

Report of the Committee appointed by the
Bombay Legislative Council to take part in the
Joint Conference with the Indian Statutory
Commission.

We were elected by the Bombay Legislative Council on the 3rd August 1928 to take part in the Joint Conference with the Indian Statutory Commission and the Indian Central Committee. We sat with the members of the Statutory Commission and the Indian Central Committee at the sittings of the Joint Conference in Poona from the 13th October to the 28th October 1928 and again in Karachi from the 11th November to the 13th November 1928 when the evidence, both official and non-official, relating to this Presidency was heard. We have also had the benefit of discussions with the members of Statutory Commission and the Indian Central Committee. In the letter which the Chairman of the Indian Statutory Commission addressed to His Excellency the Viceroy dated the 28th March 1928, he stated that if a provincial Committee wished to express its own views in a report and furnished its report to the Commission, such report would be given full consideration and would in due course be included in the appendices which would be printed and presented to Parliament. This Presidency was the first to be visited by the Commission and if we had presented our report soon after the sittings of the Joint Conference in our province terminated on the

to formulate our views on many of the outstanding questions with which the Commission will have to deal, without knowing how the same problems had been faced in other presidencies and without having the advantage of knowing the views of the representatives of other presidencies on those questions. The Chairman of the Statutory Commission in the letter referred to above also gave an assurance that the order to obviate the disadvantage from which a province which had been visited early in the Commission's itinerary might suffer because its Committee had conferred with the Commission before certain matters which might arise at the later stages of the Commission's tour had become prominent, he would arrange, before the Commission finally left India, to meet representatives from each of the Provincial Committees if they desired it in order to hear from them their final views or confer with them on outstanding matters. An Auxiliary Committee was also appointed by the Chairman of the Commission to examine and report on one of the most important questions which the Commission had to investigate, namely, the progress of education. The report of this Committee was not before us when the Joint Conference met in our Presidency. That report did not reach us till

The findings of that Committee are of the greatest importance in connection with the question of further political advance, and especially in connection with the important question of the necessity and advisability or otherwise of lowering the franchise. On all these grounds we felt that

it would be inadvisable for us to formulate our final views on the many problems which came up before the Conference till after we had had an opportunity of studying the evidence given in the other provinces, of considering reports of the Auxiliary Committee on Education and of finally discussing these problems with the Statutory Commission and the Indian Central Committee before their departure from India. While some of the problems arising out of the working of the Reformed constitution are peculiar to each province there are many, - and they are the most important of which are common to all provinces alike. Among such we reckon the questions of the franchise, communal representation and the protection of minorities and the working of dyarchy in its broader aspects. The difficulties which arise in connection with these questions are more or less the same in all presidencies and cannot, we feel, be solved on different lines by the different provinces. Especially is this the case with the important question of communal representation. The basis on which the present arrangement was arrived at on a consideration of the position of the two important communities in all the provinces in India as a whole, and any future solution of the problem must, we feel, take account of similar considerations. It would, therefore, have been impossible for us, even had we desired it, would certainly have been unfair to our Presidency, if we had formulated our views on these important questions without carefully considering the evidence adduced on all the

questions in the other provinces. We have, therefore decided not to present our views on the form of a report till the end of the Commission's tour in India.

2. It is not our desire to give a detailed account of the working of the system of government in this Presidency; and in the proposals which we have made later on in our report we have dealt only with the broader constitutional questions which are involved. But we feel it necessary, before we formulate those proposals, to state briefly what progress has been made in self-government in this Presidency during the last few years and how the system of government introduced in 1919 has worked.

Developem-
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Local Self-
-Government.

3. Any extension of local self-government in the higher spheres of administration must be based on the experience gained and the success achieved by the people in the working of local self-government in the narrower spheres of municipalities and local boards. This Presidency has, as has been pointed out in the Memorandum presented by the Government of Bombay (Bombay Memorandum Part I, page 3) the largest urban population in the whole of India. Nearly 23 per cent. of the population of the Presidency live in the towns, - a percentage nearly twice as high as that in Madras and the Punjab and considerably more than twice as high as that in the United Provinces and Bengal. As a necessary consequence this Presidency has a larger number of municipalities than any other province in India. In spite of the fact that the population of the

of the Bombay Presidency is considerably less than half of Madras, Bengal or the United Provinces. Bombay had in 1925-26 157 municipalities as against 21 in Madras, 116 in Bengal and 85 in the United Provinces. The number of districts and Taluka local boards is also as high in the Bombay Presidency as in Madras and Bengal. The total number of people enjoying the municipal franchise in the Bombay Presidency in 1926 was, 424,000 as against 240,682 in Madras, 166,256 in Bengal (excluding Calcutta) and 298,806 in the United provinces. We have given the above statistics to show that experience in the exercise of the municipal and local board franchise and in the administration of municipal and local board affairs is probably far more widely spread in this Presidency than in any other province in India.

