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## APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR  
OF BOMBAY ON THE 13TH, 14TH, 15TH AND 16TH MARCH 1911.

### APPENDIX A.

*Statement showing the number of appointments and the number and percentages of Europeans and Eurasians and of Natives of India in the Customs Preventive Service.*

Year.	Excluding Private Establishment and Clerks.		Including Private Establishment and Clerks.	
	1898.	1911.	1898.	1911.
Total number of appointments other than lascars and menials.	86	137	94	150
Number and percentage of Europeans and Eurasians.	52 60·5 per cent	67 49 per cent.	55 58·5 per cent.	72 48 per cent.
Number and percentage of Natives of India.	34 39·5 per cent.	70 51 per cent.	39 41·5 per cent.	78 52 per cent.

### APPENDIX B.

The following are the rules regulating the impressment of carts by Government officers:—

(a) that the rate of cart hire be fixed by order of the Commissioners of Divisions per mile, as Kos vary greatly: that there be a minimum charge for engaging a cart at all, and a minimum rate for a cart kept a whole day;

(b) that no cart be carried beyond 20 miles, or thereabouts, from the place of hiring;

(c) that a list of all carts in a village be kept by the patel, and a list of the number of carts in each village by the Mámlatdár;

(d) that requisitions by public officers for carts be made on the patel, or where a large number are needed (as when troops are marching) on the Mámlatdárs, and be met in strict rotation of individuals and of villages;

(e) that no person's cart be taken in a village other than his own, unless he offers it for hire;

(f) that no cart in use on any public road be taken for the use of public officers travelling;

(g) that officers below the rank of Assistant or Deputy Collector or Executive Engineer should be furnished with a written order from their official superiors for obtaining transport by requisition.

## APPENDIX C.

*Rules relating to the Bombay House Allowance Scheme.*

The object of the scheme, as at present devised, is to provide house accommodation or to grant house-rent allowances to Government officers stationed in Bombay as a measure of relief against the increased cost of living in the Presidency town as compared with a mofussil station and the difficulties experienced in obtaining suitable house accommodation at a reasonable cost. The Government of India reserve to themselves full power at any time to reconsider the whole subject without admitting any vested rights to the concession in its present or in any other form, or to any compensation owing to its withdrawal or modification. For officers permanently resident in Bombay quarters will gradually be provided at a rental of 10 per cent. of their salary in the case of civilians, and at the maximum rates prescribed by the military rules\*

\*Article 375, Army Regulations, India, Vol. III. in the case of military officers. Officers temporarily resident or not provided with quarters will receive allowances at the rates laid down in rule III.

*Rules.*

I.—An officer to be eligible for the benefits of the scheme will ordinarily be required to fulfil the following conditions:—

(a) That he holds an appointment specifically admitted to the scheme by an order of Government who reserve an absolute discretion to admit or refuse to admit an appointment to the benefits of the scheme.

(b) That he has a wife or child or children of his resident with him, such child or children being dependent upon him for support.

(c) That he is a gazetted officer not belonging to a Provincial service (other than the Provincial Branches of the Public Works and Telegraph Departments).

(d) That his salary is not more than Rs. 2,500 a month and that the maximum pay of his appointment or of the service to which he belongs is not less than Rs. 500 a month.

*Exception.*—An officer holding substantively an appointment admitted to the scheme and officiating in another not so admitted may, if his salary does not exceed Rs. 2,500 a month, receive the benefit of the scheme, provided that the appointment in which he acts would not have been excluded from the scheme but for the pay being in excess of the Rs. 2,500 limit.

(e) That his head-quarters, under the terms of his appointment, are at Bombay.

II.—The following classes of officers will ordinarily be held to be *prima facie* ineligible for admission to the benefits of the scheme:—

(a) Officers of a Provincial service (other than the Provincial Branches of the Public Works and Telegraph Departments).

(b) Officers for whom quarters have been provided prior to the introduction of this scheme.

(c) Medical officers who are allowed the privilege of private practice.

(d) Touring officers who ordinarily make no long stay in Bombay.

(e) Officers who are not whole-time servants of Government.

(f) Officers holding appointments of a local character.

(g) Officers whose pay has been fixed or revised since 1895 with reference to their residence in Bombay.

## III.—The scale of the allowances is as follows:—

Rate of salary.	Between the 1st May and 31st October.	Between the 1st November and 30th April.
Under Rs. 300 ... ..	Rs. 40	Rs. 50
Rs. 300—499 ... ..	65	100
Rs. 500—999 ... ..	80	170
Rs. 1,000—1,999 ... ..	70	140
Rs. 2,000—2,500 ... ..	50	100

NOTE 1.—The rate of the allowance admissible to the holder of an appointment at any time is determined in accordance with the actual amount of his salary at that time and not with reference to the pay of the appointment.

NOTE 2.—In cases in which the pay and allowances of an appointment are limited to a fixed maximum, the allowances admissible under these rules do not count towards the maximum.

IV.—The allowance is admissible only for the period during which the officer himself is actually present on duty in Bombay and has his family resident with him. It is not admissible during leave of any kind, and Article 267, Civil Service Regulations, and the notes thereunder, are inapplicable in respect of the allowance.

*Exceptions.*

(1) An officer may draw the allowance in full for the six months May to October if his family reside with him for four-and-a-half of these months (including periods of interruption covered by *Exception* (2) below), and for the six months November to April if his family reside with him for four-and-a-half of these months (including periods of interruption covered by *Exception* (2) below).

(2) An officer may draw the allowance during any period of interruption in qualifying residence arising out of the absence of his family, or his own absence on official duty, if the interruption does not exceed two months, exclusive of the months of departure and return.

Provided that in either case he is able to certify\* that his expenditure on

\*See Forms A and B in the Appendix. house accommodation in Bombay has not been less during the period of absence than if his family had been resident with him.

NOTE.—No retrenchments should be made on the ground of frequency of absence from Bombay of an officer or his family so long as the allowance is admissible under the letter of the rule. But the audit officer should report for the orders of Government any case in which it appears that the rules have been deliberately abused.

V.—The concessions under the scheme will take the place of and not be in addition to allowances, such as Presidency house-rent or Presidency allowance, hitherto granted by way of compensation for the extra cost of living in the Presidency town as compared with a mofussil station.

VI.—(a) In the event of an appointment to which a house-rent or other allowance had previously been attached being admitted to the scheme on the condition that such allowance shall be discontinued, the officer holding the appointment at the time of the introduction of the scheme may be permitted to retain the allowance previously attached to the appointment in lieu of the allowance under the scheme—

(i) for five years from the date of the introduction of the scheme, or

(ii) until he vacates the appointment, or

(iii) until he elects to come under the scheme,

whichever date is earliest.

(b) When an officer has once elected to come under the general scheme his election will be final.

(c) The orders admitting an appointment to the general scheme and discontinuing an allowance previously attached to it will apply in full to incumbents appointed after the introduction of the scheme.

(d) If the permanent incumbent was on leave on the date of the introduction of the scheme the above concession would extend both to the permanent incumbent and to the officer who was officiating in the post on that date. The latter, however, would finally lose the protection when he reverts.

VII.—Admission to the scheme may be sanctioned by the Government of Bombay in the case of appointments on establishments paid wholly or partly from Provincial revenues subject to the correct application of the rules being certified to by the responsible audit officer. In all other cases applications for admission should be submitted to the Government of India. Proposals for admission should be made in Form C in the appendix to these rules.

#### APPENDIX.

##### FORM A.—(Vide Rule IV.)

*(To be submitted when the officer and his family have both been present in Bombay for at least a portion of the month in respect of which the claim is made.)*

Certified that my  $\frac{\text{wife}}{\text{child}}$  resided with me at Bombay in the month of 19 , such  $\frac{\text{child}}{\text{children}}$  being dependent upon me for support.

Certified that I  $\frac{\text{my wife}}{\text{child}}$   $\frac{\text{was}}{\text{were}}$  absent continuously from

[This need only be added when the officer or his family were absent from Bombay during a portion of the month in respect of which the claim is made.]  $\frac{\text{to}}{\text{to}}$  and that during this period my expenditure on house accommodation in Bombay was not less than if such absence had not occurred.

(Signature)

(Designation)

##### FORM B.—(Vide Rule IV.)

*(To be submitted when either the officer or his family were absent from Bombay during the whole of the month in respect of which the claim is made.)*

Certified that  $\frac{\text{my absence on duty}}{\text{the absence of my } \left\{ \begin{array}{l} \text{wife} \\ \text{child} \\ \text{children} \end{array} \right\}}$  commenced on but is not expected to exceed two months exclusive of the months of departure and return, and that my expenditure on house accommodation at Bombay during the whole of the month of 19 was not less than if such absence had not occurred.

(Signature)

(Designation)

## FORM C.—(Vide Rule VII.)

The admission of the following appointment to the Bombay House allowance scheme is proposed.

1. Designation \_\_\_\_\_
2. Residence in Bombay, *i. e.*, whether seasonal or otherwise. \_\_\_\_\_

Salary, <i>i. e.</i> , pay and Staff pay.	EXISTING ALLOWANCES.				PROPOSED ALLOWANCES.			
	Local.	House rent.	Presi- dency.	Other.	HOUSE-RENT UNDER SCHEME.		Local.	Other.
					Hot weather.	Cold weather.		
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

4. Orders sanctioning existing allowances and grounds on which they were granted. } \_\_\_\_\_

NOTE.—As regards the retention of existing compensatory allowances see rule V.

Dated the \_\_\_\_\_ 191 . } (Signature of authority making recommendation.)

*Audit Officer's report.*

Dated \_\_\_\_\_ 191 . } (Signature.)

APPENDIX D.  
REVISED FINANCIAL STATEMENT OF  
THE GOVERNMENT OF BOMBAY  
FOR THE YEAR 1911-12.

This Statement is presented to the Council under No. 10 of the Rules for the Discussion of the Annual Financial Statement notified on 29th December 1909 under section 5 of the Indian Councils Act, 1909. As required by the Rules, the preliminary budget proposals for 1911-12 were considered in January last by the Finance Committee of this Council. Effect has been given to the recommendations of the Committee, which, together with other alterations, have been embodied in the amended Draft Financial Statement, copies of which have been supplied to the Honourable Members. The present Statement deals with the actuals for 1909-10, the revised estimates for 1910-11 and the budget estimates for 1911-12 concerning the provincialized services described in Appendix A. Details by major and minor heads are given in Appendix B. The figures throughout represent thousands of rupees except where the context shows otherwise. The figures and remarks pertaining to the estimates now framed for 1910-11 and 1911-12 are liable to alteration, but in the absence of altogether unforeseen circumstances no modification seriously affecting the estimates is likely to be required.

2. Part I of this Statement is a preliminary conspectus in which it is attempted to give a brief but fairly comprehensive idea of the financial position, and in particular, in paragraphs relating to the budget estimates, to indicate the character of the principal and most interesting objects of expenditure.

Part II is a detailed statement in which fuller particulars are given separately under each head of receipts and expenditure.

PART I.

*Accounts of 1909-10.*

3. The accounts of the year 1909-10 opened with a balance of 69,83. The closing balance was estimated in the revised at 76,84, and in the accounts rose to 87,21. The total Provincial revenue amounted to 6,44,71; compared with the budget, the actuals were better by 23,84 against 9,97 calculated in the revised, showing an improvement of 13,87. The increase over the revised occurred chiefly under *Land Revenue*, *Excise*, *Interest*, *Miscellaneous*, *Irrigation—Major Works—Direct Receipts*, and *Civil Works in charge of the Public Works Department*, and was partially counterbalanced by decreases mainly under *Fails* and *Irrigation—Major Works—Portion of Land Revenue due to Irrigation*. The

total Provincial expenditure amounted to 6,27,33 showing a net advance of 3,50 over the figure (6,23,83) estimated in the revised. Increases occurred chiefly under the heads *Refunds*, *Assignments and Compensations*, *Scientific and other Minor Departments*, and *Stationery and Printing*, and were partially counterbalanced by decreases under the heads *Medical* and *Civil Works in charge of the Public Works Department*. The causes of the principal variations are explained in Part II, Section I, below.

*Revised Estimates for 1910-11.*

4. The opening balance of the year 1910-11 estimated in the budget at 76,84 was changed to 87,21 on the closing of the accounts of 1909-10.

5. The total Provincial revenue for the current year is now estimated at 7,08,70 against 6,23,40 entered in the budget. The increase of 85,30 is accounted for mainly by special Imperial assignments of 50,00 for a subvention to the City of Bombay Improvement Trust and of 15,27 for expenditure on education and sanitation, and by enhanced receipts under *Land Revenue* (due to a favourable season, to sales of land in Bombay to the Port Trust and the Improvement Trust, to a change in the rate of assessment in Lárkána, and to revision settlements), *Stamps* (due mainly to abnormally high sales in consequence of a change in the Indian Limitation Act of 1908), *Excise* (due to a prosperous season), *Assessed Taxes* (due to favourable trade prospects), *Interest* (due to a good season and to the overhauling of tagái accounts), and *Receipts in aid of Superannuation Allowances* (due to a larger number of posts of local fund and municipal school teachers having become pensionable on the superior scale). Apart from the special Imperial contributions, the variation from the budget estimate is practically accounted for by the character of the season, a fluctuation to which our estimates must always be liable, and which it is impossible to forecast.

6. The total Provincial expenditure is estimated at 6,43,44, or an excess of 4,07 over the provision of 6,39,37 entered in the budget. The increase occurs chiefly under *Refunds* (due to an adjustment of erroneous credits of *kadim* cash allowances to I, *Land Revenue* in previous years), *Assignments and Compensations* (due to revision settlements and to change in the classification of *kadim* cash allowances and in the rate of assessment on alienated lands in the Lárkána District), *Courts of Law* (due to law charges in connection with the Násik murder case and to hiring of temporary accommodation for the Bombay Small Cause Court), *Stationery and Printing* (due to larger supplies from Central Stores), *Miscellaneous* (due to the writing off of takái advances), *Irrigation—Minor Works* (due to river embankment works necessitated by severe erosion by the Indus), and *Civil Works* (due to additional grants sanctioned or transferred from other heads). The increases



referred to above are partially counterbalanced by savings under *Land Revenue* (due to smaller expenditure on temporary establishments, supplies and services, contingent charges, and allowances to village officers and servants), *Forest* (due to the partial utilization of the provision for the reorganization of subordinate forest establishments), *Education* (due to the transfer of a portion of building grants to the Public Works Department, and to smaller expenditure in connection with the opening of new primary schools, and on technical education, secondary and training schools, and the preparation of Sanskrit series and departmental books, etc.), and *Medical* (due to the transfer to the Public Works Department of a portion of the provision for grants in aid of sanitary projects, and to smaller expenditure on salaries and allowances and on account of plague).

7. The closing balance of the year is estimated at 1,52,47 or an increase of 91,60 over the budget. Important variations between the budget and revised estimates are explained in Section II of Part II.

8. The disbursements of takávi and other loans in the Provincial Advance and Loan Account are estimated at 39,03 compared with 39,33 entered in the budget, the difference being due to a decrease in the advances taken by cultivators and Gujarát Tálukdárs, partly counterbalanced by additional provision made for loans sanctioned for two Courts of Wards and for the outstanding balances of the loans to certain Native States which have been transferred from the Imperial to the Provincial accounts. The recoveries are estimated at 45,35 against 40,72 entered in the budget, the increase being due to larger repayments expected from cultivators, Gujarát Tálukdárs and the Dhárwár District Local Board. Also the outstanding balance of the loans granted to the Hubli Municipality for the construction of water works is adjusted against an equal amount sanctioned as a grant-in-aid to that body to enable it to finance a scheme for the improvement of the water-supply of Hubli Town.

#### *Budget Estimates for 1911-12.*

9. The budget for 1911-12 opens with a balance of 1,52,47, which, it is anticipated, will be reduced to 78,27 by the close of the year, the total revenue being estimated at 6,78,62 and the total expenditure at 7,52,82. The estimates thus involve an expenditure of 74,20 from the Provincial balance. The total revenue shows an advance of 55,22 over the current year's budget and a decline of 30,08 from the revised. The total expenditure shows an advance of 1,13,45 over the current year's budget and of 1,09,38 over the revised. The increases of revenue and expenditure referred to above are to a large extent due to the policy recently announced in the Imperial Legislative Council of making the Provincial Settlements "rigid and permanent" subject, however, to the control of the Government of India on certain broad lines and in special emergencies. The

existing fixed allotment of 42,77 under the current settlement and adjustments between Imperial and Provincial to the amount of 33,04 are to be replaced by (i) the assignment to Provincial of whole instead of half shares of the net excise and forest receipts and (ii) the equal division of income tax on salaries in the Public Works Department which is now treated as a wholly Imperial asset. It is calculated that on the basis of the budget of 1910-11 the Imperial contributions amounting to (a) 75,81 will be met by (b) net revenue increases of 77,76 under the Excise heads and 7,21 under the Forest heads, and (c) an increase of 22 in the receipts under *Assessed Taxes*, the excess of 9,38 under (b) and (c) over (a) being made up by a contribution from Provincial to Imperial.

10. Apart from the increases due to the total provincialization of the net excise and forest revenues as explained in paragraph 9, the revenue estimates for 1911-12 are, as usual, framed in anticipation of a normal season, and allow for expected increases, chiefly under the heads of *Land Revenue* (due to favourable prospects), *Stamps* (in view of the latest actuals), *Excise* (in view of favourable agricultural prospects and increase of still-head duty), *Interest* (on takávi advances, loans to certain Native States transferred from the Imperial to the Provincial accounts, and loans to the Sholápur Municipality and certain Courts of Wards), *Police* (owing to increased provision for the recovery of charges on account of additional police), *Receipts in aid of Superannuation Allowances* (due to larger pension contributions from local fund and municipal school teachers), and *Irrigation—Major Works—Direct Receipts* (owing to a good supply of water, increase of cultivation and recovery of arrears), partially counterbalanced by a decrease mainly under *Irrigation—Portion of Land Revenue due to Irrigation* (attributed chiefly to deficiency of water in certain Canals in Sind). The revenue estimates include a deduction of 70 on account of charges of the Public Works Account Department, which will be treated as Imperial from 1911-12 owing to the amalgamation of the Department with the Civil Account Department.

11. The estimate of *Land Revenue* (including the portion due to irrigation) is taken at 4,43,00 (Provincial share = 2,21,50) in the expectation that with a normal season it will be possible to collect a part of the suspended revenue in addition to the current dues. The budget for 1911-12 shows an increase over the current year's estimates. The last rains continued for a longer period than usual. The consequent delay in bringing the crops to the market and possibly also the work connected with the census are likely to affect the collections before 31st March 1911, and it is anticipated that a part of the revenue will remain over for collection during 1911-12. The figures of the estimated demand, collections, remissions and

suspensions for the years 1910-11 and 1911-12 are given below:—

	1910-11, Revised.	1911-12, Budget.
Outstanding balance ...	93,35	54,91
Demand ...	4,24,38	4,28,14
	5,17,73	4,83,05
Collections ...	4,40,00	4,43,00
Remissions...	22,82	16,59
	4,62,82	4,59,59
Balance { Suspensions	20,02	7,53
{ Arrears	34,89	15,93
	54,91	23,46

12. When the budget for 1910-11 was framed, it was anticipated that the continuous growth of the *Excise* revenue during recent years due chiefly to increase of duty and improvements of system and administration would receive a check consequent on the discouragement of speculative bids at auction sales of country spirit and toddy shops, and the introduction, as a tentative measure, in three districts of the system of fixing the fees for shops on the basis of the sales and of allotting the shops to persons selected from amongst approved applicants. This anticipation has not been realized, and the receipts under the head still show an upward tendency owing to the continuance of the favourable agricultural season, and increase of still-head duties.

13. Under receipts from *Civil Works*, provision is made for abolishing (in addition to those already removed) tolls which are estimated to yield 50.

14. The expenditure estimates for 1911-12 include (i) 9,22 and 11,65 on account of the provincialization of the whole instead of a moiety of excise and forest expenditure, respectively, (ii) 5,00 and 2,00 for non-recurring education and sanitation charges respectively out of the Imperial contribution of 15,27 made for the purpose in the revised estimate of 1910-11, and (iii) a special provision of 11,45 under *Civil Works in charge of the Public Works Department*, which is calculated to leave a closing Provincial balance of 70,00+8,27, the latter sum being the difference between 15,27 and 5,00+2,00 referred to in (ii). The detailed distribution of the special provisions mentioned in (ii) is under the consideration of Government. In order to check the tendency to over-estimate expenditure due chiefly to the anxiety of disbursing officers not to outrun the particular grants with the expenditure of which they are entrusted, and with a view to securing a greater accuracy of estimates, lump deductions for "Probable savings" have been made under seven major heads of account to the amount of 4,85 (including 55 due to the complete provincialization of excise and forest charges) compared with 5,55 or 5,80 if the Imperial share of forest charges be taken into account) under eight major heads in the budget of 1910-11. These deductions, however, do not necessitate corresponding reductions in detailed grants entered in the budget. The

budget for 1911-12 includes provision for the following items of special interest:—

- (i) scheme for the development of Sálsette as a suburb of Bombay;
- (ii) cadastral survey of the Town and Island of Bombay providing an up-to-date map and a register of possession;
- (iii) reorganization of the subordinate forest establishments;
- (iv) introduction of time-scale pay for the Provincial Forest Service;
- (v) expenditure in connection with the forthcoming Royal Visit and Coronation at Delhi;
- (vi) entertainment of temporary Subordinate Judges and their establishments;
- (vii) revision of the Judicial establishments in the District and Subordinate Courts;
- (viii) improvement of the position of jail warders;
- (ix) extension of police reorganization and reforms;
- (x) improvement of the pay of teachers in primary schools and extension of primary education;
- (xi) results grants to aided primary and secondary schools;
- (xii) proposed transfer of the Gujarát College to the control of Government;
- (xiii) revision of salaries of assistant teachers in Government High Schools and Training Colleges;
- (xiv) grants to local bodies in aid of sanitary projects;
- (xv) extension of medical relief;
- (xvi) improvement of pay of Sub-Assistant Surgeons;
- (xvii) additional staff for the Medical Schools at Ahmedabad, Poona and Hyderabad;
- (xviii) grant to the Bombay Presidency Nursing Association;
- (xix) addition of a ward for women and children to the Civil Hospital, Násik;
- (xx) creation of a separate Civil Surgeoncy for the East Khándesh District;
- (xxi) proposed arrangements for the embarkation of pilgrims at Karáchi;
- (xxii) increased expenditure in connection with the Agricultural Department;
- (xxiii) appointment of Surgeons for the certification of children under the proposed Factory Act;
- (xxiv) subsidy to the City of Bombay Improvement Trust.

15. (a) The main outlines of the scheme for the development of Sálsette as a residential area with the view of assisting to relieve the congestion of population in Bombay City were published in a

Press Note, General Department, No. 5358, dated 15th October 1909. A special Revenue Officer and an Engineer have been appointed for the work and in next year's budget a total provision of Rs. 58,693 as shown below is made for item (i) in connection with the scheme in addition to the ordinary provision for the pay of the Revenue Officer :—

	Rs.
Deputation allowance to the Revenue Officer.	3,600
Pay of the Engineer ... ..	10,000
Establishments ... ..	30,843
Travelling allowances ... ..	1,800
Contingences, including wages of coolies ...	12,450
Total ...	58,693

(b) Government contemplate a cadastral survey of the Town and Island of Bombay providing an up-to-date map on the scale of 40 feet to an inch and a register of possession. The want of such a map has been greatly felt by the Collector of Bombay; the Executive Engineer's and the Municipal Assessment Departments require a map showing every property and every building in the city; while an up-to-date cadastral map is also essential for the public in their dealings with the Registration Office for the purpose of identifying properties by a reference to the map. Before issuing detailed orders for the survey, which is estimated to cost about Rs. 3 lakhs in all spread over a period of about six years, Government have appointed a committee of five officers to report on the following points :—

- (1) the form of register of possession to be introduced;
- (2) the order in which the several quarters of the Island should be surveyed;
- (3) any other details which need to be settled before work can be commenced;
- (4) the incidence of the cost of the survey—from what bodies or persons should recoveries be made and in what manner;
- (5) whether any legislation will be necessary; and
- (6) any other matters which require to be brought to the notice of Government in this connection.

As the scheme will require time for full consideration and for receipt of sanction of higher authorities, a small provision of 15 is made for item (ii) in the budget for 1911-12, out of which it is expected that 8 will be covered by contributions from the Bombay Municipality and the Port Trust.

(c) The scheme for the reorganization of the subordinate forest establishments—item (iii), which had been under the consideration of Government for several years past, was sanctioned by the Secretary of State in December 1910, subject to the condition that the increase of establishment should be introduced gradually as funds can be safely made available. The main features of the scheme are :—

- (a) revision of the grades of rangers at an additional annual cost of 80;

- (b) revision of the grades of foresters at an additional annual cost of 21;
- (c) revision of the grades of guards at an additional annual cost of 71;
- (d) revision of the clerical establishments at an additional annual cost of 93;
- (e) reduction in the recurring cost of temporary establishments from 1,14 to 58, thus effecting a saving of 56 a year.

A lump provision of 2,00 for the purpose is made in next year's budget. The existing establishments have been allowed to receive pay at the revised rates with effect from 7th December 1910. The additional annual expenditure on this account is estimated at 95. The balance out of the provision of Rs. 2 lakhs will be utilized partly for the temporary establishments referred to in (e) until they are absorbed in the reorganization process and partly for the gradual increase of existing establishments.

(d) With a view to securing an adequate supply of properly qualified candidates for the Provincial Forest Service it is proposed to introduce a scheme for the grant of time-scale pay to the officers of that service at an extra cost of 36 in 1911-12 (item iv). The scheme contemplates that on permanent appointment to the Provincial Forest Service each officer will receive pay of Rs. 250 a month, which will rise automatically by increments of Rs. 20 a year to Rs. 550 in the sixteenth year of service, the increments being liable to stoppage by Government for unsatisfactory work or conduct. After an officer has attained the pay of Rs. 550 he will not be entitled to further increase unless selected by Government for promotion to the upper controlling staff as Extra Deputy Conservator on the occurrence of vacancies in that staff made available for the Provincial Service. On such promotion as Extra Deputy Conservator he will draw pay of Rs. 575 and will receive an annual increment of Rs. 25 until in the twentieth year of service he will draw Rs. 650. Thereafter in thoroughly deserving cases the pay of such officer may be increased by Government to Rs. 700 for a period of three years, to Rs. 800 for a further period of three years, and to Rs. 850 until the close of his service.

(e) The arrangements in connection with the forthcoming Coronation Darbar at Delhi and the visit of Their Majesties the King Emperor and the Queen Empress (item v) are under the consideration of the Government of India, and no accurate estimate can be framed at present of the expenditure likely to be incurred on the occasion. A sum of 5,00 (2,00 under 18, *General Administration* and 3,00 under 45, *Civil Works in charge of the Public Works Department*) is provisionally entered in the Provincial budget. The Provincial expenditure on the occasion of the Imperial Darbar held at Delhi on 1st January 1903 amounted to 3,73 in addition to charges connected with local Coronation celebrations which came to 69.

(f) Owing to the expiration of the two years' period allowed by sections 30 and 31 of the Indian Limitation Act of 1908, in the case of mortgage suits,

there has been an abnormal increase of suits, especially in the Deccan districts, resulting in serious accumulation and congestion of work, and it has been found necessary to increase the ordinary provision of 15 for temporary 'Subordinate Judges to 40 in connection with item (vi).

(g) Item (vii). The present distribution of the judicial establishments of the District and Subordinate Courts in the Presidency does not provide a proper flow of promotion and is not calculated to attract qualified candidates, as nearly 80 per cent. of the appointments are allotted to the last three grades on Rs. 15, Rs. 20 and Rs. 25. The need of offering reasonable prospects by a re-arrangement of the existing grades has been strongly urged on Government, who contemplate a total extra cost of 1,00 to be gradually introduced in not less than three years. A sum of 15 is entered for the purpose in next year's budget, as the scheme, which is to be submitted for the sanction of the Secretary of State on receipt of detailed proposals, will not be in working order for the full year. Since 1907, the bailiffs' establishments in certain districts have been divided into two grades, the superior grade on pay of Rs. 25, Rs. 20 and Rs. 15, and the inferior grade on Rs. 12 and Rs. 9, the measure being experimentally introduced with a view to improving the unsatisfactory character of execution work by entrusting it to the superior grade, the inferior grade being relegated to the service of simple processes. The experiment having proved successful, it is now proposed to accept it as a permanent arrangement and to extend it to the remaining districts in the Presidency proper at an extra cost of 13 from next year. •

(h) Experience has shown that the prospects of the warder establishments in the jails of this Presidency are insufficient to attract the right sort of men for the arduous and responsible duties required of them. In view of the obvious danger of leaving inefficient warders in charge of prisoners, who are not infrequently superior to them in intelligence, it is contemplated to improve the tone of the service by extending to it, as far as possible, the terms obtaining in the Police Department. Item (viii) provides 4 for carrying out this object, which is estimated to involve an ultimate charge of about 6 per annum for revision of emoluments, plus 6 for the payment of pensions on the superior scale to warders of certain grades now eligible for pension on the inferior scale.

(i) Proposals for further reorganization of the rank and file of the District Police in the Presidency proper have lately been submitted to the Government of India. They are calculated to provide for the actual minimum requirements of each district and involve an additional expenditure of about 5.95 per annum. It is proposed to bring the police up to the estimated strength by degrees as necessity may direct and funds permit, beginning in the most criminal districts and watching the results before proceeding further. A scheme for the revision of the Bombay City Police is also under preparation. A lump provision of 4.59 is made in next year's budget in connection with the reforms under

contemplation (item ix). This sum includes a final recurring grant of 3.25 from the Government of India, which brings up to the total limit of 20.00 their subvention for police reorganization and reforms.

(j) In connection with the recent policy of Government for the extension and improvement of primary education it was estimated that 1,655 new primary schools could be opened in this Presidency at an initial cost of 88 and a recurring cost of 3.29, while a further charge of 2.42 was urgently required to enable the teachers in primary schools to be granted a reasonable scale of remuneration. When the current year's allotment for opening new primary schools is fully utilized, it is estimated that 1,185 additional primary schools will have been opened at a cost of 65 initial and 2.28 recurring. The pay of the teachers has also been improved at a recurring cost of 2.87. Thus we have completed two-thirds of the programme framed for the opening of new primary schools, and have also provided all the funds required for the improvement of the pay and position of untrained teachers and for giving the face value of their certificates to all trained teachers, with the exception of a sum of 33 which still remains to be provided in connection with the proposal to fix Rs. 10 a month as minimum and Rs. 15 a month as maximum pay for qualified but untrained teachers in Sind. The question of giving to trained teachers pay according to the scale laid down in the Vernacular Masters' Code, so far as may be expedient, remains for disposal. There are now clear indications that in some parts of the Presidency a further extension of new primary schools cannot be undertaken with advantage at present. The main obstacle is the want of competent teachers, while the opening of abortive schools tends to discredit the movement. Until more experience has been gained of the results of the measures already taken, advance in this direction will be made at a slower rate than hitherto. Accordingly out of the lump provision of 2.25 in the new budget for item (x) one-fourth will be devoted to the opening of new schools, preference being given to schools for the depressed classes, 18 are ear-marked for improving the pay of untrained teachers in Sind, and the remainder will be expended in giving promotion to trained teachers in accordance with the scale in the Vernacular Masters' Code, to untrained head masters up to Rs. 15 a month, and to untrained assistants by allowances up to Rs. 3 a month.

