर अशा मतदारसंघांत नांव नोंदून घेण्यास तो पात्र असल्यास त्याचे नांव तेथे नोंदवावे व विशिष्ट मतदारसंघातील त्याचे नांव कमी करावे. पण याप्रमाणे

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आगाऊ बदल करून घेतलेला नसल्यास त्याचें नांव फक्त विशिष्ट मतदारसंघाच्या यादीतच राहिल व याच मतदारसंघांत त्यास उमेदवार म्हणून निवडणुकीस उभे रहातां येईल.

१९. परंतु ज्यांचें एकूण इनाम उत्पन्न २५ रु. अगर त्यापेक्षां अधिक नाही किंवा ज्यांना इनाम उत्पन्न मुर्खीच नाही अशांना त्यांची ज्या ज्या मतदारसंघांत मतदार म्हणून लायकी असेल त्या त्या मतदारसंघांत आपलीं नांवां नोंदवून घेण्यास मुभा असावी. मात्र अखेरस त्यांना यापैकी कोणत्या तरी एका मतदारसंघांतच मत देतां येईल. कोणत्या मतदारसंघांत मत देण्याचें आपण ठरविलें आहे हें त्यांना आगाऊ कळवावें लागेल व मग त्याच मतदारसंघांत मत देण्याचा त्यांना हक्क राहिल.

## उमेदवाराची लायकी.

२०. उमेदवार म्हणून निवडणुकीस उभे राहणाराची ३० वर्षे पुरीं झालेलीं असावीं. मालमत्तेची लायकी उमेदवाराला अधिक नसावी, पण मराठी चवथी इयत्ता पास झालेली असल्याशिवाय किंवा तितक्या मांनाचें शिक्षण मिळालें असल्याशिवाय कोणाही मतदारास उमेदवार राहतां येऊं नये. मात्र एकादा मतदार कौन्सिलचा सभासद होण्यास लायक आहे असें सरकारास वाटलें व त्याच्या ठिकाणीं ही शिक्षणाची लायकी नसली तरी त्यास उमेदवार म्हणून निवडणुकीस उभे राहण्यास परवानगी देण्याचा अधिकार सरकारकडे असावा, आणि आपल्या शैक्षणिक नालायकींतून आपणांस मुक्त करून उमेदवार या नात्यानें निवडणुकीस उभे राहण्याची परवानगी देण्याबद्दल सरकारकडे अर्ज करण्यासही त्याला सवड असावी.

२१. कोणाहि मतदारास, तो उमेदवार होण्यास लायक असल्यास, ज्या मतदारसंघांत त्याचें नांव नोंदलें असेल अशा कोणत्याहि मतदारसंघांत निवडणुकीस उभे राहतां यावें. त्याचें नांव एकापेक्षां अधिक मतदारसंघांत नोंदलें गेलें असल्यास अशा कोणत्याहि मतदारसंघांत त्यानें उमेदवार म्हणून उभे रहावें. तसेंच ज्या मतदारसंघांत त्याचें नांव नोंदविलें असेल तो मतदारसंघ ज्या तालुक्यांत समाविष्ट होतो त्या तालुक्यांतील कोणत्याही मतदारसंघांत त्याला निवडणुकीस उभे राहण्याची परवानगी असावी. पण ज्या तालुक्यांतील एकाहि मतदारसंघांत त्याचें नांव नोंदविलेलें नाही अशा तालुक्यांतील कोणत्याही मतदारसंघांत उमेदवार म्हणून निवडणुकीस उभे राहण्याची त्याला सवड नसावी. कोणाहि मतदारास एकापेक्षां अधिक जागांसाठीं उमेदवार होण्याची बंदी असावी.

२२. मतदार व उमेदवार यांच्या नालायकी (disqualifications) संबंधाचे निबंध सालसा मुलुखांतील १९३५ च्या कायद्याच्या धर्तीवर असावेत.

## शिफारशीचें टिपण.

( ता. २५ जुलै १९४० रोजीं पाठविलेले. )

१. कायदेमंडळांत सरकारनें ज्या सभासदांची नेमणूक करावयाची त्यांमध्ये ( अ ) एक अस्पृश्य, ( ब ) धनगर, कालकरी, ठाकूर इत्यादि डोंगरी जातींचा एक इसम; ( क ) अस्पृश्यांच्या व डोंगरी जातींच्या हितासाठीं झटणारा एक इसम ( मग तो कोणत्याही जातीचा असो ); व ( ड ) एक स्त्री, यांचा समावेश करावा अशी राजेसाहेबांना विनंति करणें.

२. प्रत्येक तालुक्यांतील दोन दोन जागांसाठीं दहा मतदारसंघ बनविणें हें काम अधिकारी बर्गावर सोंपविणें.

श्री. पोतनीस यांची भिन्नमतपत्रिका.

९२. भोर संस्थान घटना कमिटीने बहुमतानें अथवा एकमतानें जे निर्णय घेतले आणि श्रीमंत राजेसाहेब यांचे सेवेशीं सादर करण्याकरितां जो विस्तृत शिफारशींच्या रिपोर्ट सादर केला आहे, त्यांत बऱ्याचशा मुद्यांवर माझे मत मुळींच जुळत नाहीं. म्हणून मी आपली ही भिन्न-मतपत्रिका पाठवीत आहे. ती जोडून मग तो रिपोर्ट श्रीमंत राजेसाहेब सरकार पंतसचीव यांचेकडे गुदरला जावा.

सर्व शिफारशींचें टिपण कॉन्फिडेन्शल पत्रक नं. ९९ ता. १४ मे १९४० चें व जावक नं १२१ ता. २५ जुलै १९४० चें या दोन पत्रकांत नमूद आहेत.

घटनेचें स्वरूप.

९३. कमिटीतील सन्मान्य सभासदांनीं सांगली वगैरे संस्थानांच्या घटना लक्ष्यपूर्वक पाहिल्या, पण आपल्यासारखेंच एक छोटेंसें संस्थान औन्ध येथें नुकतीच घडलेली आणि सर्व हिंदुस्थानांतील संस्थानी प्रजा-जनांनीं स्वागताहार्थ ठरविलेली घटना विचारांत घेतांना उपेक्षिली असें माझे म्हणणें आहे. त्याप्रमाणेंच सर्व हिंदुस्थानचें राजकीय वातावरण कमिटी नेमल्यापासून आतांपर्यंत कसें झपाट्यानें बदलत आलें आहे आणि राज-कारणाला कशीं आंदोलनें बसत आहेत, तसेंच शेजारचे ब्रिटिश हद्दीतील लोक डोमिनियन स्टेटस् पदरांत पाडून घेण्याच्या नक्की तयारींत असतांना, एवढेंच नव्हे तर त्यापुढचीहि मागणी करीत असतांना, असा रिपोर्ट जातो आहे, याबद्दल मला खेद वाटत आहे.

आतां नं. ९९ मधील व नं. १२१ मधील शिफारशींचा क्रमवार विचार करूं.

शिफारस नं. १.

प्रौढ मतदान-पद्धति.

९४. प्रौढ मतदानपद्धति अंतिम ध्येय म्हणून मान्य केले आहे आणि ती आजच सररहा अमलांत आणणें शक्य नि इष्ट नाहीं असें म्हटलें आहे. मला हें बिलकूल मान्य नाहीं. ध्येय जर मान्य आहे तर पुढें पाऊल टाका. इष्ट नाहीं या म्हणण्याला, माझ्या मताविरुद्ध कां होईना, पण कांहीं तरी अर्थ आहे. पण शक्य कां नाहीं? अशी काय ती अवघड गोष्ट आहे? कां पोलिंग स्टेशन्स ठेवतां येणार नाहीत, कां मतदारांची यादी तयार करतां येणार नाहीं, काय घडेल तरी काय? पाठील-कुळकर्ण्यांनीं याद्या तयार कराव्या आणि मामलेदारांनीं त्या प्रसिद्ध कराव्या. ज्याचें

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नांव या यादीत नसेल त्यानें ठराविक मुदतीत आपला स्वतःचा हक्क शाबीत करून घेऊन, सप्लिमेन्टरी यादीत आपलें नांव दाखल करून घ्यावें. उमेदवार नि मतदार या दोघांनाहि याबद्दल काळजी आहे. अर्थात्च ते याबद्दल खटपट करतील. नाही तर त्यांचीं नांवे गळतील. त्याचा दोष कमिटी अथवा सरकारी अधिकारी यांचेवर मुळींच नाही. ज्यांना उमेदवार म्हणून निवडणुकीला उभे राह्यची इच्छा असेल, ते आधी-भासूनच आपल्या बाजूच्या मतदारांचीं नांवे यादीत येण्यास चुकूं नयेत म्हणून सावध असणारच. आतां इष्ट नाही या मुद्याबद्दल. ज्यांना मास-कॉन्ट्रॅक्ट नको आहे, अथवा अज्ञ आणि दरिद्री जनता जागृत झालेली नको आहे, केवळ धनिक आणि विद्वत्तेचा टेम्भा मिरवणारांच्या हातांतच ही सर्व सत्ता असावी, असें वाटणारांना खरोखरच ही गोष्ट इष्ट नाही. घटकाभर असें समजूं कीं, म्याट्रिक अथवा बी. ए. झालेले सर्व लोक भोर संस्थानांत आहेत. म्हणजे येथल्या सर्व उमेदवारांना अर्थशास्त्र, समाजशास्त्र, नाण्यांचे प्रश्न, हुंडणावळीचे प्रश्न, युद्धशास्त्र, कायदेकानू, सर्व कांहीं गम्य नि अवगत आहेत असें समजावयाचें कीं काय? प्रश्न काय, तर दोन अडीच लाख रुपयांचें बजेट चर्चेला येणार. मान्यता दूरच आहे. मान्यतेच्या शिक्क्याकरितां कांहीं हें कौन्सिल नाही. तो सर्व अधिकार हुजूरकडे आणि दरबारकडे. मग या चर्चेतसुद्धां या इष्ट नसलेल्या अनिष्ट लोकांच्या प्रतिनिधींनीं भाग घेऊं नये, अशी कमिटीतील सन्मान्य सभासदांची इच्छा आहे काय? असो. कितीहि लिहिलें अथवा समर्थन केलें तरी एकच. मला मात्र अमुक रुपये सारा भरणारा म्हणून, अथवा अमक्या किंमतीच्या घरांत रहातो म्हणून, तो मोठा, त्याला सर्व कांहीं कळतें, त्यापेक्षां इतर सगळे लहान व न कळणारे अर्थात् अजाण, हें मुळींच मान्य नाही.

शिफारस नं. २.

आणि म्हणूनच एक लक्ष ४० हजारांपैकीं शेंकडा १० अथवा १५ लोकांना भाग्यवान् करण्याचा आणि बाकीच्यांना टकलून देण्याचा अरेरावी अधिकार कमिटीनें बजावूं नये, असें माझे स्पष्ट मत आहे.

शिफारस नं. ३ ते नं. ५.

९५. वरील कलमांत कमिटीनें प्रौढ मतदानपद्धति निकालांतच शेतकरी काढल्यामुळे, या तीन शिफारशींतल्या सान्याच्या प्रमाणांत मतदानाच्या पद्धतीला मान्यता देणें मला शक्यच नाही.

## BHOR CONSTITUTION COMMITTEE

या बाबतीत कमिटीने विनाकारण सुखवस्तु आणि दुःखवस्तु असे भोर संस्थानच्या प्रजेत भेद केले आहेत. दुःखवस्तूची मान सुखवस्तूच्या पक्कीत राखली आहे.

याच मतदारांच्या लायकीत पुढे १ रु. मोहतर्फी भरणारे आणि १ रु. १२ आणि धनगरमहाल भरणारे लायक ठरविले आहेत, आणि शेतकरी मात्र ४, ६ अथवा ८ रुपये धारा भरित असेल तरच लायक ठरवला जातो. हा खासा शेतकऱ्यांचा कळवळा. यांत इक्विटीचे तत्त्व अगदी चुकले आहे. माझे निश्चित मत असे आहे की, कमिटीने घेतलेला हा निर्णय वा शिफारस शेतकऱ्यांना जाचक होणारी आहे.

खंडकरी.