4. During the period of 3 years which has elapsed since the introduction of the Reformed system of government and to a considerable extent in consequence of the transfer of the control of local self-government to ministers, rapid progress has been made in the extension of local self-government in all directions. Local self government in villages was practically non-existent in this Presidency prior to 1920. By the village panchayats Act, 1920 local self government has been extended to villages on a much greater scale by the constitution of village panchayats. The franchise for district and taluka local boards has been considerably extended by the Local Boards Act of 1923 and the electorate for taluka local boards has been raised

raised to 1,001,434 in 1926. The elective element in district local boards has been raised to a minimum of three fourths of the total number of members. In municipal areas excluding Bombay City the franchise has been considerably lowered and the electorate increased from 167,000 in 1919 to over 505,000 in 1926. In 1919 only 7 per cent of the total municipal population exercised the municipal franchise. In 1926 the percentage was 20. In Bombay City the franchise has been lowered to such an extent that the electorate has been increased ten-fold from 12,000 to over 119,000. Women have been granted the franchise and have been made eligible for election both as municipal councillors and as members of districts local boards. The presidents and vice-presidents both of municipalities and local boards have everywhere been made elective and far wider powers have been given to municipalities in many directions. The control of primary education has been transferred almost entirely to the hands of municipalities and local boards, and much wider powers of taxation have been given to these bodies.

5. The transfer of wider powers to local bodies, the increase of the elective element in them and the introduction of elected presidents have in our opinion resulted in a considerable growth of the civic consciousness both in urban and rural areas. This has been especially evident in the greater interest

interest shown in questions relating to education and public health. In the mofussil municipalities of the Presidency the total expenditure on Education increased from Rs. 36 lakhs in 1919-20 to Rs. 45 lakhs in 1935-36 that on Public Health rose from Rs. 56 lakhs to Rs. 113 lakhs. During the same period the expenditure of district local boards on education increased from Rs. 62 lakhs to Rs. 97 lakhs. It has been alleged that there is great unwillingness on the part of the local bodies to impose additional taxation for public purposes. We admit that there is a considerable amount of justification for this criticism, but we should point out that a comparison of figures of income and expenditure of local bodies during the last few years shows that they have not been as reticent in this respect as is sometimes thought. During the seven years from 1919-20 to 1935-36 the total income of mofussil municipalities increased from Rs. 149 lakhs to Rs. 322 lakhs and their expenditure from Rs. 147 lakhs to Rs. 239 lakhs. The total income of district local boards increased from Rs. 141 to Rs. 204 lakhs, and their expenditure from Rs. 119 to Rs. 173 lakhs. The incidence of taxation per head of population increased from Rs. 5-9-1 to Rs. 5-11-0 in municipal areas and from Rs. 0-3-5 to Rs. 0-5-1 in rural areas.

6. The figures which we have quoted above show that the wider powers which has been conferred on local bodies have been on the whole well and wisely used and that the people of this Presidency have had an experience of local self government which will justify the conferring on them of wider powers of

powers of self government in provincial matters and the further extension of the franchise for the Legislative Council.

WORKING OF THE SYSTEM EX XXX INTRODUCED BY THE REFORMS

7. The system of the Government introduced by the Reforms has in our opinion worked well in this Presidency. There has from the first been a genuine desire both on the part of the Government and of the Legislative Council to work the new system in a spirit of harmony and co-operation. While the Legislative Council has at all time freely criticized the conduct and policy of Government, we maintain that it has on the whole worked in a spirit of co-operation and reasonableness and has never as a body attempted to wreck the constitution or to oppose Government merely with the object of creating deadlocks. It is significant that although the Council has on several occasions thrown out or reduced Government demands for grants there has not been a single occasion during the whole period on which the Governor has resorted to his powers of certification. No Government legislation has had to be certified either. In assessing the work of the legislative Council during the period of the Reforms, we would draw particular attention to the large amount of constructive legislation, both official and non-official, which has been passed dealing with the important subjects of education and local self Government both in municipal and rural areas. But while it may legitimately be said that the new system has been worked successfully, it