(k) The existing budget allotment for results grants to aided secondary and primary schools is 3.60. This grant has for some years past been found to be inadequate and the deficit was met by large re-appropriations of funds. In consequence the Director of Public Instruction had recently to refuse (except in a few special cases) to take any new schools on to the aided list or to allow any reassessment of grants. This cannot be allowed to continue, especially in the case of the existing schools which have been urged to incur increased expenditure on staff and other improvements. It is estimated that a sum of 90 over and

above the present allotment of 3,60 is required to meet all demands. Of that sum, 10 can be met from savings in the annual grant for the education of European and Eurasian children, and the remainder is provided in the new budget for item (xi).

(l) As indicated under item (xii) Government intend to take over the management of the Gujarát College from the Society for promoting higher education in Gujarát as soon as certain legal difficulties are removed. It is estimated that an additional provision of 17 will be required for expenditure on the College for a portion of next year over and above the annual grant of 10, and that the extra 17 will be covered by students' fees and by interest on endowment funds, for which provision is made on the receipt side under *XIX, Education* (10) and *XII, Interest* (7).

(m) The pay of assistant teachers in Government High Schools and Training Colleges is personal. With a view to improving their prospects and securing the services of competent graduates it is proposed to raise the starting pay from Rs. 30 to Rs. 40 per mensem and to redistribute the appointments in the higher grades. Accordingly 85 posts on Rs. 30 and Rs. 35 per mensem will be done away with. The extra cost will amount to 32 per annum. As some time will elapse before the sanction of the Government of India to the proposals is obtained, a provision of 16 is made for item (xiii) for half of the ensuing year.

(n) With reference to item (xiv), out of the total provision of 8,00 for expenditure on sanitary improvements in the current year, 6,58 have been distributed as grants-in-aid towards the Hubli water-supply (1,99), Bijápúr water-supply (1,30), Násik water-supply (1,20), Pandharpur water-supply (75), Poona drainage and water-supply (50), Ratnágiri water-supply (32), Aden water-supply (20), Alibág water-supply (13), Sholápúr sanitary improvements (10), extension of the Dhárwár water-supply scheme to Gibb Town (4), Belgaum sanitary improvements (2), Dholka water-supply (2), and Belgaum water-supply (1). 92 have been allotted for the purchase of boring tools and plant required by the Sanitary Engineer and for their working expenses. Grants-in-aid amounting to 4,06 are likely to be sanctioned next year in connection with the Poona drainage and water-supply (2,75), Násik water-supply (81), Sholápúr water-supply (45), and Khandála water-supply (5). It is estimated that 20 will be required for grants for certain works (chiefly roads and markets) in connection with the development of Sálsette; and schemes of sanitary improvements in several other towns are under consideration. In view of these requirements 7,50 are provided in next year's budget.

(o) Government intend to allot every year, subject to the exigencies of public finance, 30 for grants-in-aid to local bodies to enable them to extend medical relief to places where it is most needed. Of this amount 20 are intended for the initial cost and 10 for the maintenance of dispensaries. Item (xv) refers to the provision of 30 made for next year.

(p) Detailed proposals submitted by the Surgeon General for the improvement of pay and prospects of Sub-Assistant Surgeons in accordance with certain principles laid down by the Government of India are under the consideration of Government. A provision of 27 is therefore made for item (xvi).

(q) Item (xvii) relates to a scheme for the revision of the curriculum at the medical schools at Ahmedabad, Poona and Hyderabad with a view to improving the course of study which has now been lengthened from three to four years. As it is difficult for the present staff of the schools to keep the teaching up to the standard required, it is proposed to add one Civil Assistant Surgeon and three Sub-Assistant Surgeons to the establishment of each of the three schools. The increase in the number of Sub-Assistant Surgeons will involve also an addition of two men to the reserve maintained in the cadre of Sub-Assistant Surgeons. The scheme is calculated to involve an ultimate recurring expenditure of 27, against which 12 are provided in next year's budget.

(r) A central nursing association called the Bombay Presidency Nursing Association has recently been constituted in this Presidency. It has been established for the purpose of providing a staff for hospital and private nursing for all classes of the community throughout the Presidency and the instruction, training and examination of nurses. The Association will reconstitute, amalgamate and combine the nursing services under the several local nursing associations in this Presidency into one nursing service. These local associations receive aid from the Local Government to the extent of half the recurring charges incurred by them on hospital nursing in addition to building grants for quarters, lighting installations, and the like, the balance of their expenditure being met from public subscriptions and from nursing fees. The Central Association will derive its income from interest on the endowment fund, to which Sir Jacob Sassoon has generously presented the sum of one lách of rupees, from contributions levied from affiliated associations, and from such State aid as may be given. Following the precedent in the case of the Lady Minto Nursing Association the Government of India have sanctioned a contribution of 10 from Imperial revenues in aid of the Bombay Presidency Nursing Association, and this sum is provided for item (xviii) in the *Medical* expenditure budget.

(s) Government have accepted the offer made by the Trustees of the Báí Dhankorbái Hospital at Násik to make over to them the buildings, site and endowment fund of the hospital on the condition that the buildings and the site should be included in, and become part of, the Civil Hospital and should be used, in the main, for the treatment of women and children and the accommodation of nurses. This arrangement involves an initial charge of 5 for equipments and a recurring expenditure of 6 per annum. Item (xix) provides 11 to meet these charges. An additional expenditure of about 6 will be required for repairs and alterations

which will be carried out by the Public Works Department. A good and much needed addition to the Civil Hospital will thus be secured at an initial cost of 11.

(t) The present arrangements for the medical administration of the new district of East Khándesh having been found to be defective in many respects and complaints having been received of the inconvenience resulting from them, Government contemplate the creation of a separate Civil Surgeoncy with a Military Assistant Surgeon in charge for that district. The additional expenditure is estimated at 10 a year, but as the new Civil Hospital at Jalgaon, which is to be constructed from the funds raised by private donations, is not expected to be ready before October next, item (xx) provides 5 for the latter half of 1911-12 in the budget.

(u) Government have under consideration the suggestion that the port of Karáchi should be opened, in addition to Bombay, for the embarkation of pilgrims to the Hedjaz. It is reported that the proposal would be of doubtful advantage unless efficient arrangements were first made for housing, shipping and protecting the pilgrims. The services of the Protector of Pilgrims, Bombay, are about to be placed at the disposal of the Commissioner in Sind with the view of a thorough examination being made of local conditions. In the meanwhile, a lump sum of 6 is provided (item xxi) for expenditure which will have to be incurred on temporary additions to the staffs of the Port Health and Police Departments, a new disinfection stove, etc., in case the proposal is carried out next year.

(v) Under item (xxii) 61 are provided for the establishment of new agricultural stations at Lárkána (25) and in the Kolába District (7), for the construction of buildings (20) and employment of staff (2) for agricultural schools for cultivators' sons, and for the distribution of seeds and implements by Divisional Inspectors of Agriculture (7). An additional provision of 28 is made in connection with the Agricultural Engineer's Department. By the end of the current year that Department will have charge of eight pumping and other plants, including three sugarcane crushers. The working of all these plants is carried on under the immediate supervision of the Agricultural Engineer, who is also to direct the erection of water lifts and other machines for experimental purposes on the Agricultural College pumping station when the well there is completed by the Public Works Department. He is also to inspect the municipal plants in the Presidency. It is therefore expected that the work of his Department will greatly increase in the ensuing year.

(w) Item (xxiii) provides a lump sum of 26 in connection with the appointment of Surgeons for the certification of children as required by the proposed Factory Act. In accordance with the recommendation of the Factory Commission it is

proposed to appoint a whole time Certifying Surgeon for Bombay City. For the mofussil the duty of certification will be entrusted, as hitherto, to Civil Surgeons or Assistant Surgeons or Sub-Assistant Surgeons. As these officers will cease to levy the fee of four annas a child, they will be remunerated by special allowances for the additional duty imposed upon them.

(x) The local feeling for an equality of treatment in dealing with State aid in respect of town improvements in the cities of Calcutta and Bombay has found frequent public expression. The Government of India have now generously contributed a subsidy of 50,00 out of their Imperial surplus in the revised estimates of the current year. Item (xxiv) relates to the provision of this grant in the new budget, which will enable the City of Bombay Improvement Trust to embark on certain new schemes the postponement of which for want of adequate resources at the disposal of the Trust would have added greatly to the cost by appreciation of land values.

16. In the Provincial Advance and Loan Account the payments of takávi and other loans are estimated at 36,52 and recoveries at 40,72. Compared with the revised estimate for 1910-11, the former figure shows decreases of 4,50 under loans to landholders, notabilities and Native States and 53 under loans to local bodies, partly counterbalanced by increases of 2,00 under advances to cultivators and 52 under advances under special laws. The provision of 8,50 made for loans to these bodies includes 95 for unforeseen demands and the rest is for the grant of loans varying between 30 and 2,75 to three mofussil Municipalities and one District Local Board for sanitary projects. The estimate of recoveries for next year is less by 4,63 than the current year's revised, the decrease being chiefly in the repayments expected from cultivators and local bodies.

#### *General Remarks.*

17. A comparison of the estimates for the coming year with the budgets of previous years is complicated by the important changes which have been made in the Provincial Settlement and by the large subventions for temporary purposes which have been received from the Government of India out of their surplus. Apart from these alterations and assignments, the Provincial budget, as prepared by the Local Government with the assistance of the Finance Committee, provided for a revenue of 6,44,44, which with an opening balance of 88,33, gave a total of receipts amounting to 7,32,77. The expenditure was taken at 6,60,27, leaving a closing balance of 72,50; and it was intended to modify these figures to 6,62,77; and 70,00 respectively. The principle was accepted that the total of the ordinary expenditure plus new recurring expenditure should be kept within the revenue of the year,

exclusive of unusual receipts, and that such receipts and any draft on the balance should be expended on non-recurring objects only. The figure for ordinary plus new recurring expenditure was taken at 6,34,43, and that for non-recurring at 25,84 (or 28,34), leaving a closing balance (as already noted) of 72,50 (or 70,00). The total expenditure for 1909-10 was less than 6,34,43 by 7,10, while the budget and revised of 1910-11 exceeded that figure by 4,94 and by 9,01 respectively; while the balance of 70,00 exceeded the balance in the budget of 1910-11 by 9,13, and was three and a half multiples of the prescribed minimum balance. The normal annual increase in receipts is estimated at 13,00. It will be seen that the financial position was very strong, even before the modifications which have been made under the arrangements now approved by the Government of India. The position of the provincial finances is rendered still stronger by these arrangements. Without any modification of the scheme for providing for famine expenditure, or of the guarantee that Provincial receipts from Land Revenue shall not fall below a certain sum, the fixed assignments hitherto received from the Government of India through the *Land Revenue* head have been converted into whole, in place of half, shares of growing revenues under the important heads *Excise* and *Forest*, and from *nil* to one half Provincial share under one smaller head. This extension of the principle of the Settlement which was made in 1904-05 together with the undertaking that the policy of converting fixed assignments, when they amount to a considerable figure, into shares of growing revenues will be adhered to in the future, is a subject for great satisfaction; and apart from the *Land Revenue* and *Irrigation* heads, there are now only two major heads which are divided between Imperial and Provincial, namely *Stamps* and *Assessed Taxes*. Land revenue expenditure is wholly provincial, and land revenue receipts must necessarily be divided in some form or other; the *Irrigation* heads are complicated, and it would be premature to express any opinion yet on their complete provincialisation, or the complete provincialisation of some and de-provincialisation of others, being practicable or advisable. The Government of India have also as yet said no word on the important question of investing a Local Government with borrowing powers (except that it may take a short loan from the Government of India, and pay interest on it, if it has been permitted to overdraw its balance); and there are a few other points on which further light is required

before the extent of the control of a Local Government over the provincial finances becomes perfectly clear. Such are the exact intention of the proviso that a province shall not budget for a deficit in its current revenue and expenditure unless it can show that the excess expenditure is due to a wholly exceptional and non-recurring cause; the occasions on which an overdraft of the provincial balance will entail payment of interest to the Government of India on the overdraft; and the degree to which shares of any Imperial surplus which may be assigned to provincial will be specifically allocated by the Government of India to definite objects of expenditure or will be left to be expended according to the discretion of the Local Government aided by its Legislative Council. On the present occasion the Government of India out of an assignment from the opium surplus of 15,27 have assigned 5,00 to *Education* and 2,00 to *Medical*, and have added 8,27 to balance to be expended on educational and sanitary objects; that is, they have specifically allotted the whole amount to definite major heads and have left to the discretion of the Local Government and Council only the distribution of the allotted sums to particular objects under those major heads. The assignments of 50,00 from general surplus to the City Improvement Trust, and of 3,25 to Police have been made at the express request of this Government. There is no reason to doubt that the points which have been mentioned as not fully clear will be satisfactorily settled, or that the questions of the power to borrow and of the right distribution of the *Irrigation* heads between Imperial and Provincial will not be carefully considered in due course; and the declaration that the intervention and corrections of the Government of India will be confined to the total revenue and expenditure in the Local Government's estimates and the figures of the few divided major heads may be accepted with hearty gratification. The budget for next year marks a distinct advance in the progress of the Local Government and Council towards the management of the provincial finances, and gives good reason for hoping for further development in the future. In order that the relation of recurring expenditure to expanding revenue may be closely watched, endeavour will be made in future Financial Statements to exhibit, more clearly than has hitherto been the case, the totals of the heads of recurring expenditure.

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PART II.  
SECTION I.

Accounts of 1909-10.

18. The estimated and actual transactions of the year 1909-10 are given below:—

	Budget Estimate.	Revised Estimate.	Actuals.
Opening balance ...	69,62	69,83	69,83
Revenue ..	6,20,87	6,30,84	6,44,71
Expenditure ...	6,26,07	6,23,83	6,27,33
Closing balance ...	64,42	76,84	87,21

The important differences between the budget and revised estimates for 1909-10 have been explained in Part II, Section II, of the Revised Financial Statement for 1910-11 and in the supplementary Memorandum of alterations issued on 11th March 1910. Important variations of the actuals from the revised estimates are noticed below.

19. On the revenue side, the actuals show a net increase of 13,87 over the revised estimates. The following is the explanation of the principal differences:—

*I, Land Revenue (Divided).*—The increase of 3,26 was due to an exceptionally favourable season and plentiful yield of cotton in some parts of the Deccan and Karnatik. These causes were taken into account when the revised estimate for the year was framed, but the actual collections were larger than was anticipated.

*I, Land Revenue (Alienations).*—The increase of 3,62 was due mainly to the average assessment rate on alienated lands in the Larkana District having been calculated at a fixed rate of Rs. 3-6-6 per acre instead of the actual *barani* (rain) rate of previous years, to the introduction of revision settlements, and to a change in the procedure for the adjustment of *kadim* cash allowances.

*V, Excise.*—The increase of 1,73 was due to heavy receipts in March 1910, mainly under "Still-head duty", for which sufficient allowance was not made in the revised.

*XII, Interest.*—The increase of 3,59 was due to larger recoveries from cultivators in the closing months of the year.

*XVI-B, Law and Justice—Fails.*—The decrease of 61 was due to the discontinuance of the usual adjustment on account of "Hire of Convicts" employed at the Jail Press at Yeravda, to the accumulation of Police suits for delivery in the financial year 1910-11, and to the accumulation of cloth for the same purpose.

*XXV, Miscellaneous.*—The increase of 2,83 was due to the adjustment of sums debited in previous years (1902-03 to 1906-07) to 3, *Land Revenue*

instead of to a debt head on account of *kadim* cash allowances and advances for boundary marks.

*XXIX, Irrigation—Major Works—Portion of Land Revenue due to Irrigation.*—The decrease of 1,69 was due to the deficiency of water in Canals in Sind, the flood of 1909-10 not being so favourable as that of 1908-09. The decreases occur on the Desert, Begari, Mahiwah, Jamrao and Nasrat Canals and are partially counterbalanced by increases on the Unharwah, Eastern Nara and Dad Canals.

*XXIX, Irrigation—Major Works—Direct Receipts.*—The increase of 53 was due mainly to the recovery of arrears on the Desert and Nira Canals and the Mhaswad and Ekruk Tanks, and of water rates on the Mahiwah, partially counterbalanced by decreases on the Eastern Nara and Krishna Canals.

*XXXI, Civil Works (Public Works Department).*—The increase of 85 was due mainly to larger receipts under rents of buildings, sale of produce, fines, refunds, and tolls on roads.

20. The expenditure of the year exceeded the revised by 3,50. The principal differences are explained below:—

*1, Refunds.*—The increase of 1,52 was due to the heavy adjustment of recoveries of *kadim* cash allowances.

*2, Assignments and Compensations.*—The increase of 2,97 was due to the causes explained above under *I, Land Revenue (Alienations)*.

*24, Medical.*—The decrease of 1,78 was due mainly to the grants sanctioned for two local bodies in connection with their sanitary projects not being drawn before the close of the year, partly counterbalanced by additional grants paid to certain nursing associations and larger expenditure on medicines and instruments for mofussil hospitals and dispensaries.

*26, Scientific and other Minor Departments.*—The increase of 86 was due to expenditure from additional grants sanctioned in the closing months for the Agricultural Department, and to increased expenditure on veterinary establishments and dispensaries.

*30, Stationery and Printing.*—The increase of 1,68 was due mainly to the larger adjustment on account of "Stationery supplied from Central Stores" than the figure adopted in the revised.

*45, Civil Works (Public Works Department).*—The decrease of 74 was due chiefly to stores for certain water-supply works and the petrol lorries for experimental purposes ordered from England not having been paid for before the close of the year, and to the Government grant for the new alignment of the road which connects Kalyan with the Bombay-Poona Road not being received by the G. I. P. Railway Company.



SECTION II.  
Revised Estimates for 1910-11.

21. The budget and revised estimates of 1910-11 are shown below :—

Revenue.				No.	Heads.	No.	Expenditure.							
Budget.	Revised.	Revised					Budget.	Revised.	Revised					
		Better.	Worse.						Better.	Worse.				
...	...	...	...	...	Refunds	1	3.02	3.53	...	51				
...	...	...	...	...	Assignments and { Cash	2	9.54	9.44	10	...				
...	...	...	...	...	Compensations. } Alienations.						79.78	82.70	...	2.92
2,03.68	2,05.98	2.30	...	1	Land Revenue—	...	...	...	...	...				
92.28	95.33	3.05	...		{ Provincial share...	...	...	...	...	...				
89.35	1.54.99	65.64	...		{ Alienations	...	...	...	...	...				
...	...	...	...		{ Fixed Allotment and Ad-justments	...	...	...	...	...				
...	...	...	...	...	{ Cash	3	74.87	72.31	2.56	...				
...	...	...	...	...	{ Alienations						7.49	7.69	...	20
38.26	41.00	2.74	...	IV	Stamps	6	1.16	1.17	...	1				
87.12	93.75	6.63	...	V	Excise	7	4.98	4.78	20	...				
23.98	24.30	52	...	VIII	Assessed Taxes	10	59	56	3	...				
18.55	18.85	30	...	IX	Forest	11	11.31	10.54	77	...				
7.60	7.30	...	10	X	Registration	12	3.90	3.75	15	...				
9.81	12.41	2.60	...	XII	Interest	13	6.13	6.03	10	...				
...	...	...	...	...	General Administration	18	17.04	17.12	...	8				
5.87	5.98	11	...	XVI-A	Law and Justice—Courts of Law	19-A	53.03	54.68	...	1.65				
2.65	2.35	...	30	XVI-B	Law and Justice—Jails	19-B	10.49	10.60	...	11				
4.03	3.96	...	7	XVII	Police { Cash	20	89.95	89.86	9	...				
...	...	...	...	...	{ Alienations						5.01	4.94	7	...
95	92	...	3	XVIII	Ports and Pilotage	21	96	73	23	...				
4.20	4.20	...	...	XIX	Education	22	50.60	48.00	2.60	...				
2.16	2.34	18	...	XX	Medical	24	30.19	24.40	5.79	...				
...	...	...	...	...	Political	25	4.87	4.70	17	...				
98	1.15	17	...	XXI	Scientific and other Minor Departments	26	8.96	8.57	39	...				
2.35	3.25	90	...	XXII	Superannuation Allowances, etc.	29	30.20	30.00	20	...				
1.01	1.01	...	...	XXIII	Stationery and Printing	30	13.29	14.00	...	71				
98	1.05	7	...	XXV	Miscellaneous	32	3.62	4.19	...	57				
...	...	...	...	...	Reduction or Avoidance of Debt	36	13.70	13.70	...	...				
...	...	...	...	...	Subsidized Companies—Land	40	...	23	...	23				
...	...	...	...	...	Miscellaneous Railway Expenditure	41	...	2	...	2				
14.32	14.02	...	30	XXIX	Irrigation—Portion of Land Revenue due to Irrigation	...	...	...	...	...				
5.69	5.95	26	...	XXIX	Irrigation—Major Works—Direct Receipts.	42	6.34	6.35	...	1				
...	...	...	...	...	Working Expenses						9.13	9.09	4	...
...	...	...	...	...	Interest						...	...	...	...
...	...	...	...	XXX	{ Irrigation—Minor Works—Civil Department	43	7	3	4	...				
1.56	1.74	18	...								Public Works Department	15.19	17.73	...
7	7	...	...	XXXI	{ Civil Works—Civil Department	45	8.44	8.32	12	...				
5.95	6.40	45	...								Public Works Department.	65.52	73.68	...
6,23.40	7,08.70	86.10	80	...	Total	...	6,39.37	6,43.44	13.65	17.72				
76.84	87.21	10.37	...	...	Opening Balance	Closing	60.87	1,52.47	91.60	...				

22. The revised estimates of revenue show a net improvement of 85,30 over the budget. The important increases anticipated are under the following heads:—

*I, Land Revenue.*—70,99 made up of—

- (i) an increase of 2,30 under "Provincial  $\frac{1}{2}$  share" due to larger realizations of arrears consequent on a favourable season, and to increased receipts in Bombay City from the sales of certain lands to the Port Trust and the Improvement Trust;
- (ii) an increase of 3,05 under "Alienations," due chiefly to a change in the rate of assessment in Lárkána and to revision settlements;
- (iii) a net increase of 65,64 under "Fixed Allotment and Adjustments," due to the special assignments made by the Government of India out of surplus revenues in the Imperial Exchequer for a subvention of 50,00 to the City of Bombay Improvement Trust and for non-recurring expenditure of 15,27 on education and sanitation, to additions on account of accommodation charges for one officer and ten soldiers at the Central Lunatic Asylum, Yeravda (18), archæological expenditure (11), additional police in Káthiáwár for safeguarding the Bhuj Treasury (7), and entertainment of the German Crown Prince (3), and to a deduction of 2 for the cost of operations connected with oyster beds at Káráchi.

*IV, Stamps.*—2,74, occurring chiefly under impressed stamped papers, special adhesive stamps on hundis and unstamped documents owing to the new taxation of the current year, and under court-fee stamps due to abnormally high sales in consequence of a large number of civil suits instituted by mortgagees owing to a change in the Indian Limitation Act, 1908. The increase is partially counterbalanced by a falling off mainly in the receipts from hundi stamped papers and insurance and share transfer stamps.

*V, Excise.*—6,63, due mainly to larger receipts under still-head duty, country spirit shop license fees, tax on trees tapped for raw toddy, transit duty and gain on sale-proceeds of excise opium, and duty on gánja, in consequence of a favourable agricultural season.

*VIII, Assessed Taxes.*—52, being the net result of a decrease in the tax from spinning and weaving companies counterbalanced by an improvement in other sources of income, trade being on the whole prosperous.

*XII, Interest.*—2,60, due to larger receipts of interest on advances to cultivators owing to a good season and to the overhauling of tagái accounts.

*XXII, Receipts in aid of Superannuation Allowances.*—90, due to a larger number of posts of Local Fund and Municipal school teachers having become pensionable on the superior scale in consequence of an increase in their pay and in the number of schools managed by local bodies.

23. On the expenditure side, the revised estimates indicate a net increase of 4,07 over the budget. The important increases anticipated are under the following heads:—

*1, Refunds*—51, chiefly under "Land Revenue," due to the adjustment of receipts on account of *kadim* cash allowances credited to *I, Land Revenue* instead of to a debt head in previous years.

*2, Assignments and Compensations.*—2,82, occurring mainly under "Assessment of Alienated Lands," due to the introduction of revision settlements, to a change in the procedure for the adjustment of *kadim* cash allowances, and to the adoption of a fixed rate of assessment on alienated lands in the Lárkána District, partially counterbalanced by a small decrease under "Excise Compensations."

*19-A, Law and Justice—Courts of Law.*—1,65, chiefly due to law charges in connection with the Násik murder case and to hiring of temporary accommodation for the Court of Small Causes, Bombay, partly counterbalanced by savings (i) in salaries owing to the post of a Judge in the High Court having remained vacant for a short period and to the temporary transfer to the Government of India of the services of the permanent incumbent of the post of Administrator General, and (ii) in the provisions for establishments of conciliators' courts, and for house-rent allowance to gazetted officers in Bombay.

*30, Stationery and Printing.*—71, occurring mainly under "Stationery supplied from Central Stores," partially counterbalanced by savings due to the discontinuance of the usual adjustment on account of convict labour supplied to the Yeravda Prison Press.

*32, Miscellaneous.*—57, due mainly to the writing off of takávi advances, chiefly in the Ahmedabad District.

*43, Irrigation—Minor Works and Navigation (Public Works Department)*—2,54, due mainly to active erosion by the river Indus necessitating the prompt construction of retired or loop embankments at threatened places. Additional funds have been provided for repairs and construction of bunds and loops forming parts of the flood embankment system, for necessary works on the stream of the river, and for urgent works on the Fuleli and other canals in Sind.

*45, Civil Works (Public Works Department)*—8,16, due mainly to additional grants sanctioned or transferred from other heads for (i) water works schemes for certain local bodies, (ii) the David Sassoon Reformatory at Mátunga, (iii) bridges at Kalyán and on the Bhima, (iv) electric installations

at Ganeshkhind, (v) Central offices at Poona, and (vi) acquisition of certain properties. The increase is partially counterbalanced by deductions made for the purpose of meeting unforeseen expenditure under other major heads.

24. On the other hand, the revised estimates indicate decreases of expenditure principally under the following heads:—

3. *Land Revenue*.—2,36, due mainly to savings in the grants for allowances and contingent charges of village accountants and village servants useful to Government (1,24), for temporary establishments (1,13), for supplies and services (40) and contingent charges (13) under "Charges of District Administration," for "Land Records" charges in Sind (42), for the Mirpurkhás and Nawabshah improvement schemes (23), and for the training of taláts and circle inspectors in survey work (19). The savings are partially counterbalanced by the lump deduction of 1,00 from the major head provision in the budget and by larger expenditure (39) under the minor head "Allowances to District and Village Officers."

11. *Forest*.—77, due mainly to savings in the provisions for the reorganization of subordinate forest establishments, which has been sanctioned by the Secretary of State and partially introduced from 7th December 1910, and for salaries and allowances of superior officers.

22. *Education*.—2,60, due chiefly to the transfer of 99 for the David Sassoon Industrial and Reformatory buildings to the Public Works Department, and to anticipated savings in the provisions for technical education (86), for the opening of new primary schools (85), for charges of the secondary and training schools (49), for grants-in-aid to colleges and secondary schools (35), for the preparation of Sanskrit series and departmental books (25), and for the establishment, allowances, etc., of the inspectorial staff (20). The decrease would have been larger but for (i) the provision by re-appropriation of an additional allotment (90) for results grants to aided secondary and primary schools and (ii) the lump deduction of 50 from the major head provision in the budget.

24. *Medical*.—5,79, due mainly (i) to a portion (4,28) of the provision for grants in aid of sanitary projects having been transferred to the Public Works Department, (ii) to anticipated savings in the provisions for salaries and allowances of superior officers of the Medical, Sanitary and Chemical Examiner's Departments (85), for direct plague expenditure (63), for the staff of the Grant Medical College (40), for the Bacteriological Laboratory (23), for the Belgaum Vaccine Institute (23), and for "Reserve Medical Subordinates" (21), and (iii) to the non-utilization of the provisions for the increase of the salaries of Sub-Assistant Surgeons (19) and for the transfer of the civil duties of the Principal Medical Officer,

Sind; to the Civil Surgeon, Karachi (12). These savings are partly counterbalanced by the lump deduction of 1,50 from the major head provision in the budget.

25. The opening balance of the year 1910-11 estimated in the budget at 76,84 is now raised to 87,21. According to the revised estimates, the expenditure during the year falls short of the revenue by 65,26 instead of showing the deficit of 15,97 estimated in the budget, and the closing balance of 1,52,47 shows an improvement of 91,60 over the budget.

### SECTION III.

#### Budget Estimates for 1911-12.

26. The year 1911-12 is estimated to open with a balance of 1,52,47 and to close with a balance of 78,27 to the credit of the Provincial account as shown in the following table:—

	1910-11.		1911-12.	Column 4 better+, or worse —, than	
	Budget.	Revised.	Budget.	Column 2.	Column 3.
1	2	3	4	5	6
Opening balance ...	76,84	87,21	1,52,47	+ 75,63	+ 65,26
Revenue ...	6,23,40	7,08,70	6,78,63	+ 55,22	— 30,08
Expenditure ..	6,39,37	6,43,44	7,52,82	— 1,13,45	— 1,09,38
Closing balance ..	60,87	1,52,47	78,27	+ 17,40	— 74,20

#### Refunds—1.

27. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Refunds ...	3,24	3,91	4,90	3,02	3,53	4,04

The budget for next year includes 2,10 against 1,17 in the current year's budget on account of excise and forest refunds, which will become wholly Provincial charges from 1911-12, and shows slight variations in other details, the revised for the current year being high on account of special land revenue refunds.

#### Assignments and Compensations—2.

28. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Cash ..	8,43	9,56	9,59	9,54	9,44	12,73
Alienations ..	79,32	79,85	83,02	79,78	82,70	82,70
Total ..	87,75	89,41	92,61	89,32	92,14	95,43

Apart from the increase consequent on the total provincialization of "Excise compensations," the budget practically follows the current year's revised. It includes 15 for additional compensation to certain Native States for the renewal of hemp drugs leases which fall in on 31st March 1911.

*I.—Land Revenue—3.*

29. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
<i>Revenue.</i>						
Provincial $\frac{1}{3}$ share.	1,82,23	1,80,81	2,14,11	2,03,68	2,05,98	2,08,03
Alienations ..	91,66	92,24	95,91	92,28	95,33	95,33
Fixed allotment and Adjustments.	80,40	91,94	92,63	89,35	1,54,99	6,85
Total ...	3,54,29	3,64,97	4,02,65	3,85,31	4,56,30	3,10,21
<i>Expenditure.</i>						
Cash ...	68,98	73,77	72,28	74,87	72,31	74,12
Alienations ..	7,37	7,40	7,93	7,49	7,69	7,69
Total ...	76,35	81,17	80,21	82,36*	80,00	81,81*

\* This is the major head estimate after deduction of 1,00 for probable savings.

(a) The budget under "Provincial  $\frac{1}{3}$  share" is framed on the basis of a normal season. Owing to the continuance of the rains for a longer period, and possibly also the work connected with the census, the collections in the current year are likely to be later than usual, and it is anticipated that a part of the revenue will remain over for collection during 1911-12.

Under "Alienations," the budget follows the revised estimate for 1910-11.