खंडकरी कुळांना मतदानाचा हक्क दिला ही भाग्याची गोष्ट आहे, पण खंडाचे प्रमाण फार जबर आहे. हे धारेकऱ्यांच्या धान्याचे प्रमाण व्यापाऱ्यांच्या मोहतर्फ्याप्रमाणे १ रुपयापेक्षा कमी आणि खंडकऱ्यांचे प्रमाण १ मण खंड या प्रमाणांत व दोघांच्याहि लग्नाच्या अथवा मोहतराच्या बायका असे असते, तर माझे कांहीं तरी समाधान झाले असते.

पण हे कांहींच घडले नाही. आणि या शिफारशीमुळे स्त्रीवर्ग बहुतेक अजिबात वगळला गेला व शेतकरी पुरुषवर्गातील लोक मोठ्या प्रमाणांत येऊ शकत नाहीत. मात्र यच्चयावत् व्यापाऱ्यांची चंगळ झाली. पांढरपेशा वर्गाची पंढरी पिकली. म्हणून या शिफारशी मला मान्य नाहीत.

शिफारस नं. ६.

घरमालक.

घरांचे मालक व भाडोत्री. (अ) ५०० रुपये ही धरलेली किंमत या नऊ शिफारशिलेच्या गांवांपैकी निदान सातआठ गांवांना तरी जास्त आहे. ती किंमत ३०० रु. असावयास हवी होती. (ब) “वेळवण खोऱ्यांत” असे शिफारशीत म्हटले आहे. तेथे “बाकी सर्व गांवांत” असे शब्द घालून, घराची किंमत २०० रु. धरली आहे, ती १०० रु. असावयास पाहिजे होती. म्हणजे ही शिफारस मी मान्य केली असती. पण या धरलेल्या किंमती जास्त आहेत आणि वेळवण खोऱ्याशिवाय बाकीच्या ठिकाणचे रहिवाशी घरमालकीच्या लायकीतून वगळले, हे मला अमान्य आहे.

शिफारस नं. ७.

मोहतर्फी.

९६. (अ) खेडेगांवांतील व्यापारी या १ रु. मोहतर्फ्यामध्ये वगळले गेले आहेत. हे प्रमाण ८ आणि असणे जरूरीचे होते.



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(ब.) फक्त म्हसके धनगरांनाच हा मतदानाचा अधिकार मिळाला. धनगरमहाल. त्यांच्या बायकांना मिळाला नाही आणि मेंढके धनगर अजिबात वगळले, म्हणून माझा या शिफारशीस विरोध आहे.

मेंढके धनगर कर भरतात. व्यापाऱ्यांच्या मोहतपर्यापेक्षां अधिक कर भरतात. परंतु मावळांतील व कोंकणांतील पावसासुळें त्यांचीं शेरडें नि मेंढरें जगूं शकत नाहीत. म्हणून अर्थात्च पावसाळ्यांत त्यांना देश-रानावर निघून जाणें भाग पडतें. पुन्हा पावसाळा संपल्यावर हे लोक त्याच आपल्या खोऱ्यांत परत येतात आणि चान्याकरितां या गांवांहून त्या गांवीं जातात म्हणून त्यांना नोम्याडिक रस ठरवून कमिटीनें त्यांना मतदानाच्या लायकींतून वगळलें ही गोष्ट गैर झाली. माणसाच्या प्रामाणिकपणाविषयी या लोकांना जितकी पारख आहे तितकी ८ रु. धारा भरणाऱ्यांना अगर चार इयत्ता मराठी पास झालेल्यांना असेल किंवा नाही, याची शंकाच आहे.

म्हणून शिफारशीचें हें कलम सुद्धां मला मान्य नाही. मेंढके धनगरांना अवश्य मतदानाचा अधिकार मिळावयास पाहिजे होता.

शिफारशी नं. ८ ते १२ मला मान्य आहेत.

शिफारस नं. १३. मतदाराच्या वयमानाची लायकी १८ वर्षे असावी.

शिफारस नं. १४ मला मान्य आहे.

शिफारस नं. १५.

९७. भोर खेरीज करून विचित्रगड २ जागा, भोर १ जागा, हें मला मान्य नाही. भोर धरून विचित्रगड ३ जागा, असा एकच मतदारसंघ मला मान्य आहे. बाकी ४ तालुके, प्रत्येकीं दोन दोन जागा, असे मतदारसंघ असणें, मला मान्य आहे.

पण भोरचा एक नागर मतदारसंघ वेगळा असावा, हें मला मान्य नाही. आणि असा मतदारसंघ वेगळा काढल्यास, लोकसंख्येच्या प्रमाणांत विचित्रगड तालुक्यावर अन्याय होत आहे.

भोर मतदारसंघ.

आणि शेवटची एक जागा जी इनामदार, इसाफतदार, हक्कदार, क्याश अलावन्सवाले इत्यादींचा वेगळा मतदारसंघ करून त्यांना दिली, या गोष्टीला तर माझा तीव्र विरोध आहे.

इनामदार  
मतदारसंघ.

एक रिझर्व सीट ठेवावी. पण ती अस्पृश्य आणि डोंगरी जंगली जाती, ज्यांना आपण सर्व संस्कृतीपासून आणि संस्कारापासून दूर ठेवलें आहे, त्यांच्या करतां हवी होती.

अस्पृश्य व डोंगरी  
जाती.

भोर संस्थानांत अस्पृश्यांची लोकसंख्या दहावा हिस्सा आहे. शिवाय धनगर लोक तिसावा हिस्सा आहेत आणि रानटी म्हणजे ठाकूर व कातकरी यांचीहि संख्या तिसाव्या हिस्साची आहे. या लोकांना कौन्सिलमध्ये रिझर्व सीट न ठेवल्यामुळे, जवळ जवळ एक षष्ठांश लोकांना कौन्सिलमध्ये जाण्यास मुळीच वाव राहिला नाही. या अन्यायापेक्षां, लोकसंख्येच्या प्रमाणांत १० मतदारसंघ निर्माण करून, १ अस्पृश्यांना आणि १ धनगर, ठाकूर, कातकरी यांना, अशा २ रिझर्व सीट्स द्याव्या, असें माझे स्पष्ट मत आहे. पण कमिटीतील सन्मान्य सभासदांना न्यायापेक्षां, सरकारी अधिकाऱ्यांचें काम वाढेल आणि कमिटीला जास्त जिकीरीच्या आंकडेमोडींत पडावें लागेल, याची विवंचना अधिक भासली. आणि एक षष्ठांश पददलित लोक खरोखरीच पायाखाली तुडविले गेले. कराच्या पैशांतून आपलीं इनामें आणि हक्कदारीचे पैसे व वतनांचे तनखे खाजगी मालमत्ता म्हणून प्रथमच लांबविणाऱ्या, व सरकारप्रमाणेंच खाजगी स्वर्च म्हणून श्रमजीवी लोकांच्या श्रमाच्या कमायीवरील करांत भागीदारी पहाणाऱ्या ऐतखाऊ आणि वडिलांच्या नांवावर विकणाऱ्या इनामदारांची ओटी भरली गेली. या पापांत सरकारी मेम्बर्स सामील झाले, ही सर्वथैव अन्यायी नि विषमतेची गोष्ट घडून आलेली आहे. हें ठरलेलें आणि ठराविक कारस्थान असावें, अशी शंका घ्यायला पुष्कळ जागा आहे.

प्रजासभेशीं तडजोड म्हणून कमिटी दिली आणि प्रजाविरोधी पक्ष मुद्दाम स्थापन करून, त्यांना कमिटींत घेऊन, भोर दरवारनें आपला डाव अशा रीतीनें तडीला नेलेला आहे.

इतक्या क्षुल्लक गोष्टींत जर असा हट्ट धरला जातो. तर या भावी येणाऱ्या कौन्सिलला कांहीं हक्क असते तर काय झालें असतें कोणास ठावें.

शिफारस नं. १६ ते नं. १९.

जे आपल्याला नको तें घडून आलेंच तर तोंडावरून हात फिरवायच्या धोरणानें या शिफारशी ठीक आहेत. पण त्यांतील मूलभूत तत्त्वांनाच माझा विरोध आहे. हें मी येथें स्पष्ट नमूद करूं इच्छितों.

शिफारस नं. २०.

उमेदवाराची लायकी. वयोमर्यादा ३० वर्षे, ही जास्त आहे. ती २५ वर्षे असावी. बाकी सर्व ठीक आहे.

शिफारस नं. २१.

उमेदवारीवर निर्वेध.

२८. एका तालुक्यांतील मनुष्यास दुसऱ्या तालुक्यांत उभें रहातां येऊं नये, ही अत्यंत अन्याय्य गोष्ट आहे. चळवळ्या लोकांचा कोण्डमारा

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करण्याच्या क्षुद्र मनोवृत्तीने प्रजाविरोधी लोकांच्या सहाय्याने भोर दरबारने ही गोष्ट घडवून आणलेली आहे.

या अटीमुळे, सर्व संस्थानी प्रजेशी व्यक्त सहानुभूतीने वागणारा, पण संस्थानी तालुक्यांतच स्वतःची इस्टेट असूनहि, बाहेर ब्रिटिश मुलखांत वसती करणारा, अशाला अन्य तालुक्यांतून उमेदवार म्हणून उभे रहाण्याची सोय नाही. म्हणून या शिफारशीला माझा तीव्र विरोध आहे.

शिफारस नं. २२

मतदार व उमेदवार यांची नालायकी.

नालायकी.

राजकीय कारण आणि राजकारणी दंश मनांत धरून शिक्षेस हें कलम लागू होऊं नये म्हणून ही शिफारस अधिक स्पष्ट तरी करावी किंवा अजिबात काढून टाकावी, असें माझे मत आहे.

जा. नं. १२१ मधील शिफारशी नं. १ आणि २ मला पूर्ण मान्य आहेत.

शेवटीं घटना कमिटीचे अध्यक्ष आणि प्रजासभेचे माझे सहकारी मेम्बर्स यांनीं माझ्या अनेक तीक्ष्ण मतांचा भलताच अर्थ न घेतां, पुष्कळ गोष्टींत ते उदार मनानें सहमत झाले, याबद्दल त्यांचे येथें मनःपूर्वक आभार मानीत आहे.

गोपीनाथ बाळकृष्ण पोतनीस.

ता. १४ ऑगस्ट १९४०.

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## श्री. देव यांची भिन्नमतपत्रिका.

९९. भोर घटना कमिटीची श्रीमंत सरकार राजेसाहेब भोर यांनीं नेमणूक केलेनंतर त्या कार्मी लोकांचीं प्रश्नोत्तरे व साक्षीपुरावा होऊन त्या कार्मी कमिटीने आपला रिपोर्ट तयार केला आहे. परंतु त्या बाबतींत आमचीं कांहीं मुद्यांवर जीं भिन्न मते आहेत, तीं आम्हीं खालील कारणे देऊन मांडीत आहोंत.

१००. संस्थानमध्ये एकंदर ५ तालुके आहेत. भोर कौन्सिलमध्ये एकंदर पुढील घटनेमध्ये १२ लोकनियुक्त सभासदांची निवड होणार आहे व बाकी राहिलेले सभासद हे सरकारनियुक्त रहाणार आहेत. या जागांची

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नसावा.

वाटणी करणें अत्यंत अवघड काम आहे. परंतु एकंदर आलेली प्रश्नोत्तरे व झालेला साक्षीपुरावा व कमिटीपुढें आलेला रेकॉर्डचा पुरावा यावरून आम्ही आपलीं मते जीं ठरविलीं आहेत त्यांवरून आमचें असें मत आहे कीं, विचित्रगड तालुका खेरीजकरून बाकी चार तालुक्यांस प्रत्येक तालुक्यास दोन जागा सर्वसाधारण संघांतून दिल्या जाव्या व संस्थान-मध्ये जो इनामदार हक्कदार वर्ग यांचा मोठा भरणा असल्यानें त्यांचे हिताचें रक्षण करणेकरितां एक स्वतंत्र त्या इनामदार-हक्कदार संघास एक जागा देणेंविषयीं आम्ही आपलें मत पूर्वीच दिलें आहे, व तेंच आमचें मत अद्यापही कायम आहे. राहिलेल्या विचित्रगड तालुक्यास किती जागा द्याव्यात याबद्दल आमचा मतभेद आहे. विचित्रगड तालुका हा लोकसंख्येनें व उत्पन्नाचे मानानें सर्व तालुक्यांत मोठा असल्यामुळें त्या तालुक्यास तीन जागा मिळणें इष्ट व न्यायाचें आहे. करितां त्या तालुक्यास तीन जागा देणेंविषयीं आमची पूर्ण संमति आहे. प्रत्येक तालुक्यास मतदारसंघांत दोन विभाग केले आहेत व त्या विभागांतून उमेदवाराची निवड होणेची आहे. त्याचप्रमाणें सद्य विचित्रगड तालुक्याचे इतर तालुक्यांप्रमाणें मतदारसंघाचे सारखे तीन विभाग करून त्या त्या मतदारसंघांतून उमेदवाराची निवड व्हावी असें आमचें स्पष्ट मत आहे.