it has not worked in the way in which it was intended to. The absence of any well organised parties and the presence of the official bloc have been in our opinion largely responsible for the fact that the ministers have never relied on their followers for support and have not really been responsible to the elected portion of the Council. To some extent the absence of well organised parties has been due to the presence of the official bloc. So long as the ministers felt that they could rely on the official votes and the votes of nominated members they have not felt any compulsion and have made no serious efforts to organise their own parties. Their followers, on the other hand realising that the ministers could maintain themselves and carry through their policy independently of them, have not felt the same obligation to support the ministers as they would have felt if the ministers had been entirely dependent on their votes for their existence. Party discipline has as a consequence, always been very slack. The presence of the official bloc has thus had the effect of destroying to a considerable extent the responsibility of ministers to the elected portion of the Council and in producing at times a feeling of irresponsibility among the elected members of the Council. It was the intention of the framers of the constitution that a convention should be established that the official members should obtain from voting on the subjects transferred to the control of ministers, leaving the decision of the question to the non-official members only and that even in other matters except on occasions when

when the Government thought it necessary to require their support the nominated official members should have freedom of speech and vote. We desire to point out that neither of these conventions has been establishing nor has any attempt been made at any time to introduce them. The occasions on which officials have been allowed to speak and vote as they pleased have been very few indeed, and have been restricted to questions of a very minor and non-controversial character. From the first the officials have voted on all matters relating to transferred subjects and as we have pointed out the ministers have tended to rely almost entirely on the official votes for the carrying out of their policy. We are not confident that the mere doing away with the official bloc and the nominated members will in itself lead to the growth of well organised political parties but we feel strongly that the chances of such parties growing up will be considerably greater if the official bloc is removed. With these preliminary remarks we propose now to deal with some of the broader constitutional questions which are involved and to put forward as briefly as possible our recommendations with regard to them.

8

TERRITORIAL CHANGES.

The question of the separation of Sind has played a very important part in the discussions which have been going on during the last year and more both in the press and on the platform in connection with the revision of the constitution. The question is not altogether a purely

a purely provincial one affecting this presidency, only. It is intimately involved with the very difficult question of the rights and the adequate representation of the Muhammedan minority, and it has on this account, figured prominently in discussion outside this Presidency also. We, however, feel strongly that the question must be judged mainly, if not solely from the point of view of the Presidency itself. We are in full sympathy with the desires of a large section of the Muhammedan Community for the separation of Sind, but consider that at the present stage at any rate there cannot be any justification for such a step being taken. From the figures before us it appears that for financial reasons alone the proposal is impracticable. The administrative difficulties which have been pointed out by the Government of Bombay are also serious and cannot be ignored. Then again it seems clearly desirable that the Bombay Presidency should first of all secure full provincial autonomy. This it may be safely considered is within easy reaching distance of an advanced presidency likeorkay, but if Sind were a separate province it could not at such an early stage except an equal privilege, and it would therefore inevitably be denied the advantages of any further step forward which Bombay may secure. It must be therefore in order to secure this advantage, continue to be a part of the Bombay Presidency, though enjoying to some extent a separate executive. As soon as Sind has developed further both in material prosperity

prosperity and in education and if as a result of an early and thorough investigation it is found that finances permit, we consider that its claim should be recognised. We are also not in favour of Sind being detached from Bombay and attached to the Punjab. In our opinion trade reasons are the only ones that can be put forward in support of this proposal and they are not sufficiently strong to warrant such a step being contemplated.

9. The question of the separation of the Kanarese-speaking areas of this Presidency has not really been brought before the Commission by any witnesses. We do not, therefore, think it necessary to deal with it at any length. We merely express our opinion that the demand is not a very genuine one, nor is the proposal practicable.

THE ELECTORATE AND THE FRANCHISE.

10. At present out of a total population of 19,291,719, only 778,321 persons are on the electoral rolls of the Legislative Council. The percentage of voters to the total population is thus only 4.03. When the Franchise Committee worked out their proposals in ~~1918~~ 1919, they estimated that on the electoral qualifications fixed by them 3.3 per cent. of the total population would be enfranchised. The present position is, therefore, only a very slight advance on that of 1920. Of the total population of this Presidency, 4,440,248, or about 22.9 per cent are urban, while 14,851,471 or 77.1 per cent are rural. Of the total number of 778,321 electors, a little

a little over 525,000 rural. It is evident, therefore, that the urban population is much more largely represented on the electorate in proportion to its strength than the rural. We are of opinion that steps should be taken to widen the electorate, and that it is particularly desirable that the rural population should have a large representation on the electorate than at present. It is an admitted fact that certain important sections of the population, such as the Depressed Classes and the labourers, are at present not adequately represented on the electorate.

The qualification for the franchise in the rural areas is comparatively higher than that in urban areas. A man paying an assessment of Rs.30/- or cultivating land assessed at that figure is economically in a better position than a resident of an urban constituency paying an annual rental of Rs. 36. We are, therefore, of opinion that the land revenue qualification for the rural constituencies should be reduced to half of what it is at present and that persons holding in their own rights or as tenants alienated or unalienated land assessed at or of the assessable value of not less than Rs.16 land revenue should be qualified as electors. At present the rural qualification in the Upper Sind Frontier, Lach Lakhal and Ratnagiri districts is half that of that in the other districts. ^{would} We suggest that the same distinction be maintained, and that in these three districts the qualification should be the holding as occupant or tenant of land assessed at or assessable to Rs.8 land revenue.