The provision under "Fixed Allotment and Adjustments" follows the replacement of the fixed assignment of 42,77 under the Provincial Settlement and of other permanent allotments made since 1905-06 by the Government of India for various objects by growing shares of revenue and expenditure under certain heads as explained in paragraph 9. The net Imperial assignment of 6,85 in the new budget is explained below :—

- |  |         |
|--|---------|
| (i) Contribution from Imperial to Provincial under the Famine Relief Scheme.   | + 13,70 |
| (ii) Provincial contribution as explained at the end of paragraph 9.   | - 9,38  |
| (iii) Imperial contribution towards Police reorganization and reforms.   | + 3,25  |
| (iv) Provincial contribution on account of the amalgamation of the Public Works Accounts section with the Civil Accounts Department. | - 70    |
| (v) Provincial contribution for operations connected with oyster beds at Karáchi.  | - 2     |

Net total ... + 6,85

(b) The decrease of 55 in the expenditure budget as compared with the budget for 1910-11 is due mainly to the provisions for "Land Records—Allowances to district and village officers" being smaller by 1,09 in view of past actuals, for temporary establishments by 68, and for the Mirpurkhás and Nawabshah improvement schemes by 29. The decrease is partially counterbalanced by the additional provisions made chiefly under the minor head "Allowances to District and Village Officers" (47), for the construction and repairs of chávdis (45), for the officer on special duty for the development of Salsette and his establishment (44), for the contemplated revision of subordinate revenue establishments in Sind (10), and for the cadastral survey of Bombay City (7). The new budget differs from the revised estimate for 1910-11, as the latter shows smaller provisions mainly for salaries, allowances and establishment charges under "Charges of District Administration," for the construction and repairs of chávdis, and for the training of taláti and circle inspectors in survey work.

*IV.—Stamps—6.*

30. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	32,23	32,11	36,25	38,26	41,00	40,00
Expenditure ...	1,10	1,11	1,11	1,16	1,17	1,18

(a) The revenue budget practically follows the current year's revised under all minor heads except "Sale of Court-fee Stamps," where a drop is anticipated as the abnormal sales in the current year due to the alteration in the Indian Limitation Act, 1908, will not recur, and "Miscellaneous" due to a falling off in the receipts from the composition of stamp duty.

(b) The expenditure budget is normal.

*V.—Excise—7.*

31. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	81,93	84,23	87,73	87,12	93,75	1,02,00
Expenditure ...	3,25	5,09	4,67	4,98	4,78	9,99*

\* This is the major head estimate after deduction of 70 for probable savings.

(a) The revenue budget shows a large increase consequent on the total provincialization of excise receipts. It provides for an advance of 4,50 over the current year's revised in view of favourable agricultural prospects, the increase occurring

chiefly under still-head duty in the Presidency proper and Sind, and toddy revenue and opium license fees in the Presidency proper.

(b) The new budget takes into account the total provincialization of the expenditure, and shows an increase of 5,01 over the budget of the current year. The real increase, however, amounts to 73 if the lump deduction of 70 in next year's budget is not taken into account. It is due principally to the absence of the usual deduction (62) on account of establishment contributions from opium farmers in respect of which increased license fees are provided for on the receipt side.

#### VIII.—Assessed Taxes—10.

32. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ..	24,11	23,76	23,59	23,98	24,50	24,47
Expenditure ...	42	45	48	59	56	57

(a) In the revenue budget a decrease of 94 is anticipated in the receipts under "Tax on Profits of Companies" owing to unfavourable prospects of the Mill industry in the current year, on the accounts of which assessments for the ensuing year will be based, while an increase of 1,43 (including 22 on account of income tax on salaries in the Public Works Department, which will become divisible asset as explained in paragraph 9) is estimated under other heads in view of the latest actuals and general improvement in trade.

(b) The expenditure budget calls for no remark

#### IX.—Forest—11.

33. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	18,23	17,94	18,79	18,55	18,85	37,70
Expenditure ...	9,78	10,22	10,32	11,31*	10,54	23,20*

\* This is the major head estimate after deduction of 25 in the current year's budget and 40 in the budget for 1911-12 for probable savings.

(a) The revenue budget takes into account the total provincialization of forest receipts. The increase over the budget for 1910-11 is due also to higher receipts expected in the Northern Circle under "Timber removed from the forests by consumers or purchasers," partially counterbalanced by smaller receipts in the Sind, Northern and Central Circles under "Timber, etc., removed from the forests by Government Agency."

B 1930—96

(b) The increase in the expenditure budget (which is swelled by the total provincialization of forest expenditure) over the budget for 1910-11 is due chiefly to the lump provision of 36 for time-scale pay for the Provincial Forest Service, and to the provision for communications and buildings being larger by 58.

#### X.—Registration—12.

34. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	6,95	7,03	7,15	7,60	7,50	7,43
Expenditure ...	3,26	3,52	3,62	3,90	3,75	3,83

(a) The decrease in the revenue budget as compared with the budget for 1910-11 occurs under the minor head "Fees for registering documents," the estimate for which allows for a moderate advance over the revised for 1910-11, which includes a special receipt under the minor head "Miscellaneous."

(b) The expenditure budget is normal. The revised estimate for the year 1910-11 is low owing to delay in the introduction of the reorganization scheme.

#### XII.—Interest—13.

35. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	8,05	7,04	13,59	9,81	12,41	12,05
Expenditure ...	6,29	6,22	6,19	6,13	6,03	5,77

(a) The increase in the revenue budget over the budget for 1910-11 is due chiefly to (i) larger receipts estimated on account of interest on advances to cultivators partly in view of a favourable season and partly in consequence of improvement of the system of keeping tagái accounts, (ii) interest recoverable in respect of (a) loans to certain Native States which have been transferred from the Imperial to the Provincial accounts, and (b) loans sanctioned for the Sholapur Municipality and certain Courts of Wards this year, and (iii) interest realisable for a portion of the year 1911-12 on the endowment funds of the Gujarát College, the management of which is to be taken over by Government as soon as certain legal difficulties are removed.

(b) The decrease in the expenditure budget as compared with the budget for 1910-11 is due chiefly to the reduction of the outstanding balance at the close of that year, and to smaller provisions for advances to cultivators in anticipation of a normal season, and for the grant of loans to Gujarát Talukdárs in connection with the settlement of their debts.

36. The amount to be obtained from the Government of India for loans is provisionally distributed as shown below :—

(i) Loans to cultivators ... ..	24,50
(ii) Loans to talukdars in Gujarát and incumbered estates in Sind.	2,02
(iii) Loans to landholders and notabilities apart from the provisions of any law.	1,00
(iv) Loans to local bodies on account of public works.	8,50
(v) Loans for the purposes of the Co-opérative Credit Societies Act.	50
Total ... ..	<u>36,52</u>

*General Administration—18.*

37. The Provincial figures are :—

	Actuals			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Expenditure.	15,67	16,07	16,13	17,04	17,12	19,27

Next year's budget exhibits an increase of 2,23 over the current year's budget, due mainly to provisions for (i) expenditure in connection with the forthcoming Royal Visit and Coronation at Delhi (2,00) and (ii) revision of Secretariat establishments (5), and to increased provision for the upkeep of the motor-cars of His Excellency the Governor (6), for house-rent allowances to gazetted officers (4), and for sumptuary allowance to the Commissioner in Sind (3).

*XVI-A—Law and Justice—Courts of Law—19-A.*

38. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue	5,30	5,89	5,99	5,87	5,98	6,10
Expenditure	51,81	52,81	52,62	53,03*	54,68	54,59*

\* This is the major head estimate after deduction of 60 in the current year's budget and 29 in next year's budget for probable savings.

(a) The revenue budget follows the current year's revised with small increases under "General Fees, Fines and Forfeitures," "Miscellaneous Fees and Fines," and "Miscellaneous."

(b) Next year's expenditure budget exhibits an increase of 1,56 over the current year's budget, but the real increase is 1,25, as the lump deduction for probable savings in the current year's budget amounts to 31 more. The increase is due mainly (i) to larger provisions for salaries under "Civil and Sessions Judges" (26), temporary Subordinate Judges (25), fees in criminal cases (10), and payments to officers of other Provinces (5), and (ii) to provisions for rent and

miscellaneous charges in connection with the location of the Small Cause Court, Bombay, in a private building (32), for the contemplated revision of (a) judicial establishments in the Presidency proper (15), (b) process-serving establishments in certain districts (13), and (v) salaries of Government Pleaders (5), and for the supply of law-books (5). The increase is partially counterbalanced by smaller provisions for plague allowances (12), house-rent allowances to gazetted officers (7), and salary of the Assistant Remembrancer of Legal Affairs (5).

*XVI-B—Law and Justice—Fails—19-B.*

39. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue	2,14	2,17	1,89	2,65	2,35	2,40
Expenditure	8,66	9,92	10,05	10,49	10,60	10,77

(a) The decrease in the revenue budget from the budget for 1910-11 is nominal, as no adjustment will be made on account of "Hire of Convicts" employed at Jail presses, a corresponding reduction having also been made on the expenditure side under 30, *Stationery and Printing*.

(b) The increase in the expenditure budget is due chiefly to dietary and hospital charges (38), and to the provision for the contemplated improvement of the pay of jail warders (4), partially counterbalanced by decreases under expenditure on jail manufactures (12), and extraordinary charges for live stock, tools and plant (4).

*XVII.—Police—20.*

40. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue	4,49	3,94	3,95	4,03	3,96	4,53
Expenditure—						
Cash	71,45	84,38	88,05	89,95	89,86	95,79
Alienations	4,96	4,99	5,05	5,01	4,94	4,94
Total	76,41	89,37	93,10	94,96*	94,80	1,00,73*

\* This is the major head estimate after deduction of 1,00 for probable savings.

(a) The increase in the revenue budget over the budget for 1910-11 is due chiefly to the provision made for recovery of charges on account of the additional police which it is proposed to post in certain parts of the Kaira District.

(b) The increase in the expenditure budget compared with the estimates for 1910-11 is due mainly to the provisions mentioned below :—

(a) For additional police reorganization and reforms.	4,59
(b) Increased provision for additional police ...	57
(c) Increased provision for rent charges of the Bombay City Police.	44
(d) Revision of the grades of head constables in Sind.	26
Total ...	<u>5,86</u>

Increased provision of 39 is also made on account of travelling allowances. A portion of item (a) will be met from the Imperial contribution of 3,25 referred to in paragraph 29, while item (b) will be covered fully by recoveries provided for under the head *XVII, Police*. On the other hand, the provision for clothing charges is smaller by 20, for the Police Training School by 19, and for the Sind Railway Police by 14.

#### *XVIII—Ports and Pilotage—21.*

41. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	94	89	88	95	92	92
Expenditure ...	54	53	59	96	73	78

(a) The revenue budget follows the current year's revised estimate.

(b) The decrease in the expenditure budget is due mainly to a smaller provision for repairs to the steamer *Shelum* which is used for service on the Indus. The provision of 30 made for this purpose in the budget for 1910-11 not being likely to be utilized in full, 12 have been entered in the revised estimate and 13 transferred to the budget for 1911-12.

#### *XIX.—Education—22.*

42. The figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	3,78	4,09	4,09	4,20	4,20	4,40
Expenditure ...	28,05	41,21	43,53	50,60*	48,00	56,78*

\* This is the major head estimate after deduction of 50 in the budget for 1910-11 and 96 in the budget for 1911-12 for probable savings.

(a) The increase in the revenue budget is due chiefly to the fees expected from the students of the Gujarat College for a portion of 1911-12, and to larger estimates of fees at the other Arts Colleges and at secondary schools.

(b) The increase in the expenditure budget over the current year's budget is due mainly to the provisions made for the following items :—

(i) Lump provision for non-recurring expenditure out of the Imperial assignment of 15,27 referred to in paragraph 5.	5,00
(ii) Lump provision to give trained primary school teachers pay according to the scale laid down in the Vernacular Masters' Code and for opening new primary schools.	2,25
(iii) Additional provision on account of grants to aided secondary and primary schools.	80
(iv) Unexpended balance of the grant for 1910-11 for the development of technical education (similar provision in the budget of 1910-11 being 57).	68
(v) Furniture and apparatus required for Government secondary schools and training institutions.	19
(vi) Additional provision for expenditure for a portion of the year for the Gujarat College.	17
(vii) Increase in the pay of Assistant Masters of High Schools and Training Colleges.	16
(viii) Purchase of furniture and apparatus for the Physical, Chemical and Geological Departments and Workshop of the College of Science, Poona, and increase in the contingent grant of the Workshop.	9
(ix) Preparation of a text book of moral teaching for schools.	8
Total ...	<u>9,42</u>

The increase is partially counterbalanced by an increase of 46 in the lump deduction for probable savings in the major head figure, and by the absence of the provisions for (i) arrears of Imperial subventions to the aided Colleges (45), (ii) non-recurring expenditure for the opening of new primary schools (30), (iii) the establishment of a new Vernacular Training College in Bombay (18), and (iv) the revision of clerical establishments of Deputy Educational Inspectors (7). Also smaller provision (3,73 against 4,77 in 1910-11) is made for building grants, including provision for the new building for the David Sassoon Industrial and Reformatory Institution. A provision of 2,35 is made as shown below against the Imperial assignment (1,67) for technical and industrial education for the year 1911-12 and the unexpended balance (68) of the grant for 1910-11 :—

(i) Development of technical education ...	1,51
(ii) Grants-in-aid to industrial schools ...	45
(iii) Grant-in-aid to the Victoria Jubilee Technical Institute.	15
(iv) Additional expenditure in connection with the Pottery Department and the Architectural Class at the Sir J. J. School of Art.	13
(v) Instructor and scholarships for the Normal Class, College of Science, Poona.	8
(vi) School of Industry, Ratnagiri ...	2
(vii) Manual Training Class at the Belgaum High School.	1
Total ...	<u>2,35</u>

43. The total expenditure estimate of 56,78 mentioned above is exclusive of the following items which are provided under other heads for purposes connected with education:—

(i) Construction and maintenance of Government educational buildings.	5,26
(ii) Grant Medical College and Medical Schools at Poona, Ahmedabad and Hyderabad.	2,98
(iii) Agricultural education ...	1,23
(iv) Veterinary College in Bombay (exclusive of 22 borne by Imperial revenues on account of the salary and allowances of the Principal and Assistant Principal).	38
(v) Allowances to Dakshina Fellows and others (Provincial share).	10
(vi) Donations to Scientific Societies ...	10
(vii) Preservation and translation of ancient manuscripts.	3
Total ...	10,08

The total Provincial expenditure on educational objects in 1911-12 is thus estimated at 66,86.

#### XX.—Medical—24.

44. The figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	2,20	2,22	2,28	2,16	2,34	2,40
Expenditure ...	19,05	25,52	24,97	30,19*	24,40	31,87*

\* This is the major head estimate after deduction of 1,50 in the budget for 1910-11 and 50 in the budget for 1911-12 for probable savings.

(a) The advance in the revenue budget is due to an increase of 8 in the contribution payable by the Bombay Port Trust towards the maintenance of the St. George's Hospital, and to larger receipts from fees at the Grant Medical College and from paying patients.

(b) The expenditure budget includes a lump provision of 2,00 for non-recurring expenditure out of the special Imperial assignment of 15,27 referred to in paragraph 5. Leaving aside this provision, the new budget shows a decrease from the current year's budget of (i) 70 for the salaries of superior staff chiefly owing to officers of lower rank being on duty, (ii) 50 for grants to local bodies in aid of sanitary projects, (iii) 45 for direct plague expenditure, (iv) 20 for the Malaria Investigation Committee, (v) 18 for contingent charges of mofussil hospitals, dispensaries and medical schools, (vi) 12 for building grants in aid of private hospitals, and (vii) 9 for the staff of the Grant Medical College. The decrease is partially counterbalanced by a smaller lump deduction (50 against 1,50 in 1910-11) for probable savings, and by provisions made for the contemplated revision of the staff of medical schools (12), for a new ward for women and children in connection with the Civil Hospital at Nāsik (11), for the Imperial contribution in aid of the Bombay Presidency Nursing Association (10), for

proposed arrangements for the embarkation of pilgrims at Karáchi (6), for a new Civil Hospital at Jalgaon (5); for temporary establishment for conducting an experimental installation at Poona for the disposal of sewage by bacterial method (4), for the investigation of the Nastin treatment of leprosy (4), and for working a refrigerating plant at the Grant Medical College (4). The budget also contains a larger provision of 20 for the salaries of Sub-Assistant Surgeons, 9 for the pilgrim camp at Perim, and 7 for diet charges at certain mofussil hospitals and lunatic asylums.

#### Political—25.

45. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Expenditure.	3,90	4,06	4,76	4,87	4,70	4,79

The decrease in next year's budget is due chiefly to the provision for the supply of tents to Political officers being smaller by 18, and to the absence of the provision (4) made in the budget of 1910-11 for the purchase of furniture for the bungalows occupied by certain Political Agents. The decrease is partly counterbalanced by the provision for payments to officers of other Provinces being larger by 5, and by provisions made for the presentation of *poshák*s, etc., for the newly created Order of Sardárs of Gujarát (36) and for a grant-in-aid to the Tálukdári Girasia School at Wadhván (25).

#### XXI.—Scientific and other Minor Departments—26.

46. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ..	66	64	79	98	1,15	1,20
Expenditure ...	5,76	7,00	8,02	8,96*	8,57	10,46

\* This is the major head estimate after deduction of 50 for probable savings.

(a) The increase in the revenue budget over the current year's estimate is due mainly to larger receipts anticipated from experimental cultivation, and to sale-proceeds of some of the pumping plants and power cane crushers likely to be purchased by cultivators from the Agricultural Department which has obtained them at Government cost for demonstration purposes. The revised includes a special receipt of 9, being the balance to the credit of the Gujarát Cattle Preservation Association which its liquidators have made over to Government in connection with the Northcote Cattle Farm at Chhárodi.



(b) The expenditure budget exceeds the current year's budget by 1,50, but the former includes only 57 for lump deductions† against 1,29 provided in the latter. The increase in the new budget is due to the provisions made (i) for the appointment of Surgeons for Bombay

	1910-11.	1911-12.
† Deduction for probable savings under—		
Major head ...	50	...
Minor head "Agriculture" ...	55	...
Minor head "Veterinary and Stallion Charges." ...	24	57
Total ...	1,29	57

City and Mofussil for the certification of children under the proposed new Factory Act (26, of which 19 are recurring and 7 non-recurring), (ii) for the establishment of agricultural stations at Lárkána (25) and in the Konkan (7), (iii) for the construction of buildings for Agricultural schools and staff (22), and (iv) for the distribution of seeds and implements by the Divisional Inspectors of Agriculture (7). Also larger provisions are made for the department of the Agricultural Engineer (28), and for the Poona Farm and Dairy (10), partly counterbalanced by smaller provision (3 against 12) for the Kalar Reclamation Stations in Sind. The unutilised provision of 1,07 for land compensation on account of the Northcote Cattle Farm is transferred to the new budget.

*XXII—Superannuation Allowances and Pensions—29.*

47. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	2,09	2,11	2,67	2,35	3,25	3,35
Expenditure ...	26,22	27,27	28,85	30,20	30,00	31,80

(a) In the revenue budget a small increase over the current year's revised is allowed for normal growth.

(b) In the expenditure budget provision is made for the aggregate amount of existing pension charges and for an increase of 42 for probable additions to the pensions list over the lapses.

*XXIII—Stationery and Printing—30.*

48. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	89	1,08	1,00	1,01	1,01	1,09
Expenditure ...	13,01	12,87	15,13	13,29*	14,00	13,73

\* This is the major head estimate after deduction of 20 for probable savings.

(a) The small improvement in the revenue budget as compared with the current year's estimates is due to an expected increase in the sale of unserviceable forms at the Yeravda Prison Press.

(b) The increase in the expenditure budget is due chiefly to larger provisions under "Stationery supplied

1980-97

from Central Stores" (50), and for Europe stores for the Government Central Press (14), and to the absence of the lump deduction of 20 for probable savings under the major head in the current year's budget. The increase is partially counterbalanced by the absence of the adjustment (30) on account of convict labour supplied to the Yeravda Prison Press, and by smaller provisions for compositors on piece-work at the Government Central Press (6) and for stationery purchased in the country (4).

*XXV—Miscellaneous—32.*

49. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
Revenue ...	98	76	3,83	98	1,05	93
Expenditure ...	2,48	2,97	2,89	3,62	4,19	6,21

(a) The revenue budget is normal, the revised for the current year being swelled by 7 for pearl fishery receipts at Aden and 5 under "Unclaimed Deposits."

(b) The increase in the expenditure budget is due chiefly to (i) the increase of 2,01 on account of taxes (including arrears) payable to the Bombay Municipality on Government lands and buildings under a revised award, (ii) the grant towards the liquidation of debts outstanding against the estate of a descendant of the late ruling dynasty of Sátára (21), (iii) the increase (9) of the subsidy to Reuter's Telegram Company for enlarged telegram service, for the transfer of which expenditure to Imperial Account the Government of India have been addressed, (iv) the guarantee to the Telegraph Department in connection with the construction of a trunk telephone line between Bombay and Poona (7), and (v) charges on account of pearl fishery at Aden (4 against 2 in the current year's revised).

*Famine Relief—33.*

*Reduction or Avoidance of Debt—36.*

50. The Provincial figures are:—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
33. Famine Relief.	...	...	...	...	...	...
36. Reduction or Avoidance of Debt.	13,70	13,70	13,70	13,70	13,70	13,70

In accordance with the arrangement for the incidence of direct famine charges described in paragraph 15 of the Financial Statement for 1907-08, an annual assignment of 13,70 has been made since 1907-08 from Imperial to Provincial, through the head *I, Land Revenue*, for the purpose of building

up a reserve of credit up to a maximum of 8,000. *Per contra*, the assignment is debited in the Provincial account to the expenditure head No. 36. A separate administrative account is kept of the accumulations to the credit of the Local Government, which will show at the end of the year 1911-12 a balance of 68,00, direct famine expenditure chargeable to Imperial revenues under head No. 33 having amounted to 15 in 1907-08, 33 in 1908-09, and 2 in 1909-10, and being estimated at nil for 1910-11 and 1911-12.

*Subsided Companies—Land—40.*

51. The Provincial figures are :—

Expenditure.	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
	...	...	...	...	23	5

The estimate for the current year's revised and the budget for next year represent the value of land required for the Shivrājpur Tramway, which is debitable to Provincial revenues.

*Miscellaneous Railway Expenditure—41.*

52. The Provincial figures are :—

Expenditure.	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
	11	47	...	...	2	...

The revised estimate for 1910-11 includes a small charge of 2 on account of the expenditure incurred in respect of a detailed survey for the Kalyán-Belápur-Panvel-Karjat Light Railway and a reconnaissance of an extension from Chowk *viá* Pen to Nágotna.

*XXIX and XXX—Irrigation—42 and 43.*

53. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
	<b>Revenue.</b>					
XXIX, Major Works.	10,81	12,47	11,96	14,32	14,02	13,47
{ Portion of Land Revenue due to Irrigation.						
{ Direct Receipts .	5,62	4,91	6,33	5,69	5,95	6,34
XXX, Minor Works and Navigation.	1,83	2,02	1,75	1,56	1,74	1,64
Total ...	18,26	19,40	20,04	21,57	21,71	21,45
<b>Expenditure.</b>						
42, Major Works.	5,40	5,87	5,25	6,34	6,35	6,56
{ Working Expenses.						
{ Interest on Debt.	7,98	8,23	8,65	9,13	9,09	9,56
43, Minor Works and Navigation.	...	...	10	7	3	6
{ Civil Department.						
{ Public Works Department.	15,20	16,31	17,46	15,19	17,73	16,42
Total ...	28,58	30,41	31,46	30,73	33,20	32,60

The foregoing statement should not be taken as a complete indication of the profitableness of the irrigation works, because no separate account is taken in the budget for a considerable amount of land revenue earned by minor irrigation works.

(a) The decrease under *Land Revenue due to Irrigation* as compared with the estimates for 1910-11 is due chiefly to smaller supply of water in the Desert, Unharwah, and Begari Canals. The increase under *Direct Receipts* is due chiefly to a good supply of water in the Ekruk Tank, increased cultivation on the Hathmati and Khari Cut Canals, and anticipated recoveries of certain arrears. Under *XXX, Minor Works and Navigation*, the increase over the budget of 1910-11 is due to sufficient supply of water in the canals in the Sholápur and Sátára Districts, while the decrease from the revised estimate is due mainly to anticipated recoveries during 1910-11 of arrears from works in the Sátára District.

(b) The provision of 32,60 for expenditure in 1911-12 is distributed as shown below :—

	Major Works.			Minor Works.		
	Deccan and Gujarát.	Sind.	Total.	Deccan and Gujarát.	Sind.	Total.
Original Works .	13	40	53	1,49	1,66	3,15
Maintenance and Repairs.	70	3,22	3,92	1,56	6,85	8,41
Establishment ...	52	1,45	1,97	1,38	3,08	4,46
Tools and Plant .	6	7	13	7	33	40
Refunds of Revenue.	1	...	1	...	...	...
Interest Account...	5,24	4,32	9,56	...	...	...
Free grants for the encouragement of irrigation works in specially precarious tracts, &c.	...	...	...	6	...	6
Total ..	6,66	9,46	16,12	4,56	11,92	16,48

Under 42, *Major Works—Working Expenses*, the increase in 1911-12 over the estimates for 1910-11 is due to larger provision under "Maintenance and Repairs" for clearing the canals in Sind (the grant of previous years being found insufficient), and for establishment charges. On the other hand, under "Original Works" the estimates for 1910-11 include provision for the adjustment of the capital cost of the head regulator, Begari Canal, which is not repeated in the new budget. The increase in the *Interest* charges is due to larger provision for the construction of protective works (for which capital and revenue accounts are kept) during 1911-12. Under 43, *Minor Works and Navigation*, the increase over the budget of 1910-11 is due chiefly to the provision for expenditure on necessary protective loop embankments in Sind. The revised for 1910-11 includes heavy outlay on the construction of loop

embankments and other urgent works in Sind, for which additional grants have been sanctioned in the course of the year.

XXXI—Civil Works—45.

54. The Provincial figures are :—

	Actuals.			1910-11.		1911-12.
	1907-08.	1908-09.	1909-10.	Budget.	Revised.	Budget.
<i>Public Works Department.</i>						
Revenue ...	7.99	7.49	7.45	5.95	6.40	5.90
Expenditure ..	73.22	70.53	69.26	65.52	73.68	80.45
<i>Civil Department.</i>						
Revenue ...	7	8	9	7	7	7
Expenditure ..	26	8.22	8.16	8.44	8.32	8.37

(a) The revised estimate of Public Works revenue for 1910-11 provides for higher receipts under rents of buildings, tolls on roads consequent on higher bids at auction sales, and proceeds from sales of buildings not anticipated at the time of framing the budget. The budget for 1911-12 follows the revised estimate with a deduction of 50 on account of further abolition of tolls on Provincial roads.

(b) The expenditure budget in the Public Works Department is distributed as follows :—

*Original Works.*

Civil Buildings ...	30.82
Communications ...	6.18
Miscellaneous public improvements...	43
Discretionary grants to certain Heads of Departments.	5.05
Reserve ...	4.70
	47.18

*Repairs.*

Civil Buildings ...	6.82
Communications ...	11.73
Miscellaneous public improvements...	26
	18.81
Establishments ...	13.26
Tools and Plant ...	1.20

Total ... 80.45

The provision of 47.18 for "Original Works" is made up of 20.94 for works in progress, 16.49 for new major works, including 2.50 for the acquisition of properties for the extension of the J. J. Hospital, 5.05 for minor works, and 4.70 for reserve, including 3.00 for Delhi Darbár charges.

55. The grants of 10 and more in each case for major works in progress will be spent chiefly on—

- (i) Central block of buildings at Poona to accommodate Government offices (2.00), buildings at Nawabshah in connection with the formation of a new district in Sind (1.00); kacheri and court-house at Hyderabad (1.00), Mámálatdár's kacheri at Sátára (30), bungalow for the Collector of Ahmedabad (29), Mukhtiárkar's kacheri at

Tatta (20), Mámálatdár's kacheri at Dindori (19), and Collector's kacheri and subsidiary buildings at Mirpurkhás (16);

- (ii) New Physiological Laboratory for the Grant Medical College, Bombay (1.00), Agricultural College and Research Institute buildings (including hostel for students) at Poona (1.00), laboratory at the College of Science, Poona (75), buildings for the David Sassoon Industrial and Reformatory Institution at Matunga (27), hostel for the High School at Dhárwár (22), and Government Middle School at Surat (22);

- (iii) Quarters for extra warders at the Yeravda Prison (21);

- (iv) New lines for the head-quarter Police at Broach (50), quarters for the city head-quarter Police at Surat (50), offices and quarters for the head-quarter Police lines at Sátára (48), City Police lines at Sholápur (35), buildings for the head-quarter Police at Thána (22), Sub-Inspector's office, record room and lock-up at Kurla (20), Sub-Inspector's kacheri and Police quarters at Sátára (14), and laying pipes to carry off the effluent from the septic tank at the head-quarter Police lines at Poona (12);

- (v) Central Lunatic Asylum at Yeravda (2.00), depôt for the preparation of vaccine lymph at Belgaum (55), works in connection with St. George's Hospital, Bombay (18), and dispensary at Mirpurkhás (14);

- (vi) New office for the Executive Engineer at Kárwár, (10);

- (vii) Bridge at Kalyan (2.00), bridge at Máhuli (1.00), Kadwa Bridge at Konkangaon (40), road from Vihigaon to Khodála (20), bridges on Kolhápur Road (20), Uran-Jasai Road (20), improvements to the Khándesh-Nizam Frontier Road (20), bridge at Khed (16), road from Erandol to Paldhi (15), paved crossing over the Amba River (14), renewing the flooring of the Benihalli Bridge on the Hubli-Kumta Road (12), improvements to the Pandharpur-Poona Road (10), improvements to the Karád-Bijápur Road section from Tikota (10), improvements to the Málvan-Phonda Road (10), dips on the Hathkamba-Poládpur Road (10), dips and bridges on the Páli-Phonda Road (10), and road from Bhátkaal to Mysore Frontier (10);

- (viii) Constructing the Visápur Tank (20), and pier at Rewas (20).

Among the new major works the most important are :—

*Sind.*

- (i) New kacheris at Mehar (40), Warah (39), Ratodero (35), and Nagar Párkar (17), circuit house at Hyderabad (34), bungalow for the Assistant Judge, Hyderabad (18), new police lines at Tatta (12), additions and alterations to the Commissioner's Office (11), and disinfecting shed at Kiamári (10);

*Northern Division.*

- (ii) Quarters for policemen at Bándra (30), police lines at Rándar (12), police buildings at Datha (10), bungalow for the Assistant Collector, Surat (21), and Sessions Court at Godhra (14);

*Central Division.*

- (iii) Bridge over the Bhima at Koregaon (42), purchase of two bungalows in the Queen's Gardens,

Poona (40), police lines at Kirkee (26), Wadner (11) and Rajapur (11), improvements to the sanitary arrangements at the Sassoon Hospital, Poona (14), office of the Divisional Forest Officers, North and West Khandesh (13), and contribution for the Railway over-bridge at Jalgaon (12);

*Southern Division.*

- (iv) New kacheris at Honavar (20) and Mangaon (20), Collector's new bungalow at Ratnagiri (20), remodelling of the huzur account office and treasury at Belgaum (20), Court house for the Subordinate Judge at Alibag (20), new police lines at Chiplun (20), Sub-Inspector's quarters and police lines at Belgaum (20), additional accommodation for the lunatic asylum at Dhawar (16), sub-divisional office at Karwar (12), out-patients' department for the civil hospital at Ratnagiri (12), barracks for under-trial prisoners at Dhawar Prison (11), district bungalow at Gadag (10), and offices for the Inspecting Subordinate Judge (10) and District Superintendent of Police at Belgaum (10);

*Bombay.*

- (v) Acquisition of properties for the extension of the J. J. Hospital (2,50), acquisition of properties on the Malabar Hill (1,50), Science Institute (1,00), quarters for the Harbour and Dock Police (97) and for two subedars near Crawford Market (18), new Small Cause Court (50), extension of the Secretariat (50), works and warders' quarters at the House of Correction (46), pavilion at Government House, Malabar Point (44), and Veterinary College (30);

*Aden.*

- (vi) Works connected with the jail at Crater (15).

56. For the Civil Department, the estimate of receipts is normal, and the expenditure budget provides for a special grant-in-aid of 15 to the District Local Board, West Khandesh, towards the construction of Borzar-Navapur Road, and 50,00 for a subsidy to the City of Bombay Improvement Trust.