विचित्रगड तालुक्यांत भोर हें राजधानीचें शहर आहे. या शहरची लोकसंख्या अदमासें पांच हजार आहे व शहर सोडून तालुक्याची लोकसंख्या अदमासें ३७ हजार आहे. या तालुक्यांतील लोकसंख्येचे दोन विभाग पाडावयाचे झाल्यास प्रत्येक विभागास अदमासें १९ हजार लोकसंख्येचा समावेश होत आहे व त्या मानानें मतदारांचीहि संख्या होणारी आहे. परंतु भोर शहरचे लोकसंख्येकडे पाहिलें असतां पांच हजार वस्तीचे शहरास एक जागा देऊन त्याचा निराळा मतदारसंघ बनवावा हें कोणत्याही दृष्टीनें विचार केला असतां न्याय्य ठरणार नाही. कारण भोर शहर हें राजधानीचें शहर असल्यामुळें व तेथील लोकसंख्याही इतर शहरचे मानानें जरी कमी असली तरी इतर शहरांपेक्षां शैक्षणिक, आरोग्य-विषयक व सुखसंपन्नता व आधुनिक सोयीनें समृद्ध अशीं सर्व साधनें व तींही राजाश्रय असल्यामुळें अत्यंत अल्प स्वर्चांत लोकांना मिळणेची सोय आहे व त्यांत कोणत्याही तऱ्हेचें न्यून्य आहे असें आम्हांस वाटत नाही. परंतु एकंदर संस्थानांतील बहुजनसमाज जो शेतकरी वर्ग आहे त्याच्या उन्नतीकडे व सुखसोयीकडे लक्ष देणें हें जरूरीचें आहे. तेव्हां भोर शहरास एक जागा देऊन इतर बहुजनसमाजाची गळचेपी करणें व

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त्यांचे उन्नतीचे मार्गाचे आढ येणें व त्यांच्या जागा शहरांतील पुढारलेल्या वर्गांनीं बळकावणें हें रास्त होणार नाहीं. एकंदर घटनाकमिटीपुढें जो साक्षीपुरावा झाला तो सर्व सूक्ष्म दृष्टीनें पाहिला असतां व त्याची छाननी केली असतां असें स्पष्ट ध्वनित होतें कीं, भोरसारख्या अल्प लोकसंख्येच्या शहरास संबंध तालुक्याच्या लोकसंख्येच्या दृष्टीनें विचार करतां शहरास स्वतंत्र जागा देऊं नये असेंच स्पष्ट होत आहे. कमिटीनें जो साक्षीपुरावा घेतला आहे तो संस्थानांतील बऱ्याच पुढारलेल्या लोकांचा घेतला असल्यामुळे त्यांचे मतास योग्य तो मान देणें हें कमिटीचें कर्तव्य आहे असें आम्हांस वाटतें. सदर भोर शहरास जागा देऊन त्याचा मतदारसंघ करूं नये हें जें आम्हीं आपलें मत सारासार विचार करून प्रतिपादलें आहे तें कोणत्याही द्वेषभावनेनें केलेलें नसून वर लिहिलेप्रमाणें इतर उच्च हेतू व झालेल्या पुराव्याचा विचार करूनच सदसद्विवेकबुद्धीनें मांडलें आहे. सबब भोरास स्वतंत्र जागा न देतां विचित्रगड तालुक्याचे लोकसंख्येच्या मानानें तीन जागा सारखे विभाग करून धाव्यात असें आमचें स्पष्ट मत आहे.

१०१. घटना कमिटीपुढें १२ लोकनियुक्त सभासदांची वाटणी कशी करावी हा प्रश्न होता व त्याबद्दल कमिटीनें आपलीं मतेही दिलेलीं आहेत. राहिलेल्या सरकारनियुक्त सभासदांची वाटणी कशी करावी हें कमिटीचे अधिकारक्षेत्रांत येत नाहीं असें आमचें स्पष्ट मत आहे. परंतु एकंदर कमिटीचा सूर ध्यानांत घेतां राहिलेले आठ सरकारनियुक्त सभासद यांत वर्गवारी केलेली नसल्यामुळे त्यांत बिनसरकारी सभासदांचा समावेश होत आहे असें आम्हांस वाटत आहे. सदरहू सरकारनियुक्त आठ सभासदांपैकी पांच बिनसरकारी सभासद घेतले जावेत असें आमचें मत आहे. परंतु ते पांच सभासद कशा प्रकारचे घ्यावेत याबद्दल श्रीमंत सरकार राजेसाहेब यांचा अधिकार असलेमुळे आम्हांस त्याबद्दल बंधन घालावें असें वाटत नाहीं. सदरहूबद्दल विचारांततीं आमचें मत झाल्यानें स्पष्ट मत दिलें आहे.

येणेंप्रमाणें आम्ही आपली भिन्नमतपत्रिका रिपोर्टसोबत जोडणेकरितां दिली आहे. ती दाखल करून घ्यावी अशी विनंति आहे.

सरकारनियुक्त  
बिनसरकारी  
सभासद पांच  
असावेत.

कृष्णाजी गणेश देव.

ता. १४ ऑगस्ट १९४०.

## CHAPTER XV.

### RESTRICTIONS ON CANDIDATURE.

No justification for restrictions.

**102.** We feel called upon to express our disapproval of the recommendation contained in para. 46 of the Report and of the reasons given therefor in subsequent paragraphs in that Chapter. Under this recommendation a person enrolled as a voter in a general constituency would be eligible for standing as a candidate for that constituency or for any other general constituency included in the taluka wherein is situate the constituency in the electoral roll of which his name is entered, but for no other general constituency. It is obvious that, unless there are any compelling reasons for limiting the choice of representatives in this way, there should be freedom for candidates to contest elections in any constituency in which they think they have the best chance. Ordinarily, therefore, the rule would be, as indeed it is in British India and in many of the States, as follows : "No person shall be eligible for election as a member of the Council to represent a general constituency unless his name is registered on the electoral roll of that constituency or of any other general constituency of the Council." Any deviation from such a rule or any restriction upon the freedom of candidates requires clear justification in the peculiar circumstances of the case. One searches in vain for such justification in the Majority Report.

A wider scope for candidates cannot result in a wider franchise.

**103.** The reasons advanced therein are all far from convincing, and some of them are ludicrous where they are at all intelligible. We may give one or two instances of this latter kind of reason. The Majority say that the sort of rule that obtains in British India and in many States, if enacted in Bhor State, would virtually amount to an extension of the franchise. How it would have that effect surely passes understanding. The matter relates to candidature and not to voting,

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and consequently the throwing open of all the general constituencies to all would-be candidates who are enrolled as voters in some general constituency within the limits of the State would no more result in an expansion of the franchise than a restriction upon their choice would result in its shrinkage. Any provision in this behalf will not affect the extent of the suffrage in any way, for the simple reason that it has nothing to do with suffrage. Take the case of England. In the early ages it was necessary in that country that the person chosen as a Parliamentary representative should come from the body of the persons represented. But the practice fell into disuse later and was recognised as quite unnecessary and also undesirable; consequently, as long ago as 1774, an Act was passed formally removing the limitation that then existed, though for a long time it had already become inoperative. Can any one suppose that when the former restrictive statutes were repealed the scope of England's franchise was indirectly enlarged? The argument can only be characterised as fantastic.

104. Again, it is said that the single-member constituency plan having been adopted, there was no alternative but to impose restrictions upon the choice of representatives, as if one is a logical corollary of the other. If this were true, in England where single-member constituencies predominate there would necessarily be the kind of restriction that the Majority of the Committee seek to introduce in Bhor State, whereas in that country the elector in one district is in fact at liberty to stand as a candidate for any other district. Besides, if the concept of a single-member constituency were in any way connected with the concept of a free or restricted choice of representatives, how is it that the Majority think that the single-member constituency plan would not be impaired by the voter in one constituency being permitted to stand

Single-member constituencies do not call for restricted candidature.

as a candidate for any other constituency in the same taluka, but that it would be impaired if he were permitted to stand as a candidate for a constituency in any other taluka? If a smaller extension of the field of choice does not affect the single-member constituency plan a larger extension should not affect it either. The fact of the matter is that neither the extent of the franchise nor any particular arrangement of constituencies has anything whatever to do with the scope of choice to be given to the voters to stand as candidates, and we cannot help coming to the conclusion that the Majority have advanced these reasons without even understanding them.

Freedom to candidates is not uncongenial to representative government.

**105.** The Majority have further made themselves responsible for the statement that, but for such a restriction upon candidature as they propose, "the very basic idea of representative institutions" would be violated. One would have thought that what would tend to emasculate representative institutions is not freedom, but unnecessary restraints upon freedom; apparently, however, the Majority believe that in England, British India and most of the advanced Indian States representative institutions are being worked without an understanding of the basic principles of such institutions inasmuch as there do not obtain any such restrictions there. The Majority are welcome to hold fast to their political philosophy, which leads them to think that the more numerous and narrow the restrictions to which freedom is subjected, the more luxuriant and vigorous will be the growth of democracy; but few persons will be found outside the official hierarchy of Bhore State who are willing to subscribe to it.

With freedom to candidates there will be freedom to voters.

**106.** Our colleagues also make much play with the argument that men from the same taluka will ordinarily be better acquainted with local conditions and local needs than outsiders and thus will usually



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make better representatives. But they forget that what we recommend does not militate against this general proposition with which we have no reason to quarrel. The voters, under our recommendation, would be free to choose local representatives if in their opinion they are better. All that we plead for is that they should also be free to choose outsiders if they so prefer ; and they would prefer outsiders only when they consider that the general ability of these outsiders would be of greater value to the promotion of public welfare than the knowledge of local conditions which local men possess. We wish our colleagues had borne in mind the relevance of the argument they now use to the special inamdars' constituency which they so strongly recommend. This is to be an all-State constituency, in which voters from every taluka will be called upon to choose a representative from among the inamdar candidates of all the talukas. Let us suppose that the voters, acting upon the principle laid down by the Majority, restricted in practice their votes to a candidate belonging to their own taluka. One can well imagine how haphazard the final choice would be. The taluka which has the largest number of inamdar voters would always be able to command the inamdars' seat. Again, while in a general constituency no candidate is under an obligation to canvass the votes of electors in a taluka different from the taluka to which he belongs, in the special constituency of inamdars every candidate is under such an obligation as the constituency is spread over all the talukas. The argument of the Majority, in so far as it is valid, is fatal to their recommendation for the formation of a special inamdars' constituency, but it is not opposed to our recommendation for the widest possible freedom being allowed to voters in general constituencies.

107. The real reason for the restriction which the Majority seek to impose is the fear that they entertain

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Restrictions  
morally wrong  
and politically  
inexpedient.

lest, without such a restriction, carpet-baggers would arise in some advanced areas and monopolise all the elective seats in the State. We hotly repudiate the notion imputed to us that "the people in any of the talukas in the State are so backward as to be unable to come forward for seeking election." On the contrary we believe that every taluka will have enough local candidates; we further believe that these candidates will not necessarily suffer defeat, as seems to be the belief of the Majority, when engaged in a contest with candidates from either advanced areas or advanced classes. We only wish to secure that the entry of a representative into the Council should not be barred if he feels that he has a better chance of success from another taluka than from his own. If the voters prefer him to a local candidate it would be morally wrong and politically inexpedient to restrict the range of choice to be left to them.

Practice  
elsewhere.