The other qualifications in rural areas may remain the same as at present. We do not propose any change in the urban franchise as we consider that it is sufficiently low at present. While the urban population forms 23 per cent. of the total population it forms 31 per cent. of the electorate. Under our proposals it will form about 21 per cent. We have no actual figures available to show extent to which the electorate will be enlarged by our proposals. We estimate, however, that the halving of the rural franchise will increase the rural electorate from 528,000 to about 904,131. The total (urban and rural) electorate under our proposals will be therefore, be about 1,414,131. We realise that even under our proposals the electorate will only be about 5.93 per cent. of the total population and about 10.93 per cent. of the total population over 20 years of age. There are, however, two important considerations which, in our opinion, militate against any further lowering of the franchise at the present stage. One is the extent of illiteracy among the voters. We believe that at present roughly only about 58 per cent. of the electorate can read and write. We cannot expect any sudden increase in literacy within the next few years and we think it very necessary that the widening of the franchise should proceed gradually so as to keep pace with the increase of literacy in the population. The other reason which makes us hesitate to recommend any very large widening of the electorate is the inadvisability of extending the Council franchise to the people who have not in the past had the opportunity of exercising the franchise

franchise for any of the subordinate self-governing bodies such as municipalities and district/ local boards. One of the present qualifications for the district local board franchise is the payment of Rs.32/- land revenue. The franchise for the taluka local boards is the payment of Rs.8/- land revenue. Even our proposal to reduce the Council franchise to the payment of Rs.16 land revenue goes below the existing district local board franchise. Our limit is, however higher than that for taluka local boards.

11. METHOD OF ELECTION.

We have given careful consideration to the question whether the method of indirect elections is, in the special circumstances of this country more suitable than that of direct elections. We find from the memorandum presented by the Government of Bombay that certain members of the Government were in favour of introducing the system of indirect elections. We are however against the introduction of this system. The method of indirect elections prevailed in this Presidency prior to the introduction of the Reforms of 1919. The authors of the Joint Report were emphatic in their opinion that this system should be swept away. They said that its existence was "one main cause of the unreality that characterises the existing councils because it effectively prevents the representative from feeling that he stands in any genuine relation to the original voter." The considerations which weighed with them still exist, while the arguments which could have been urged ten years ago in favour of

of the system of indirect elections have lost some at least of their force. One of the reasons which have been urged in favour of the system of indirect elections is that owing to illiteracy and inexperience in political matters of the bulk of the Indian electorate, direct election would not produce as good representatives in the legislatures as a system of indirect elections does. We admit the force of this contention, but in our opinion the two years that have passed have seen an appreciable improvement in the educational condition of the people and have given them a better training in political matters than they had ever had before. We attach very great importance to the educative value of the vote and consider that the system of direct elections is one of the best methods of training the people in self government, and that the going away with this system will inevitably result in a slackening of the interest which the general body of the electorate has taken in public affairs. We therefore think that the method of direct elections existing at present should be retained.

THE RESIDENTIAL QUALIFICATION.

12. Under rule 6(1) (b) of the Bombay Electoral rules, a residential qualification is prescribed for candidates for election to the legislative Council. The rule lays down that

" Every person shall be eligible for election as a member of the Council to represent a gen

General constituency unless he has for a period of six months immediately preceding the last date fixed for the nomination of candidates in the constituency, resided in the constituency or in a division any part of which is included in the constituency.

The rule has been interpreted in this Presidency to mean that actual or habitual residence in the constituency (and not merely place of residence or occasional visits to it) is necessary before a candidate can stand for election from a particular constituency. Before we give our own opinion on this question we would like to state briefly the history of the restriction so far as this Presidency is concerned. Paragraph 84 of the Joint report commented on the fact that a noteworthy result of the election system then existing was the large percentage of the members of the legal profession who succeeded at elections and went on to point out that so great a political predominance of members of one calling was clearly not in the interest of the general community and suggested that in framing the new constituencies an important principle to be borne in mind was to ensure that members of other classes and occupations found sufficient number of seats in the councils and that it was possible that this could be done by prescribing certain definite qualifications for rural seats. The question was carefully examined by the Southborough Committee who in paragraph 29 of their report referred to the fact that some