Bombay Castle, }  
6th March 1911. }

G. CARMICHAEL.

## APPENDIX A.

## Schedule of Provincial Revenue and Expenditure.

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Heads.	Minor Heads.	Provincial Share.	Major Heads.	Minor Heads.	Provincial Share.
I, Land Revenue.	Assessment of Alienated Lands less quit-rent. All other minor heads ...	The whole. One-half.	1, Refunds ...	The heads of which the corresponding receipts are wholly or partly Provincial.	The same share as in the case of the corresponding heads of receipts, Do.
IV, Stamps ...	All ...	One-half.	2, Assignments and Compensations.	Do. do. ...	The whole.
V, Excise ...	All ...	One-half.*	3, Land Revenue ..	Miscellaneous Compensations.	The whole.
VIII, Assessed Taxes.	All, except Tax on Surplus Profits of Railway Companies, and on salaries in the Public Works Department.†	One-half.	6, Stamps ...	All ...	The whole.
IX, Forest ...	All ...	One-half.*	7, Excise ...	All ...	One-half.*
X, Registration ...	All ...	The whole.	10, Assessed Taxes ...	All ...	One-half.
XII, Interest ...	Interest on Provincial Loans and Advances. Interest on Government Securities.	The whole.	11, Forest ...	All ...	One-half.*
VI-A, Courts of Law.	All ...	The whole.	12, Registration ...	All ...	The whole.
VI-B, Jails ...	All ...	The whole.	13, Interest ...	Interest on Provincial Advances and Loan Account, Civil Offices of Account and Audit.	The whole.
VII, Police ...	All ...	The whole.	18, General Administration.	All other minor heads, except— Currency Department. Reserve Treasury. Allowance to Presidency Banks.	Local Fund Audit Establishment.
VIII, Ports and Pilotage.	All ...	The whole.	19-A, Courts of Law ...	All ...	The whole.
IX, Education ..	All ...	The whole.	19-B, Jails ...	All ...	The whole.
XX, Medical ...	All ...	The whole.	20, Police ..	All ...	The whole.
CXI, Scientific and other Minor Departments.	All ...	The whole.	21, Ports and Pilotage.	All ...	The whole.
CXII, Superannuation Receipts.	Contribution for Pensions and Gratuities. Miscellaneous ...	The whole.	22, Education ...	All ...	The whole.
CXIII, Stationery and Printing.	All ...	The whole, except receipts for the value of supplies from Central Stores to Railways, Local Funds, Municipalities, and other independent bodies.	24, Medical ...	All ...	The whole.
XV, Miscellaneous.	Extraordinary Items ... All other minor heads, except— Gain by Exchange .. Premiums on Bills ... Unclaimed Bills of Exchange. Percentage chargeable on European Stores for Provincial and Local Funds, etc. Value of old Currency Notes assumed to be no longer in circulation.	Items not exceeding Rs. 10,000. The whole.	25, Political ...	All, except— Refugees and State Prisoners. Charges of Aden, Baroda and Persian Gulf. Veterinary and Stallion Charges.	The whole. The whole, except the pay and allowances of officers on the cadre of the Civil Veterinary Department.
			26, Scientific and other Minor Departments.	All other minor heads, except— Census ... Ethnographic Survey.	The whole.
			29, Superannuation Allowances, etc.	All, except— Pensions of the Military Fund. Pensions of the Military Orphan Fund. Pensions of Civil Fund.	The whole.
			30, Stationery and Printing.	All, except Stationery purchased for Central Stores.	The whole.
			32, Miscellaneous ...	Extraordinary Items ... All other minor heads, except— Charges for Remittance of Treasure. Discount on Bills ... Loss by Exchange ..	Items not exceeding Rs. 10,000. The whole.

\* From 1911-12 the Provincial share will be whole instead of one-half.

† From 1911-12 the Provincial share of the tax on salaries in the Public Works Department will be one-half instead of  $\frac{1}{2}$ .

REVENUE.			EXPENDITURE.		
1	2	3	4	5	6
Major Heads.	Minor Heads.	Provincial Share.	Major Heads.	Minor Heads.	Provincial Share.
XXIX, Irrigation— Major Works.	Portion of Land Revenue due to Irrigation, Direct Receipts	One-half.	33, Famine Relief ..	All ...	As explained in paragraph 15 of the Financial Statement for 1907-08.
XXX, Irrigation— Minor Works and Navigation.	All ...	One-half.	35, Reduction or Avoidance of Debt.		
XXXI, Civil Works	All ...	The whole, except receipts on account of buildings for the use of Imperial Departments.	40, Subsidized Companies.	Land ...	The whole, except in cases in which the outlay is specially incurred from Imperial Funds, But Provincial expenditure under these heads is permitted only under special orders of the Government of India in regard to each Railway.
			41, Miscellaneous Railway Expenditure.	Surveys ...	
			44, Construction of Railways.	All ...	
			42, Irrigation—Major Works.	Working Expenses Interest on Debt ...	
			43, Irrigation—Minor Works and Navigation.	All ...	
			45, Civil Works	All ...	The whole, except expenditure on buildings for the use of Imperial Departments.

## APPENDIX B.

*Provincial Revenue and Expenditure by Major and Minor Heads for the years 1909-10, 1910-11 and 1911-12.*

## REVENUE.

Rupees in thousands.

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>I, Land Revenue.</i>				
Ordinary ... ..	2,23,83	2,16,50	2,17,75	2,19,50
Miscellaneous ... ..	2,24	1,50	2,25	2,00
<i>Deduct</i> —Portion of Land Revenue due to Irrigation.	—11,96	—14,32	—14,02	—13,47
Fixed allotment and Adjustments ... ..	92,63	89,35	1,54,99	6,85
Assessment of Alienated Lands <i>less</i> Quit-rents ... ..	95,91	92,28	95,33	95,33
Total ... ..	4,02,65	3,85,31	4,56,30	3,10,21
<i>IV, Stamps.</i>				
Sale of General Stamps ... ..	15,53	17,23	17,75	17,80
Sale of Court-Fee Stamps ... ..	19,75	19,75	22,00	21,00
Duty on Impressing Documents ... ..	70	65	70	75
Fines and Penalties ... ..	7	12	8	10
Miscellaneous ... ..	20	51	47	35
Total ... ..	36,25	38,26	41,00	40,00
<i>V, Excise.</i>				
License and Distillery Fees and Duties for the Sale of Liquors and Drugs.	78,17	78,07	84,00	1,72,20
Transit Duty on Excise Opium ... ..	4,60	4,50	4,80	9,60
Gain on Sale-proceeds of Excise Opium ... ..	74	51	75	1,50
Duty on Ganja ... ..	3,51	3,43	3,60	7,50
Fines, Confiscations and Miscellaneous... ..	71	61	60	1,20
Total ... ..	87,73	87,12	93,75	1,92,00
<i>VIII, Assessed Taxes.</i>				
Income Tax on—				
Salaries and Pensions ... ..	5,16	5,10	5,33	5,60
Profits of Companies ... ..	2,90	3,19	2,67	2,25
Interest on Securities ... ..	1,97	2,00	2,10	2,17
Other Sources of Income ... ..	13,56	13,69	14,40	14,45
Total ... ..	23,59	23,98	24,50	24,47
<i>IX, Forest.</i>				
Timber and other produce removed from the forests by Government Agency.	6,34	7,00	6,59	13,78
Timber and other produce removed from the forests by consumers or purchasers.	11,83	11,00	11,66	22,86
Confiscated Drift and Waif Wood ... ..	2	2	3	5
Revenue from forests not managed by Government.	4	4	4	7
Miscellaneous ... ..	56	49	53	94
Total ... ..	18,79	18,55	18,85	37,70
<i>X, Registration.</i>				
Fees for registering documents ... ..	6,84	7,27	7,93	7,13
Fees for copies of registered documents ... ..	20	19	19	19
Miscellaneous ... ..	11	14	28	13
Total ... ..	7,15	7,60	7,50	7,45

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>XII, Interest.</i>				
Interest on Provincial Loans and Advances' ...	13,08	9,29	11,90	11,46
Interest on Government Securities ...	51	5 <sup>2</sup>	51	59
Total ...	13,59	9,81	12,41	12,05
<i>XVI-A, Law and Justice—Courts of Law.</i>				
Sale-proceeds of Unclaimed and Escheated Property.	42	32	33	.33
Court-Fees realized in cash ...	68	57	59	60
General Fees, Fines and Forfeitures ...	4,18	4,25	4,35	4,40
Pleadership Examination Fees ...	...	1	...	1
Miscellaneous Fees and Fines ...	51	52	53	55
Miscellaneous ...	20	20	18	21
Total ...	5,99	5,87	5,98	6,10
<i>XVI-B, Law and Justice—Jails.</i>				
Jails ...	45	82	52	54
Jail Manufactures ...	1,44	1,83	1,83	1,86
Total ...	1,89	2,65	2,35	2,40
<i>XVII, Police</i>				
Presidency Police ...	2,41	2,57	2,41	2,45
Police supplied to Municipal, Cantonment and Town Funds.	22	20	23	21
Police supplied to Public Departments, Private Companies and Persons.	72	68	68	1,25
Fees, Fines and Forfeitures ...	12	9	14	12
Superannuation Receipts ...	5	5	5	5
Miscellaneous ...	44	44	45	45
Total ...	3,96	4,03	3,96	4,53
<i>XVIII, Ports and Pilotage.</i>				
Registration and Other Fees ...	86	94	91	91
Miscellaneous ...	2	1	1	1
Total ...	88	95	92	92
<i>XIX, Education.</i>				
Fees, Government Colleges, General ...	57	60	60	72
Fees, Government Colleges, Professional ...	44	45	45	45
Fees, Schools, General ...	2,15	2,15	2,15	2,21
Fees, Schools, Special ...	11	10	10	10
Miscellaneous ...	82	90	90	92
Total ...	4,09	4,20	4,20	4,40
<i>XX, Medical.</i>				
Medical School and College Fees ...	88	83	90	97
Hospital Receipts ...	73	74	76	76
Lunatic Asylum Receipts ...	29	28	28	28
Medicines sold by Civil Surgeons ...	1	1	1	1
Contributions ...	33	27	35	35
Miscellaneous ...	4	3	4	3
Total ...	2,28	2,16	2,34	2,40



Major and Minor Heads of Account	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>XXI, Scientific and other Minor Departments.</i>				
Veterinary and Stallion Receipts ... ..	13	14	22	12
Agriculture Receipts, including Receipts on account of Experimental Cultivation.	50	65	75	88
Emigration Fees ... ..	...	1	1	1
Examination Fees ... ..	13	14	15	16
Botanical and other Public Garden Receipts ..	3	3	2	2
Miscellaneous ... ..	...	1	...	1
Total ...	79	98	1,15	1,20
<i>XXII, Receipts in aid of Superannuation, etc.</i>				
Contributions for Pensions and Gratuities ...	2,67	2,35	3,25	3,35
<i>XXIII, Stationery and Printing.</i>				
Stationery Receipts ... ..	5	4	5	5
Sale of Gazettes and other Publications ... ..	33	34	33	33
Other Press Receipts ... ..	62	63	63	71
Total ...	1,00	1,01	1,01	1,09
<i>XXV, Miscellaneous.</i>				
Unclaimed Deposits ... ..	55	50	50	45
Treasure Trove ... ..	1	1	1	1
Sale-proceeds of Darbár Presents ... ..	...	1	1	1
Sale of old Stores and Materials ... ..	1	1	2	2
Sale of Land and Houses ... ..	8	1	1	1
Fees for Government Audits ... ..	4	4	4	4
Contributions ... ..	7	8	7	7
Miscellaneous Fees, Fines and Forfeitures ... ..	8	8	8	8
Miscellaneous ... ..	2,99	24	24	24
Pearl Fishery Receipts .. ..	...	...	7	...
Total ...	3,83	98	1,05	93
<i>XXIX, Irrigation—Portion of Land Revenue due to Irrigation.</i>				
	11,96	14,32	14,02	13,47
<i>XXIX, Irrigation—Major Works—Direct Receipts.</i>				
	6,33	5,69	5,95	6,34
<i>XXX, Irrigation—Minor Works and Navigation.</i>				
	1,75	1,56	1,74	1,64
<i>XXXI, Civil Works.</i>				
In charge of Civil Officers ... ..	9	7	7	7
In charge of Public Works Officers ... ..	7,45	5,95	6,40	5,90
Total ...	7,54	6,02	6,47	5,97
Total of the Major heads ...	6,44,71	6,23,40	7,08,70	6,78,62
Opening Balance ...	69,83	76,84	87,21	1,52,47
Grand Total ...	7,14,54	7,00,24	7,95,91	8,31,09

## EXPENDITURE.

Major and Minor Heads of Account.	1909-10	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>1, Refunds.</i>				
Land Revenue ... ..	2,83	1,05	1,51	1,10
Stamps ... ..	59	60	68	60
Excise ... ..	1,20	1,12	1,00	2,00
Assessed Taxes ... ..	21	15	25	20
Forest ... ..	3	5	5	10
Registration ... ..	4	5	4	4
Total ...	4,90	3,02	3,53	4,04
<i>2, Assignments and Compensations.</i>				
<i>Divided Heads (Provincial Share).</i>				
Land Revenue Compensations—				
Inámdárs and other Grantees ... ..	4,49	4,16	4,16	4,14
Pensions in lieu of Resumed Lands ... ..	1,60	1,62	1,61	1,62
Miscellaneous Land Revenue Compensations ... ..	32	32	32	32
Excise Compensations ... ..	3,00	3,24	3,17	6,45
<i>Provincial Heads.</i>				
Inámdárs and other Grantees ... ..	73,26	69,67	72,16	72,16
Pensions in lieu of Resumed Lands ... ..	9,76	10,11	10,54	10,54
Miscellaneous Compensations ... ..	18	20	18	20
Total ...	92,61	89,32	92,14	95,43
<i>3, Land Revenue.</i>				
Charges of District Administration ... ..	35,55	37,30	35,80	37,64
Survey and Settlement ... ..	1,44	1,48	1,30	1,50
Land Records ... ..	29,00	30,97	28,90	29,59
Allowances to District and Village Officers ... ..	14,22	13,61	14,00	14,08
Lump Deduction ... ..	...	-1,00	...	-1,00
Total ...	80,21	82,36	80,00	81,81
<i>6, Stamps.</i>				
Superintendence ... ..	43	44	42	45
Charges for the Sale of General Stamps ... ..	38	39	41	39
Charges on Sale of Court Fee Stamps ... ..	8	8	10	10
Stamp Paper supplied from Central Stores ... ..	22	25	24	24
Total ...	1,11	1,16	1,17	1,18
<i>7, Excise.</i>				
Presidency Establishment ... ..	62	65	63	1,35
District Executive Establishments ... ..	4,05	4,33	4,15	9,34
Lump Deduction ... ..	...	...	...	-70
Total ...	4,67	4,98	4,78	9,99
<i>10, Assessed Taxes.</i>				
Presidency charges ... ..	42	44	48	47
Up-country or Mofussil Charges ... ..	6	15	8	10
Total ...	48	59	56	57

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>11, Forest.</i>				
Conservancy and Works ... ..	4,89	5,15	4,95	10,47
Establishments ... ..	5,43	6,41	5,59	13,13
Lump Deduction ... ..	...	-25	...	-40
Total ...	10,32	11,31	10,54	23,20
<i>12, Registration.</i>				
Superintendence ... ..	30	29	30	28
District Charges ... ..	3,32	3,61	3,45	3,60
Total ...	3,62	3,90	3,75	3,88
<i>13, Interest on Ordinary Debt.</i>				
Interest on Provincial Advance and Loan Accounts ...	6,19	6,13	6,03	5,77
<i>14, General Administration.</i>				
Salary of the Governor ... ..	1,20	1,20	1,20	1,20
Staff and Household of the Governor ... ..	2,07	2,11	2,15	2,13
Expenditure from Contract Allowance ... ..	97	98	1,09	1,04
Tour Expenses ... ..	24	11	11	11
Executive Council ... ..	1,34	1,96	2,00	1,96
Legislative Council—Travelling Allowances to Non-Official Members of the Council.	2	6	8	6
Civil Secretariat ... ..	5,99	6,07	6,20	6,24
Commissioner in Sind ... ..	1,22	1,30	1,22	1,33
Commissioners ... ..	2,38	2,45	2,35	2,48
Civil Offices of Account and Audit ... ..	81	85	83	83
General Establishment of Local Funds ... ..	-11	-11	-11	-11
Lump provision for Local and House-rent Allowances.	...	6	...	...
Provision for charges in connection with the Royal Visit and Coronation at Delhi.	...	...	...	2,00
Total ...	16,13	17,04	17,12	19,27
<i>19-A, Law and Justice—Courts of Law.</i>				
High Court ... ..	7,39	7,99	7,70	7,85
Law Officers ... ..	3,35	3,36	4,62	3,51
Administrator General ... ..	40	41	33	42
Coroner's Court ... ..	16	17	17	16
Presidency Magistrates' Courts ... ..	95	96	96	98
Judicial Commissioners ... ..	1,46	1,53	1,43	1,58
Civil and Sessions Courts ... ..	21,49	21,55	21,65	22,37
Courts of Small Causes ... ..	2,74	2,72	2,95	3,02
Criminal Courts ... ..	14,37	14,63	14,56	14,68
Pledership Examination Charges ... ..	...	1	1	1
Refunds ... ..	31	30	30	30
Lump Deduction ... ..	...	-60	...	-29
Total ...	52,62	53,03	54,68	54,59
<i>19-B, Law and Justice—Jails.</i>				
Jails ... ..	8,89	8,92	9,20	9,32
Jail Manufactures ... ..	1,16	1,57	1,40	1,45
Total ...	10,05	10,49	10,60	10,77

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>20, Police.</i>				
Presidency Police ... ..	12,85	13,14	13,06	13,37
Superintendence ... ..	3,74	3,34	3,45	3,64
District Executive Force ... ..	58,71	61,49	60,66	66,97
Village Police ... ..	9,79	9,76	9,58	9,62
Special Police ... ..	5,78	5,75	5,74	5,75
Railway Police ... ..	2,22	2,44	2,28	2,35
Refunds ... ..	1	4	3	3
Lump Deduction ... ..	...	-1,00	...	-1,00
Total ...	93,10	94,96	94,80	1,00,73
<i>21, Ports and Pilotage.</i>				
Salaries and Allowances of Officers and Men afloat ...	7	7	7	7
Purchase of Stores and Coal, etc. ... ..	10	37	19	20
Ports and Pilotage Establishments ... ..	40	47	42	46
Miscellaneous ... ..	2	2	2	2
Light-houses and light-ships ... ..	...	3	3	3
Total ...	59	96	73	78
<i>22, Education.</i>				
University ... ..	10	10	10	10
Direction ... ..	54	62	59	65
Inspection ... ..	3,93	4,42	4,22	4,27
Government Colleges, General ... ..	1,66	1,65	1,65	1,82
Government Colleges, Professional ... ..	1,59	1,59	1,57	1,73
Government Schools, General ... ..	7,08	7,03	22,32	25,48
Government Schools, Special ... ..	3,05	5,23	3,80	4,83
Grants-in-Aid ... ..	24,52	29,08	12,63	12,47
Scholarships ... ..	49	50	55	55
Miscellaneous ... ..	56	81	56	84
Refunds ... ..	1	...	1	...
Lump Provision for House-rent Allowance to Gazetted Officers. ... ..	...	7	...	...
Lump Provision for non-recurring educational ex- penditure. ... ..	...	...	...	5,00
Lump Deduction ... ..	...	-50	...	-96
Total ...	43,53	50,60	48,00	56,78
<i>24, Medical.</i>				
Medical Establishment ... ..	3,63	4,12	3,45	3,76
Hospitals and Dispensaries ... ..	6,60	7,09	6,66	7,20
Sanitation and Vaccination ... ..	7,93	11,93	7,30	13,37
Grants for Medical Purposes ... ..	1,95	3,04	2,20	2,58
Medical Schools and College ... ..	2,48	2,96	2,50	2,98
Lunatic Asylums ... ..	1,94	1,90	1,90	1,95
Chemical Examiner ... ..	41	61	37	50
Refunds ... ..	3	4	2	3
Lump Deduction ... ..	...	-1,50	...	-50
Total ...	24,97	30,19	24,40	31,87
<i>25, Political.</i>				
Political Agents ... ..	4,66	4,73	4,60	4,63
Entertainment of Envoys and Chiefs ... ..	1	2	1	2
Darbar Presents and Allowances to Vakils, etc. ... ..	7	6	6	10
Miscellaneous ... ..	2	6	3	4
Total ...	4,76	4,87	4,70	4,79

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>26, Scientific and other Minor Departments.</i>				
Provincial Museums ... ..	2	...	...	1
Public Observatories ... ..	12	11	11	11
Donations to Scientific Societies ... ..	10	10	10	10
Agriculture ... ..	5,39	5,24	5,49	6,35
Veterinary and Stallion Charges ... ..	1,43	2,86	1,75	2,59
Inspectors of Factories ... ..	22	28	24	45
Gazetteer and Statistical Memoirs ... ..	2	...	1	...
Registration of Railway Traffic ... ..	30	33	30	29
Provincial Statistics ... ..	5	6	5	6
Preservation and Translation of Ancient Manuscripts ... ..	2	3	3	3
Examinations ... ..	2	3	2	4
Registrar of Co-operative Credit Societies ... ..	32	42	42	43
Miscellaneous ... ..	1	...	5	...
Lump Deduction ... ..	...	-50	...	...
Total ... ..	8,02	8,96	8,57	10,46
<i>29, Superannuation Allowances and Pensions.</i>				
Superannuation and Retired Allowances ... ..	28,10	29,51	29,30	31,00
Compassionate Allowances ... ..	55	54	50	50
Gratuities ... ..	16	14	12	14
Covenanted Civil Service Pensions ... ..	...	...	7	15
Refunds ... ..	4	1	1	1
Total ... ..	28,85	30,20	30,00	31,80
<i>30, Stationery and Printing.</i>				
Stationery Office at the Presidency ... ..	39	41	43	44
Stationery purchased in the Country ... ..	1,22	1,26	1,20	1,22
Government Presses ... ..	4,99	5,23	4,80	4,99
Printing at Private Presses ... ..	13	9	7	8
Stationery supplied from Central Stores ... ..	8,40	6,50	7,50	7,00
Lump Deduction ... ..	...	-20	...	...
Total ... ..	15,13	13,29	14,00	13,73
<i>32, Miscellaneous.</i>				
Travelling Allowances to Officers attending Examinations ... ..	4	3	4	4
Rewards for Proficiency in Oriental Languages and Allowances to Language Examination Committees ... ..	18	20	22	22
Subscriptions to Periodicals ... ..	22	22	29	31
Cost of Books and Publications ... ..	2	2	17	17
Donations for Charitable Purposes ... ..	38	44	40	46
Charges on account of European Vagrants ... ..	14	16	12	17
Rewards for the Destruction of Wild Animals ... ..	4	5	5	5
Petty Establishments ... ..	2	...	...	...
Special Commissions of Inquiry ... ..	...	2	2	...
Irrecoverable Temporary Loans written off ... ..	23	30	70	25
Rents, Rates and Taxes ... ..	1,36	1,94	1,94	3,95
Contributions ... ..	13	16	15	45
Miscellaneous and Unforeseen Charges ... ..	3	4	3	4
Miscellaneous Refunds ... ..	9	3	3	5
Miscellaneous Charges for the treatment of Patients at the Pasteur Institute ... ..	1	1	1	1
Charges on account of Pearl Fishery (Aden) ... ..	...	...	2	4
Total .. ..	2,89	3,62	4,19	6,21

Major and Minor Heads of Account.	1909-10.	1910-11.		1911-12.
	Actuals.	Budget.	Revised.	Budget.
<i>36, Reduction or Avoidance of Debt</i> ...	13,70	13,70	13,70	13,70
<i>40, Subsidized Companies—Land</i> ...	...	...	23	5
<i>41, Miscellaneous Railway Expenditure</i> ...	...	...	2	...
<i>42, Irrigation—Major Works.</i>				
Working Expenses ...	5,25	6,34	6,35	6,56
Interest on Debt ...	8,65	9,13	9,09	9,56
Total ...	13,90	15,47	15,44	16,12
<i>43, Irrigation—Minor Works and Navigation.</i>				
Civil Department ...	10	7	3	6
Public Works Department ...	17,46	15,19	17,73	16,42
Total ...	17,56	15,26	17,76	16,48
<i>45, Civil Works.</i>				
Civil Department ...	8,16	8,44	8,32	58,37
Public Works Department ...	69,26	65,52	73,68	80,45
Total ...	77,42	73,96	82,00	1,38,82
Total of the Major Heads ...	6,27,33	6,39,37	6,43,44	7,52,82
Closing Balance ...	87,21	60,87	1,52,47	78,27
Grand Total ...	7,14,54	7,00,24	7,95,91	8,31,09

## APPENDIX E

**Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.**

[These rules were made under section 37 of the Indian Councils Act, 1861. They are printed as last amended at a meeting of the Legislative Council on the 26th January 1911. The assent of His Excellency the Governor was given on the 9th February 1911.]

1. In these rules

(1) "President" means—

(a) the Governor, or

(b) in his absence, the Member of Council presiding in accordance with the Indian Councils Acts, 1861 to 1909.

(2) "Secretary" means the officer holding the appointment of Assistant to the Remembrancer of Legal Affairs; but all the acts which the Secretary is required or authorized to do by these rules may be done by the Remembrancer of Legal Affairs or by a Secretary, Under Secretary or Assistant Secretary to the Government of Bombay.

(3) The expression "clear days" includes Sundays and holidays.

(4) The word "Bill" means a proposed enactment at any stage before it has received the assent of the Governor.

(5) The word "motion" includes an amendment of a motion.

*Order of Business.*

2. The Council shall meet on such days and at such hours as the President shall direct. The date and hour so fixed shall be notified by the Secretary in the *Bombay Government Gazette* and to each Member by letter.

3. (1) The Secretary shall at least 18 clear days before each meeting despatch to each Member a preliminary list of the business to be brought forward under each clause of rule 5 at such meeting, including all reports of Select Committees to be taken into consideration thereat: and such list shall specify in respect of each Bill, therein referred to, the title and stage of such Bill.

(2) The Secretary shall also, after despatching such preliminary list, despatch to each Member, at least 3 clear days before the meeting, an agenda paper corrected up to date specifying the business to be brought forward at such meeting.

4. The President shall have power to regulate or alter the order in which business is to be transacted, but ordinarily, the business of the Council shall be conducted in the order described in rule 5.

5. After the President has taken his chair, business shall be taken in the following order:—

(1) Oath or affirmation of allegiance by new Additional Members, if any;

(2) Questions and Answers;

(3) At meetings at which the Revised Financial Statement or the Budget is required to be presented to the Council, presentation of the said Statement or Budget;

(4) Bills which have been entered in the list of Business;

(5) Motions which may be made consistently with the Indian Councils Acts, 1861 to 1909, and the Rules applicable to the Council;

(6) Resolutions (other than resolutions relating to the Revised Financial Statement).

6. (1) The President may adjourn any meeting or business to any future day or to any part of the same day without any discussion or vote, but shall adjourn any meeting if the quorum prescribed by Regulation XIII of the Regulations for the Nomination and Election of Additional Members of the Legislative Council is not present.

(2) In the absence of the President the Secretary shall enter in the journal of the Council the names of the Members present and the meeting shall thereby be adjourned.

7. A motion that any business before the Council be adjourned, or that the Council pass to the consideration of the business next in order in the list of business or that the business under consideration be referred to a Select Committee (in accordance with the rules hereinafter in that behalf contained), may be moved by any Member at any time as a distinct question; and such motion shall take precedence of any other motion then before the Council; but the President alone shall have power to propose the adjournment of the meeting.

8. If a motion of the kind referred to in rule 7 be rejected, no similar motion shall be again made at the same meeting of Council except by the President.

9. Any business of the day not disposed of at the time of any adjournment of the Council shall stand for disposal on the next day on which the Council shall meet, and, unless otherwise specially ordered, shall take priority of all other business on that day.

#### *Maintenance of order.*

10. (1) The President shall preserve order, and all points of order shall be decided by him.

(2) No discussion on any point of order shall be allowed except with the consent of the President.

(3) Any Member may at any time submit a point of order to the decision of the President.

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

11. When any Member submits a point of order to the decision of the President, any other Member who may be then speaking shall resume his seat and cease speaking until the point of order is settled.

12. (1) In discussing questions coming before the Council for consideration a Member shall speak from his place, shall rise when he speaks and shall address the President. The President also shall rise when he addresses the Council.

(2) At any time, if the President rises, any Member speaking shall immediately resume his seat.

13. Any Member may, with the permission of the President, speak at the request and on behalf of another Member who is unable to express himself in the English language.

14. (1) On all matters brought before the Council, after the Member who makes a motion has spoken, each Member may speak to the motion. After all the Members have had an opportunity of speaking, the Member making the motion may speak by way of reply.

(2) No Member other than the mover shall speak more than once to any motion except with the permission of the President for the purpose of making an explanation.



15. Any Member may send his speech in print to the Secretary not less than two clear days before the day fixed for the Meeting of Council, with as many copies as there are Members, and the Secretary shall cause one of such copies to be supplied to every Member. Any such speech may, at the discretion of the President, be taken as read.

16. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member shall have occasion to ask a question of another Member on any matter then under the consideration of the Council, he shall ask the question through the President.

17. Any Member may move an amendment of a motion: Provided that a purely negative amendment may not be moved.

18. Any Member may ask for any papers or returns connected with the business before the Council. The President shall determine whether the papers or returns asked for shall be given.

19. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

20. The President, on the motion of any Member or *suo motu*, may direct at any time during a sitting of the Council that strangers withdraw.

#### *Select Committees.*

21. Select Committees may be appointed by the Council for any purpose connected with its business. The Council shall name a period within which a Select Committee shall make its report on any matter which may be referred to it.

22. When a Bill is referred to a Select Committee for report it shall form part of the business of the Select Committee to decide whether the report shall be translated into any native language or languages before the same shall be presented to the Council.

23. The President may, if necessary, extend the time for receiving the report of any Select Committee.

24. The report of the Select Committee shall be signed by all the Members of the Committee or by a majority of them; but any Member of a Select Committee may record his views in a separate minute.

25. The report of the Select Committee, any minutes that may have been recorded by individual Members of the Committee, and (if a Bill has been amended) the Bill as amended by the Committee, shall be printed and copies despatched to each Member of the Council. The report and minutes (if any) and (if a Bill has been amended) the Bill as amended or such portion thereof as may have been amended, shall also be published in the *Bombay Government Gazette* with such translations as the Select Committee may think necessary.

26. Printed copies of all Bills and reports published in accordance with the foregoing rule shall be distributed to the Press and to the public in the manner prescribed for the distribution of copies of original Bills.

27. The report of a Select Committee on any matter other than a Bill shall not be taken into consideration by the Council until 18 clear days after copies thereof have been despatched by the Secretary to each Member.

#### *Conduct of Legislation.*

28. (1) Subject to the provisions of the Indian Councils Acts, 1861 and 1892, any Member may move at a meeting of the Council for leave to introduce a Bill.

(2) Seven clear days' notice of the title and subject of the Bill shall be given to the Secretary.

(3) In speaking to the motion the Member introducing the Bill may state concisely the scope of the Bill and the reasons in support of it, but, unless the motion is opposed, such explanation may be deferred to the first reading.

(4) If the motion is carried the Bill with a full Statement of Objects and Reasons and any other necessary papers shall be sent to the Secretary.

(5) On receipt of the same the Secretary shall publish the Bill with the Statement of Objects and Reasons in the *Bombay Government Gazette*.