**108.** The consensus of opinion in all countries which have worked democratic constitutions is that such restrictions prove either infructuous or injurious. These restrictions, where they exist, have often taken the form of a residence requirement for candidates. Such a requirement was partially introduced in British India under the Montagu-Chelmsford regime, and the history of its introduction may well be given here in brief in order to illustrate how general principles were ignored at the time of its adoption. The Southborough Franchise Committee who recommended the imposition of a residential qualification is known to have performed its task in a somewhat perfunctory fashion. It made little effort, as the Government of India then said, "towards the establishment of principles." In dealing with the problems referred to it for consideration, the Committee "sought to arrive at agreement rather than to base their solution upon general reasoning." When, therefore, it was faced with a demand

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for a residence condition it took the easy road of applying it in certain provinces without considering whether, either in theory or in the light of local conditions, the course was justified. Notwithstanding its frankly empirical approach to the problem, the Committee felt constrained to admit that the majority of its members were "on principle opposed to such a restriction anywhere." No doubt the residence requirement was finally adopted for three provinces as an experimental measure; but the main reason why even such a partial scope was allowed to the condition was that a serious doubt was entertained, as the Government of India made clear, as to "the effectiveness of insistence on the residential qualification." It therefore comes to this, that no objection was raised only because it was believed that the condition could not be enforced in practice! And the condition has in fact, as we have said above, been now removed from all the three provinces in which it was introduced and is no longer in operation in any province.

History of the question in British India.

109. The general practice in England and the continental countries too lends no support to the requirement of residence. A writer on constitutions says about England :

The British practice.

The election of non-residents to represent constituencies is an occurrence so common in England that it has come to be almost as much the rule as the exception. There has been no Parliament for many years which has not contained a large number of members who represented districts in which they were not residents. The English practice not only has the effect of securing the election of representatives who are more free from the tyranny of petty local interests and who are likely to take broad national views of public questions, but it affords a means of bringing into and retaining in public life able men who otherwise would be unable to obtain seats in Parliament. There have been times when some of the most distinguished leaders in English public life would have been in retirement had a residence requirement been enforced. Under the English practice the continuance in public life of a great statesman and leader is not dependant upon the favour of a particular constituency which may refuse to return him for local or personal reasons having no relation to his qualifications.

Lord Bryce's  
opinion on the  
American  
practice.

**110.** In the United States there is no legal bar against the candidature of non-residents, but custom imposes an effectual bar. The result, however, is deplored by all. Lord Bryce has said :

The mischief is twofold. Inferior men are returned, because there are many parts of the country which do not produce statesmen, where nobody, or at any rate nobody desiring to enter Congress, is to be found above a moderate level of political capacity; and men of marked ability and zeal are prevented from forcing their way in. Such men are produced chiefly in the great cities of the older states. There is not room enough there for all of them, but no other doors to Congress are open. Boston, New York, Philadelphia and Baltimore could furnish eight times as many good members as there are seats in these cities. As such men cannot enter from their place of residence they do not enter at all, and the nation is deprived of the benefit of their services. Careers are moreover interrupted. A promising politician may lose his seat in his own district through some fluctuation of opinion or perhaps because he has offended the wire-pullers by too much independence. Since he cannot find a seat elsewhere he is stranded; his political life is closed, while other young men inclined to independence take warning from his fate.

No need for  
a legal bar.

**111.** We do not share the apprehensions expressed in the Majority Report that any particular tract in the State would feel helpless if outsiders are allowed to stand as candidates, or that any particular tract would be in a position to capture most of the seats in the more backward areas, thus depriving these areas of all local representation. We have already admitted the force of the argument that normally a resident would be looked upon by the electors as a better and more effective representative because of the greater interest he would take and the more intimate knowledge he would possess of the needs of his constituents than a non-resident would. But our plea is that, though this consideration would always be in the minds of the electors and though between candidates of nearly equal qualifications they would ordinarily prefer a candidate from their taluka to one from another, they should still be placed under no disability to choose a stranger. If they choose a stranger in preference to a local man,

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the presumption may well be made that, in their eyes, the former is so much abler and more experienced than the latter that this advantage of his superior ability and experience outweighs the obvious advantage of having some one to represent them who is thoroughly familiar with local conditions. The interests of the State will suffer and the future of representative government will be endangered if the electors are legally compelled to reject a man of even outstanding abilities merely because he does not seek the suffrages in the taluka to which he belongs.

112. We strongly resent the suggestion made in the Majority Report that, in the absence of the restriction favoured by them, the Council "will be but a monopoly and profession of very few of the advanced class." This suggestion, coming as it does mostly from the official members (for the Majority is composed of all the five official members and two unofficial), is highly mischievous, since in effect if not in intent it will tend to produce a class consciousness and class animosity where they do not exist at present. Bhore State is singularly fortunate in not having to resolve communal or sectional conflict. It is, therefore, most distressing to us that officials of all people should create a bogey with the transparent object of securing acceptance of their reactionary recommendation. We do not deign to examine this tendentious argument, but if any serious refutation of it was required we would content ourselves with a quotation from Dr. B. R. Ambedkar, who would be the last person in the world to tolerate any kind of arrangement which would make the legislature a special preserve of the upper classes of society. As a member of the Bombay Council's Committee appointed to co-operate with the Statutory Commission, he says in his report about the residential qualification which imposed the sort of restriction recommended by our colleagues :

A bogey  
unnecessarily  
raised.

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The retention of this qualification is, in my opinion, to some extent responsible for the election of inferior men to the Councils and for the keeping out of the Councils men of position, ability and proved political capacity who are mostly found in the larger urban areas and who by the existence of the qualification are prevented from seeking election anywhere else if for some reason they are unable to secure election from their own residential area.

Forsooth, the officials in this State are more solicitous of the interests of backward tracts and backward communities than Dr. Ambedkar !

Conclusion.

**113.** In a comparatively little advanced State like Bhore it should be the aim of everyone, including officials, to utilise, at any rate in the initial stages, all available talent wherever found in working the reformed constitution, fashioned after the model of popular government, to the best possible advantage of the people as a whole. It is a short-range view which with the object of giving the fullest chance to local men would by positive law exclude outsiders, even though they may be by all accounts men of superior merit and competence. We would, therefore, strongly urge that the restrictive provision recommended in the Majority Report be rejected as unnecessary, unwise and harmful, and that in its place a provision like the one which is now in force in British India and has always been in force in several Indian States and which we have quoted in the first paragraph of this Minute of Dissent be enacted as not only in consonance with general principles but as eminently and urgently appropriate to the actual conditions obtaining in the State.

S. G. VAZE.

G. M. PANSE.

G. B. SANE.

G. B. POTNIS.

12th August 1940.

## CHAPTER XVI.

## SPECIAL SEAT FOR THE INAMDARS.

114. We consider it our duty to record our emphatic dissent from the conclusions contained in Chapter X on this subject. It would be evident to all who read this Chapter that the members of the Committee who are responsible for it have not reached those conclusions on a consideration of the general principles which govern such matters, but that on the contrary they seem bent upon paying no regard to these principles and upon making pre-determined recommendations in despite thereof. If the members had any disposition to consider such principles, the first question which they would ask themselves would be: Is there any need at all for making special provision for the representation of the inamdar class, whether such provision should take the form of a reserved seat in joint electorates or in a separate class electorate? To be able to answer this question in the affirmative, they would have to assert either that inamdars, though influential, form numerically too small a class, like the Europeans in British India, to be able to secure adequate representation; or that though their numbers are large, they are, like the depressed classes, economically too weak and educationally too backward to obtain the voting strength that their numbers warrant; or that though their voting strength may be sufficient, they are, like the Marathas, too unconscious of their power to be able to make effective use of it. It is only when one comes to the conclusion that the inamdars suffer from these or any other similar handicaps in the race of election that one can regard them as deserving of special protection. And it is only after it is decided that they require special protection that one can consider the question whether this protection should take the shape of a reservation

Guiding principles.

of seats for them in general electorates or of the formation of class electorates for their benefit.

Are inamdars numerically weak ?

115. The Majority have given no thought to this fundamental aspect of the problem. What is the ratio of the inamdars to the total population? An official member put it at 1 to 3 at a meeting of the Committee, and the Majority also mention this proportion, but they mention it as an estimate on the part of those who object to their recommendation, without themselves either endorsing or challenging it. One may well ask : If every third person in the State belongs to the inamdar class, is that class, though by no means small numerically, on account of other conditions unable to stand on its feet; so that it may be said to need special props to safeguard its interests? If it is not so numerous, what is its numerical strength? The Majority, it will be observed, give no figures at all. How can they then arrive at the conclusion that the class deserves protection without knowing even approximately what its strength is?

Or economically, educationally and politically backward?

116. If it be conceded that the inamdar class is a large one, is it maintained that economically it is in a bad way? The Majority say that it owns about one-third of the agricultural land in the State, but again they refer to it as an estimate formed by those who oppose their recommendation, without themselves either endorsing or disputing it. The Majority apparently care nothing for facts; all that they are interested in is to make a recommendation to which they have previously made up their minds, whether the facts lend support to the recommendation or run counter to it. We know, however, that 178 villages out of the total number of 486 villages in the State, or 35.4 per cent., are inam villages. It may well be, therefore, that the inamdars own one-third of the land. We know further that the inamdars enjoy nearly one-half of the State's land revenue. The average land revenue realised by the



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State for the last five years was about Rs. 2,80,000 and that realised by the inamdars was about Rs. 1,34,000, which works out at 48 per cent. If so, they cannot be described as a poor community entitling them to measures of special protection. Are they educationally undeveloped? Even the Majority will concede that they are not lower than others in the educational scale, but, if anything, higher. Or is it contended that, large as the class is, not being aware of its inherent strength owing to its lack of political consciousness, it would be powerless to pull its full weight in election contests? On this point also one feels certain that the inamdar class possesses at least the average ability and keenness that are required to look after its interests. It passes our comprehension, therefore, on what grounds the Majority can make out a case for any kind of special protection of the inamdar class.

117. Unless any or all of the weaknesses enumerated above—numerical, economic, educational or political—are alleged no such case can be made out, but the Majority, without making any assertion of the kind, rush to the conclusion that the inamdars need protection and are willing to give it to them. Are they at least prepared to say, whether on the basis of sufficient evidence or otherwise, that, in the absence of such protection, the inamdar class will fail to receive due representation? No. They no doubt state that the inamdars have that feeling, but say nothing themselves as to whether, in their opinion, the feeling is justified. It would indeed be a strange kind of judicial investigation in which the court merely records the arguments on both sides and, without indicating which of the arguments are in its own judgment more cogent and why, finds for one of the parties to the litigation. Such a finding can never win the assent of dispassionate observers that it is impartial. Nor can the recommendation of the Majority in favour of special

Would they fail to be returned in open competition?

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protection for the inamdars, we feel confident, win the assent of the general public.

Granted need for protection, reservation of seats in joint electorates desirable.

118. Assuming, but without in the least conceding, that some kind of special protection is needed by the inamdars, we may proceed to consider what form such protection should take. If the decision is to have any relation to broad principles of political philosophy, it is clear that the protection should be afforded by earmarking for the inamdars a suitable number of seats in the general constituencies instead of in special constituencies. The tendency everywhere is to abolish constituencies for particular sections of the community and replace them by territorial constituencies equally open to all sections. In England, for instance, the only special constituency that has survived is that of the Universities, and there too the Liberal Party in particular, and the progressive elements in general, have been waging an incessant fight for its abolition. On the evils of special electorates it is unnecessary for us to enlarge here; for the Majority are fully aware of them, though, strangely enough, they exhibit this awareness only when dealing with the demand by the untouchables for special electorates for themselves and an utter obliviousness when dealing with a similar demand by inamdars. They admit that the system of special electorates is a remedy worse than the disease; that it becomes only a "baneful barrier"; that it is "more harmful than beneficial"; that, "like the lion's den, there are many ways to it but, practically speaking, no way out of it"; that at best it can be sanctioned only under exceptional circumstances, which leave no other alternative to practical statesmen. The question, then, resolves itself into this: What are the exceptional circumstances which rendered it necessary on the part of the Majority to recommend the formation of a class electorate for the inamdars in spite of the general considerations which should ordinarily negative it? The Majority have referred only

Evils of class electorate admitted.

## CH. XVI. — SPECIAL SEAT FOR THE INAMDARS

to one such consideration, so far as we can see it. They state that the problems connected with the inamdars are so complicated that their view-point cannot be adequately expressed in the Legislative Council unless they have for their spokesman one who is himself an inamdar and is chosen by men belonging to his class. But the problems in connection with the inamdars which are of any intricacy are problems in respect to their legal rights arising out of sanads, etc., but they are problems which will not come before the Council. They will be decided by judicial tribunals. The problems concerning the inamdars which the Council will ever be called upon to consider will be the same as those which affect the whole population like education, public health, public works, and so forth; and for dealing with them an inamdar returned by a class electorate is not necessarily better qualified than one returned by a general electorate.