of the local governments namely those of the United Provinces, Bihar and Orissa and Assam did not press for the insertion of the residential qualification while the Government of Bengal, Bombay, Madras and the Punjab held that it would be detrimental to the interests of a large proportion of the new electorate to admit as candidates persons who were not resident in the areas they sought to represent. The majority of the Southborough Committee were on principle opposed to the residential qualification but they received, by way of a compromise, to impose the restriction in the Central Provinces, Bombay and the Punjab but not in the remaining provinces. The Government of India, in expressing their views upon the recommendations of the Southborough Committee accepted those recommendations, but pointed out that the Committee's treatment of the question had placed them in some difficulty in that while the Committee accepted the views of some of the local Governments in favour of the restriction, they discarded the views of some others who equally pressed for it. The Joint Parliamentary Committee on the Government of India Bill recommended that the compromise suggested by the Franchise Committee should be accepted. This was done and the residential qualification was imposed only in the Central provinces, Bombay and the Punjab. We ~~had~~ would point out that subsequent to this the residential qualification was done away

with in the Punjab in the revision of the rules which preceded the General Elections of 1923. The Punjab Government themselves in the opinion which they have given to the Juddiman Committee stated that for the first general elections the residential qualification gave the rural representatives an entree from which they had not been dispossessed and there appeared to be no adequate reason for restoring the qualification. The position at present therefore, is that Bombay and the Central Provinces are the only provinces in which the residential qualification still exists. In the Central Provinces the restriction is not interpreted as strictly ~~it~~ as it is in this Presidency. It is in our opinion difficult to justify the retention of this restriction in this the most advanced province in India when provinces much more backward have felt no necessity for it. The retention of this qualification is in our opinion to some extent responsible for the election of inferior men to the Councils and for the keeping out of the Council of 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. We are therefore of opinion that the residential qualification should be abolished so far as this Presidency is concerned.

15. The legislative Council at present consists of 66 elected members and 28 nominated and ex-officio members. The memoranda both official and nonofficial which have been received by the Commission show clearly that the persons of nominated members in the council and especially of nominated official members has been the main obstacles to the growth of an efficient party system in the legislative Council. It has prevented the growth of proper relations between ministers and their followers in the council and has as a result, hindered the development of a sense of responsibility in the Legislative Council. We therefore of opinion that in the future council, there should be ^{no} nominated members, either official or non-official. The nomination of non officials was resorted to merely in order to provide for the representation of classes or interests which special required representation and which owing to their backwardness or for any other reason, were unable to secure representation through the ordinary channel of election. The classes and interests which are at present represented by nomination are (1) the Anglo-Indian Community, (2) the Indian Christian Community (3) Labouring classes (4) the Depressed classes and (5) the Cotton trade. Eight seats are allotted to these classes. We propose to provide for the representation of all these classes except the cotton trade by election. The labouring classes and the Depressed classes have themselves been clamouring for such representation. We do not think that the Cotton trade needs special representation. We propose to give additional representation to Commerce, which will compensate for the one nominated seat for the Cotton trade which we propose to abolish.

14. In our opinion the future Legislative Council for the Presidency should consist of about 140 members. Eighty Six will be selected by the existing constituencies. In distributing the additional 54 seats we have taken the following facts into consideration. One of the principal difficulties in the working of representative institutions in India is the existence of large numbers of minorities which are so sharply divided from the rest of the population that they are unable to secure election in ordinary single member constituencies. The more important of such minorities such as the Muharrmandans and the Marathas have been given special representation under the existing constitution - the Muharrmandans by separate electorates and the Marathas by reservation of seats. We propose to extend the system of reservation of seats to the depressed classes and to Indian Christians also. But even when these communities have been provided for there still remain important minorities within the main divisions of Muharrmandans and non-Muharrmandans which under the single member system have to go unrepresented even though the minorities may be numerically very large. In such cases plural member constituencies with the right of cumulative voting give a well organised minority a considerable amount of protection. The legislative Council at present contains 30 single member constituencies, nine of these namely the Deccan Sardars and Inamdars, the Gujarath Sardars and Inamdars the Jajirdars and Zairindars of Sind, the Bombay University, the Varchi Chamber of Commerce, the

the Bombay trades association, the Bombay Millowners association, the Ahmedabad Mill owner's Association, and the Indian Merchant's chamber and Beaura, are special constituencies most of them with very small electorates. We think it very desirable that as many as possible of the remaining 21 single member constituencies should be converted into plural member constituencies.

THE REPRESENTATION OF THE DEPRESSED CLASSES.