(6) Provided that the Governor may order the publication in the *Bombay Government Gazette* of any Bill although no motion has been made for leave to introduce it. In such case the Statement of Objects and Reasons shall be published with the Bill.

29. (1) The publication in the *Bombay Government Gazette* of a Bill under sub-rule (5) or sub-rule (6) of the foregoing rule shall be deemed to be the introduction of the Bill.

(2) On the introduction of a Bill, printed copies of the Bill and of the Statement of Objects and Reasons shall be sent by the Secretary to each Member of the Council and copies of the same shall be distributed, in such manner as the Governor may direct, to the Press and to the public.

30. Bills with their Statements of Objects and Reasons shall be translated into such vernacular languages as may be desirable in view of the interests likely to be affected by the Bill, and such translations shall be made and distributed in accordance with the orders of the Governor.

31. Every Bill shall be read three times, and where the motion for any reading is not carried the Bill shall be deemed to have been rejected, and it shall not be re-introduced within a period of 6 months.

32. The motion that a Bill shall be read for the first time shall not be moved before the expiration of 18 clear days from the introduction of the Bill, or before the expiration of 18 clear days from the despatch to each Member of a copy of the Bill with the Statement of Objects and Reasons.

33. (1) On the motion for the first reading the general principles of a Bill may be discussed.

(2) Amendments of principle only may be moved at the first reading.

(3) 7 clear days' notice of such amendments shall be given to the Secretary.

34. Where the motion for the first reading has been carried, the Bill, with any amendments made at the first reading, may be referred to a Select Committee.

35. The procedure at the second reading shall be as follows :—

(1) The motion for the second reading of the Bill (or the Bill as amended by the Select Committee, as the case may be), shall first be made.

(2) If such motion be carried, the Bill shall be deemed to have been read and shall then be considered clause by clause.

(3) No amendments shall be moved until the motion for the second reading has been carried.

(4) Any member desiring to move an amendment during the consideration of a Bill clause by clause shall give 7 clear days' notice of such amendment to the Secretary unless the President shall dispense with such notice in any case.

36. Where a Bill has been referred to a Select Committee the motion for its second reading shall not be moved before the expiration of 18 clear days from the publication in the *Bombay Government Gazette* of the report of the Select Committee and (where the Bill has been amended) of the Bill as amended, or before the expiration of 18 clear days from the despatch to each member of a copy of the report and (if the Bill has been amended) of the Bill as amended.

37. (1) On the motion for the third reading of a Bill only verbal amendments may be moved.

(2) No notice of such amendments shall be required.

(3) If the motion for the third reading is carried the Bill shall be deemed to have been passed.

38. (1) When a Bill has been passed the President shall sign a certificate at the foot thereof in the following form :—

“This law was made at a Meeting of the Legislative Council of the  
Governor of Bombay on the                      day of                      President.”

(2) The Bill shall then be laid before the Governor for the purposes mentioned in sections 39 and 40 of the Indian Councils Act, 1861.

(3) Where a law as received the assent of the Governor General it shall be published in the *Bombay Government Gazette* under the Secretary's signature.

39. Amendments in respect of which notice is required by these rules shall be printed and copies shall be sent to Members as soon as may be.

*Miscellaneous.*

40. Journals shall be kept in which all the proceedings of the Council and of Select Committees shall be entered. The Journal of the Council shall be submitted after each meeting to the President for his confirmation and signature, and when signed shall be the record of the proceedings of the Council. The proceedings of each meeting of the Council shall be published in the *Bombay Government Gazette* as soon after the meeting as can be conveniently arranged.

41. All documents ordered to be printed or recorded shall be referred to in the Journal, and after being authenticated by the signature of the Secretary shall be kept with the Records.

42. The Secretary shall attend at every meeting of the Council and of a Select Committee, and in addition to the other duties specially required by these Rules it shall be his duty—

(1) To take charge of the records of the Council.

(2) To keep the Journals of the Council and of the Select Committees.

(3) To keep a minute book, in which he shall enter all the proceedings of the Council, and of the Select Committees, in the order in which they occur and the names of the Members present.

(4) To superintend the printing of all Bills and papers ordered to be printed.

(5) To assist, at all times, the Council and all Committees, in all work connected with their duty.

(6) To write all letters ordered by the Council or by any Committee.

43. After the passing of a Bill the Secretary shall revise and complete the marginal notes thereof.

44. Petitions preferred by private persons must be addressed to the Governor in Council, and, if in the Vernacular, they must be accompanied by translations. Ordinarily, no reply will be sent to a petition, and no petitions will be considered unless they relate to some Bill before the Council; but the Secretary may be ordered for special reasons to make such communication to the petitioner as the Council may direct.

45. The President may, for sufficient reasons, suspend any of the foregoing rules.

## APPENDIX F.

**AD INTERIM REPORT OF THE SELECT COMMITTEE APPOINTED  
TO CONSIDER BILL No. III OF 1910.**

*(A Bill to consolidate and amend the Law relating to, the formal recognition of Heirs, Executors and Administrators, and the appointment of Administrators of property by the Courts in the Bombay Presidency.)*

We, the undersigned members of the Select Committee to which the Bill to consolidate and amend the Law relating to the formal recognition of Heirs, Executors and Administrators, and the appointment of Administrators of property by the Courts in the Bombay Presidency, was referred, have discussed the provisions of the Bill and have the honour to submit the following preliminary report for the consideration of the Council.

1. Before proceeding to a detailed examination of the draft, we have found it necessary to advert to certain questions of principle which arise in connection with the subject matter of the provisions which it is proposed to consolidate and re-enact, and upon the decision of which the arrangement and wording of the Bill will be in some measure dependent.

2. The first matter to which we refer is the legal position of purchasers of securities specified in the certificate.

The provisions of the Succession Certificate Act, 1889, in this respect are as follows:—Under section 8 the District Court may empower the person to whom the certificate is granted to negotiate or transfer a security specified in the certificate. Section 16 states that the certificate affords full indemnity to persons liable on securities as regards payments made in good faith to the holder of the certificate: this section is, however, made subject to the other provisions of the Act and does not apparently apply to purchasers of securities from the certificate holder. Section 22 is not very clearly expressed, but assuming that it does apply to purchasers it gives protection only where the certificate in which the security was mentioned has been suspended or is invalid by reason of certain causes. It will not apparently apply to cases where a rightful heir appears and takes no steps to have a certificate granted to another set aside. By section 28 sections 8 and 16 apply to certificates granted under Bombay Regulation No. VIII of 1827. Section 22 however does not apply to such certificates. Sections 8, 16 and 22 have been incorporated in the Bill in clauses 10, 17 and 21. It appears to us that it is of very little utility to empower a certificate holder to transfer a security if he is at the same time rendered incapable of giving a good title to the purchaser, and we are of opinion that, before these provisions are incorporated in the Bill they should be modified so as to afford adequate protection to purchasers. We are advised that the previous sanction of the Governor General in Council will be required under section 5 of the Indian Councils Act, 1892, to give effect to this proposal, inasmuch as it would be equivalent to amending section 28 of the Succession Certificate Act in a manner not contemplated in the Bill referred to us. Further, if it is decided to alter the Bill in the direction indicated, we consider that it would be desirable that the Succession Certificate Act should itself be similarly modified (so far at least as it applies to the Bombay Presidency) so as to obviate the practical inconvenience that would arise if there were an important difference in the value attaching to certificates granted under two Acts *in pari materia*.

3. We are also of opinion that except in the case of securities the holder of a certificate should have no power to dispose of the estate. The holder of a certificate under Bombay Regulation VIII of 1827 had no such power and we think that clause 23 of the Bill should be modified accordingly.

At the same time we consider that he should be entitled to deal with the estate as a manager and that all persons dealing with him as such should be protected:

Thus to take an instance which must frequently arise we think protection should be given to tenants paying rent to the holder of a certificate in respect of property belonging to the estate.

Clause 21 of the Bill does not appear to us to give adequate protection in such cases for it does not contemplate the case of a rightful heir appearing who takes no steps to have a certificate granted to another set aside.

We have the honour, therefore, to request further instructions on the points to which we have referred.

(Signed) M. B. CHAUBAL.  
 ( „ ) G. CARMICHAEL.  
 ( „ ) T. J. STRANGMAN.  
 ( „ ) HARCHANDRAI VISHINDAS.  
 ( „ ) GOKULDAS K. PAREKH.  
*(Subject to a minute of dissent.)*

*Bombay, 6th March 1911.*

*Minute of dissent by the Honourable Mr. Gokuldas K. Parekh.*

I agree to the whole of the report except paragraph 3. I am of opinion that the holder of a certificate of heirship has now the power of disposing of moveable property including securities and not securities alone and that such power ought not to be taken away from him. To deprive the certificate holder of the power of disposing of moveable property is likely to lead to inconvenience. The modification suggested in clause 23 must be limited to immoveable property.

GOKULDAS K. PAREKH.

## APPENDIX G.

*Ránder, 8th March 1911.*

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,  
BOMBAY.

Sir,

A Public Meeting of all the Mahomedans residing at Ránder in the district of Surat was called on the 7th March 1911 at Ránder in the Chunarwada Mosque to consider the propriety of the new Bill called the TRUST REGISTER BILL by the Honourable Mr. Ibrahim Rahimtoola, and the following resolutions were unanimously passed at that Meeting :—

1. That this Meeting unanimously disapprove of the introduction of the new Bill by the Honourable Mr. Ibrahim Rahimtoola to register the Trust Funds and are unanimously of opinion that there is for the present no necessity for such a Bill at all, that no substantial good will result from the passing of such Act, but on the contrary the passing of such Act, would result in making persons unwilling to serve as trustees under such shackles, will in future deter charitable persons from making charitable trust for fear of being made public and the consequence will be that current of charity would receive a serious check, and therefore this Meeting are of opinion that the present practice be still continued and the Governor in Council be requested not to pass such a Bill.
2. That the copies of the above resolution be forwarded to His Excellency the Governor of Bombay and the Honourable Syed Ali El Edroos at Surat under the signature of the President.

In pursuance of the above resolutions I, as the President of the Meeting, beg to forward to you the copies of the said resolutions to be placed before His Excellency in Council.

I have the honour to remain,

Sir,

Your most obedient servant,

(Signed) HAJEE A. G. HASSEIN PIPERDY,  
President.

## APPENDIX H.

To

HIS EXCELLENCY SIR GEORGE SYDENHAM CLARKE,  
G.C.M.G., G.C.I.E., F.R.S.,  
Governor and President in Council, Bombay.

The Petition of Kazi Shariff Mahomed Saleh Loday (Kazi of Bombay), Mahomed Hasson Muckba, Badrudin Abdulla Koor, Mahomed Ismail Hafiz, Haji Ibrahim Jitekar, Hasson Khan Deshmukh, Goolam Mahomed Malick and Abdul Kadir Shaikbhican, Mushavirs or Directors of the Juma Musjid of Bombay and of its properties and Funds and the Charities attached thereto.

HUMBLY SHEWETH

That your Petitioners are Mushavirs or Directors of the Juma Musjid of Bombay, whose properties and affairs and the charities at present attached to it and which may be attached to it hereafter are under their control, management and administration under a Scheme sanctioned by the High Court of Judicature at Bombay in Suit No. 656 of 1891 (wherein the Hon'ble Mr. Francis Law Latham, the then Advocate General of Bombay, was the plaintiff and Moulvi Abdul Kadir Jitekar and others were defendants) and approved of by the Kokni Mahomedan Community of Bombay. The said Juma Musjid is the principal place of worship of all the Sunni Mahomedans resident in Bombay, as well as of those Sunni Mahomedans from all parts of the world who may come to Bombay and sojourn there for some time.

2. That as such Directors your Petitioners have vested in them a number of charities for the upkeep of the said Juma Musjid and for the benefit of the Sunni Mahomedan Community in general, and have authority under the said High Court Scheme to accept and administer any other charity for the benefit of the Sunni Mahomedan Community of Bombay the administration of which may be committed to them. The charities at present so vested in your Petitioners are the following :—

- (1) The Juma Mosque of Bombay.
- (2) The Madrasai Mahummadiya.
- (3) The Mahomedan Burial Ground at Sonapore Lane.
- (4) The Masaleh Oomoor.
- (5) The Juma Musjid at Mahim.

3. That your Petitioners by virtue of their leading position in the Sunni Mahomedan Community of Bombay and of their status in that community represent the aims, sentiments and wishes of the said community in general.

4. That your Petitioners and the community they represent regard with great misgiving and alarm the legislation for the registration and regulation of charities which has been proposed by the Hon'ble Mr. Ibrahim Rahimtoola by the Bill he has recently introduced in the local Legislative Council.

5. That your Petitioners and the main section of the Mahomedan Community of Bombay which they represent are honestly and firmly of opinion that the proposed legislation is not only unnecessary, but that the same will injuriously affect the best interests of the charities in whose behalf the legislation is proposed.

6. That no case at all has, your Petitioners submit, been made out by the Honourable promoter of the measure by any proved instances of mismanagement of charities proposed to be dealt with, or other defects of omission or commission in the administration of existing charities.

7. That so far as any actual cases of mismanagement have been brought to light,—and these have been extremely few and far between,—the local High Court has supplied and is supplying ample and adequate protection, and the

general public including not only Mahomedans, but Hindus, Parsis and other inhabitants, have been and are quite content with the administration of their charities without the interference of any public Official Organization such as is now proposed to be created.

8. That the Hon'ble mover of the said Bill, and those, if any, who may be in sympathy with the proposed measure can, your Petitioners are firmly of opinion, hardly have any distinct idea of the number and extent of the charities proposed to be dealt with. These, great and small, it may be safely affirmed, number thousands. Nor can they have an adequate idea as to how they are being administered by the descendants and other members of the families of the founders and by other nominated trustees, without let or hindrance, and without any appreciable discontent on the part of those who are the objects of the relief intended by the founders. These foundations embrace a variety of relief, such as schools, libraries, medical dispensaries, the relief of the poor and the destitute in the way of distribution of food, clothing and other relief, and by far the greater number of these foundations are conducted and looked after by the descendants of the founders.

9. That Your Excellency in Council can from the nature of the case hardly have an adequate idea as to the sentiments of duty and reverence with which such foundations are regarded by the members of the Mahomedan and also other communities, and how religiously the aims and objects of the founders of the charities are carried out, which is the reason why so few instances of illegal diversion of the endowment funds are known or are brought to light or so little is heard of defalcations or mismanagement.

10. That there are few wealthy, or even moderately well-to-do Mahomedan Hindu, Parsi or Jewish gentlemen, who do not commemorate auspicious or other important occasions in their families, or who do not by their testamentary dispositions leave sums of money or other property, for charitable purposes to be carried on by their descendants or remoter relatives or friends, and these charities are as a rule honestly conducted, the funds left being invested in public securities or remaining invested in rent yielding properties or deposited in the principal local banks or with local mercantile firms for safe custody. The number of such charities is simply enormous, and is constantly on the increase; yet no serious difficulties or disputes in regard to them have been in evidence; and your Petitioners believe that if Government are spared the necessity of any Poor Law and the administration of it in this country, it is in great part owing to the existence of the private charities of its people.

11. That the Hon'ble Member who has introduced the Bill in the Local Council has himself foreseen the difficulty of including within the scope of the measure religious as opposed to non-religious charities. But the considerations of inconvenience or danger which no doubt have led him to exclude all religious endowments, are also and in the main those which would apply to so-called secular charities also. To the minds of the native population of this country, partition between the religious and the secular is much thinner than it is to Europeans, so much so that in the case of Mahomedans, even their purely family endowments are in their eyes clothed with the sanctity of their religion, and so jealous they are of every outside interference with what they choose to dispose of in the way of charity that they at times expressly provide by the instrument creating the trust that there shall be no questions asked and no accounts taken from their descendants managing the trusts. Indeed, according to Mahomedan Law, there is no distinction between religious and secular charities, and all Wakfs, that is, trusts created for the family of the settlor or for charitable purposes of any kind, are all religious and therefore legally valid. The evolution and well-being of the family is regarded by the Mahomedan, as by other leading faiths, as a potent means of elinating mankind in spirituality by keeping off and neutralizing the powers inimical to well-ordered social life, and hence it is that all Wakfs, even of the nature of a family settlement, are regarded by them as possessing religious efficacy.

12. That to require charities to be registered in a public official department to be created for the purpose, to hold an inquisition of the nature above



mentioned, to require official audit of the accounts of a charity under prescribed pains and penalties in case of omissions, cannot fail, your Petitioners submit, to lead to much arbitrary and oppressive interference with the natural rights of those to whom the administration of the charities may be entrusted by or according to the wishes and intentions of the founders.

13. As above stated all Mahomedan charities are religious and as regards other communities most of the charities existing amongst them are neither of a purely religious nor of a purely secular nature, but are partly the one and partly the other, and are of such a mixed nature that it would be difficult, if not impossible, to separate the one from the other for the purposes of the proposed legislation, and any attempt at compulsory registration and regulation of the ostensibly secular charities of the non-Mahomedan communities cannot fail to intrench upon the religious or quasi-religious portions of the charities, and any inquisition by an Official department such as the proposed legislation would create would generally be regarded as an unwarrantable and dangerous interference with matters with which Official regulation ought to have nothing whatever to do.

14. That in regard to what has been above stated and urged as to the mixed nature of the majority of charities in this country, the Petitioners would instance the case of what amongst the Mahomedans is considered and regarded as the most sacred disposition one could make of his property, namely the creation of which is known as "Wakf" trusts, that is to say, trusts of property, at times the entire property of the founder for the maintenance of his family and descendants, coupled with religious observances, with ultimate devotion of the entire property to the service of God; and so keen is Mahomedan religious sentiment as to the religious meritoriousness of such family dispositions that, even what is known in law as the "rule against perpetuity" is sought to be excluded in its application to such dispositions, so much so that a recent ruling of the Lords of the Privy Council against such a contention is giving rise to a strenuous agitation, as Your Excellency may be aware, on the part of the leaders and Ulama of the Mahomedan Community in the Empire, to relieve perpetual family "Wakfs" from the rigour of the above decision. Your Petitioners in this connection intend shortly to submit to Your Excellency in Council Fatwas, that is, the expositions of Mahomedan law on this subject by learned Mahomedan jurists.

15. That it would be presumptuous on the part of your Petitioners to urge against the proposed measure the broad and general considerations to be borne in mind before undertaking legislation of any kind and particularly of a doubtful and hazardous nature, unless and until a clear case of urgency and indispensable necessity is established, and unless and until those who would be affected by it after due deliberation themselves express a desire for it, and, permit us to add, unless and until it is reasonably clear that the proposed legislation will not in the end create more difficulties than it was intended to solve. Your Petitioners honestly and sincerely believe that were the opinions of the several communities which constitute the population of this country ascertained by a commission of enquiry appointed for the purpose, or by means of a plebiscite, there would be only one answer elicited, and that is that no such legislation as proposed is at all necessary or advisable.

16. That your Petitioners with great submission and respect crave leave to urge a no less relevant consideration against any such legislation as is now proposed, namely, that if any new department be created, it will naturally try to justify its own existence, and if the audit of every charity is to be made by official auditors, the administration of the charities would in a measure be at the mercy of those officers, for it will be for them to decide what shall be state and manner of the accounts and whether they have been kept in a manner so as to satisfy them. That this would also open the door to questionable dealings would not, your Petitioners respectfully submit, be an overstrained apprehension, having regard to the matter-of-fact character of most of the charity administrators, their want of advanced education, their lack of precision and the like, and would of necessity place them at a disadvantage in their differences with the officers appointed by Government.

17. That there is yet another consideration which your Petitioners respectfully submit ought not to be lost sight of in deciding whether the legislation proposed is advisable. As it is, the trustees, whether *de jure* or *de facto*, of charities assume the burden of their office gratuitously and without any reward other than a sense of a moral and religious duty honestly discharged. It is an office involving no small trouble and risk, and it would serve very greatly to aggravate that trouble were that office to subject them, as it would if the projected legislation was passed, to still further trouble, with possibly a risk of more personal consequences. It is well known that outsiders are unwilling to undertake the office of trustees of charitable funds, and hence it is that such trustees have necessarily to be appointed from amongst the descendants of the founders.

18. That your Petitioners are honestly of opinion, as also are the leading members of the community they represent, that any such measure as is proposed, far from serving the interests of charities, would distinctly tend to discourage the creation of such charities, and this, your Petitioners beg leave to assure Your Excellency, is no mere matter of speculation, for as a fact, in three instances only recently brought to their notice, three native gentlemen intending to create a charity for the relief of the poor have, since the announcement of the proposed measure, been seriously thinking whether it would be worth their while to create the intended charities in view of the possibility of harassment which their descendants as trustees might be subjected to in case the proposed measure became law; and your Petitioners can honestly assure Your Excellency that they themselves would think twice before creating any charities which might subject them to the inconveniencies they have ventured to point out in this Petition.

19. That not a few of the charities known to this city have been created for the relief of what may be called genteel poverty,—the reverse of fortune in the case of the members of once affluent families,—and in such cases it is open expressly provided that no names of the recipients of the charity shall be disclosed. Such being the case, it may be well imagined in what a predicament the trustees of the charity would be placed with reference to the official audit of the accounts, and the inability or refusal of the trustees to consent to a disclosure in contravention of the wishes of the founder. This, be it observed is only one instance of an awkward predicament, the result of legislation, like the one, your Petitioners are now endeavouring to show as unnecessary, if not injurious.

20. That apart from the foregoing considerations on the merits of the question, your Petitioners would respectfully observe that if, as assumed, the proposed legislation is good and necessary for the town and Presidency of Bombay, it must be held to be equally good and necessary for the whole Indian Empire, for, there is no evidence of the existence of any special features of the problem applicable to this town and Presidency alone requiring provincial legislation, and therefore any legislation of the kind proposed ought to be or might well be undertaken by the Imperial rather than by a Local Legislature. In that case those likely to be affected by the measure would have the satisfaction of knowing that adequate inquiry, consideration and forethought have been taken and bestowed to ascertain the necessity or expediency of the measure. Your Petitioners are however firmly persuaded that no such measure would be undertaken by the Imperial Legislature unless and until its necessity is made out to its entire satisfaction.

21. Your Petitioners apprehend that it will be advanced by the mover of the Bill that the measure has not yet evoked any widespread agitation, but it would, we respectfully submit, be a mistake to suppose that this circumstance is evidence of any approval of the measure. Public mind is only now waking to the gravity of the issue and before long the voice of the nation is sure to be heard. In matters of these kinds mere inaction at the early stage of a proposal is only natural, and there would be no evidence of approval until the effect and bearings of a measure have been sufficiently studied and the considerations for and against the measure have had time to crystallise.

22. Your Petitioners wish to add that they have in this Petition confined themselves to general considerations affecting the proposed measure, and have purposely refrained from considering in detail the provisions of the Bill as drafted, as to which provisions, if and when necessary, they will have serious objections to urge. But as one instance of a provision of the Bill which would create needless difficulties and entail needless expenses on charities, your Petitioners would crave leave to refer to the provisions of the Bill requiring auditing of charity accounts by an official auditor. In the case of the Juma Musjid charities the said High Court Scheme makes up ample and adequate provision for auditing and publication of accounts, and not only so, but it vests in the Kokni Jamat the right of appointing the auditors from time to time. This is a right justly cherished by the community; and the proposed legislation would therefore in the case of the Juma Musjid, and other charities similarly circumstanced, be in this respect and merely uncalled for, but would do more harm than good.

23. In conclusion your Petitioners crave leave to sum up their position in regard to the proposed legislation by the homely adage "Let well alone", and to urge that having regard to all that your Petitioners have ventured to urge, and also to such further and other considerations which may occur to Your Excellency in Council, you will disallow the proposed legislation.

And your Petitioners as in duty bound will ever pray.

Bombay, 13th March 1911.

(Signed) KAZI SHARIF MAHOMED SALEH LONDAY,  
Kazi of Bombay.

(Signed) M. H. MUCKBA.

(Signed) BADRUDIN ABDULLA KOOR.

(Signed) M. I. HAFIZ.

(Signed) HAJI IBBAHIM JITEKAR.

(Signed) HASSAM KHAN DESHMUKH.

(Signed) GOOLAM MAHOMED MALICK.

(Signed)

i. e. ABDOOL KADIR SHAIKBHICAN.

Journal of the Proceedings of the Legislative Council of the Governor of  
Bombay, assembled under the provisions of the Indian Councils Acts,  
1861 to 1909.

The Council met at Poona on Tuesday, the 25th July 1911, at 12 o'clock noon.

*P R E S E N T :*

- His Excellency the Honourable Sir. GEORGE SYDENHAM CLARKE, G.C.M.G.,  
G.C.I.E., Governor of Bombay, *presiding*.  
The Honourable Mr. R. A. LAMB, C.S.I., C.I.E., I. C. S.  
The Honourable Mr. MAHADEV BHASKAR CHAUBAL, LL.B.  
The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.  
The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.  
The Honourable Sardár LAKHAMGAUDA BASÁVPRA BHU, Sar Desái of Vantmuri.  
The Honourable Mr. JAMES BEGBIE.  
The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.  
The Honourable Mr. GEORGE CARMICHAEL, I. C. S.  
The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILÁL.  
The Honourable Mr. GEORGE SEYMOUR CURTIS, I. C. S.  
The Honourable Sardár PUBSHOTTAMDÁS VIHÁRIDÁS DESÁL.  
The Honourable Mr. FAZULBHOY CUBRIMBHOY EBRAHIM.  
The Honourable Sardár SYED ALI EL EDROOS.  
The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.  
The Honourable Sardár NARAYANBAO GOVIND *alias* BÁBÁ SÁHEB GHORPADE,  
Jághirdár of Ichalkaranji.  
The Honourable Mr. W. L. GRAHAM.  
The Honourable Mr. HERBERT RUFUS GREAVES.  
The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.  
The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.  
The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVE RÁO, Ráje of Málegaon.  
The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR. ✓  
The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.  
The Honourable Mr. J. McNEILL, I. C. S.  
The Honourable Mr. LALUBHÁI SÁMALDÁS MEHTA.  
The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.  
The Honourable Mr. G. P. MILLETT.  
The Honourable Sardar Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.  
The Honourable Sardár DÁVAB KAIKHOSRO EDALJI MODI.  
The Honourable Sardár COOPOOSWÁMY VIZIARUNGUM MOODLIAR.  
The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).  
The Honourable Mr. J. P. OBE, I. C. S.  
The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.

The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY.  
 The Honourable Mr. IBRÁHIM RAHIMTOOLA, C.I.E.  
 The Honourable Mr. MANMOHANDÁS RÁMJI.  
 The Honourable Ráo Bahádur SHRINIVAS KONHEE RODDA.  
 The Honourable Mr. CHIMANLÁL HARILÁL SETALVÁD, LL.B.  
 The Honourable Mr. W. H. SHARP.  
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

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*NEW MEMBERS.*

The Honourable Surgeon-General R. W. S. LYONS, the Honourable Mr. W. D. SHEPPARD, the Honourable Mr. J. MCNEILL, the Honourable Mr. G. P. MILLETT, the Honourable Mr. JAMES BEGBIE, the Honourable Mr. D. V. BELVI and the Honourable Mr. R. P. KARANDIKAR made the prescribed oath or solemn affirmation of allegiance to His Majesty the King-Emperor and took their seats in Council.

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*Observations by His Excellency the President in opening the Meeting.*

His Excellency the PRESIDENT said :—Before we enter upon the proceedings of this session, I have a sad duty to perform. Since we last met the hand of death has again appeared in our midst and we have lost a member whose conscientiousness and painstaking character we all have learned to appreciate and to understand. Rao Bahadur Joshi possessed in a marked degree earnestness of purpose and the power of taking trouble that are always found to command respect, even when entire acquiescence in the views at which he arrived cannot be granted. The capacity for taking trouble is not common in any country and is specially needed in India at the present time. Rao Bahadur Joshi has left a legacy of industry and thoroughness that cannot be forgotten, and I am sure I have the support of every member of this Council when I say that we tender our warm sympathy to his bereaved family in the deep sorrow that has fallen on them.

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**QUESTIONS AND ANSWERS.**

The following is a list of the questions put by Honourable Members with the answers given by Government in each case :—

*Questions.*

*Answers.*

THE HONOURABLE MOULVIE  
 RAFIUDDIN AHMAD.

1. Will Government be pleased to give the following information :—

(a) How many persons have been made Mámlatdárs during the last ten years in the Central Division who have not passed the Higher Standard Departmental Examination? How many of these are Mahomedans?

1. (a) Four persons, who did not pass the Higher Standard Departmental Examination, were made Mámlatdárs in the Central Division during the last ten years. None of them was a Mahomedan.

## Questions.

(b) How many Mahomedans are serving in the Subordinate service in the Revenue Department in the Central Division who have passed the Lower and the Higher Departmental Examinations?

[*This question was asked at the meeting held on the 13th March 1911, when an ad interim reply was given.*]

2. Are the Government aware that in some large towns in the Presidency, such for instance as Hubli, there are no Mahomedan Honorary Magistrates, and whether they will be pleased to issue orders to redress this grievance?

THE HONOURABLE MR. HARCHAND-  
RAI VISHINDAS.

1. Will Government be pleased to state whether it is a fact that Indians have not been appointed to the Preventive Service, Customs Department, Karáchi, notwithstanding the opinion expressed by the Public Service Commission appointed in 1886, that there was no ground for the exclusion of qualified candidates of any race from the Preventive Service?

[*This question was asked at the meeting held on the 26th January 1911, when an ad interim reply was given.*]

2. (a) Are Government aware that the North-Western State Railway attach only one second class compartment for males to passenger trains from and to Karáchi, which being insufficient for the volume of traffic causes great inconvenience to the travelling public, of which complaints have been repeatedly made?

## Answers.

(b) Six.

2. There are at present 32 Musulman Honorary Magistrates in the Presidency proper and Government are always willing to appoint Musulman gentlemen to be Honorary Magistrates if any with the necessary qualifications can be found.

1. The Preventive Branch of the Customs Department in Sind is an extremely small body, and there is rarely occasion to make appointments to it. Only two such appointments have been made during the past five years—one of a European, the other of a Syrian.

Most of the higher appointments in the Preventive Service are at the present time held by domiciled Europeans or Eurasians; but two appointments of wharfingers on Rs. 100 and Rs. 70 are held respectively by a Hindu and a Mahomedan. For the performance of those preventive duties which specially involve close personal contact with European passengers and seamen, particularly of the lower classes, European officers have obvious advantages and are, as a general rule, naturally preferred. But it is not the case that qualified candidates of any race are excluded; and after full inquiry it has been found that there has not been any departure from the principles advocated by the Public Service Commission.

2. (a) and (b) The Manager, North-Western Railway, has reported to Government that some of the trains between Hyderabad and Karáchi have a normal composition of only one second class carriage, of which one compartment is for males providing seating accommodation for nine passengers. The trains referred to are those leaving

*Questions.*

(b) If so, will Government be pleased to take steps to remove this cause of complaint?

[*This question was asked at the meeting held on the 13th March 1911, when an ad interim reply was given.*]

THE HONOURABLE MR. GOKULDAS  
KAHANDAS PAREKH.

1. With reference to the reply given by Government to my first question in the Proceedings of this Council of the 25th June last, as the amount of the contribution of Rs. 400 by the villagers of Gandeva to the Local Board was made with the object that the Local Board made a Pakka Road and the Local Board has failed to construct the Road, will Government be pleased to direct the Local Board to construct the road or to return the amount of their contribution to the villagers?

[*This question was asked at the meeting held on the 26th January 1911, when an ad interim reply was given.*]

2. (a) With reference to Government Notification No. 6799 of the 30th of November last sanctioning the increase in the strength of police in 26 villages of the district of Kaira and directing the inhabitants thereof to pay the cost of the additional police, will Government be pleased to say how many cases of Railway thefts and of receiving of property lost in such thefts have been brought home against the inhabitants of each of these villages during the years 1908, 1909 and 1910?