119. The Majority invoke here the example of British India, where undoubtedly special electorates exist for classes corresponding to inamdars. But the British Indian practice in this respect should be more of a warning than an example; it should have led the Majority to say, as they have said in connection with the untouchables, that special seats to be filled by special electorates should be "shunned altogether." Did any questions arise, for instance, in the Legislature of Bombay which concerned the legal position of sardars and inamdars and which could therefore be said to have been fit subjects for ventilation and exposition in particular by representatives of their special constituency? Or did such representatives in fact prove themselves to be better exponents or more effective champions of their class interests? If the Bombay practice demonstrates anything it is this, that sardars and inamdars require no special protection at all. For under the regime of the Montagu-Chelmsford reforms they won, in addition to

British Indian experience does not support the Majority recommendation.

## BHOR CONSTITUTION COMMITTEE

the seats specially created for them, some twelve seats in the general electorates, so that on the strength of the total number of seats captured by them they could lay claim to one of the three Ministerships then open to elected members in the Presidency. We have ourselves no doubt that, the position of the inamdars in Bhore State being analogous, they too will, without any reservation for them either in general or special constituencies, carry away a number of seats. Anyhow the Majority have pointed to no exceptional circumstance attaching to the inamdar class, which alone, on their own showing, could justify the grant to it of a special seat to be filled by election in a class electorate. To put it at its lowest, the case for such a seat is not proven.

The proposed constituency is not to consist of the landed aristocracy.

**120.** There is one argument which is sometimes advanced in favour of a special constituency which, though not actually used by the Majority of our Committee, may still be considered here for the sake of completeness. It is said that the landed aristocracy, though powerful enough to hold its own at elections, requires special seats because its members consider themselves too lordly to seek the suffrages of the lower orders of society. They could win all the seats to which they are entitled, but they would not on account of the notion that they cherish of their *izzat*. They would, therefore, go without any representation unless provision was made for a suitable number of seats to be filled by election among their compeers. In British India territorial magnates were formed into a special constituency chiefly for this reason. There too it was thought by many, as for instance was proposed by the Bihar Government to the Southborough Committee, that the proper course to adopt for securing representation for such a class was to nominate them to the legislature. Anyway, in Bhore State the reason which weighed with the authorities in British India does not

## CH. XVI. — SPECIAL SEAT FOR THE INAMDARS

hold good, for the special constituency proposed to be established here is to include inamdars whose annual income derived from inams of all sorts and kinds and in the whole of the State is as low as Rs. 25. They can by no stretch of imagination be regarded as standing so far above the crowd as to deserve special recognition of either their social position or their wealth. If indeed inamdars as a body total any thing like one-third of the population, they can in fact be neither better nor worse than others. No doubt in British India the Government was predisposed to support the claims of the big landlords because it was expected that they would exercise a conservative and steady influence on the democratic forces that would otherwise command a dominant position in the legislature. If the Majority of our Committee consisting for the most part of officials are also guided by this consideration in recommending the establishment of a special inamdars' constituency, we would only characterise the proceeding as infamous. So far as it lies in our power, we would not allow such gerrymandering of the constitution in favour of the reactionary elements any more than in favour of any other.

Are inamdars to be favoured because of their conservatism?

121. The reason actually given by the Majority for their recommendation consists in the fact that the inamdars have themselves asked for a special constituency for their interest. The responsiveness to public opinion that is here shown by the official members is very touching; and it would be entirely commendable if this solicitude were not reserved for the stronger members of the community but was equally extended to the weaker. If the desire of the inamdars must "carry the day," as the Majority say, why not also the desire of the untouchables? Is it because they are utterly helpless? For our part in a situation like this we would be prepared to consider the claim only of those who, but for the concessions asked for, would be

Their demand does not deserve to be conceded.

## BHOR CONSTITUTION COMMITTEE

at a serious disadvantage. The inamdars, not being shown to be at such a disadvantage, cannot receive the concessions at our hands.

Nor is it anything like unanimous.

122. Nor is it true, as the Majority suggest, that the inamdars as a class were unanimous in their demand for a special constituency. Among the witnesses belonging to this class that we examined there were several who not only did not prefer such a demand themselves but stoutly opposed it when made by others as, in the first place, unnecessary and, in the second place, prejudicial as much to their sectional interests as to the general interests of the community, in so far as it might lead to a class conflict which does not now exist. It may be that if the question were left to be decided in accordance with the vote of an inamdars' plebiscite, the decision would perhaps be in favour of a special constituency, but questions concerning vested interests are not decided by a plebiscite confined to such interests. And the number and influential position of the inamdar witnesses who were far-seeing enough to oppose the demand convince us that the State can well in the interest of equal justice reject the demand without having to incur any untoward consequences. These witnesses feared that the special constituency would verily become a sort of prison-house, or, in the words of the Majority, a lion's den from which escape would become impossible; and, with a view to meeting their wishes, we persuaded the Majority (and two of us are ourselves inamdars) to modify the water-tight character of the constituency and to agree to let the inamdars opt themselves out of it. This escape clause no doubt mitigates to some extent the evils inherent in a class electorate, but cannot wholly eliminate them. So our opposition to the Majority recommendation persists.

123. To summarise the grounds of our opposition, we are not satisfied that inamdars deserve any kind of

## CH. XVII. — SEAT FOR UNTOUCHABLES

special protection, nor that if special protection were needed by them it would be either in their own ultimate interest or in the interest of the common weal to give it in the form of a seat in a special electorate. We were prepared, choosing the lesser of the two evils, to reserve a seat for them in the general electorates. We actually put forward such a compromise proposal in the Committee, but the Majority rejected it. There was nothing for us therefore but to offer blank opposition to the Majority recommendation, and we have every hope that in the final electoral arrangements that will be made this recommendation will be turned down.

Conclusion.

S. G. VAZE.  
G. M. PANSE.  
G. B. SANE.  
G. B. POTNIS.

15th August 1940.

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 CHAPTER XVII.

 REPRESENTATION OF THE  
UNTOUCHABLES.

124. We regret the Majority recommendation in favour of a special seat for the inamdars all the more bitterly and oppose it all the more strongly because the recommendation virtually imposes a veto on the grant of an elective seat to the untouchables. How this recommendation, if adopted, would operate as a veto we shall explain later in this Minute, but we must first state our view of the special provision that is essential for the representation of the untouchables or scheduled castes in the Legislative Council. And as we have throughout related our own conclusions to the evidence received, we propose to begin by discussing

the representations made on the subject by witnesses belonging both to the touchable and untouchable classes.

Evidence of non-untouchable witnesses analysed.

125. This question formed a subject of anxious thought on the part of witnesses. There were not many (and for the present we shall confine ourselves to non-untouchable witnesses) who dismissed the question as of little moment, saying that the untouchables were much too backward to be considered in the allocation of seats on the Legislative Council. On the contrary, a large number of witnesses displayed a deep concern for the protection of the interests of these classes. All of them were agreed that, short of the introduction of adult franchise, no electoral device would secure for the untouchables their due share of voting strength, and some of these, despairing of justice in any other way, proposed the adoption of universal suffrage, mainly with a view to insure that the untouchables shall suffer no injustice in the new ordering of things. But for reasons which have been stated before we found ourselves unable to accept this proposal. All the witnesses barring the few to whom we have referred in the beginning of this paragraph were also agreed that, since the untouchables would not ordinarily succeed in being returned in the elections, some means must be found for a seat being filled by their representative. None was in favour of a separate communal electorate being formed for the untouchables. Opinion was unanimous that communal electorates lead to an accentuation and perpetuation of communal differences and engender communal animosities which it should be the task of statesmen to prevent by every means within their power. We agree with this view. There is no reason whatever for dividing up the Hindu community between touchables and untouchables for electoral purposes, and we fear that an electoral division on these lines will only tend to confirm the social



## CH. XVII. — SEAT FOR UNTOUCHABLES

segregation which now exists between these sections but which everyone wishes to see abolished.

126. Rejecting the communal electorate plan, not a few witnesses suggested that a seat be earmarked for the untouchables in one constituency or another, to be filled by election on the common roll. Since the untouchables form one-tenth of the population, one seat out of the twelve to be filled by election was regarded as their rightful share. But there was also a large number of witnesses who disapproved of this plan of reserving a seat for them in joint electorates. These witnesses did not see any objection on the ground of principle to this course being taken. Their reluctance to agree to it proceeded from the feeling, as they put it, that there were too few elective seats in the new Council to permit of even one being set aside for a section of the community, however urgent it might be that that section should be assured of a hearing of its special needs and grievances in the Legislature. Their hesitation was partly due also to the fear lest the untouchables' representative should, for some time at any rate, be of such a calibre that he would be unable, from lack of necessary capacity, to safeguard either their own distinct interests or the common interests of the general population. They felt, therefore, that if a seat was reserved for them the untouchables themselves would gain little and the community would very likely suffer, there being thus a net loss in the arrangement. They were not thus in favour of guaranteeing an elective seat to them, but they all insisted that the untouchables must have a place on the Council and suggested that one of the nine seats left by Government in its own hands for being filled by nomination should be given to them. It did one's heart good to observe how not only educated witnesses who argue on this matter from a rational point of view but even the illiterate

Reservation  
of a seat in  
joint electo-  
rates.

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with whom social prejudice and religious superstition might be expected to weigh strongly urged with one voice that the untouchables ought to be represented on the Council, however much their respective modes of securing this representation differed. It appears to some of us, it must be confessed, that there is some force in the reasoning of those who would hesitate to ask for one elective seat being set apart for the untouchables ; but they too feel ( along with those of us who never had such misgivings ) that this should still be done though effective use may in the beginning not be made of this seat. The leaven is spreading among the untouchables, and it will not be long before they will employ the legislative power that will be conceded to them to give voice to and obtain redress of their grievances. In matters like this it is much better to err on the side of a too early concession than of a too late. The recommendation of the undersigned members is, therefore, unanimous that one seat should be reserved for the untouchables and that it should be filled by election in joint electorates.

Evidence of untouchable witnesses considered.

**127.** We have thus far dealt only with the evidence presented by witnesses who themselves belong to the touchable classes on the question of the representation of the untouchables in the Legislature. We must, however, in fairness refer to the evidence given by witnesses belonging to the untouchable classes. Unfortunately such witnesses were few and we are convinced that they do not entirely represent the views of the communities for which they spoke. But those that appeared before us asked for a separate constituency formed out of the electors of the untouchable classes alone. Our opposition on the ground of principle to communal electorates has been stated above. It would nevertheless be well to reinforce what we have said there by quoting the opinion of one who is unquestionably the greatest leader of the untouchables, viz., Dr. Ambedkar.

## CH. XVII. — SEAT FOR UNTOUCHABLES

Dealing generally with the question of the communal electorate system and with special reference to the demand on the part of the Mahomedans for communal election, he wrote as a member of the Bombay Legislative Council's Committee appointed to co-operate with the Simon Commission as follows :

The separate or special interests of any minority are better promoted by the system of general electorates and reserved seats than by separate electorates. It will be granted that injury to any interest is, in the main, caused by the existence of irresponsible extremists. The aim should, therefore, be to rule out such persons from the councils of the country. If irresponsible persons from both the communities are to be ruled out from the councils of the country, the best system is the one under which the Mahomedan candidates could be elected by the suffrage of the Hindus and the Hindu candidates elected by the suffrage of the Mahomedans. The system of joint electorates is to be preferred to that of communal electorates, because it is better calculated to bring about that result than is the system of separate electorates. At any rate, this must be said with certainty, that a minority gets a larger advantage under joint electorates than it does under a system of separate electorates. With separate electorates the minority gets its own quota of representation and no more. The rest of the House owes no allegiance to it and is therefore not influenced by the desire to meet the wishes of the minority. The minority is thus thrown on its own resources and as no system of representation can convert a minority into a majority, it is bound to be overwhelmed. On the other hand, under a system of joint electorates and reserved seats the minority not only gets its quota of representation but something more. For, every member of the majority who has partly succeeded on the strength of the votes of the minority, if not a member of the minority, will certainly be a member *for* the minority. This, in my opinion, is a very great advantage which makes the system of mixed electorates superior to that of separate electorates as a means of protection to the minority.

128. Even if, as we were told, Dr. Ambedkar's views have undergone a change, we ourselves feel that they are as sound to-day as when they were uttered, and that they are as true of the untouchables as of the Mahomedans. The untouchables would suffer and not gain if a communal electorate were established for them. We, therefore, hold to our view that the interests of the untouchables would be best met by reserving a seat for

A communal electorate cannot be supported.