15. The depressed classes who form about one thirteenth of the population of the presidency (1,478,000) are at present represented in the Council by only two nominated members. Owing to their economic and educational backwardness and the social prejudices which prevail against them it is scarcely possible for them to get into the Council by election. They are very poorly represented on the electoral rolls. We are informed that according to a rough calculation there are only about 15,600 depressed class voters in the total electorate of 778,000. With the lowering of the rural franchise which we have proposed it is possible that the number may be appreciably increased, but even so it would be too small to enable these classes to secure any of the elective seats without special safeguards. We realise that if the representatives of the Depressed classes in the Legislative Council are to carry any weight and to be in a position effectively to safeguard their interests they should be sufficiently numerous to

make it worth the while of other parties in the Council to secure their support. This will be especially necessary if the official members on whom the Depressed classes have to a considerable extent relied for the safeguarding of their interests are removed from the Council. Taking these facts into consideration we suggest that ten seats should be reserved for the depressed classes. We do not propose separate electorates for them. We consider that it will be sufficient if in certain constituencies where the depressed classes are well represented both in the population and on the electoral roll seats are reserved for them. The members elected from the depressed classes will be elected by the General electorate. We suggest that seats may in this way be reserved for the depressed classes in the following constituencies :-

Bombay City	2
Ahmedabad City	1
Ahmedabad District	1
Poona District	1
Karachi District	1
Ahmednagar District	1
Pelgaum District	1
Dharwar District	1
Surat District.	1

REPRESENTATION OF LABOUR.

16. The representation of labour on the Legislative Council is at present secured by the nomination of three members. We suggest that these three seats may be converted into four elective

There should be no special electorate. Four seats should be reserved for Labour members in the general constituencies, one in Sholapur, one in Ahmedabad and two in Bombay. Only members of registered trade unions should be qualified to be elected to the labour seats.

SEPARATE ELECTORATES FOR MUHAMMANDANS.

17. The Muhammadans have at present separate electorates with 31 per cent of the elective seats. We consider that they should continue to have the same proportion of representation by separate electorates in the future Council. In a Council of 140 elected members they will therefore have 43; they have 27 at present, 16 more seats will have to be allotted to them. Two of our members, Sardar Nujumdar and Dr. Ambedkar are of the opinion that this arrangement can stand only so long as the Lucknow pact stands as regards all provinces.

REPRESENTATION OF EUROPEANS.

18. The separate Europeans communal electorates which exists at present should be continued.

REPRESENTATION OF ANGLO INDIANS.

19. The Anglo Indian community is at present represented by one nominated member. We suggest that they should in future have two elected members. We are unable at present to make any definite recommendation as to the way in which the constituency should be constituted.

A separate communal electorate will have to be created for them.

REPRESENTATION OF INDIAN CHRISTIAN.

20 The Indian Christian community is at present represented by one nominated member. The total population of the Indian Christians in Bombay presidency is only about 220,000, of whom about 50,000 are in Bombay, about 21000 in the Bombay Suburban district, about 26000 in the Thana District, about 26000 in the Kaira district about 22000 in the Ahmednagar district and smaller numbers elsewhere. We suggest that one seat may be reserved for the Indian Christian Community in Bombay City.

RESERVATION OF SEATS FOR MARATHAS.

21. The seven seats which are at present reserved for the Marathas and allied castes should in our opinion continue to be reserved. We do not suggest any extension of such reservation. We think however, that the reasons which necessitated the reservation of the existing seven seats still continue and that there is a danger that the Marathas may not be able to secure representation adequate to their numbers and influence if the safeguard of reservation is not maintained.

REPRESENTATION OF LANDHOLDERS AND INAMDARS.

22. The enlarged Council which we have proposed

will have much wider powers than the existing Council. It will also be deprived of the expert knowledge and advice of the official nominated members. It appears to us therefore to be very desirable that increased representation should be given to the more stable elements of the population. We propose therefore, to increase the representation given at present to the land-owners (land-owning) and commercial classes. The Inamdars and land holders of the Presidency and Sind have at present three seats allotted to them - one for the Deccan Sardars and Inamdars one for the Gujarat Sardars and Inamdars and one for the Sind Jarindars and Zarindars. The Sardars and Inamdars of the Southern Division have at present no separate seat allotted to them and this has always been a matter of grievance with them. The Deccan Sardars and Inamdar's constituency which includes the Southern Division has at present 518 voters of whom 312 are from the Central Division and 205 from the Southern Division. The Gujarat Sardar's and Inamdar's constituency has 171 voters. The Sind Jarindars and Zarindars constituency has 1059 voters. We suggest that ~~two~~ two additional seats should be given to the landholders constituencies one to a newly constituted constituency for the Southern Division and one to the Jarindars of Sind, the existing Sind seat being allotted to the Sind Zarindars only.

REPRESENTATION OF COMMUNITIES.

seats to the commerce constituencies one being given to the Indian Chamber (Merchants, Bombay, (in addition to the existing one seat one to the Indian Merchants chamber, Karachi (which is at present not represented) one to the Karachi Chamber of Commerce in addition to the existing one seat and one to the Bombay Chamber of Commerce in addition to the existing two seats.