(b) Is it a fact that the additional police has been stationed in these villages and

*Answers.*

Karachi at 8-37 and 23-15 and those arriving at Karachi at 17-6 and 21-57.

Regarding these particular trains, the Manager states that no complaint has been received from the public that accommodation for second class male passengers is insufficient. During rushes of traffic, no doubt, the accommodation may be insufficient; but at such times extra accommodation is arranged for, provided that sufficient intimation is given. On the mail trains between Lahore and Karachi the accommodation for males is equivalent to two full second class compartments, each seating nine passengers. The Railway authorities do not provide lying down accommodation for second class passengers on any of their trains.

1. The Taluká Local Board have decided to complete the road.

2. For some years past there have been constant thefts from running trains on a short section of the railway North, South and East of Anand. The thieves are known to be residents in the vicinity of the line and a favourite plan of theirs is to build huts in their fields on the pretext of watching their crops, thus enabling them to remain on the scene of their operations and dispose of the stolen property to people in the surrounding villages. The villagers will not give information or evidence against the thieves. A force of additional police was quartered on these 26 villages from 15th May 1908 to 14th May 1909:

## Questions.

their inhabitants are ordered to pay its cost because they are within the distance of 5 miles from the Railway?

3. (a) Will Government be pleased to say whether it is true that the Collector of Broach has under the orders of Government issued circular orders to the Village Officers that Vániás, Shrāvaks, Bráhmíns and Luvánás are not to be entered as agriculturists without the sanction of the officer in charge, to whom after enquiry a detailed report should be submitted for permission to enter them as agriculturists?

(b) Will Government be pleased to say what was the object of issuing such circular orders?

4. Will Government be pleased to say if they propose to appoint a special officer to inquire about the causes of

■ 1930--105

## Answers.

during this period there was a marked decrease in the number of thefts, but as soon as the force was removed crime broke out again and it was found necessary again to quarter additional police on these villages from November last.

From 1st May 1908 to 30th April 1909 there were 25 railway thefts in this neighbourhood, of which 5 were detected: from 1st May 1909 to 30th April 1910 there were 64, of which 9 were detected. Government have no information as to the villages to which each of the persons convicted belonged.

It is because the inhabitants of these villages are believed to combine not only to commit thefts but also to prevent their detection that additional police are quartered on them.

3. (a) Circular orders of the kind referred to have been issued by the Collector of Broach in the execution of orders issued by Government. The Collector's orders do not extend to Mewáda Bráhmíns. The Officer in charge is the Assistant or Deputy Collector in charge of the Subdivision.

(b) Government desire to keep themselves informed as to the extent to which land is passing from the possession of agriculturists to non-agriculturists and *vice versa*. An attempt was made to obtain the information from the Registration records, but the statistics so collected proved of very doubtful value. A simple method has now been devised whereby a correct view of the facts can be obtained from the village accounts. It involves a division of the revenue payers in the village-rent roll into agriculturists and non-agriculturists. The Collector's orders were issued with a view to ensuring that this classification should be as correct as possible in his district.

4. Government do not propose to appoint a special officer. They have full information as to the state of crime in



*Questions.*

the unusual number of crimes of violence that have recently taken place in the Kaira district and to report about them and to suggest the measures to be adopted for stopping them?

5. (a) Will Government be pleased to say how many suits for the recovery of mortgage debts brought under the Dekkhan Agriculturists' Relief Act in accordance with the provision of section 31 of the Limitation Act of 1908 in the Courts of the Subordinate Judges have been dismissed or are likely to be dismissed because under the ruling of the High Court of Bombay the time that elapsed between the application to the Conciliator for the certificate and the grant of the certificate is not excluded by law?
- (b) Considering that a misunderstanding in this matter prevailed in the minds of many people, do Government propose to resort to any legislative measure for preventing the effect of such misunderstanding?
6. (a) Will Government be pleased to say in how many talukás of Gujarát the Divisional Officers or the Mámlatdárs issued orders within a week from the date on which the crops were destroyed or injured by frost to take prompt and strong measures to recover the land-revenue demands of Government?
- (b) Will Government be pleased to give the names of such talukás?
7. (a) Will Government be pleased to say whether they have considered to what extent the interest of British villages and of the inhabitants of the British taluká of Chikhli will be injuriously affected by the construction of the Billimoria-Sara Railway according to its present alignment?
- (b) Do Government propose to have the taluká town of Chikhli connected with this Railway?
- (c) Are Government aware that the inhabitants of the Chikhli taluká applied to the Baroda Government to make such alignment of the Railway that it should pass by Chikhli and that the application has been rejected?

*Answers.*

the Kaira district and steps are being taken under their orders to remedy it.

5. (a) Government are unable to supply the figures asked for, but they are giving the matter their anxious consideration.
- (b) Government are unable as yet to say whether any legislation is needed.
6. (a) and (b) Government have no information on the subject and are not disposed to call for it in respect of orders which the officers mentioned are expected to issue when they consider that the circumstances of their charges so require.
7. (a) Alternative alignments have been surveyed, but Government have no information of either alternative having been adopted. The British villages in the northern portion of the Chikhli taluká appear to be likely to be benefited by either alignment.
- (b) No.
- (c) No.

*Questions.*

8. (a) Will Government be pleased to say what educational and other qualifications they have laid down for the appointment to the office of Deputy Superintendent of Police ?
- (b) Will Government be pleased to say what steps they have taken to make the Police service attractive to educated Indians belonging to respectable families ?
9. (a) Will Government be pleased to say whether the traffic survey has been sanctioned with reference to the question of affording suitable Railway communication to the town of Borsad and the country to its west ?
- (b) Whether the reports of the Mámílatdár of Borsad and other Local Officers have been called for in connection with this question ?
- (c) Whether the Local Officers' opinions are in favour of establishing a Railway communication with the Borsad town or not ?
10. (a) Will Government be pleased to say whether, considering the auction prices which were realized from the purchasers of the Toddy shop licensees in the city of Surat, the fees for tapping Toddy trees paid to Government and the other usual and customary charges of, and incidental to, the carrying on of the business of running a toddy shop, the licensee would be able to sell pure toddy at rates which have been fixed, without incurring loss ?
- (b) Have Government issued orders directing the Collector to limit the bids in such a way that the toddy shop licensees may be able to vend pure toddy to their customers without suffering loss ?
11. (1) Will Government be pleased to say whether the villages of Kharbao, Paygaum and Paye have been recently transferred from the taluká of Bassein to the taluká of Bhiwndi ?

*Answers.*

8. (a) In addition to possessing the necessary qualifications of health and physique the candidate must be of good character, standing and position, and must have at least passed the School Final examination.
- (b) A new class of officers, named Deputy Superintendent of Police, on monthly salaries ranging from Rs. 250 to Rs. 500, has been created. These posts are filled both by promotion and also by the direct recruitment of Indians of good family. Direct appointments of men of good family are also made on a large scale to the grade of Sub-Inspectors.
9. (a) The reply is in the affirmative.
- (b) and (c) The Collector of Kaira was asked for his views and his reply indicates the desirability of Railway communication to Borsad town and the country to the west of it.
10. (a) The answer is in the affirmative.
- (b) The general orders issued with a view to stopping excessive bidding apply in the case of sales of toddy licenses.
11. (1) The three villages have been recently transferred.

## Questions.

- (2) Will Government be pleased to say whether a considerably larger number of landholders of these villages belong to Bassein than to Bhiwndi?
- (3) Whether the members of a single family of Bhiwndi alone hold lands in these villages?
- (4) Whether it is cheaper and more convenient to carry agricultural produce from Kharbao to Bassein than from it to Bhiwndi?
- (5) Whether Government have ascertained the sense of the inhabitants and landholders of these villages in connection with the transfer?

12. Will Government be pleased to say—

- (1) whether among the Councillors nominated on the Municipal Board of Broach there was any Hindu and, if not,
- (2) why no Hindu Councillors were nominated to give their community an adequate representation on the Board?

13. Will Government be pleased to say—

(1) whether their attention has been drawn to the account of the meeting of the Band Fund Committee of the Broach City appearing in the *Bombay Samáchár* of the 6th of July?

(2) whether they are aware that Mr. Rothfeld the Collector of Broach and Mr. Denning Assistant Collector are respectively President and Secretary of the Committee, whose business it is to collect subscriptions from the Broach District for defraying the expenses of having a brass band service in the City of Broach?

(3) whether it is consistent with the standing orders of Government that the

## Answers.

(2), (3) and (4) Government have no information on the points referred to.

(5) A petition has been received from the inhabitants and landholders of the villages and enquiries are being made whether certain difficulties alleged to be caused by the transfer really exist and if so what measures can be taken to remove them.

12. Under section 10 of the District Municipal Act, 1901, the power of nominating councillors on Municipal Boards vests in the Commissioner, and Government do not propose to interfere with his discretion in this case.

The Broach Municipal Board consists of 24 councillors, of whom 16 are elected and 8 are nominated. The Board was re-constituted with effect from 1st April 1911 and is made up as follows:—elected: eight Hindus and eight Pársis; nominated: three officials (one European, one Hindu and one Mahomedan), one non-official European, three Mahomedans, and one Pársi.

13. (1) Yes.

(2) Yes.

(3) Government do not propose to pass any orders in the matter.

## Questions.

Collector and the Assistant Collector should be prominent office bearers upon such a Committee?

14. Are Government aware

(1) that the annual farms of *bet* lands in the Nerbudda and on its banks used to be given to the highest bidders by auction?

(2) that the successful cultivation of such lands requires much agricultural skill and involves expenditure of money?

(3) that this year the Collector of Broach has farmed a large area of such lands to classes of cultivators who possess neither skill nor capital for carrying on such work?

(4) will Government be pleased to say what is the amount of the loss of Government revenue that will be caused by this change?

15. Will Government be pleased to say

(1) whether the condition prohibiting generally the sale of liquor to minors under 14 appears in all the existing liquor shop licenses?

(2) Will they be pleased to say in what form the condition is worded?

16. Will Government be pleased to say

(1) whether they are aware that certain liquor shops for the sale of foreign spirits situated outside the Fort in the City of Bombay remain open till midnight?

(2) Will they be pleased to say why such shops are treated in a different manner from those for the sale of country spirits?

THE HONOURABLE MR. SIDDHANATH  
DHONDDEV GARUD.

1. Will Government be pleased to state—

(a) In what districts of the Central Division Darbárs were held last year?

\* \* \* \*

[This question was asked at the meeting held on the 13th March 1911, when an ad interim reply was given.]

B 1930—106

## Answers.

14. (1) Government understand that the practice in the past has been to auction certain *bet* lands in the Broach district and that the purchasers usually sub-let in plots to small cultivators.

(2) Government have no precise information, but it is understood that the skill and money required are not more than are necessary in ordinary cultivation.

(3) Government have no information regarding the manner of disposal of *bet* lands this year. The matter is one within the Collector's discretion.

(4) Government have no information. The disposal of cultivable lands is regulated by considerations of policy as well as of revenue, and it may be to the general advantage of Government as well as of the cultivators to dispense with the middle man. It is not therefore deemed necessary to make enquiries on the point raised.

15. (1) Yes.

(2) The wording of the condition is that the licensee shall not sell or give liquor to persons under 14 years of age.

16. (1) The only classes of licenses which have been allowed late closure beyond 9-30 p.m. are hotels and refreshment rooms. Some of them are situated outside the Fort.

(2) Hotels and refreshment rooms provide food and non-alcoholic refreshments as well as liquor and in the interests of the public it is necessary to permit them to remain open till a late hour.

1. (a) Darbárs were held in the Ahmednagar, Sátára, Sholápur, West Khándesh and East Khándesh districts.

\* \* \* \*

*Questions.*

2. (a) Will Government be pleased to state whether they have received any answer to their letter from the Managers of the Western India Turf Club?
- (b) If so, what steps they propose to take in the matter?
3. (a) Is it true that the pay of the head-shroffs in Huzur Treasuries was not increased in the revision of pay that took place in the Revenue Department?
- (b) In view of the fact that head-shroffs in Huzur Treasuries in the Madrás Presidency are paid Rs. 50 per month, have Government considered the advisability of revising their pay and granting them an annual increment of two Rupees per month?
4. (a) Have Government finally considered and decided the question of raising the fees in secondary schools?
- (b) If so, will Government be pleased to announce their decision in the matter?
5. Will Government be pleased to state when the extension of the Garud High School Building, promised in answer to my question No. 4 put at a meeting of the Legislative Council on the 12th of March 1910, will be commenced?
6. (a) Has the attention of Government been drawn to a decree of the Poona Sub-Judge's Court in which in the case of an agriculturist defendant, interest on the principal sum advanced by the Co-operative Credit Society has not been allowed after the decree?
- (b) Will Government be pleased to state what steps they propose to take to prevent this kind of loss to Co-operative Credit Societies?
7. Have Government considered the desirability of supplying to Honourable Members of the Legislative Council, printed answers to their questions at least 24 hours before the time of the

*Answers.*

2. The Honourable Member is referred to the answer given to Question No. 1 put by the Honourable Sir Pherozeshah M. Mehta.
3. (a) No revision has recently taken place of the pay of the clerical establishment along with which shroffs are grouped. Proposals for the reorganization of that establishment are under consideration. If the proposals are sanctioned, the maximum pay of head shroffs will be raised from Rs. 40 to Rs. 45.
- (b) Attention is invited to the reply given above.
4. The final orders of Government are about to issue.
5. The attention of the Honourable Member is invited to the press note No. 2036, dated the 16th ultimo, a copy of which was supplied to him, from which it will be seen that a sum of Rs. 18,000 has been allotted for the extension of the Dhulia High School and that it is intended to carry out the work in the current financial year.
6. (a) The attention of Government has not been drawn to the decree.
- (b) Perhaps no answer is necessary as a Bill to amend the Deccan Agriculturists' Relief Act is one of the items in the Agenda paper.
7. As most questions are received only just before the time limit expires, the proposal is impracticable.

## Questions.

## Answers.

meeting to enable them to frame and forward to Government for consideration their supplementary question?

8. Will Government be pleased to state—
- (a) in what districts of the Central Division the system of trial by Jury prevails;
- (b) in what years it was extended to those districts;
- (c) whether any extension of the system to other districts is contemplated in the near future?

8. (a) Poona.

(b) 1895.

(c) The question of extending the system to other districts is not at present under consideration.

9. Have Government considered the question of opening (civil sub-judge's) Courts at Chopda and Ráver in East Khándesh and at Sákri in West Khándesh?

9. No such proposal is under consideration at present.

10. In view of the facts placed before Government in my question No. 5 put at a meeting of the Legislative Council on the 26th of January 1911 and in my observations at the time of the Budget Debate at a meeting of the Council held on the 25th of June 1910, will Government be pleased to state whether they have considered the desirability of opening a third year class in the Dhulia Training School and of raising that school to the status of a college?

10. Schemes for the extension of the facilities for training teachers in primary schools are under consideration. It is not however proposed to increase the supply of masters trained for three years because funds are not available to pay such men the salary which the Code prescribes for them.

About ten men are sent annually from Dhulia to the Poona Training College for the third year's course. It would not be economical to open a third year class at Dhulia for so small a number, while those who are sent to the Poona College profit by coming into contact with men from the more advanced districts.

THE HONOURABLE SARDA'R  
NARAYANRAO GOVIND *alias* BA'BA  
SA'HEB GHORPADE, JA'GHIRDA'R  
OF ICHALKARANJI.

1. (a) Would Government be pleased to state whether the Inámdárs of the 16 villages, a list of which is enclosed herewith, were consulted before the appointments of the village officers to these villages were made in pursuance of orders contained in paragraph 2 of Government Resolution No. 5733, dated 17th August 1899?

See Appendix A.

1. (a) A statement is laid on the Council Table.

## Questions.

## Answers.

Name of village.	Táluká.	District.
Jinti	Karád	Sátára.
Sávada	"	"
Nigadi	Válva	"
Chinchdholi	Wái	"
Bhorkbal	Sátára	"
Bhádas budruk	Haveli	Poona.
Nero	"	"
Dápodi	"	"
Nigadi	"	"
Tulápur	"	"
Páshán	"	"
Lavle	"	"
Karanjgaon	Mával	"
Ozar	Junnar	"
Ambi budruk	Bhimthadi	"
Vághápur	Akola	Ahmednagar.

[This question was asked at the meeting held on the 13th March 1911, when an ad interim reply was given.]

2. Is it a fact that there are large arrears of revenue in the Inám villages of Páshán, Lavle in the Haveli táluká and Malad Alegaon in the Bhimthadi táluká and Dhanore in the Shirur táluká of the Poona district?

Is it also a fact that full assessment of the adjoining villages has been realized?

Is it also a fact that suits for recovery of rent have been instituted with respect to these villages and orders issued in favour of the superior holder but none of the decrees have been yet executed?

[This question was asked at the meeting held on the 13th March 1911, when an ad interim reply was given.]

See Appendices B and C.

2. Statements giving the information required are laid on the Table.

Assistance was granted to the inámdárs of the villages of Malad Alegaon in the Bhimthadi táluká and Dhanore in the Shirur táluká to recover all arrears; but the execution of these decrees has not yet been fully carried out for the following reasons:—

Assistance decrees must be passed, when it is proved that the inámdár, as superior holder, is entitled to the amounts claimed; on the other hand execution of the decrees often cannot in justice be ordered simply on the ground that they were passed in favour of the inámdár. The questions whether the year has been a good one or otherwise and whether enforcement of the decrees would or would not cause undue hardship to the rayats are required to be taken into consideration before ordering their execution.

## Questions.

## Answers.

3. Will Government be pleased to ask the Madras and Southern Marátha Railway Company to provide intermediate class accommodation on their trains as the fares charged for 2nd class accommodation are exorbitant?
4. Will Government be pleased to cause inquiries to be instituted regarding the complaints which are often made that the fruit parcels entrusted to the Madras and Southern Marátha Railway Company are often found open and tampered with?
5. Will Government be pleased to state whether it is a fact that the Inámdár of Tadsar, táluká Khánápur, district Sátára, was not consulted at the time of making the appointment of the village officers in that village last year?

Is it also a fact that the Kulkarni who was appointed being too old to work was not able to collect the revenue of the village with the consequence that the Mámlatdár caused a notice to be served on the Inámdár that his private land would be forfeited to Government if the arrears were not paid by a certain date?

Is it also a fact that there are large arrears of land-revenue outstanding in the village?

6. Will Government be pleased to state whether the information referred to in replies to Questions Nos. 5 and 6 asked by me at the council meeting held on 13th March 1911 has been received?
7. Will Government be pleased to state whether the Inámdárs of the villages mentioned below were consulted before the appointment of the village-officers in pursuance of orders contained in paragraph 2 of Government Resolution No. 5733, dated 17th August 1899?

B 1930—107

In Páshán assistance was granted in respect of arrears amounting to Rs. 2,908-15-6. The decrees have not been executed on account of the negligence of the village officers of which due notice is being taken. The remaining arrears are due to the negligence of the inámdár, who is non-resident, and of his agent.

3. Government have caused a letter on the subject to be addressed to the Agent, Madras and Southern Mahrátta Railway Company, and the result of the correspondence will be placed on the Council Table.
4. Inquiries are being made.
5. Government have no information in any of the matters referred to by the Honourable Member. It is open to the inámdár to represent any grievances which he may have to the local officers or, if necessary, to Government.

6. The information has been received and laid on the Council Table.

7. Government have no information in the matter and as the attention of district officers has been very recently directed to the orders contained in the Resolution quoted by the Honourable Member with reference to the answer placed on the Council Table to Question



## Questions.

Name of the village.	Tálnká.	District.
Bandpuri ...	Pátan ...	Sátára.
Koregaon ...	Karád ...	Do.
Yerandavane ...	Haveli ...	Poona.
Vángani ...	Do. ...	Do.
Malad ...	Bhimthadi ...	Do.
Alegaon ...	Do. ...	Do.
Dhanore ...	Shirur ...	Do.
Valki ...	Nagar ...	Ahmednagar.
Sattur ...	Dhárwár ...	Dhárwár.
Tarihal ...	Kalghatgi ...	Do.

8. Will Government be pleased to state whether the practice of shewing lands in inám villages set apart for public purposes as Government lands in Village Form No. 10 is likely to affect the title of the Inámdár to these lands when the lands thus set apart are no longer required for the said purpose?

THE HONOURABLE MR. LALUBHAI  
SAMALDAS MEHTA.

1. (a) Has the attention of Government been drawn to the articles in the *Jagad Vritta* which appear to contain an attack on Bráhmíns generally and on Chitpávan Bráhmíns in particular?
- (b) In view of the fact that the *Jagad Vritta* receives a subsidy from Government, will Government be pleased to say if those articles represent their views, and, if they do not, do Government intend to convey to the conductors of that newspaper their disapproval of the tone and contents of those articles and to warn them against indulging in similar attacks on any community in future?
2. (a) Will Government be pleased to say whether they have noticed the increase in the consumption of opium in the Bombay Presidency?

## Answers.

5 (a) put by him at the last meeting of the Council they do not think it will serve any purpose to call for it now.

8. The authorised form of Village Form No. 10 simply specifies that such and such lands are set apart for special or public purposes. Whether the inámdár has or has not any rights over these lands depends on the terms of his sanad. If any inámdár thinks that his rights are likely to be affected by any entry in Village Form No. 10 it is open to him to represent the matter to the local authorities or to Government.

1. (a) Yes.

(b) Government entirely disapprove of the publication of these articles. Action in the sense indicated by the Honourable Member has already been taken.

2. (a) Attention is invited to the statement placed on the See Appendix D. Table showing the consumption of opium in the various districts in the Presidency from 1893-94 to 1909-10. The broad facts are that the consumption in the three years preceding 1896-97 was from about 20,000 lbs. to 22,000 lbs. in excess of what it is at present. The advent in 1896-97 of famine and plague seriously affected the prosperity of the country and caused a decrease in the consumption of opium. The effect was most

## Questions.

## Answers.

marked at first in the Deccan districts where the famine of 1896-97 was most severely felt. The decrease continued in the years of bad harvest that followed until the lowest point was reached in the year after the great famine of 1899-1900. At this stage the Gujarát districts and Khándesh, which then suffered so severely, were the largest contributors to the decrease. A recovery then began in the natural course assisted by a comparatively good harvest in 1903-04. It received a check in the two following years, particularly in 1905-06, a year of great scarcity. In each subsequent year there has been an increase, but not out of proportion to the increase in the material well being of the country.

Explanation of the causes of the fluctuation in the consumption of opium from year to year is available in the Annual Administration Reports which are published. It is useful to review the figures over a series of years, but quinquennial averages may in some cases be wholly misleading. The disturbance caused by famine and plague in the purchasing power of consumers cannot be disregarded if it is desired to arrive at a true appreciation of the facts.

(b) Will Government be pleased to say what action has been taken in view of the increase?

(b) The increase in recent years has been commented on in the reviews by Government of the Annual Administration Reports, and Government have taken steps to raise the issue prices and maximum selling prices. Government have also made recommendations to the Government of India on the subject of reducing the maximum limit of possession.

THE HONOURABLE RA'O BAHADUR  
SHRINIWAS KONHER RODDA.

1. (a) Will Government be pleased to say whether the period of tours of Sub-Divisional Revenue Officers, *i. e.*, Assistant and Deputy Collectors, can now be curtailed from 7 to 5 months in view of the change in circumstances and of the improvement in the means of communication?

(b) Is Government aware that the conducting of crop experiments being

1. (a) and (b) The standard of administration required has become more exacting. The volume of work has increased, particularly under the heads of Record-of-rights, Tagái and the working of the rules for the suspension and remission of revenue. It is therefore more necessary than ever that Assistant and Deputy Collectors should make extended tours in their charges in order to supervise

## Questions.

transferred to the Agricultural Department and many other duties formerly requiring the presence of Assistant and Deputy Collectors being fixed, long tours are unnecessary both in the interests of officers themselves and on the score of economy of public funds?

(c) Will Government be pleased to say whether the months of April and May being the hottest the officers cannot do outdoor work in these months without detriment to their health and to the public service?

(d) Will Government be pleased to invite the opinions of the Assistant and Deputy Collectors on the subject and place the same on the Table?

2. Will Government be pleased to ascertain from the  
 \* Appointment of Superintendents of passengers. of Railway authorities how far the recommendation\*

of the Railway Board, made in No. 2583-R. G., dated 5th September 1910, to the Agent, Madrás and Southern Mahrátta Railway (printed at page 39 of the Legislative Council questions of 26th January 1911), have been carried, and, if not, when are they likely to be carried?

3. Will Government be pleased to say when effect is likely to be given to the proposal to give some measure of finality to the decision passed by the Collector in the course of City Survey operations?

4. Will Government be pleased to say whether the arrangements for the sale by the Forest Department of timber, such as *honní, matti*, etc., for enabling the poor agriculturists to get their implements of husbandry prepared, are sufficient to meet the needs of the case in Kalghatgi and other Malnad talukás?

## Answers.

and test the work of their subordinates and to obtain an intimate knowledge of the country, of the people and of their needs. For this purpose a seven months' period of tour is none too long and Government do not consider it advisable to modify the existing orders.

(c) No injurious effect has been noticed in the past and none need be anticipated.

(d) In view of the replies given above no action is considered necessary.

2. The G. I. P. Railway administration has appointed four retired Native Officers of the Indian Army to be passenger Superintendents.

The B. B. & C. I. Railway Authorities have decided to appoint two retired Native Officers, one to be stationed at Ahmedabad, and the other at Ajmer. They have appointed an officer to the former post and are choosing a suitable one for the latter.

The Madrás and Southern Mahrátta Railway Company appointed a Native Officer for the Poona-Belgaum Section of the line from 1st April last. Owing to that Officer having returned to his Regiment, the post is at present vacant but it is the intention of the Railway Authorities to appoint another Officer in his place. On the other sections of this Railway in the Bombay Presidency the number of passengers carried does not justify the appointment of a passenger Superintendent.

3. The proposal has been referred to the Government of India.

4. Government have made enquiries in this matter and are satisfied that the arrangements are sufficient.

## Questions.

5. Will Government be pleased to say whether it would not be advantageous to have the receipts now granted to rayats for Land-Revenue Assessment printed on a better sort of paper of somewhat larger size?
6. (a) Has the attention of Government been called to the recent ruling of His Majesty's High Court of Judicature at Bombay in the case of Dayaram Parashram *versus* Runja Teli (Civil reference No. of 1910) dated the 23rd February 1911?
- (b) Is it a fact that the High Court has circularised the Civil Courts subordinate to it to dismiss all suits opposed to the ruling in the aforesaid case?
- (c) Will Government be pleased to lay on the Table of the Council a statement of the facts of the case, a copy of the judgment of the High Court and a copy of the Circular?
- (d) Will Government be pleased to furnish the Council with a tabular statement showing the number of the suits and the total amount of the claim involved in them that have been dismissed on the strength of the ruling and the Circular under consideration in each district of the Presidency?
- (e) Will Government be pleased to lay on the Table copies of the petitions that it has hitherto received protesting against the said ruling?
7. (a) Is it a fact that a large number of 3rd class passengers is forced to travel in goods wagons very frequently on the portion of the Madras and Southern Maratha Railway in the Bombay Presidency generally and on the section of the said Railway between Gadag and Hotgi specially?
- (b) Will Government be pleased to arrange that the said Railway Company attach more passenger carriages to Trains to minimise the hardships of the 3rd class passengers?

## Answers.

5. As all rights in land are now entered in the Record-of-rights and as Government provide free extracts from the Record to the parties shown in it, it is not necessary to treat the receipt slips as more than written acknowledgments of money received, and for this purpose their present size and the quality of the paper are quite suitable.
6. (a) The attention of Government has been called to the ruling in question.
- (b) Government are not aware whether the High Court has issued such a circular. Enquiry will be made.
- (c) The relevant facts will no doubt appear in the Judgment, of which a certified copy will be called for from the High Court and placed on the Table.
- (d) Government are unable to supply the figures asked for but they are giving the matter their anxious consideration.
- (e) Copies of petitions received up to the present are placed on the Table.  
See Appendix E.
7. (a) and (b) The Honourable Member is referred to the Answer given by Government to Question No. 6, put by the Honourable Mr. Siddhanath Dhonddev Garud on the 25th June 1910 and to the correspondence laid on the Table in January last in connection therewith.
- Government have been recently assured by the Railway Administration that additional third class carriages are now being constructed and that every effort is being made to place them on the line as early as possible.

## Questions.

8. Will Government be pleased to state the result of the inquiry which it graciously promised to make as regards the subject matter of Questions Nos. 9, 10 and 11 put by the late Honourable Mr. Vishnu Raghunath Nátu at the Meeting of the Council on the 26th January 1911?

9. (a) Is it a fact that the District Magistrate of Belgaum has issued an order prohibiting the Hindoos of the Town of Chikodi from employing Tase-walas (Tom-tom-beaters) from any other place in the taluká than Chikodi?

(b) Will Government be pleased to lay on the Table a copy of the District Magistrate's order?

10. Will Government be graciously pleased to request the Government of India to take the construction of the Kalyán-Belápur-Panvel Light Railway to save the dangerous communication of the Panvel Creek?

## Answers.

8. The concession granted under the orders contained in Government Resolution No. 12397, dated 23rd December 1909, was intended for the actual lessees. The rights of mortgagees or purchaser determined on expiry of the leases and were not affected by the grant of the concession.

The Collector extended the concession in a modified form to alienees who had been in actual possession for not less than ten years and Government have approved of his action.

Government do not consider that the circumstances call for any further extension of the concession.

9. Inquiry will be made.

10. In reply to Question No. 7, put by the Honourable Member at the Council Meeting held on 25th June 1910, Government stated, *inter alia*, that this Railway must be left to be taken up by private enterprise. Subsequently two Promoters came forward with an application for a concession to construct the line. In connection with that application the Railway Board recently had an independent enquiry made by their Senior Government Inspector of Railways, Circle No. 6, Bombay, regarding the project as regards its scope, alignment, capital cost, earning capacity and the probable cost of working. The result of this enquiry has shown that the probable traffic is small and does not justify the adoption even of the 2'-6" gauge; and the Railway Board have suggested that the Promoters might reconsider their estimates and provide for a light 2'-0" gauge line running, as far as possible, on existing roadways and worked with rolling stock of light character. These views have been communicated to the Promoters.

The Government of India could be moved to undertake the construction of the

## Questions.

## Answers.

11. Will Government be pleased to state how far the Company has progressed in removing the wreck of the S.S. *Godáveri* ?
12. Will Government be pleased to say whether an inquiry has been made as to the circumstances under which a passenger by steamer lost his life in the Panvel Creek on 13th June last ?

THE HONOURABLE MR. CHIMANLAL HARILAL SETALVAD.

1. Will Government be pleased to state whether the allegation made in the *Times of India* and other papers to the effect that in the Press note dealing with the control of racing Government had altered their original proposals is correct ?

THE HONOURABLE MR. MANMOHANDAS RAMJI.

1. Will the Government be pleased to present a return of cases of arrest of defaulters in the payment of revenue in the several districts of the Bombay Presidency in the last five years ?
2. Whether the Government are aware that notwithstanding their Resolution No. 1743, dated 1st March 1883, cases of arrest for default in the payment of revenue are occurring in the Central Division and specially in the Poona district ?

line only if there were a reasonable prospect of its proving even moderately remunerative and private enterprize could not be expected to undertake its construction. There does not appear to be any hope of this line proving financially successful in present circumstances and Government are, therefore, unable to request the Government of India to include its construction in their Railway Construction Programme.

11. Inquiry will be made.
12. Inquiry will be made.

1. All such allegations are absolutely baseless.

1. The Honourable Member is referred to appendix No. VI to the Land-Revenue Administration Reports, Part I, of the Bombay Presidency for the years 1904-05 to 1908-09, which contains the information desired by him. Similar information for 1909-10 will be given in the report for that year, which will be published in due course.
2. Government are aware that cases of arrest for default in the payment of land-revenue have occurred in the current revenue year in the Central Division. They are not aware whether they were specially numerous in the Poona district. There is no reason to believe that the orders contained in the Resolution quoted by the Honourable Member have been contravened.