## BHOR CONSTITUTION COMMITTEE

them in a constituency in which the electors will be touchables as well as untouchables. The witnesses, while pleading for communal electorates, admitted that they entertained no serious fear that the seat reserved for their class in a joint electorate would be won by an untouchable who would be so far under the influence of the touchable classes as to be either unwilling or unable to guard the interests of the untouchables. In the present state of public feeling when the claims of the untouchables meet with a ready recognition in almost every quarter there is in fact no ground for any such apprehension, and therefore the establishment of a communal electorate, admittedly vicious in principle, would be wholly without even a colourable excuse in existing conditions. For this reason we adhere to the recommendation made above, that one seat be reserved to the untouchable community in a constituency with the general electoral roll.

Besides an elective seat an appointive seat should be granted.

129. The witnesses belonging to the untouchable classes also put in a claim for a weighting of representation ; they asked for two seats instead of one. Apart from the obvious objection that any representation in excess of what is due to any particular community on the strength of its proportion in the population can only be given by depriving the other communities of their rightful claim, in the case that we are considering such excess representation would mean doubling the number of seats for the untouchables. We see no justification for this course, and the witnesses themselves, realising the difficulty, suggested as a compromise that, in addition to one elective seat, they should be given one appointive seat. The Committee has made a recommendation in this sense, though when the recommendation was made the proposal for an elective seat had been rejected by the majority of the Committee. The rejection of this proposal only emphasises the need for a nominated seat, but we would add here

## CH. XVII. — SEAT FOR UNTOUCHABLES

that even if our own recommendation for an elective seat be adopted by Government the necessity would still remain for providing for a spokesman of the untouchables by nomination. Because we fear that even reservation of an elective seat for these classes might in present circumstances fail to afford them enough protection, we would suggest, in case the reservation is agreed to, that an additional representative should be appointed by Government who would be charged with the duty of making himself the advocate of these and other backward classes, and that this representative might belong himself to a different class if in the opinion of Government such a person would loyally and effectively serve their cause. The twofold plan we recommend is in our opinion both necessary and adequate, and we feel that it would substantially meet the claim put forward by witnesses from among the untouchables.

**130.** The elective seat that we would like to see assigned to the untouchables can only be taken from what otherwise would be the quota of Vichitragad taluka. Bhor town has been given a seat of its own ; and the rest of the taluka can justly lay claim, on the grounds of population, revenue, etc., to three seats as compared to two each for the other four talukas. This claim was put forward by almost every witness who hailed from Vichitragad taluka and was conceded by several who came from the other talukas. We would, however, ask this taluka to waive its claim in favour of the untouchables. We would make an appeal to the people of this taluka to rejoice in the fact that it is given to them more than to the people of the other talukas to make a sacrifice for their hard-pressed brethren of the depressed classes. We feel confident that if such an appeal was made it would meet with a ready and even enthusiastic response, though Vichitragad taluka would not willingly give away a seat to

The reserved seat should be taken from Vichitragad's quota.

BHOR CONSTITUTION COMMITTEE

inamdars, as in effect the Majority ask it to do. To fill one seat by election for the benefit of a section of the people spread over all the five talukas in almost even proportions is a task that is attended with tremendous difficulties. But we had devised a plan for overcoming these difficulties to some extent. We do not, however, consider it necessary to outline this plan here, since the principle of granting an elective seat to the untouchables has not been accepted.

Grant of a seat to inamdars puts a veto upon grant of a seat to untouchables.

131. Our own recommendation, therefore, would be that a seat be set aside for the untouchables to be filled by election in mixed electorates. But the Majority recommendation for a special seat for inamdars leaves no scope for a seat for the untouchables. Bhore town, as explained in para. 62, has to be given a separate seat. Even if its claim to be treated as an urban constituency could be discounted, the union of Bhore with surrounding villages would land us into anomalies which must be removed. Willy nilly, therefore, one seat must be assigned to Bhore. If in addition to this a special seat is to be given to inamdars, as the Majority propose, then no seat can be found for the untouchables except by giving only one seat, instead of two, to one of the five talukas. Vichitragad taluka, even as it is, gets only two seats, which is less than its due. To ask it to be content with one would be out of the question. Nor can we in fairness ask any of the other talukas to have only one seat, giving up its claim for the second, so that it may be filled by a representative of the untouchables. No taluka would accept such an arrangement. It therefore comes to this, that, one seat being assigned to Bhore and two each to the five talukas, the twelfth seat can go either to the inamdars or to the untouchables. As, however, the Majority insisted on a seat being found for the inamdars as a class, we suggested a *via media*.

## CH. XVII. — SEAT FOR UNTOUCHABLES

132. We proposed that this inamdars' seat be taken from the quota of seats to be assigned to Pawanmawal taluka. The reason for making this proposal was that of the 67 villages in that taluka as many as 57, or 87 per cent. of the total number, are held in inam. The acreage and land revenue of such villages are also more or less in the same proportion. The total extent of agricultural land in the taluka is 44,022 acres, of which 37,415 acres are in inam villages, i. e., 85 per cent. The taluka's aggregate land revenue is Rs. 64,268, of which Rs. 54,049 are contributed by inam villages. This works out at 84 per cent. The taluka thus consists of inam lands for the most part, and if a special seat is to be given to the inamdars it might well come out of the share of this inamdar taluka. When a proposal to this effect was put forward, it was outvoted in the Committee. We mention this in order to show that, provided in some reasonable way a seat could be released for the untouchables, we were prepared to go to the utmost length in accommodating the advocates of the inamdar class. Finding, however, that we were foiled in every such attempt, we were compelled to oppose the Majority's proposal for a special inamdars' seat by our own proposal for the reservation of a seat for the untouchables in joint electorates. When such a straight issue was raised, the Majority chose to support the most powerful section of the community as against the least powerful.

If a seat be given to inamdars it should be taken from Pawanmawal's share.

133. The Majority, while dealing with this subject in its Report, have mainly confined themselves to showing why a special class electorate should not be formed for the representation of the untouchables on the Legislative Council. With the reasons given by them on this point we agree in substance. But the Majority seem to be opposed even to the reservation of a seat for these classes in joint electorates. They agree that

The Majority's arguments examined.

## BHOR CONSTITUTION COMMITTEE

the untouchables are entitled to have one seat, and we are sure that they would further agree that these castes would not be able to secure this seat in open competition. With all this they do not favour any kind of special provision being made in their interest. And in this connection they mention two reasons. The first is that the untouchables are not sufficiently advanced. But it is just because they are not sufficiently advanced that the need arises for special protection being given to them. If the Majority feel that election will not throw up the kind of man who can guard the interests of the untouchables, are they in favour of at least nomination being used for the purpose? When the question of nomination was raised, the official members, who, it must be repeated, formed the bulk of the Majority, coyly held themselves aloof from the discussion and abstained from voting with the unofficial members. The second reason is quite astounding, viz., that the untouchables have no interests of their own to guard; nor, it is said, have they any appreciable stake in the State. An argument like this does not deserve any elaborate refutation. The Majority seem to think that it is only the wealthy who have something to protect that can need protection; those who have nothing to lose in material wealth can well be left uncared for. Their whole view-point is fundamentally different from ours.

**Conclusion.**     **134.** We earnestly wish that an elective seat would be reserved for the untouchables in joint electorates. In order that this should become possible, we feel that the Majority recommendation in favour of a special constituency for inamdars will have to be rejected, for acceptance of this recommendation entails denial of a seat to the untouchables. But if it is to be decided that a special seat be given to the inamdars, it should be taken out of Pawanmawal's share of two seats, only one general seat being given to



## CH. XVIII. — NOMINATED UNOFFICIAL MEMBERS

that taluka, so that a seat can be set apart for the untouchables.

S. G. VAZE.  
G. M. PANSE.  
G. B. SANE.  
G. B. POTNIS.

15th August 1940.

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CHAPTER XVIII.

An Explanatory Note on the selection of  
**NOMINATED UNOFFICIAL MEMBERS.**

**135.** In the discussion of this question in the Committee the official members took no part, neither according their acceptance to the Committee's recommendations nor withholding it from them. Among the unofficial members Mr. Deo would, as will be seen from para. 101 of his Minute of Dissent, insist upon reserving five of the nominated seats for unofficials, leaving it to the Ruler, however, to allocate them to particular interests.

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## APPENDIX I.

### List of Witnesses.

<b>Vichitragad Taluka.</b>		
1	Mr. D. L. Joshi	40 Mr. D. S. Deshpande
2	" M. G. Bhagwat	41 " R. H. Deshpande
3	" K. S. Ainapure	42 " S. K. Kabule
*4	Nagar Bhushan N. P. Thopte	†43 " Shankarrao Nigade
*5	Mr. A. R. Upadye	Deshmukh
*6	" S. K. Shindkar	44 " S. M. Phatak
7	" V. L. Lohokare	45 " G. V. Dhaygude
8	" R. B. Bhide	46 " B. B. Salunkhe
9	" D. G. Bokil	*47 " R. T. Shete
10	" D. C. Phadnis	48 " M. C. Shivtare
11	" G. P. Chirputkar	49 " A. A. Shirke
12	" S. L. Atre	50 " M. V. Shirke
13	" K. K. Potnis	<b>Rajgad Taluka.</b>
*14	" S. L. Limaye	*51 Mr. S. R. Jogdeo
*15	" R. L. Gujar	52 " Narhari Dhondeo
16	" K. B. Patankar	*53 " P. B. Shilimkar
17	" A. V. Thite	54 " S. R. Purohit
18	" P. V. Kanitkar	55 " M. G. Nakti
*19	" K. A. Gupte	56 " B. T. Katkar
20	" K. B. Gapchup	57 " K. A. Ingulkar
*21	" M. K. Dabadghao	58 " V. B. Deshpande
22	" S. V. Mahasabde	59 " N. M. Dere
*23	" K. R. Dabadghao	60 " G. K. Shilimkar
*24	" G. B. Devi	†61 " J. K. Dhor
25	Secretary, Bhor Bar Association	†62 " S. K. Pansare
26	Mr. N. M. Aptikar	†63 " V. R. Kank
*27	" L. M. Devi, Praja Sabha, Bhor State	†64 " K. B. Dhangar
*28	" V. S. Patankar, Hindu Mahasabha, Bhor	†65 " N. B. Konde
*29	" V. D. Mukadam	†66 " D. A. Konde
*30	" R. B. Phadnis	†67 " K. V. Dhor
31	Dr. C. M. Anturkar	†68 " K. R. Patil
*32	Mr. H. S. Deshpande	†69 " V. B. Dere
*33	Dr. S. S. Walimbe	†70 " T. A. Pangare
34	Secretary, Aikya-wardhak Club, Shirwal	†71 " K. D. Jangam
35	Mr. N. G. Walimbe	<b>Prachandgad Taluka.</b>
36	" N. K. Parvate	*72 Mr. D. B. Pasalkar
37	" S. T. Sanas	73 " G. S. Honap
38	" B. M. Deshmane	74 " G. G. Nivangune
39	" R. V. Kulkarni	75 " S. B. Pasalkar
		76 " K. G. Varghade
		77 " R. H. Karhadkar and
		18 others

\* Orally examined.

† Orally examined but written statement not received.