REPRESENTATION OF THE HINDUS IN SIND.

24. The hindus of Sind are we think very inadequately represented in the Legislative Council. For population of 873,354 and a voting strength of 67,086 they have only three seats. The two rural constituencies of Eastern and Western Sind have each only one seat. We are of opinion that three extra seats should be given to the Sind Hindus, the total number of seats being distributed as follows :-

Karachi City, and District	2 seats.
Sukhar and Upper Sind Frontier Dist.	1
Hyderabad District	1
Larkana do	1
Kawabehah and Thar Parkar Dist.	1

DISTRIBUTION OF SEATS.

25. We have shown in Schedule "A" attached to this report the detailed distribution of the 140 which we have proposed. In the Distribution of seats we have provided 43 seats for Muhammadans so as to maintain the existing

ratio of Muhammandans representation.

BASIS OF REPRESENTATION.

26. We have tried as far as possible to allot one seat for every 10,000 voters or fraction of 10,000 over half. Owing to the fact that the Muhammandans have been given representation in excess of their population, it has not been possible to apply this principle to them. The different constituencies vary so greatly in economic or political importance that we have not found it possible to adopt any uniform ratio of population to seats.

THE PROVINCIAL EXECUTIVE.

27. The experience which has been gained of the transferred departments during the last eight years shows that the transfer of departments to the charge of ministers responsible to the Legislative Council has worked successfully in spite of the inevitable restrictions imposed by the system of dyarchy. We think the time is now ripe for a further transfer of responsibility and recommend that all subjects with the exception of law and order should now be transferred to the control of ministers. With regard to Law and Order, we think that for some years this subject should continue to remain reserved. The existence of serious communal disorders between the two major communities in the Presidency elsewhere in India, makes the immediate transfer of this subject to the control of a newly elected Council

Council difficult and dangerous. Such transfer may have a very serious and prejudicial effect on the efficiency and impartiality of the police and of the magistracy. We hope that in a few years' time the feelings between the two communities will have improved and that the further experience which the Council will have gained in the administration of important subjects like Land Revenue and Irrigation will bring about an increased sense of responsibility both among the people and among their representatives in the Council. We would recommend that a short period of five years should be provided during which the new entirely elective Councils should have an opportunity of settling down to their work and that after that period it should be left to the decision of the Legislative Council with the concurrence of the Upper House and of the Governor to decide that the subject should be transferred. This will provide an automatic ~~transition~~ advance to a condition of complete provincial autonomy, with a unitary Government consisting entirely of Ministers chosen from amongst the members of the Legislative Council, jointly responsible with the Chief Minister at the head. The members of the Government should be chosen by the Governor but in order to introduce a system of joint responsibility the names of the other Ministers should be submitted by the Chief Minister for the approval of the Governor. Until Law and Order is transferred however dyarchy will continue in the provincial Government with one reserved subject viz. Law and Order, in charge of a member of Council and all other subjects ad-

administered by ministers, the member in charge of Law and Order may be either an official or non official. As all subjects including Finance will be transferred with the exception of Law and Order, it will we think be necessary to provide a separate purse for Law and Order.

87/ A. If the recommendations made by us above are accepted there will be only one member of Council in charge of the reserved subject of Law and Order for the first five years and after that is the Council with the consent of the Dykes House and the Governor so decided Dyarchy will come to an end and there will be a unitary Government consisting of a Chief Minister and six other ministers chosen by the Governor on the advice of the Chief Minister. The Governor should have the power to dissolve or accept the resignation of the Cabinet or of any member of it. The Government of this Presidency at present consists of four members of Council and three ministers. We are not in favour of reducing the number of members of the Government. The increasing powers of the Legislative Council and longer and more frequent sessions will inevitably increase the work of the ministers and much of their time and energy will and should in our opinion be spent on the purely political side of their work: the carrying on the propaganda in favour of their policy and the maintaining of constant touch with their constituencies and with the Country as a whole. With a unitary system of Government based on principle of joint responsibility there will be less chances of conflict of

of views on fundamental points between the ministers. If one of the ministers differs on an important question from his colleagues, the Chief Minister should have the right to ask him to resign. When the ministry is chosen entirely from the Council and is supported by a majority of its members, the powers of overriding the advice of his Ministers given to the Governor under existing sections 52 should not longer be continued. The exercise of such powers will inevitably bring about serious conflicts between the Governor and the Legislatures. If the Governor disagrees with action of his ministers he will have the power to ask them to resign and to form a new ministry. If the new ministry follows the same policy and is supported by the Legislative Council, it will be open to the Governor to dissolve the Council. If even the new Council take the same view as its predecessor, the Governor must then abide by its decision. We consider it necessary that provision should be made for the temporary administration of the province in the case of a breakdown. Under the present constitution section 52 (3) of the Government of India Act and the Transferred Subjects (Temporary Administration) Rules enable the Governor to take over the administration of a transferred subjects temporarily. Similar powers should be vested in him in the future Constitution. The meeting of the Cabinet should be presided over by the Chief Minister. We agree with the recommendation made by the Government of Bombay that the salaries of the

the ministers should be fixed by Statute.