*Questions.*

3. Will the Government be pleased to state whether the extra income derived from the assessment on well-irrigated land gives any profit to the Government after covering the initial cost of the construction of the well, and the interest and sinking fund charges in a period of 30 years?

THE HONOURABLE SARDA'R PURU-SHOTTAMDAS VIHARIDAS DESAI.

1. With regard to my question relating to the remission of land-revenue to be given on account of damage done to crops by the severe frost, put at the last meeting of the Council, will Government be pleased to put on the Council Table the amounts of remissions given by the several Collectors in their districts?
2. Does Government know that owing to some alterations in the Khari Cut Canal Works, the Kalambandi villages in the Matar taluka in the Kaira district have been suffering loss on account of deficient water-supply for irrigating their lands? If so, will they be pleased to state what steps they propose to take to remove the complaint?

*Supplementary Question.*—The Kalambandi villages have a prior right to the Khari water.

The Honourable Sardar Desai.—I wish to bring to the notice of Government that the Kalambandi villages have a prior right over the Khari water. Will Government be pleased to inquire whether the Kalambandi villages have such a right or not? I have heard that they do not get sufficient water.

The Honourable Sardar Desai.—I ask Government to inquire whether the Kalambandi villages have a prior right over the Khari water.

3. Are Government aware that only a small amount is spent every year on Productive and Protective Irrigation works in Gujarát? If so, will they be pleased to state the reasons that have led them to exclude that province from the advantages of such irrigation works?

*Answers.*

3. Wells are not constructed at Government expense for agricultural purposes and no extra assessment is levied on lands irrigated from wells constructed by the occupants.

1. Information has been called for.

2. The District Officers' reports indicate that the distribution of water has been efficiently managed, and larger areas have been irrigated in the Kalambandi villages than could have been obtained by the villagers themselves.

His Excellency the President.—Can you speak a little louder?

His Excellency the President.—What are the precise words of your supplementary question?

His Excellency the President.—If you will give notice of that question, Mr. Desai, Government will answer it.

3. The suggestion in the question that Gujarát is excluded from Irrigation expenditure is not correct. Rs. 2,13,819 have been sanctioned for improvements to the combined Hathmati and Khari Cut Canal system and for the past 3 years the approximate average annual expenditure has been Rs. 3,10,000 a year on Irrigation Works in the Gujarát Irrigation district.

## Questions.

4. Will Government be pleased to lay on the Table figures for the last 5 years of irrigation revenue with their capital outlay of Khari Cut and Hathmati Canal systems? Do they intend to extend these works still further if capable of such extension?

## Answers.

4. The figures required by the Honourable Member are given below :—

	Year.	Irrigation Revenue after deducting working expenses but excluding charges for interest.	Capital outlay both Direct and Indirect.
			Rs.
Hathmati and Khari Cut Canal.	1906-06 ...	—19,812	1,848
	1906-07 ...	—19,517	1,740
	1907-08 ...	—14,822	947
	1908-09 ...	+58,430	5,743*
	1909-10 ...	+45,092	14,980

\* Represents direct charges only.

As stated in the reply to the preceding question No. 3 Rs. 2,13,819 have been sanctioned for improvements to the combined Hathmati and Khari Cut Canal Project.

5. It is long since that the projects for the Sábarmáti, Mahi, Tápti, Meshwa and Shedhi river canals were under contemplation. Will Government be pleased to state why the construction of these works has not been taken in hand yet?
6. Seeing that tanks constructed by throwing dams across local valleys and nullás from which small canals irrigate the neighbouring villages have been successful in Gujarát, will Government be pleased to construct such tanks in the various parts of Gujarát wherever it may be feasible?
7. Have Government received a petition from the Talátis of the Gujarát districts, bringing to their notice heavy increase in their work of late years and praying therefore for an increase in their present pay and bettering their prospects? If so, will Government kindly state what measures they intend to take in this matter?
5. None of the works mentioned by the Honourable Member promised to be productive. The needs of the Deccan are considered greater than those of Gujarát for Protective Irrigation, and hence, the Deccan is being given the preference.
6. It is the desire of Government to utilize such facilities, as much as practicable. Tanks lately completed are :—  
The Saiat Tank,  
The Muwalia Tank, and  
The Sávli Tank.
- These tanks are perhaps larger than those the Honourable Member contemplates, but the work of improvements of existing tanks and the construction of small tanks is continuous and steady.
7. Petitions of the kind described by the Honourable Member have been received by Government. The talátis' service, which was formerly inferior, has been very recently made superior, and the change carries with it substantial benefits as regards pension and leave. Government have also issued orders that deserving talátis should receive appointments in the subordinate revenue service. Government do not intend to take any further measures in the matter.



*Questions.*

THE HONOURABLE SARDAR SYED  
ALI EL EDROOS.

1. Is Government aware that, although the Mahomedan population in Mahudha, subordinate to the Kaira district, consists of as many as 1,200 houses, not a single Mahomedan holds a seat as Municipal Councillor in that taluká?
2. Will Government be pleased to say whether the late District Deputy Collector of Kaira, Mr. Heblikar, has made good the cost of the Pump which the Municipality purchased in order to provide drinking water from the Vav?
3. Will Government be pleased to say how many applications were received from Mahomedans in the Surat district for the post of Taláti during the past three years, and how many Mahomedans were provided for in that post?
4. Will Government be pleased to say whether any relaxations have been made in the recovery of Government dues in the Dholka and Dhandhuka talukás of the Ahmedabad district owing to damage caused to the crops during the year by frost; if so, on what basis and to what extent?
5. Will Government be pleased to state, whether or not it is a fact, that a number of accused persons have been confined in the lock-up for an unduly long time pending their trial before the Second Class Magistrate of Nadiád, Kaira district?
6. Will Government be pleased to say how much has been realized during the past 5 years on account of Local Fund in Jághir villages and how much was spent for repairs to old and construction of new tanks and wells in those villages during that period?

*Answers.*

1. Under section 10 of the Bombay District Municipal Act, 1901, the power of appointing nominated Councillors on the Mahudha Municipal Board is vested in the Commissioner, Northern Division, and Government do not propose to interfere with his discretion.
2. Inquiries are being made.
3. Information has been called for.
4. Land-revenue amounting to Rs. 2,475 and Rs. 10,428 was suspended in the Dholka and Dhandhuka talukás respectively, and suspended dues amounting to Rs. 1,274 in Dholka and Rs. 3,270 in Dhandhuka on account of previous years, which had been ordered to be collected, were resuspended on account of frost and then remitted. The suspensions were based on the estimated anna valuations of the crops of the villages concerned.
5. Inquiry is being made.
6. Government are not disposed to call for the information asked for as the collection of the statistics in respect of all inám and jáhagir villages in the Presidency would involve more labour than could be justified by any purpose that is likely to be served. The expenditure of Local Fund receipts is at the discretion of the various Local Boards on which inámdárs and jáhaghirdárs are fully represented, the only limitation being that one-third of the receipts must be devoted to educational purposes.

*Questions.*

7. Is Government aware that undue laxity is exercised by Mámlatdárs in executing decrees for arrears of land-revenue due to Jághirdárs by their tenants in violation of the peremptory orders of Government in that behalf contained in Government Resolution, Revenue Department, No. 1321, dated 25th February 1902?

8. Will Government be pleased to say, whether any and what action has been taken on Dajee Bava Fatesang Thakore of Napa Vanta, Borsad táluká, Kaira district's Memorial, dated 2nd May 1911, praying for a restoration of his estate in the hands of the Tálukdári Settlement Officer, the term of 20 years contemplated by the Tálukdári Act having expired?

9. Will Government be pleased to lay on the Council Table for the information of Honourable Members the Bills of 1871 and 1879 for the better administration of Hindoo and Mahomedan Endowments and the correspondence which issued therefrom which resulted in the said Bills being abandoned?

THE HONOURABLE SARDAR NAHAR-SINGHJI ISHWARSINGHJI, THAKOR OF AMOD.

1. Will Government be pleased to state, with regard to applications for new primary schools in villages, whether the Educational authorities have laid down a rule that such applications will not be granted where the villagers do not agree to provide accommodation for a school-house free of charge?

2. Is it a fact that the Kanjari state in Panch Maháls has been taken under Government management?

If so, will Government also be pleased to place on the Council Table the papers?

3. Will Government be pleased to state whether they have received any petition from the Tálukdárs of the Kaira district praying for remission of interest on Government loans?

And if so, will Government be pleased in view of their condition to consider the petitions favourably?

*Answers.*

7. Government do not believe that as a general rule there is any undue laxity. If any Jághirdár has a grievance in the matter it is open to him to represent it to the local authorities or to Government.

8. Government after carefully considering the Tálukdári Settlement Officer's report on the case have informed the petitioner that they are unable to comply with his requests.

9. Government are not disposed to lay the Bills and correspondence referred to on the Table.

1. It has been the general, though not invariable, practice to ask the villagers to provide accommodation at any rate for a time. Their readiness to provide the required accommodation constitutes a good test of their interest in the new school and insures that a reasonable number of pupils will be forthcoming.

2. Yes.

Government are not disposed to place the papers on the Council Table.

3. Yes.

Government are unable to comply with their requests.

*Questions.*

4. Will Government be pleased to consider the question of giving commissions under section 88, Land-Revenue Code, to Tálukdárs of Gujarát who do not already have them ?

5. Are Government aware that the Tálukdár class is very backward in education ?

If so, will Government be pleased, in view of the backward condition of the Tálukdár class, to open and maintain a central school for the class at a convenient centre, equipped with competent staff and a hostel where education in vernacular and English may be imparted to boys ?

6. Will Government be pleased to state particulars of increases in Government assessments on Tálukdárs' holdings in Gujarát sanctioned from time to time since 1857 ?

Will Government be graciously pleased in view of their embarrassed condition to give them an assurance that no further enhancements will be ordered ?

7. Are Government aware that the Tálukdári Settlement Officer has written off, in case of several estates under his management, rents due from tenants ?

(a) Will Government be pleased to inquire whether the Tálukdárs were consulted in the matter ?

(b) If not, will Government be pleased to direct the Tálukdári Settlement Officer to give the Tálukdárs some voice in the matter ?

*Answers.*

4. Commissions under section 88 of the Land-Revenue Code are granted with reference to the fitness of the inámdárs to exercise the powers conferred by the commission and every case is considered on its merits. A general grant of commissions cannot be considered.

5. Yes.

Government have had under earnest consideration for some time the question of the education of tálukdárs' children. Two hostels have already been opened at Dhandhuka and A'nand and the results attained have been described in the Annual Report of the Tálukdári Settlement Officer for the year 1909-10, a copy of which has been supplied to the Honourable Member. Proposals for the establishment of more hostels have been received and are under consideration. It is proposed to amend the Gujarát Tálukdárs' Act and to introduce provisions relating to the education of tálukdárs' children.

6. The collection of the statistics would involve very great labour and would serve no public interest. Government are therefore not disposed to order the particulars asked for to be compiled.

Government can give no such assurance.

7. Yes.

(a) It is not usual to consult the Tálukdárs.

(b) The amounts written off are either such as are absolutely irrecoverable or are remissions on account of bad seasons, in which case there is a corresponding remission of the Tálukdárs' dues to Government. In these circumstances and under the conditions which usually necessitate Government management Government consider it unnecessary to issue directions to the Tálukdári Settlement Officer.

*Questions.*

8. Are Government aware that in case of estates under the management of Tálukdári Settlement Officer for debts due to Government, the amount of revenue collections are, for purposes of calculating interest, taken as received at a date sometimes months after the date of actual collections?
9. Will Government be pleased to say whether it is possible for the Tálukdári Settlement Officer to furnish to all Tálukdárs whose estates are under his management, a statement of their accounts annually?

THE HONOURABLE MR. ABDUL  
HUSEIN ADAMJEE PEERBHOY.

1. Are Government aware that in spite of constant prosecutions and sentences of heavy fines, trade in illicit importation and possession of cocaine is on the increase in the City of Bombay to the great detriment of the ignorant and poorer classes of the people?
2. Will Government be pleased to consider the advisability of instructing Magistrates to resort to the infliction of sentences of rigorous incarceration for long periods on persons convicted of this crime, or if possible to the eviction of such persons from the City of Bombay, for such periods as may be considered necessary, in view of securing the desired check on this deplorable traffic?
3. Will Government be pleased to state what the prospects are of the construction of a branch line of Railway to the town of Nipháni, west of Belgaum, which has been advocated by the Belgaum District Local Board?
4. Will Government be pleased to state whether the survey of the proposed branch Railway line to Sátára City has been carried out and when this line is likely to be constructed?

*Answers.*

8. The answer is in the affirmative. It is not practicable to make any payments to the loan accounts from the revenue collections till the current expenses of the estate have been paid and it has been ascertained what balance is available for the reduction of outstanding debts.
9. The matter is under consideration.

1. Government are aware that there is an extensive illicit traffic in cocaine in the City of Bombay; whether it has increased recently or not there are no means of accurately judging.
2. The question what further action can be taken continues to engage the attention of Government.
3. A private Promoter has submitted, through Government, to the Railway Board an application for a concession for a branch line of Railway on the 2'-6" gauge to connect the town of Nipáni with the Madrás and Southern Mahrátta Railway either at Miraj or at Chinchli; The proposal is under consideration.
4. The Promoter of this branch Railway has not yet submitted the project report and plans of the survey. Government are unable to say when this line is likely to be constructed.

## Questions.

## Answers.

THE HONOURABLE Mr. FAZULBHOY  
CURRIMBHOY EBRAHIM.

1. Will Government be pleased to state when the town-planning scheme will be undertaken in the Salsette?
2. Will Government be pleased to state whether they contemplate an early improvement of the landing facilities at Uran, so necessary to Trade and Passenger Traffic alike?
3. Will Government be pleased to state whether there are any possibilities of their undertaking a scheme for the development of Uran as a Residential Area?
4. Will Government be pleased to state why there has been such a long delay in the construction of the Sind-Bombay Railway, in regard to which surveys have been completed more than once, and which is as necessary in the public interest, and in the interests of the Mercantile Community as from a strategic point of view?
5. Will Government be pleased to state whether any progress has been made towards the abolition of the Customs line at Viramgam since His Excellency's sympathetic and hopeful reply to my remarks made at the last budget meeting of this Council?

THE HONOURABLE SIR PHEROZESHAH  
M. MEHTA.

1. Will Government be pleased to lay before the Council the letter recently addressed by them to the Stewards of the Western India Turf Club on the subject of racing in Bombay and Poona.
2. Will Government be pleased to state whether any and what steps are proposed to be taken, so far as the Bombay Presidency is concerned, for the creation of an independent medical profession in India in pursuance of Lord Morley's Despatch of 1908 in that behalf?
3. Will they be pleased to state whether it is in contemplation to throw open some of the high posts at the Grant Medical College and the Jamsetji Jeejee-

1. The Bill to provide for the making and execution of town-planning schemes is still under the consideration of Government.
2. The Commissioner of Customs, Salt, Opium and Akkari has been asked to submit proposals in the matter. His report has not yet been received.
3. At present there is no demand for building sites in Uran and a demand is not likely to arise until the means of communication and water-supply have been improved. Both these matters are under consideration and it would be premature to consider the question of developing Uran as a residential area.
4. The question of the construction of the Bombay-Sind connection Railway has been deferred indefinitely under the orders of His Majesty's Secretary of State.
5. Government are and have always been willing to abolish the Customs line provided the maritime states agreed to take reasonable steps to safeguard the imperial revenues. Government regret that as yet the maritime states have not so agreed.

1. As Government are in communication with the Stewards of the Western India Turf Club the publication of the correspondence would be inexpedient.
2. No final orders from the Government of India have reached Government.
3. A number of members of the local Indian medical profession have been appointed to be consultants at these hospitals and a number of lectureships

## Questions.

- bhoy and Motlibai Hospitals to members of the local Indian medical profession outside the Indian Medical Service?
4. Is it true that Government contemplate the filling of the chairs of Anatomy and Pathology at the Grant Medical College by medical men brought from the United Kingdom?
  5. Will Government be pleased to lay on the Council Table a complete statement showing what forfeitures of land have taken place for non-payment of land-revenue in each district of the Presidency during each of the revenue years since the passing of the Bombay Land-Revenue Code Amendment Act up to the revenue year which has just expired and how the forfeited lands have been disposed of, specifying as far as possible the areas given away—
    - (a) on Annual Leases;
    - (b) on Lease for terms from two to ten years;
    - (c) on Survey tenure with a condition of non-transfer without the sanction of the Collector;
    - (d) on unconditional survey tenure.

## Answers.

- have been similarly filled. There is no intention of recruiting for other posts in this way.
4. The matter is under consideration.
  5. For information regarding the areas forfeited for non-payment of land revenue, the Honourable Member is referred to jamabandi return No. 9 appended to the Jamabandi Reports of the Northern, Central and Southern Divisions and to the separate Revenue Settlement Reports for Sind for the years 1901-02 and 1902-03 and to the Land Revenue Administration Reports, Part I, of the Bombay Presidency, including Sind, for the years 1903-04 to 1908-09. Similar information for 1909-10 will be given in the Land Revenue Administration Report, Part I for that year, which will be published in due course.

The whole of the information asked for in the second part of the question is not on the records of Government and its compilation would involve an amount of labour and trouble out of proportion to the importance of any purpose it is likely to serve. Government are therefore not disposed to take measures for its collection, but they invite the attention of the Honourable Member to the following sources of information which indicate the general course of events:—

- (1) Statement laid on the Council Table on 21st August 1903 in reply to Questions Nos. 8 and 9 put by the Honourable Mr. Hari Sitaram Dikshit at the meeting of the Legislative Council held on 6th September 1902, showing how the areas of land forfeited in each district for non-payment of land-revenue during each of the years 1900-01 and 1901-02 were disposed of and specifying the areas given away—
  - (a) on annual leases,
  - (b) on leases for terms from two to three years,
  - (c) on survey tenure, with a condition of non-transfer without the sanction of the Collector,
  - (d) on unconditional survey tenure.

## Questions.

## Answers.

- (2) Statements placed on the Council Table on 16th March 1907 in reply to Questions Nos. 1 and 2 put by the Honourable Member at the meeting of the Council held on 18th August 1906 showing for the different districts of the Presidency how much of the land forfeited for non-payment of land-revenue during each of the years 1904-05 and 1905-06 was given out on the non-transferable tenure and specifying the acreage given on leases of various terms.
- (3) Statement placed on the Council Table on 20th June 1908 in reply to Question No. 2 asked by the Honourable Member at the meeting of the Legislative Council held on 28th September 1907, showing for each district of the Presidency, including Sind, the area forfeited since the passing of the Land-Revenue Code Amendment Act of 1901 up to the end of July 1907, and the manner of disposal after forfeiture.
- (4) Statement now placed on the Council Table in reply to Question No. 10 (b) asked by the Honourable Member at the Council Meeting held on 19th June 1909 and giving the information referred to in (2) above for each of the years 1906-07 and 1907-08.

The Land Revenue Administration Report, Part II, for 1909-10, and the reports for subsequent years will contain a return showing the area given out or resettled under the restricted tenure during the year and the total area under the restricted tenure.

THE HONOURABLE Mr. GULAM MUHAMMAD WALAD KHAN BAHADUR WALI MUHAMMAD BHURGRI.

1. (a) Will Government be pleased to state what was the amount of fines imposed by the Executive Engineer, Jámrao Canals, last year, for

- (1) waste of water,
- (2) unauthorized use of water?

(b) Will Government be pleased to state in how many cases appeals were filed before the Colonization Officer against the Executive Engineer's orders, and in how many cases the Colonization Officer interfered?

1. The information required by the Honourable Member has been called for from the Superintending Engineer concerned, and will be supplied on receipt.

## Questions.

2. Is Government aware that these fines are imposed on the reports of the Abdárs, and that no enquiry on the spot is made by any officer except the Abdárs and Canal Assistants?
3. Will Government be pleased to state what is the annual cost of the maintenance of the Abdárs and Canal Assistants on the Jámrao?
4. (a) Will Government be pleased to state what was the amount of fines levied in the Hala Sub-Division for unauthorized cultivation during the last year?
- (b) In how many cases has the fine been levied at the rate of 10 times the assessment?
5. (a) Is Government aware that Indians have not been appointed to the posts of Customs Preventive Officers at Karáchi, despite the decision of the Public Service Commission, that there was no reason whatever for the exclusion of any nationality from these appointments?
- (b) What is the sanctioned strength of permanent and temporary Preventive Officers? How many are Indians?
- (c) Is it a fact that whenever there is a vacancy in the post of a Preventive Officer, appointment is found for an outsider with no previous service in preference to men who have had 10 to 15 years' service in the Department?
- (d) Is Government aware that the Chief Collector of Customs has appointed 4 Europeans as candidates for the post of Preventive Officers, in anticipation of the sanction for extra men from the Secretary of State?
- (e) Do Wharfingers, who are members of the Preventive Service, get promotion whenever there is a vacancy in the post of a Preventive Officer?
- (f) Is it a fact that qualified Indians in the Preventive Service are started on Rs. 20 a month, while Europeans or Eurasians, who have passed no examina-

## Answers.

2. A report has been called for from the Superintending Engineer concerned regarding this matter, and on receipt thereof, the reply to the Honourable Member's question will be furnished.
3. The information required by the Honourable Member has been called for from the Superintending Engineer concerned and will be supplied on receipt.
4. The information has been called for.
5. (a) Attention is invited to the reply to Question No. 2\* put by the Honourable Mr. Harchandrai Vishindas at the Council Meeting on 26th January 1911 which has been placed on the Table.
- (b) There are 14 appointments of Preventive Officers. These posts are held at present by domiciled Europeans and Eurasians.
- (c) Government have no information on the point. The appointments are filled by the Commissioner in Sind whose duty it is to make his selections so that the service shall be as efficient as possible.
- (d) Government have no information on the point.
- (e) Attention is invited to the reply given to Question (a) above.
- (f) The lowest appointment in the clerical branch of the Preventive Department is on Rs. 20, but that branch is recruited primarily for clerical work

\*Printed as No. 1 of the Questions by the Honourable Member at this Meeting.



*Questions.*

- tion qualifying them for Government service, are given Rs. 75 as a start in addition to Rs. 50 as average fees ?
- (g) Is it a fact that Indians in the Preventive Service cannot rise to more than Rs. 100 while Europeans and Eurasians rise to Rs. 500 ?
- (h) Is it the case that great discontent has been caused in the Appraising Staff of the Karáchi Customs House owing to the appointment of 2 European Clerks from the Commissioner's office as Appraisers on Rs. 200+150 ?
- (i) Will Government be pleased to say when the scheme for strengthening the establishment, as proposed by the Customs Authorities at Karáchi, is likely to be sanctioned ?
6. Is Government aware that non-qualified men are taken on in Government service in Karáchi in contravention of Government Resolution, Educational Department, No. 1363, dated 28th July 1910 ? Will Government be pleased to say how many of these men are Mahomedans, how many Hindus, and how many Christians ?

*Answers.*

- and not with a view to filling the Preventive Officers' cadre. Preventive Officers begin on Rs. 75.
- (g) Attention is invited to the reply given to Question (a) above.
- (h) Government have no information on the subject. If any officer feels aggrieved by the order it is open to him to represent his grievance to the local authorities or to Government.
- (i) The scheme has been sanctioned with certain modifications, and orders for its introduction will be issued in due course.
6. Inquiries are being made.

**BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1911-1912.**

The Honourable Mr. R. A. LAMB said :—Your Excellency,—Before presenting the Budget I should like to associate myself with the remarks your Excellency has made regarding the loss sustained since the last meeting of this Council by the death of Ráo Bahádur JOSHI. I wish to pay on my own account a tribute of recognition of the immense and extraordinary amount of labour and intense interest which Ráo Bahádur JOSHI devoted to the matters which come before this Council. It might be said of him that he was consumed by his zeal for the good of his country as he conceived it.

In presenting the Budget as approved by the Government of India I have little to add to the remarks contained in the printed paper which is in the hands of Honourable Members. The realization of the estimated revenue, and the consequent ability to work up to the estimated expenditure, depend on the monsoon. I have called for special reports from all districts in the Presidency proper, and from them it appears that in the whole of the Southern Division, and the whole of the Central Division except the western portions of Poona, Násik and Khándesh, there is no immediate cause for anxiety. The need for an early resumption of rainfall is not at all urgent in the Konkan, the Southern Mahrátta Country, Sátára or the eastern portion of the Northern Deccan and Khándesh. In the Northern Division, Thána, Surat and Broach are similarly not in urgent need of immediate rain; it is only

See Appendix G.

in Kaira, Ahmedabad and part of the Panch Maháls that the absence of rain is causing anxiety. Here there is already loss of the unirrigated rice, and there is likely to be serious loss if rain does not fall before the end of the first week in August. A fodder scarcity is already making itself felt and we are taking measures to meet it. As things stand at present, therefore, we may still hope to realize our land-revenue almost, though not quite, in full; but if the August rains should fail much may have to be suspended in Northern Gujarát, and a little elsewhere; and the present favourable prospects in other districts will be seriously affected. In the last paragraph of the Revised Financial Statement I said that an endeavour would be made to show the totals of heads of recurring expenditure. The figures of the budget now presented to the Council have been examined, but the examination is not yet complete. It is a work of much labour, involving the dissection of the provisions made in each detailed account under every head in the Civil Budget Estimates, and I am not yet ready with the figures under each major head; but from the figures which have so far emerged I may give the following preliminary results. Out of the total expenditure of 7,52,82 budgetted for the year, 6,17,81 may be classed as recurring and 1,35,01 as non-recurring. Out of the non-recurring 71,25 are met by special grants from the Government of India, and the remainder 63,76 are provided from ordinary Provincial revenues. I hope to have final figures to present to the Council before its next meeting, with a note comparing the expenditure with the revenue, ordinary and special.

The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM said:—Your Excellency,—I am sure I am echoing the sentiment uppermost in the minds of members of all communities in expressing a fervent hope that the present rainy season which is causing a great deal of anxiety will end satisfactorily and that the Coronation year of Their Majesties the King and Queen will be a peaceful and prosperous one throughout the country. We are all too eager to accord the warmest possible reception to our beloved Sovereign and our noble Queen, and I hope nothing will mar or abate our enthusiasm and rejoicings at an event at once unique and unprecedented in the world's history, the real and imperial significance of which was not fully realized when it was first announced that the King-Emperor of India and his illustrious Consort were to make a great journey abroad to announce in Solemn Durbar in the Imperial City of Delhi his Coronation to the Indian Princes and people. It is an event pregnant with important and far-reaching results to this country and signalises the full entry of India into partnership with the mighty British Empire. His Majesty comes to the Throne after an intimate acquaintance with India, and we all pray and hope that the ensuing visit of Their Majesties, which is full of such high significance, sympathy and interest, will bring endless blessings to His Majesty's numerous and heterogenous subjects in India.

I must now proceed to congratulate the finance member on the presentation of his first lucid and satisfactory financial Budget. As a result of good seasons and the generosity of the Imperial Government the provincial finances disclose a healthy condition. It illustrates the far-reaching changes that will be made in consequence of the determination of the Government of India to take a real step forward towards the establishment of provincial financial autonomy. The very large increase in revenue is, as we know, due to the special assignment, from the "opium windfalls" of 50 lákhs of rupees for the Improvement Trust and 15 lákhs of rupees for non-recurring expenditure on education and sanitation. The enhanced receipts in land-revenue point to the

increasing prosperity of the peasant and agriculturist and the budget reveals many satisfactory and welcome features. I especially welcome the items of expenditure on additional primary schools and improvement in the pay of teachers in primary schools and the better pay of assistant teachers in Government High Schools and Training Colleges with a view to secure the services of competent teachers. Let us hope that our financial position will be stronger and stronger every day enabling us to spend more and more on education, sanitation, irrigation and other works of public utility and that a succession of good seasons will bring prosperity to the State and its subjects.

I warmly welcome the recent Government Resolution which announces an important departure in the educational practice in the indigenous schools in the Presidency. In this respect the Government have followed the wise and elastic system of primary education which I have frequently ventured to press upon them, and which will benefit the sons of the Agricultural Classes.

The recent inauguration of the Buildings for the Agricultural College by your Excellency marks an important state in the improvement of agricultural education in this Presidency, and I congratulate the Government on their constructive programme in this important branch of education. It is impossible to exaggerate the value of agricultural education or adequately to praise the most praiseworthy efforts of the Government in this most useful direction.

I have always held fast to the opinion that practical demonstrations of the superiority of scientific methods, on his fields, will go a great way in bringing home to the ryot the utter worthlessness of his old methods, and I should like to see a wide dissemination of Agricultural Instruction, on a scientific basis and in a practical demonstrative form. It is indeed gratifying to see your Excellency holding the same view, giving to practical training an importance above everything else, and I have every reason to hope that there will be a still larger number of travelling lecturers appointed to go about different places, and give practical agricultural instruction, to the ryots. The Government Agricultural Department is deserving of the best thanks of the public for all that it has done and is still doing to improve the quality and the output of agricultural products. Practical demonstrations and exhibitions in all branches of Agriculture also give very excellent results and these should be extended as far as possible. The report of the recent Amalner Exhibition and the note on the Exhibition by Mr. Main, the Deputy Director of Agriculture, shows very clearly the utility and success of such exhibitions, which, if held every year in different places, would surely lead to a great improvement in the yield of crops of all kinds. I hope the new College of Agriculture which was opened by your Excellency only the other day will continue to do important work in this direction, and give us a superior class of cultivators, or gentlemen-farmers as one may well call them, trained in the most efficient and scientific methods of cultivation.

While speaking on this subject, may I convey the best thanks of those engaged in the Textile Industry for the laudable efforts the Government Agricultural Department are making in improving the quality of the raw material and assure the Government on behalf of the Mill-owners their hearty co-operation in the disposal of the produce.

Now, your Excellency, may I put in a plea for a more generous treatment of the Bombay Technical Institute which is doing very important work in imparting a sound

technical instruction, and it is an institute which deserves well at the hands of the Government. I regret, however, to find that amongst the other Educational Institutes of the Presidency that have recently received handsome help from Government, the Technical Institute has not been so favourably considered, and I hope that in future this institution will receive your Excellency's attention. The Honourable Mr. BUTLER during his recent visit to Bombay visited this College and was so well impressed with all that he saw there that he had no hesitation in declaring it as the finest Institution of its kind in India. I hope when our funds permit of it, the Government should do its best to strengthen its position. Your Excellency, I feel keenly on the subject of the customs line at Viramgám. I hope that in your sympathetic regime and in this auspicious year of the Coronation Durbar, this vexatious and harassing impost will be abolished. It will be only an act of fairplay and justice to all concerned and tend to strengthen the strong and indissoluble bond of loyalty to the British Ráj.

Before concluding my remarks, I shall, with your Excellency's permission as a member of the Moslem Community, refer briefly to a few matters which are now agitating the Mahomedan mind. Foremost among these is the encouragement of the study of the Urdu language. It is with pleasure that I recall the recent resolution of the Senate of the Bombay University introducing Urdu as a language for study at the M.A. Examination, and the pleasure is enhanced when I remember the fact that the mover of the resolution as well as the person who took the initiative in the matter was my colleague and co-Secretary on the Board of the Anjuman-i-Islam. In connection with this subject a petition has been forwarded by the Anjuman-i-Islam of Bombay to your Excellency's Government for the establishment of an Urdu Training College in this Presidency. I have no doubt that your Excellency's Government will give it a careful and sympathetic consideration.