## APPENDIX I — LIST OF WITNESSES

*78 Mr. Y. G. Kadu and 86 others	119 Mr. K. V. Joshi	
79 " Y. N. Patil and three others	120 " V. V. Ketkar	
80 " S. G. Deshpande	121 " V. G. Joshi	
81 " N. A. Pasalkar and six others	*122 " N. P. Chavak	
†82 " S. R. Deshpande	*123 " K. G. Limaye	
†83 " N. M. Deshpande	124 " G. G. Marathe	
†84 " S. R. Pasalkar	*125 " G. D. Gaikwad and six others	
†85 " V. H. Pawar	126 " G. R. Joshi	
†86 " S. B. Pasalkar	127 " G. M. Sule	
†87 " M. S. Pasalkar	*128 " L. K. Bhawe	
†88 " B. K. Kadu	129 " M. N. Acharya and two others	
<b>Pawanmaval Taluka.</b>		
89 Mr. V. G. Agashe	130 " G. L. Dharap	
*90 " K. G. Deo	131 " B. N. Chandvadkar	
91 " R. L. Deo	132 " M. G. Chandvadkar	
92 " D. V. Joshi	133 " H. T. Ranade	
93 " C. K. Shah	*134 " B. K. Damle	
*94 " D. B. Potnis	135 " R. G. Gangal	
*95 " V. A. Rayarikar	136 " N. K. Konkar	
96 " Y. N. Agashe, Pawanmaval Taluka Sabha	137 " S. S. Joshi	
97 " N. L. Natu	138 " T. G. Dikshit Lele	
98 " A. R. Shah	139 " G. C. Kulkarni	
99 " Mohanlal Nagardas	140 " K. A. Deshmukh	
100 " A. B. Deo	141 " R. N. Potdar	
*101 " V. G. Deo	*142 " Sakal Revachand Shah	
102 " D. V. Deo	*143 Dr. K. H. Kunte	
103 " Giridharlal Hargovandas	*144 Mr. C. M. Kulkarni	
104 " D. S. Deshpande	†145 " D. R. Modak	
*105 " M. N. Satve	†146 " P. K. Deshmukh	
106 " P. V. Dighe	†147 " S. D. Lakhimale	
107 " R. R. Ghare	†148 " Usman Inus Mujavar	
†108 " B. B. Jagtap	†149 " Shilimkar, Chambhar	
†109 " N. S. Bamgude	†150 " D. J. Khatal	
†110 " B. B. Maral	<b>Outsiders.</b>	
†111 " M. B. Deshpande	*151 Mr. S. L. Vaidya, Poona	
†112 " A. B. Marne	152 " M. R. Subhedar, "	
<b>Sudhagad Taluka.</b>		
113 Mr. R. M. Pradhan	*153 " R. R. Bhole, M. L. A., Poona	
*114 " R. P. Mehta, Sudhagad Congress Committee	*154 " G. C. Bhate, Sudhagad Taluka Sabha	
†115 " T. S. Abhyankar	†155 " S. V. Tilak, Nagothna	
†116 Secretary, Vachanalaya, Jambhulpada	†156 " P. S. Athavle, Lonavala	
117 Mr. R. V. Khandagle	*157 " Khaserao Raje Shirke, Poona	
118 " V. Y. Sule	158 " G. B. Vartak, Bombay	
	159 " N. P. Gaikwad	
	160 " H. V. Chiplunkar, Poona	

\* Orally examined.

† Orally examined but written statement not received.

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161 Mr. V. K. Sohoni, Turade	*184 Mr. V. K. Bhave, Poona
162 „ M. V. Anturkar, Bombay	185 „ R. N. Mandlik, Pen
*163 „ M. G. Bapat, Poona	186 „ P. G. Limaye, Poona
164 „ T. K. Vaidya, Bombay	187 „ N. K. Bavdekar „
165 „ D. K. Konkar, Panvel	188 „ V. A. Patvardhan, „
166 „ N. K. Wagh, Chaskaman	189 „ V. R. Shilimkar
167 „ G. V. Chiplunkar, Poona	*190 Sardar V. N. Mutalik, Satara
168 „ A. D. Gadre, Bombay	191 Mr. B. R. Pasalkar, Poona
*169 „ V. A. Gadhari, M. L. A., Poona	*192 „ D. S. Walimbe, „
170 „ G. M. Divekar, Bombay	193 Sardar R. R. Panditrao, Satara
171 Raj-Ratna V. V. Joshi, Baroda State	194 Mrs. Anandibai Lonkar, Poona
172 Mr. G. M. Divekar, Bombay	*195 Miss Vimlabai Chitrav, Poona
173 „ G. G. Dharap, „	*196 Mr. V. R. Thakar, „
174 „ K. G. Limaye, Poona	*197 „ V. R. Shingre, Poona, and two others
175 „ V. V. Konkar, Wai	*198 „ Y. D. Khole, Poona
176 „ G. P. Deshpande, Poona	199 „ M. D. Deshpande, Poona
177 „ N. R. Divekar, Bombay	*200 „ M. V. Shingre, „
178 „ V. R. Divekar, „	201 „ V. A. Karmarkar, Paud
179 „ B. R. Deshmukh, Poona	*202 „ L. G. Patwardhan, Poona
180 „ K. D. Puranik, Indore	*203 „ V. K. Khasnis, „
181 „ R. B. Mohite, Rajewadi	204 „ B. B. Konde, „
182 „ G. K. Salunke, Poona	†205 „ K. T. Jadhav, „
*183 „ R. D. Salunkhe, „	

APPENDIX II.

प्रश्नपत्रिका.

मतदारांची लायकी.

- १ ( अ ) प्रौढ मतदानाचें तत्त्व आपणास पसंत आहे काय !  
 ( ब ) असल्यास, सर्व प्रौढ स्त्री-पुरुषांना सध्यांच्या स्थितीत मताधिकार देणें तुम्हांस इष्ट वाटतें काय !  
 ( क ) तसें नसेल, तर सर्व प्रौढ पुरुषांना मताधिकार द्यावा असें तुमचें मत आहे काय !
- २ ( अ ) मताधिकार मर्यादित करणें अवश्य आहे असें तुम्हांला वाटत असल्यास, मतदारांचें एकंदर लोकसंख्येशीं सरासरीनें किती प्रमाण असतें, याबद्दल तुम्हांला कांहीं बोबळ करपना सुचवितां येईल काय !  
 ( ब ) असल्यास किती !

\* Orally examined.

† Orally examined but written statement not received.

## APPENDIX II. — QUESTIONNAIRE

- ३ (अ) मतदानाची पात्रता मालमत्तेवर अगर मिळकतीवर अवलंबून ठेवल्यास, हें मालमत्तेचें अगर मिळकतीचें प्रमाण किती असावें ? ( शेतसारा, जमिनीचा खंड, मक्ता अगर बलुतें, घरभाडें, कोणता तरी कर अगर पट्टी देणें, कांहीं विशिष्ट किंमतीच्या जमिनीवर अगर घरावर स्वामित्व असणें, कांहीं ठराविक मर्यादित पगार, पेन्शन अगर मजुरी मिळविणें, इत्यादि सर्व गोष्टींचा मतदानाच्या लायकीच्या याकसोर्तीत अंतर्भाव होतो असें समजावें. )
- ( ब ) मतदानाची पात्रता केवळ मालमत्तेवर व मिळकतीवर अवलंबून असावी किंवा शिक्षण आदिकरून इतर गोष्टींवरही अवलंबून असावी ?
- ( क ) शिक्षणाचा अंतर्भाव करावा असें तुम्हांस वाटत असल्यास, शिक्षण हें मतदानाच्या पात्रतेचें स्वतंत्र साधन म्हणून समजावें किंवा मालमत्ता अगर मिळकत व शिक्षण या दोहोनीं मिळून मतदानाची पात्रता सिद्ध होईल असें समजावें ?
- ( ड ) दोन्हीही दृष्टींनीं शिक्षणाचें प्रमाण आपल्या मतें काय असावें ?
- ४ (अ) स्त्रियांना मताधिकार द्यावा असें तुम्हांस वाटतें काय ?
- ( ब ) तसें वाटत असल्यास, स्त्रियांकरीता शिक्षणाचें प्रमाण कमी करावें असें तुम्ही सुचवूं इच्छितां काय ?  
असल्यास, तें प्रमाण काय असावें ?
- ( क ) मालमत्तेच्या अगर मिळकतीच्या बाबतीतही स्त्रियांना सात सवलती द्याव्या असें तुमचें मत आहे काय ?  
असल्यास, त्या कोणत्या द्याव्यात ?
- ( ड ) किंवा, त्यांना मताधिकार मिळणें सुलभ व्हावें याविषयीं तुम्हांस इतर कांहीं सूचना करावयाच्या आहेत काय ?  
असल्यास, कोणत्या ?
- ५ (अ) अस्पृश्य वर्ग [ हरिजन ], धनगर इत्यादि वर्गांकरीता मताधिकारासंबंधाच्या अटी इतरापेक्षा सौम्य कराव्या असें तुम्हांस वाटतें काय ?
- ( ब ) असल्यास, कोणत्या रीतींनीं ?
- ६ मतदानाचा अधिकार मिळण्यासाठीं वयाची कोणती मर्यादा ठेवावी ?
- ७ (अ) कोणत्याही मतदाराची एकाद्या मतदारसंघांत नोंद होण्यास त्या मतदारसंघांत त्याचें राहण्याचें ठिकाण असणें अगर त्यानें कांहीं कालपर्यंत तेथें वस्ति केलेली असणें अशा प्रकारची कांहीं अट घालणें हें आपणांस जरूर वाटतें काय ?
- ( ब ) तसें असल्यास, ही अट कोणती असावी ?

## मतदार-संघ.

- ८ (अ) मतदारसंघ कसे असावेत, म्ह० सामान्य अथवा विशिष्ट, यासंबंधीं आपण कांहीं सूचना करूं शकतां काय ?

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- (ब) सामान्य प्रादेशिक ( territorial ) मतदारसंघांचे ग्रामीण ( rural ) व नागर ( urban ) असे विभाग करावे असे आपणांस वाटतें काय ?
- (क) तसें वाटत असल्यास, नागर मतदारसंघांत कोणत्या शहरांचा अगर गांवांचा समावेश करावा ?
- (ड) नागर मतदारसंघ निराळे केल्यास त्यांतील मतदारांच्या लायकीसंबंधींच्या अटी ग्रामीण मतदारसंघांतील मतदारांच्या लायकीच्या अटीहून वेगळ्या असाव्यात किंवा कसें ?
- (इ) तसें असल्यास, त्या अटी कोणत्या असाव्यात ?
- (फ) या सामान्य ( general ) प्रादेशिक मतदारसंघाखेरीज इनामदार, व्यापारी, इत्यादि कांहीं वर्गांसाठी इतर विशेष ( special ) मतदारसंघ असावेत असे आपणांस वाटतें काय ?
- (ग) असल्यास, कोणत्या वर्गासाठी कसे मतदारसंघ निर्माण करावेत असे आपण सुचवाल ?
- (ह) प्रादेशिक मतदारसंघांतही हरिजन इत्यादि कांहीं जातींसाठी स्वतंत्र मतदारसंघ असावेत असे आपलें मत आहे काय ?
- (ज) असल्यास, या जाती कोणत्या ?
- (ल) जातिविशिष्ट मतदारसंघाचें तत्त्व मान्य नसल्यास, संयुक्त मतदारसंघांमध्ये कांहीं ठराविक जातीकरिता कांहीं जागा राखून ठेवाव्या असे आपलें मत आहे काय ?
- (त) असल्यास, या जाती कोणत्या व त्यांकरिता प्रत्येकीं आपण किती जागा राखून ठेवूं इच्छितां ?
- (र) स्त्रियांकरिता कांहीं जागा राखून ठेवणें आपणांस इष्ट व अवश्य वाटतें काय ?
- (स) तसें असल्यास, या जागा किती व त्या कोणत्या (सामान्य अगर खास) मतदारसंघांत राखून ठेवाव्यात ?
- ९ (अ) प्रत्येक मतदारसंघानें एकेका उमेदवाराची निवडणूक करावी असें आपणांस वाटतें, कीं अल्पसंख्याकांच्या अथवा अल्पमतवाल्यांच्या संरक्षणाच्या दृष्टीनें कांहीं मतदारसंघांतून अधिक उमेदवारांची निवडणूक व्हावी असें आपणांस वाटतें ?
- (ब) एकंदर बारा लोकनियुक्त सभासदांची वाटणी निरनिराळ्या मतदारसंघांत आपण कशी कराल ?

### उमेदवारांची लायकी.

- १० (अ) निवडणुकीस उमेदवार म्हणून उभे राहणाऱ्या इसमास वय, मालमत्ता व मिळकत अगर शिक्षण या बाबतींत लायकीच्या अशा कांहीं खास अटी ठेवाव्या असें आपलें मत आहे काय ?
- (ब) तसें असल्यास, या अटी कोणत्या ?

## APPENDIX III. — STATISTICAL INFORMATION

- (क) ज्या मतदारसंघांत उमेदवारांचें नांव मतदार या नात्यानें नोंदविलें असेल, त्याच मतदारसंघांत त्या उमेदवारानें निवडणुकीस उभे राहावें असें आपणांस वाटतें काय ?
- (ड) किंवा कोणत्याही मतदारसंघांत उमेदवार म्हणून उभे राहाण्यास त्यास मोकळीक असावी असें आपणांस वाटतें ?
- (इ) कोणत्याही उमेदवारास एकाच्या मतदारसंघांत निवडणुकीस उभे राहाण्यास त्या मतदारसंघांत त्याचें राहाण्याचें ठिकाण असणें अगर त्यानें काहीं काळपर्यंत तेथें वस्ति केलेली असणें अशा प्रकारचीं काहीं अट घालणें आपणांस जरूर वाटतें काय ?
- (फ) तसें असल्यास, ही अट कोणती असावी ?