CHAMBER.

28. With the enlargement of the Councils which we have proposed and the transfer to their control of practically the whole administration and with the removal of the official element from the Council, we think it very necessary that certain safeguards should be provided against the passing of the hasty and ill considered legislation or of legislation which may discriminate unfairly against particular classes or communities. We think the best safeguard would be the creation of an Upper House elected on a different franchise and for a longer period than the Lower House. The Upper house should in our opinion, consist largely of representatives of the larger landed and commercial interests. Its franchise should be the same as that for the present Council of State. The membership should be restricted to about 30 two thirds of whom should be elected and one third nominated by Government.

TERM OF OFFICE OF LEGISLATIVE COUNCIL AND UPPER

CHAMBER.

29. We think that the term of office of the present Legislative Council is not long enough and would suggest that it should be increased five years. The period for the upper house may be fixed at six years; one third of the members

retiring by rotation every two years. The Upper house should be given the same powers in matters of legislation as the Lower House, and the assent of both houses should be necessary for the passing of any legislation.

PUBLIC SERVICE COMMISSION.

30. We recommend the creation of a provincial Public Service Commission which should deal with recruitment to all provincial services and should hear appeals from members of such services with regard to orders of dismissal removal or reduction. The rules governing such Commission should be subject to the approval of the Governor and should provide for safeguarding the interests of the backward classes.

SPECIAL EMERGENCY POWERS OF THE GOVERNOR.

31. We do not think that there is any necessity for the continuance of the special powers of vetoing and certifying which are at present vested in the Governor. The safeguards which we have provided and especially the ~~extant~~ ~~xxxxxx~~ creation of the second chamber to a considerable extent render the exercise of such powers unnecessary. We think however, that certain emergency powers must still be retained with the Governor. In connection with the Budget, we would continue to vest in him the power which he has at present in cases of emergency to authorise such expenditure as may

as may in his opinion be necessary for the safety or tranquility of the province. In connection with legislation he should have the power which he should have the power which he has at present to certify that any bill which has been introduced or is proposed to be introduced or any amendment to a bill which is moved or is proposed to be moved affects the safety or tranquility of his province or any part of it or of another province and to direct that no further proceedings should be taken by the Council in relation to such bill or amendment. The provision of the existing sec. 80-C of the Government of India Act should be continued. On the Governor should also be placed the responsibility of safeguarding the rights of the existing members of the All Indian Services and all members of such services should ~~have~~ have the right of direct appeal to him.

FINANCIAL ARRANGEMENTS.

32. As regards financial arrangements, we do not propose to make any recommendations in detail. It will be seen from the memoranda submitted by the Government of Bombay and the Bombay Chamber of Commerce that the Government of Bombay the Legislative Council, non-official bodies and the public of Bombay are all agreed that the Keston Settlement has worked very prejudicially as regards this Presidency and requires to be revised at the earliest possible opportunity. Reports have been repeatedly made that the Settlement is unfair, inequitable and based on premises, which could be proved to be erroneous and has led to

to serious financial difficulties. The figures adopted by the Maston Committee as the basis of their calculations were misleading and the anticipations of the committee that there was a great capacity for future growth in the revenues of this Province have been entirely falsified by events. The settlement has had the effect of seriously hindering the growth of the nation-building and other departments and bringing in a period of stagnation and in some cases of actual ~~retrogression~~ retrogression in the administration of the Province. The years following the introduction of the Reforms have been years of great financial stringency with the result that very few schemes of improvement or expansion could be undertaken or carried through by the Government or the Legislative Council, while the Reforms necessarily involved increased expenditure for their successful working there has been since their inauguration a general and persistent demand for retrenchment forced both upon Government and the Legislative Council by the necessities of the situation resulting from the Maston settlement. The Presidency has suffered serious financial losses under the Settlement, while its most important sources of revenues (especially income-tax) have been taken away from the Provincial field. We are therefore of opinion that a case has been fully esta-

established for a revision of the "Boston Settlement" and suggest generally that it should be revised on the lines recommended by the Government of Bombay in Chapter X of Part II of the Memorandum submitted by them.