## APPENDIX III.

## भोर संस्थानसंबंधीं कांहीं माहिती.

( १ )

सन १९३१ च्या शिरगणतीच्या रिपोर्टावरून भोर संस्थानची एकंदर लोकसंख्या व कांहीं ठळक ठळक जाती यांच्यासंबंधांचे आंकडे सार्ली दिले आहेतः—

( पुढील म्हणजे सन १९४१ च्या शिरगणतीत सर्व हिंदुस्थानांत मिळून लोकसंख्येंत सरासरीनें शेंकडा १०.४ इतकी वाढ होईल असा अंदाज आहे. )

पुरुष ७०,१२२

स्त्रिया ७१,४२४

एकूण १,४१,५४६

## जातवार व धर्मवार आंकडे.

ब्राह्मण	४,९७९	धनगर	४,६१९	मराठे व कुणबी	९२,३०३
कानकरी	३,७२२	ठाकूर	१,४०३	महार	१३,१०२
इतर अस्पृश्य	१,६१६	एकूण हिंदु	१,३९,४३१	मुसलमान	१,५५६

## साक्षरता.

	पुरुष	स्त्रिया	एकूण
साक्षर	४,२३७	७७८	५,०१५
निरक्षर	६५,८८५	७०,६४६	१,३६,५३१
एकूण	७०,१२२	७१,४२४	१,४१,५४६

## वीस व विसांहून अधिक वयाचे लोक.

	पुरुष	स्त्रिया	एकूण
साक्षर	२,९६६	३८१	३,३४७
निरक्षर	३१,५१५	३७,३५५	६८,८७०
एकूण	३४,४८१	३७,७३६	७२,२१७

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शहरें

नांव	लोकसंख्या
भोर	५,१८५
शिरवळ व पाली	५,६७३ (दोन्ही मिळून)

(२)

प्रत्येक तालुक्याची लोकसंख्या व जमिनीचें क्षेत्र.

तालुका	लोकसंख्या	क्षेत्र चौ. मैल
१ विचित्रगड भोर	३७,२५२ } ५,१०० }	१८०
२ राजगड	२६,६४५	२०२
३ प्रचंडगड	२०,६६४	२१३
४ पवनमावळ	२५,३७८	१६५
५ सुधागड	२६,५०७	१५०
	१,४१,५४६	९१०

(३)

भोर संस्थानच्या पांचही तालुक्यांत मालक या नात्यानें सारा देणारे लोक.

नंबर	तालुक्याचें नांव	सान्याची रक्कम				सारा देणाऱ्या मालकांची संख्या
		रुपये पांच पर्यंत	सहा ते दहा पर्यंत	अकरा ते पंधरा पर्यंत	सोळाचें पुढें	
१	विचित्रगड	३,६०८	१,९५२	१,०२८	१,१२२	७,७१०
२	राजगड	२,६३६	१,३९३	५८९	७४०	५,३५८
३	प्रचंडगड	१,९००	१,१७६	६४०	६७४	४,३९०
४	पवनमावळ	१,२७८	१,२७१	८६८	१,५४४	४,९६१
५	सुधागड	६४३	३६२	२३३	९०४	२,१४१
		१०,०६५	६,१५४	३,३५८	४,९८४	२४,५६१



## APPENDIX III. — STATISTICAL INFORMATION

( ४ )

भोर म्युनिसिपालिटीच्या निवडणुकीस लागू असलेल्या मतदारांच्या  
लायकीच्या अटी.

## १ वॉर्ड इलेक्शन.

- ( अ ) दरसाल एक रुपयाहून कमी नाही इतकी घरपट्टी भरणारे.  
( ब ) दरसाल चार रुपयाहून कमी नाही इतकी पाणीपट्टी भरणारे (सवलत म्हणून ज्याकडून दोन रु. घेण्यांत येतात अशा इसमांनाही मताचा हक्क आहे. )  
( क ) दरसाल ३ रुपयाहून कमी नाही इतकी भंगीपट्टी भरणारे.  
( ड ) दरसाल २४ रुपयाहून कमी नाही इतके घरभाडे भरणारे.

## २ मोहताफा इलेक्शन.

- ( अ ) वार्षिक एक रुपयाहून कमी नाही इतका मोहताफा भरणारे.

## ३ जनरल इलेक्शन.

- ( ए ) म्याट्रिक्युलेशन अगर स्कूलफायनल किंवा व्हर्नाक्युलर फायनल ( मराठी सातवीच्या सर्टिफिकेटाची ) परीक्षा पास झालेले.  
( बी ) संस्थानची सनद धारण करणारे वक्रील.  
( सी ) संस्थान सरकारकडून किंवा ब्रिटिश सरकारकडून मिळालेले किताब धारण करणारे.  
( डी ) महिना साडेसात रुपयाहून कमी नाही इतके पेन्शन घेतलेले पेन्शनर.  
( इ ) असेसर ऑनररी मॅजिस्ट्रेट्स.  
( एफ ) संस्थानचे सरदार व मानकरी.  
( जी ) दूरमहा पंधरा रुपयापेक्षा कमी पगार नसलेले संस्थानचे व म्युनिसिपल कमिटीचे नोकर.  
( एच् ) पाटल कुलकर्णी.  
( आय ) म्यु. हद्दीतील जमिनीचा सारा पंधरा रुपयापेक्षा कमी नाही इतका भरणारे लोक.  
( जे ) म्यु. हद्दीतील अशा जमिनीचा खंड दरसाल १०० रुपयापेक्षा कमी नाही इतका देणारे खंडकरी.

वरील अटीप्रमाणें भोर म्युनिसिपालिटीच्या मतदारपटावर नोंद  
झालेल्या मतदारांची संख्या.

( १ ) वॉर्ड इलेक्शन	५३४
( २ ) मोहताफा इलेक्शन	९३
( ३ ) जनरल	३७८
	<hr/>
	एकूण १,००५

( ५ )

**जमीनमालक, कुळें, इनामदार, घरमालक भाडेकरी इत्यादि संबंधीं माहिती.**

दरबारकडून ज्या मुद्यांवर माहिती मागविली ते प्रथम देऊन त्यांजकडून आलेली माहिती क्रमवार पुढें दिली आहे:—

- ( १ ) खाली दिलेल्या कोष्टकांचे प्रमाणांत शेतसारा देणारे ( अ ) जमिनीचे मालक, ( ब ) जमीन कसणारीं कुळें तालुकानिहाय किती आहेत त्यांची संख्या:—
  - ५ रुपयांपर्यंत सारा देणारा जमिनीचा मालक अगर इतक्या सान्याची जमीन कसणारे कूळ.
  - ५ रुपयांचेवर व १० रुपयांपर्यंत सारा भरणारा जमिनीचा मालक अगर कूळ.
  - १० रुपयांचेवर व पंधरा रुपयांपर्यंत सारा भरणारा जमिनीचा मालक अगर कूळ.
  - १५ रुपयांपासून पुढें धारा भरणारा जमिनीचा मालक अगर कूळ.
- ( २ ) जे लोक दुमाल्याची जमीन अगर इनाम जमीन धारण करीत असतील म्हणजे ज्यांना अंशतः सारा जुडीरूपानें भरावा लागत असेल अगर ज्यांना सारा मुळींच भरावा लागत नसेल अशा लोकांची संख्या वरील कोष्टकांस अनुसरून. उदाहरणार्थ, ज्यांना पूर्ण अगर अंशतः सान्याची माफी नसती तर किमानपक्षीं पांच रुपयांपर्यंत अगर त्याहून अधिक सारा भरावा लागला असता असे जमिनीचे मालक अगर ती जमीन कसणारीं कुळें यांची संख्या, तालुकानिहाय.
- ( ३ ) ज्या खेडेंगांवांतील घराची अगर घराच्या भागाची किंमत रुपये २०० पर्यंत अगर त्याहून अधिक असूं शकेल अशा घरांचे मालक अगर भाडेकरी यांची संख्या तालुकानिहाय.
- ( ४ ) ज्यांना तालुक्यांतून पन्नास रुपये अगर त्याहून अधिक क्याश अलावन्स मिळत असेल असे लोक.
- ( ५ ) इनामदार, हक्कदार, इसाफतदार, खोत यांची संख्या तालुकानिहाय; मात्र या लोकांपैकी ज्यांना निदान ५० रुपये अगर त्याहून अधिक उत्पन्न मिळत आहे आणि गांवांकडून अगर तालुक्यांतून सदरची रक्कम अगर उत्पन्न पावत असल्यामुळें ज्यांचें नांव सरकार कागदीं मुख्य हिस्सेदार म्हणून अगर पोट-हिस्सेदार म्हणून दाखल आहे असे लोक.
- ( ६ ) मेंढके धनगर— ३ रु. वार्षिक कर देणारे.  
म्हस्के धनगर— ३ रु. वार्षिक कर देणारे.
- ( ७ ) अस्पृश्य लोकांचे बाबतीत :
  - दोन ते चार रुपयांपर्यंत सारा भरणारे अगर जमीन करणारीं कुळें.
  - चार ते सहा रुपयांपर्यंत सारा भरणारे अगर जमीन कसणारे.
  - सहा रुपयांहून अधिक सारा भरणारे मालक अगर जमीन कसणारीं कुळें.
  - १०० रुपयांपर्यंत मालकीचें घर असणारे घरमालक अगर भाडेकरी.
- ( ८ ) ( क ) प्रत्येक तालुक्याचा वसूल.



BHOR CONSTITUTION COMMITTEE

मुद्दा नंबर	विचित्रगड	राजगड	प्रचंडगड	पवनमावळ	सुधागड	एकूण
(२)						
[ ब ] कुळें रु. १ ते ५		१	१,५४०		१	१,५४२
" ६ ते १०		०	२९६		३	२९९
" ११ ते १५		०	१३३		४	१३७
" १५ चे पुढें		१	२२३		५३	२७७
एकूण		२	२,१९२		६१	२,२५५
(३) २०० रु. चे पुढें किंमत असणारे घरमालकांची संख्या	१,९१८	१,५०१	१,०८१	१,५०१	३९३	६,३९४
भाडेकन्यांची संख्या		२	३		२६	३१
(४) ५० रु. पेक्षा अधिक व्याज अलावन्स मिळतो त्यांची संख्या	१६	१२	१५	६	१०	५९
(५) इनामदार, स्रोत वगैरे ५० रुपयांपेक्षा जास्त हक्क मिळणारे	२२	४१	११	६८	१८	१६०
इसाफतदार	१२	०	११	०	६	२९
हक्कदार	६	०	०	०	स्रोत ७	१३
एकूण	४०	४१	२२	६८	३१	२०२
(६) मेंढके धनगर	०	०	१	०	०	१
म्हस्के "	३	१९	२१६	१४	६	२५८
एकूण	३	१९	२१७	१४	६	२५९
(७) अस्पृश्य	मालक			मालक		
[ अ ] मालक	अगर कुळें			अगर कुळें		
रु. २ ते ४ सारा भरणारे	६६	९२	६७	२१०	१९	४५४
" ४ ते ६	१९	३६	९	१३४	१७	२१५
" ६ चे पुढें	५०	९	२२	४९	४०	१७०
एकूण	१३५	१३७	९८	३९३	७६	८३९

## APPENDIX III. — STATISTICAL INFORMATION

मुद्दा नंबर	विचित्रगड	राजगड	प्रचंडगड	पवनमावळ	सुधागड	एकूण
(७)						
[ब] कुळें						
रु. २ ते ४		९	६५		७३	१४७
रु. ४ ते ६		१	८		१४७	१५६
रु. ६ चे पुढें		०	२१		२०७	२२८
एकूण		१०	९४		४२७	५३१
[क] रु. १०० पर्यंत मालकीचे घर असणारे	१४४	१६८	५	११२	३०	४५९
भाडेकरां	०	०	१	०	१७	०
(८) तालुक्याचा वसूल	रु. ७८,८२८	रु. ५५,१४५	रु. ४८,११७	रु. ८१,३७१	रु. ७०,१८०	