Another matter that I wish to refer to is the encouragement your Excellency's Government has kindly given to Mahomedans by receiving applications for public posts. The resolution of your Excellency's Government dated 8th May last in response to the Anjuman's petition has been received with considerable satisfaction and gratitude by the Anjuman-i-Islam. I have every hope that in the near future the complaint that now exists of the dearth of Muslim gentlemen in the public service will cease to exist and Government will find its Muslim servants as efficient and able as those of any other community.

And lastly, although this is a matter which more particularly concerns only a section of the Muslim Community, may I refer to the Crawford Market Memonwádá Scheme which is agitating the minds of the Memon Community of Bombay. Along with their petition the Anjuman-i-Islam of Bombay has forwarded to your Excellency's Government a copy of the resolutions passed by the Memon Community. It is already before your Excellency's Government and I hope that some *modus operandi* will be arrived at whereby the hardships complained of by this influential section of the Muslim Community may be mitigated.

The Honourable the SAR DESÁI OF VANTMURI said :—Your Excellency,—I am glad to see that the measures adopted by Government in the interests of agriculture and agriculturists in this Presidency are being widely appreciated. Only recently your Excellency opened the Agricultural College at Poona, and I have no doubt that the

young men who are trained there will be instrumental in bringing about a great improvement in the system of agriculture that prevails in this Presidency. The establishment of Co-operative Credit Societies, the recent arrangement which your Excellency has made to impart primary education to the sons of agriculturists, and the agricultural shows that are being held in the different parts of the Presidency are all measures calculated to do an immense amount of good to the agriculturists. I also wish to express my approval of the policy recently inaugurated by Government of abolishing a large number of liquor shops and prohibiting the sale of liquor at public feasts and fairs where men, women and children meet together and where scenes of rowdyism frequently occur. I have only one suggestion to make in connection with the administration of the Abkari Department and it is that liquor shops should be removed from those parts of the districts which are inhabited by criminal tribes as they are a source of danger to the people living in the vicinity.

Coming to the Judicial Department, I beg to draw the attention of your Excellency's Government to the inconvenience experienced by the people of the Hukeri taluká in the Belgaum district for want of a Civil Court in that taluká. Formerly Hukeri was a mahál and the civil suits arising there were heard in the Sub-Judge's Court at Chikodi. But since its development into a taluká the jurisdiction was transferred to the Civil Court at Gokák. This place is at an inconvenient distance from Hukeri and the journey involves the crossing of two rivers. I sincerely hope that Government will reconsider the matter, and that either the old arrangement of taking the cases to the Court at Chikodi would be resumed or that the Court may be held for four months at Gokák and for eight months at Hukeri or an independent Court at Hukeri may be given.

The Honourable the JÁGHIRDÁR OF ICHALKABANJI said :—Your Excellency,—I have to thank your Excellency's Government for what they have done in the matter of the collection of Inámdárs' dues. Government have passed several resolutions on the subject and they have been somewhat useful to the Inámdár. However the policy which Government have until now followed in this matter is, what in Hindusthani was called "Dila-enge Dilwaenge" that is to say shall give, shall consider, shall cause to be given and not I give. The work of the collection of the Inámdárs' revenue, has until now, been regarded not as Government work but the work of some one else. Recently however, I am glad to find that in the central division great interest is being taken in the Inámdárs' affairs and effectual steps are taken to recover the arrears due to Inámdárs. This is no doubt very satisfactory. In this connection I would beg leave to offer a suggestion that Vasulbáki statements of alienated villages should be prepared by the village officers and sent to the Mámlatdárs. At present in many cases the village officers do not prepare these statements at all and where they are prepared they are prepared at a very late date and consequently the Inámdárs are not able to take prompt action to recover their dues. What I wish to suggest is that in alienated villages the village officers should be ordered to prepare Vasulbáki patraks and send them to Mámlatdárs as soon as the dates of instalments are over as is the case with Khálsá villages. The Mámlatdárs in their turn, should forward the statements to the District officers. These would enable the Collector to see at a glance in what talukás and in what alienated villages the work of revenue collection is being neglected and he can take such steps to punish the defaulters as he may deem necessary in the case of Government villages.

Your Excellency, we have now met at a time when there is a widespread anxiety caused by the absence of rain. In recent years we have been experiencing the strange phenomenon of two or three years of deficient rainfall in every ten years. A system of advancing tagávi loans to poor agriculturists to enable them to tide over their temporary difficulty has been introduced, and so far as the ryots of Government villages are concerned they avail themselves of the facilities thus afforded to them as soon as they feel the pinch in years of scarcity. But the case of the ryots of the Inám villages is quite different. Government cannot advance them any tagávi loans in the absence of sufficient security. Inámdárs themselves are too poor to make such advances, and in the case of those who are willing, they are deterred from doing so for want of a provision of the law giving them a prior right to recover their money under a summary process—a right possessed by Government in respect of tagávi loans advanced by them. The result is that ryots in Inám villages have no such help to fall back upon. I therefore suggest that the Inámdárs should also be guaranteed the same kind of security which Government demands. Your Excellency and your Excellency's Government have done a great deal to solve many of the problems affecting the interests of the agriculturists, and if they will co-operate with Inámdárs to tackle this problem also they would confer a great boon on the poor ryots in the Inám villages.

Coming to matters educational, I am glad to find that Your Excellency has issued resolutions insisting upon a strict supervision being exercised by teachers over the students under their charge. My point in this connection is that it is possible for teachers to look after their pupils only during the few hours they are at school. But when they are out of school they are their own masters and they are under no control whatsoever. This is especially the case in big towns where students go from the country for their education. Being strangers they put up in a hotel or what is called a Khánával, hire a room and do whatever they like with themselves. There is no check on their conduct or on the way they spend the money given to them. In view of this state of things I ask whether it is possible for Government to lay down rules compelling the students of the Government as well as other schools to live with some responsible guardians—or if the word "guardian" is too elastic—with some relatives or friends responsible for their good behaviour. If this is not possible he should be made to live in a private boarding house recognised by Government. I have talked about this with several persons and what they say is that schoolmasters are not willing to start boarding houses. But if a rule such as I have suggested is passed, I think many teachers and other people would come forward and start boarding houses, for this will bring them a good income. Parents also will in the course of time begin to see the advantage of the arrangement. I hope and trust that Government will give this matter an earnest consideration. While on this matter I beg to draw the attention of the Director of Public Instruction to a subject to which I do not know if his attention has been drawn before. It is this. In primary schools, and even in high schools, the masters are in the habit of loading the students with lessons to be learnt at home. These lessons consist of mathematics, copy writing, history, geography, etc., and the student is expected to commit them all to memory before he attends his class. The teacher examines him to see if he has prepared his lessons or not. I submit this is a very great strain on children. Children go to school to learn. The school is the place for learning, not the home. It very frequently happens that if the hours of study at school are five, those at home are seven or some-

times more. This is too great a strain, especially on children attending lower classes, and I hope Government will do something to bring about some reform. Before leaving this subject, I invite Your Excellency's kind attention again to the Sardárs' School at Kolhápur. It owes its existence to the efforts of my revered teacher Mr. CANDY and is intended for the sons of Sardárs. But I am sorry to say very few Sardárs send their children there, though an institution of this kind is a crying necessity in that part of the country. I spoke about this matter last year, and I now repeat what I then said, and plead for Your Excellency's good office in the matter.

Before concluding I take this opportunity of congratulating Your Excellency's Government on the way in which they are tackling the difficult question of betting at the race-courses. It often strikes me as strange that while poor people are being prosecuted for gambling in streets and public places, people of all classes and shades of character—from the highest official to the poorest ryot—can go to the race-course and bet to their hearts' content. When I was a boy I used to go to these race meetings, and I am struck with the great advance that this vice of betting has made during the last 20 or 25 years. Formerly there was only one stand, and four or five book-makers. The betting was restricted to wins for one or two rupees. All this was done purely for the love of sport. But now I find that the number of book-makers has considerably increased, and people assemble in such large numbers that there is hardly any elbow room to move about. The dignity of the sport has gone and betting has taken the form of gambling. I think in trying to tackle this question Your Excellency has shown a real interest, not only in the welfare of Government servants, but also of the public at large.

The Honourable SARDAR SYED ALI EL EDROOS said :—Your Excellency,—The Budget Estimates for 1911-12 do not contain anything abnormal. It is satisfactory to note that Primary Education is receiving the anxious attention of Government, and with the rapid strides which it is making, we may fairly look forward to a time when illiteracy among the people will have completely vanished away.

It is noticeable that agriculturists have begun to appreciate the use of improved implements of recent introduction in place of those to which they were accustomed, but I think that in order to give such use a much wider extension a larger number of agricultural farms should be established than those which exist at present, and where such farms cannot conveniently be opened, it would be a decided advantage were Agricultural Inspectors made to encamp at each village for at least 2 days at a time to train the people by practical demonstration as to how the implements should be used. I feel sanguine that a little effort made in this direction would be the means of awakening agriculturists in general to the varied advantages derivable from the use of modern implements.

I would solicit Your Excellency's attention to a novel system which has recently been introduced of issuing separate slips to Khatedárs for revenue instalments paid in by them instead of the regular Khatá-books, which contained on the debit side the amount which the Khatedár had to pay to Government during the year and, on the credit side, the instalments paid in by him. Such Khatedárs as objected to accept the slips were, strange to say, supplied with usual Khatá-books and such as did not, were allowed to content themselves with the slips. The question was mooted at a Durbár held by the Collector of Kaira, who said that the matter was being considered by him and the Com-

missioner, Northern Division. These slips are apt to be mislaid and the Khatedár would be left without any evidence in his possession to prove what payments were made by him in the event of a bogus demand being made on him a second time. For the safety of the Khatedárs it is imperative that the system hitherto followed of issuing Khatá-books be continued and that the system of issuing separate slips be put a stop to.

A third and a matter of serious moment to the Tálukdárs of Gujarát, for whose benefit the Tálukdári Settlement Act has been instituted by the benign Government, to which I beg Your Excellency's attention, is that there is a wholesale clamour on the part of the Tálukdárs, that although their estates have been in the hands of the Tálukdári Settlement Officer for years past, that is for more than even 20 years as contemplated by the Act, there is as yet no possibility of their estates being restored to them, e. g., the estate of the Tálukdár of Gujna in Borsad táluká, Kaira district, has been under administration for the past 30 years, without restoration, and a number of other estates are similarly left lingering. Your Excellency will, I venture to hope, be pleased to call for a statement showing what Tálukdári Estates are under administration by the Tálukdári Settlement Officer in excess of 20 years and the circumstances under which they have remained unrestored to the original holders.

The Honourable Dr. TEMULJI B. NARIMAN said :—Your Excellency,—Instead of asking questions and moving resolutions, I now rise to thank Your Excellency's Government for what Your Excellency has done in that branch of the administration with which I am interested : I mean medical education, medical relief and sanitation.

We are all deeply indebted to Your Excellency's Government for the promptitude and earnestness with which the question of the spread of malaria in Bombay was taken up, and for the appointment of a full-time specialist to investigate the subject of malaria, its causes and its preventibility. The report is now before the public and Dr. Bentley ought to be congratulated on the results of his labours, and for his very exhaustive, thorough and very instructive report. I was one of those who believed that the complete eradication of malaria from Bombay was a gigantic problem and that it would cost lacs of rupees. I came to this conclusion after perusing Dr. Ross' papers on the subject wherein I noticed that large sums of money had to be spent for small towns and with comparatively a small population for the special measures for the eradication of malaria. Even Dr. Bentley's report shows that Bombay could be completely freed from mosquitoes for an annual expenditure varying between two to five lacs of rupees. This no doubt is a prohibitive figure, but the report at the same time shows that we can considerably minimise the effects of malaria at a smaller annual expenditure. Though we may not agree with some of the conclusions arrived at I must confess that Dr. Bentley's labours have nearly solved the question of the prevention of malaria, and with a little tact and firmness and steady perseverance on the part of the Municipal authorities, and with the co-operation of the leading citizens, and with Government help we may in a short time be able to check the spread of malaria to a very large extent.

We are also deeply indebted to Your Excellency's Government for the initiative and interest taken in connection with the establishment of a branch of the Pasteur Institute in Bombay. I know that Your Excellency is very much interested in the subject and the scheme as soon as it was announced was so well received by the citizens



of Bombay that I myself had the honour of making an offer of a large sum of money on behalf of some philanthropic Parsi gentleman for founding such an Institute in Bombay. As the conditions accompanying the offer were not acceptable to Your Excellency, the offer was withdrawn. I now hear that the Government of India are not in favour of having a separate Institute for Bombay as they believe that the carbolised anti-rabic serum prepared at Kasauli can now be supplied to all parts of India and administered by any trained medical man. Personally I should have preferred seeing the Institute in our city for many reasons, but failing that let us hope that the scheme contemplated may prove successful and the terror of and fatality from hydrophobia may be considerably minimised, and that there may soon be an end to the hardship, inconvenience and expenditure of travelling from Bombay to Kasauli or Coonoor of those seeking special treatment.

I have also to congratulate and thank Your Excellency's Government for the very wise and bold policy of appointing some of the distinguished physicians and surgeons from the local medical profession as consulting physician and surgeon and bacteriologist to the Cama, Allbless and the Goculdas Tejpal Hospitals. These appointments testify that Government are aware that there are now capable men in the native medical profession worthy of being so honoured, and that when opportunity occurs Government will not fail to select the best men outside the Indian Medical Service for some of the posts of professors in the college which they now think of reserving for the best talents outside the Indian Medical Service. No educated native would like to see the Elphinstone College manned by native principals and professors and in the same way no medical man who has the interest of his country at heart would dream of replacing all the professors of the Medical College by natives, simply because some of them have got the same qualifications or degrees as members of the Indian Medical Service, but at the same time I believe that two of the posts which Government now think of filling up from the ranks of the medical profession ought to be filled up by those most qualified for them regardless of colour, creed or race.

After an interval of nearly 30 years we have at the head of the medical administration in this Presidency as Surgeon-General a distinguished physician, who was once a professor of Medicine in the Grant Medical College and First Physician to the J. J. Hospital, and who consequently had an opportunity of knowing the wants of the Medical College and the different hospitals connected with it and who was also in close touch with the local medical profession, and I have not the least doubt that his advice and guidance to Government will prove beneficial to all.

Though I find no mention of the Grant Medical College hostels in the Press-Note of 16th June 1911 showing the allotment to the different institutions and hostels from the special grant of Rs. 11,02,000 for educational works from the Government of India, I am pleased to know that the subject is under the consideration of Your Excellency's Government, and that no efforts will be spared to make the students' quarters as comfortable as possible.

I now beg to draw the attention of Your Excellency's Government to the report of Surgeon-General Stevenson on the different lunatic asylums for the year 1910 and to the statement therein made in connection with the mortality of the Naupada Lunatic Asylum. It is stated that "in the Naupada Asylum the death-rate was again excessive,

and there was no epidemic of cholera this year as in 1909 to account for it. The deaths are reported to have been due chiefly to diarrhoea and debility. Many of the patients on admission are in a miserable state through want of proper food and attention, also the care of the sick insanes is exceedingly difficult, but allowing for these the death-rate of this asylum is larger than it ought to be and its situation is I think responsible to some extent. During a heavy monsoon the place is very wet and insanes stand damp and chill very badly. When the new asylum at Yerowda is open, it may be possible to transfer some of these cases above-gháts for treatment."

I have been personally connected as a medical visitor with the Naupada Lunatic Asylum ever since it was opened and all these years I have never failed in my attendance to the asylum during my turn and I fully corroborate all that the Surgeon-General has said about its situation. I myself had to complain about the state of the road on which the visitors had to walk during the monsoon on account of the accumulation of water. I believe the situation was at one time unfavourably reported upon by some sanitary authority, but the asylum once located and a large expenditure incurred, it is I know difficult for the Government to transfer it to some healthier locality. But if Your Excellency's Government are satisfied about the unsuitability of the spot for a lunatic asylum, by its transference to some better locality you will confer a great boon on a class of people afflicted with a malady in consequence of which they are incapable of voicing their own feelings and their own complaints, and even if they did complain no action could be taken as they would be taken as insanes. The Surgeon-General's suggestion in his report about increasing the pay of the warders and replacing the present warders by more efficient and intelligent people ought to receive the immediate attention of Your Excellency's Government.

In the columns showing the religion of the different patients Hindus, Mahomedans, Europeans and Eurasians and Native Christians are classified and Parsis are put down I believe in the column of other castes as I find no mention made of them. On enquiry I found that there were nearly 77 Parsi patients in the Colába Lunatic Asylum some weeks ago, 52 of whom were admitted from N. M. Petit Charity Fund. It is, I think, a very large number compared with the small community, and I shall thank the Surgeon-General to give a separate column for the Parsis in the future reports so that the community may be awakened to the necessity of paying closer attention to the causes which have increased the number of insanes in the Parsi community and take some active measures for its prevention. When poor patients are admitted free in other Government hospitals I cannot understand the reason why Government insist on fees for the admission of poor Parsis in the Colába Lunatic Asylum. I believe the Trustees of the N. M. Petit Charity Fund for the insanes have to pay Rs. 15 a month for each patient admitted into the asylum besides paying Rs. 20 per patient as the fee of the Medical Superintendent of the Asylum for countersigning the medical certificates. Government in this matter ought either to accept the certificate of two qualified medical men who would, I am sure, give the certificate free in such cases, or instruct the Superintendent not to charge fees for countersigning the certificates of poor patients admitted from the Charity Fund. I submit these few points for the favourable consideration of the Surgeon-General and that of Your Excellency's Government because I feel that insanes deserve more sympathy and kinder treatment than patients suffering from other diseases.

Now that the leaders of the educated classes are very enthusiastic about the spread of primary education both free and compulsory and protest against the slight increase of fees in the secondary schools, I trust that Your Excellency's Government will not be carried away by that wave of enthusiasm and spend larger sums of money on education at the cost of or rather by starving other equally or more important branches of administration. We all know that those who cry loudest are heard first, and the dumb millions who never shriek or show even pangs of infirmity but suffer quietly are never heard. Going over the annual report of the Civil Hospitals and Dispensaries I find Surgeon-General Stevenson complaining that "the means of medical relief are still very inadequate in different parts of the country." We know that a large number of dispensaries are in charge of Hospital Assistants and though the period of medical studies is now raised from 3 to 4 years I do not think this training is sufficient for those in charge of independent dispensaries. Government must either raise the standard of education and the period of study for Hospital Assistants or place first class dispensaries in charge of Assistant Surgeons. It is time now that Government should increase the number of medical dispensaries or insist upon the municipalities and local boards to increase the number within their area and help those bodies by liberal grants when Government are satisfied that they have no funds to carry on such useful and necessary works. Even now I am told that sick patients in some parts of the Presidency have to travel 10 or 15 miles to get medical relief.

The other most important subject and which has been so long neglected is the supply of trained qualified midwives to all dispensaries in the Presidency whether carried on by Government or the municipalities and local boards. I now repeat what I said 16 years ago before one of Your Excellency's predecessors in office, I mean LORD HARRIS, that India is sadly in need of trained efficient midwives. Those who carry on their trade at present are most of them illiterate, ignorant, meddlesome women and have done in the past and are doing at present incalculable mischief. They carry on their trade of killing and mutilating thousands unmolested, and there is not a voice raised against them. In fact we are having wholesale murders perpetrated in our midst and not a word is said about it by our educated leaders. If the question of finances come in for the necessary improvements and additions I have suggested I would appeal to Your Excellency's Government to cut down the expenditure in other branches of administration wherever it can be conveniently done, and if that be not possible, to see before any large additional grants are given to education that the most necessary and primary wants of our citizens are attended to. Before the municipalities and the local boards are empowered as suggested by the promoters of the primary education scheme to raise taxes for that purpose they must first find means for giving medical relief, supplying trained midwives and improving necessary sanitation. After satisfying these wants let them be allowed to tax themselves to any extent they like for the spread of primary and compulsory education. I do not wish to be misunderstood. I am not against the spread of primary education but I do not approve of the hasty and what I may call wholesale education without finding means for their promotion and without making adequate provisions for trained teachers and sanitary school buildings and without giving any thought to the physical deterioration of our future citizens.

As I already had an opportunity of expressing my views on this subject elsewhere I will not take up the time of the Council on this occasion.

The Honourable Mr. LALUBHAI SAMALDAS said :—Your Excellency,—I thank the Honourable the Revenue Member for having facilitated the discussion of the details of the Budget by sending copies of the Budget to the members of this Council much earlier and asking them to let him know the points that call for comment or explanation. It gives more time to the members to study the details and the knowledge that their suggestions will be considered and the explanations they desire will be given the same year will be an incentive to them to give more attention to that study. These detailed figures are supplied to us after they have been finally sanctioned, and even if our suggestions are approved of they can only be carried out the next year. If all the details are ready before the Finance Committee considers the Budget it would be better to supply these to the members of the Committee, as these can be discussed much better in a Committee than in the Council.

The public has heard with great satisfaction that Your Excellency's Government has decided to take the Gujarát College under Government control. I acknowledge that there has been a marked improvement in the management of that institution during the last few years. The new Principal is trying his best to bring his institution in line with the first class institutions in the Presidency. A brilliant graduate of this University has been appointed to the Mathematics chair. A man with M.A. Honours was sent out to Cambridge for further studies and to work as Professor of Physical Science on his return. He has come out after taking a first class in the second part of the Tripos. Sanskrit has all along been very well taught, and in History they have got a man whose University qualifications are superior, I may point out to the Honourable Mr. SHARP, to those of the recently appointed Acting Professor of English and English History in the Presidency College. In spite of all these improvements, there is a strong feeling amongst the people of the Province that Gujarát must have a full graded Government Arts College at its capital, as the Deccan has at Poona. Such an institution will also serve as a model to sister institutions in the Province. Now that Sir CHINUBHAI'S generosity has made it possible for Government to take over the management of the College without incurring heavy financial responsibilities, we earnestly hope that much time will not be lost in settling the details and that Gujarát will soon have a Government College at its capital. I need hardly assure Your Excellency that Gujarát feels deeply grateful to Your Excellency for your personal interest and sympathy in its educational affairs, without which this reform so long advocated in this Council and outside by the Honourable Sir PHEROZESHAR MEHTA and others would not have been carried out.

The only other matter to which I wish to refer is that of the revised curriculum for secondary schools. Your Excellency may have noticed that the proposal about "the teaching of all subjects except English through the vernacular for five standards, and the option of answering the same even at the end of the school course" has evoked considerable opposition in many quarters, and that the opposition is not confined to the Indian Press. The attributing of political motives to Government by a section of the opposition handicaps those who desire to discuss the question in a dispassionate manner. The action of Government or rather that of the Director of Public Instruction seems to be due to the natural swinging of the pendulum from the neglect of the vernacular to giving it undue importance without carefully considering whether the same would not lead to a disregard.

and consequent deterioration of the knowledge of the English language. If the ideal is to train up our young men in such a way that they may continue their studies in other subjects with greater ease, it is essential that their grounding in the English language must be as good as possible. If all subjects except English are taught in vernacular, the students will be less in touch with the English language and it will be difficult to master the language later on. At present there are strong complaints from the professors of Colleges that new matriculates are not able to follow their lectures. If that is the state of things now, what would it be when most of the subjects now taught through the English language will be taught through the vernaculars. It may be said that students will require less time to study the other subjects through the vernaculars and that this time can be devoted to the study of the English language. The argument seems plausible, but no experiment of this kind has been tried in a number of institutions for a sufficiently long time to prove its soundness. In the New English School, Poona, Science has been, I am told, taught through the vernaculars and the teacher told me that these students knew their Science much better than those who were taught the subject through the English language. It may be so, but we do not know whether the English of these students was not poorer than that of the others and also whether they found no difficulty in studying Science through the English language in the Colleges. The experiment tried in Baroda to teach Science through the vernaculars, a special staff having been engaged to prepare sanskritised Gujaráti words and phrases for scientific terms, failed some years back. The State of Bhávnagar, whose Diwán is a cautious reformer, introduced a few years back English as an optional in the higher vernacular standards, *viz.*, 5th, 6th and 7th of the Táluka schools, the students on passing the 7th standard going direct to the English 4th standard. The Head Master of the High School who is a practical educationist told me that students who joined the 4th standard from the Táluka schools were inferior in their knowledge of English to the students who came through the regular Anglo-Vernacular Schools. For the sake of practical convenience he allows his assistants to explain if necessary other subjects in the vernacular, but he insists that at the time of the revision the subject shall be taught through English and that the students should be made to give the answers in English. The Principal of the largest and, judging by the Matriculation results, the most successful High School in the Presidency is practically of the same opinion. It will thus be seen that there are educationists who do not approve of the Director's proposals regarding the teaching of other subjects through the Vernaculars. Even his own Assistant, Mr. WREN, lays down in his book principles quite opposed to those recommended by the Honourable Mr. SHARP regarding the teaching of the English language. I do not know whether these gentlemen attended the meeting at Bombay mentioned by the Director, as the names of the Principals and Head Masters of High Schools who attended that meeting are not given. The remark in his report that the discussion was very amicable leads one to suppose that they did not attend and that most of them must have belonged to the same school of thought. May I therefore request Your Excellency to ask the Director to reconsider the whole question in the light of criticisms that the revised curriculum has received and in consultation with his assistants and the Principals and Head Masters of all important schools?

In conclusion I have to refer to the arrangement made for supplying us with copies of the Government Gazette. It is a small matter in itself, but it is entirely in keeping

with Your Excellency's desire to grant us facilities to enable us to keep ourselves in touch with the work of the administration, and we cannot but feel thankful to Your Excellency for the same.

The Honourable Mr. DATTATRAYA V. BELVI said :—Your Excellency,— I am a new member of this Council and I had no idea that I should have to speak today, but after hearing the different speeches I think it is necessary for me to make some observations. At the outset I think I ought to congratulate Government on the excellent budget placed before us by the Finance Member. A reference to the budget shows that Government is going to spend more money this year on education than in any of the past years. But an Honourable Member has said that far more attention should be paid to matters medical than to matters educational, but I venture to submit that education is more important than medical relief. It appears from the budget estimates that this year Government will spend about eight lakhs more on education, though much will depend upon the kind of monsoon that we shall have, and God willing Government will realise their best expectations. Sincere thanks of the public are due to Government for the expenditure they have incurred on hostels. I am gratified to find that the Division which I represent shares in the gift. Belgaum will have a hostel attached to the Sardárs' High School, and Bijápúr and Dhárwár will have similar institutions. I hope Government will see that every high school in the Presidency will have a hostel attached to it. It is of the highest importance that something should be done for a better control over boys attending high schools.

Now, I turn to a subject which was uppermost in my mind even before I came to the Council and to which a reference has already been made by my honourable friend the Sar Desái of Vantmuri. It is with regard to the location of a Subordinate Judge's Court at Hukeri instead of at Gokák. We have been doing our best for the last five years to have the Subordinate Judge's Court removed from Gokák to Hukeri. Our taluká of Hukeri is more important than that of Gokák. It yields a larger amount of land-revenue and comprises a larger number of important villages than Gokák. It is more populous and it furnishes a far larger number of Civil Suits and yet its people have to suffer considerable inconvenience in the absence of a Civil Court in their midst. Many of the villages in the Hukeri taluká, such as Yadgud, are at a distance of about twenty-five miles from Gokák, and a journey from those villages to Gokák in the rainy season entails great hardship requiring as it does the crossing of two rivers. Formerly people had to go to the Civil Court at Chikodi, but a few years ago a change was introduced and they have now to go to Gokák instead. A representation was made to Government in the matter some time ago, but I learnt from the Collector of Belgaum some months ago that Government had given him to understand that it was necessary that the Subordinate Judge's Court should remain at Gokák. The Honourable the Sar Desái of Vantmuri has put forward two proposals. Firstly, that there should be one Court at Hukeri and another at Gokák, and, secondly, if that was not possible, the villages nearer Gokák may be transferred to the Subordinate Judge's Court at Gokák, and those nearer Hukeri to the Civil Court at Chikodi. But if either of these proposals be not acceptable, I humbly suggest that there should be a travelling Subordinate Judge's Court for the two talukás together. The people of Hukeri are put to considerable inconvenience by the present arrangement and feel the inconvenience very keenly.

I now turn to another head of expenditure. I find that besides education, Government is also going to spend a larger amount this year on another department, and it is the Police Department. Here, I confess I cannot congratulate Government. My humble submission is that there are more policemen in the Presidency than are necessary. To my mind the Police Department, as it has been recently reorganised, is top-heavy. There is very little protection now in small villages. It is true that the District Police has been strengthened very much, but, on the other hand, the village police has been considerably weakened. My suggestion is that the procedure should be just the reverse of what it actually is. The recent reduction of shet-sanadis has left villages to the mercy of the criminal tribes. The village watchman or sanadi is, of course, entrusted with the work of looking after the village. But he renders service to Government on a very small pittance. Generally he is assigned a field which brings him an income of about Rs. 24 per annum in the shape of remission of assessment. Recently Government has abolished the posts of sanadis in a large number of villages, and the result is that there are very few people to watch these villages and insecurity of life and property has considerably increased owing to the fact that no arms are to be found in most of them. Your Excellency is perhaps aware that during the last four or five years most of the licenses given under the Indian Arms Act have been revoked. It has become difficult for people to persuade the District Magistrate to grant them such licenses, as that officer seems to labour under the impression that it is unsafe to grant licenses liberally. I admit that the present state of the country does make one slightly anxious, but then Government should increase the village police and the police patel should keep one gun at least. As matters now stand, what happens is this. When an offence is committed, the information is conveyed to the District Police and a police party under a Superintendent or some other officer flocks to the place a considerable time after the commission of the offence when their services are practically of no use. My submission is that steps should be taken by Government to strengthen the village police and the village police patil should be armed with a gun. No doubt, this means cost to Government, but it is absolutely necessary for the safety of the people living in small villages.

There is another question which in my opinion is of equally great importance. It is the pay of the village kulkarni. Government are aware that these village kulkarnies have to turn out a large amount of work, especially in connection with the preparation of the record of rights and the mutation register, which is an additional duty imposed upon them in recent years. They have to spend days and nights together on their work, but their remuneration still remains what it was before when they had not this additional work to do. They think they are entitled to an extra remuneration, and the result is that they are tempted to resort to illegal means to increase their income, namely to accept bribes, and thus the public suffers. Numerous cases have occurred in the Southern Division in which village accountants have been found guilty of malversation of Government money. This is a state of affairs which must be regarded as most unsatisfactory, and I think matters will not improve unless the pay of the kulkarni is adequately increased. I read in the report of the proceedings of the meeting of this Legislative Council held last year that Government were considering the question of newly regulating the pay of the village kulkarnies in view of the additional work they are called upon to perform, but I do not find any provision for it made in the present budget. I hope Government will make the necessary provision as soon as possible.

The next question to which I wish to draw the attention of Your Excellency is an educational problem affecting the Southern Division which comprises a part of the Karnatak, namely, the districts of Belgaum, Dhárwár, Bijápur, and Kárwár. The Southern Division is the only Division in this Presidency which does not possess an Arts college of its own. Sind has got its college; and so have Gujárať and the Central Division. But we, the people of the Karnatak, have not got a college. I wish it to be understood that I do not ask Government to bear the whole charge of founding such an institution. My Honourable colleague Mr. RODDA and myself intend making a tour in some of the districts covered by the Southern Division for the purpose of rousing the interest of the people in the matter and persuading them to contribute to the fund according to their means. What I now ask Government is that they may be pleased to help us in the establishment of the college by an expression of sympathy, and when a college is founded to bear the recurring charges of its maintenance. We mean to pay our way to success to the best of our power, and I pray that Your Excellency will kindly make a declaration on the subject before the proceedings of this Council are over.

A reference was made by an Honourable Member to the new curriculum which Government propose to lay down for the high schools in this Presidency. I was surprised to hear the remarks made by the Honourable Mr. LALUBHAI in this connection. The observations he has made do not seem to me to be sound. My Honourable friend seems to think that it is wrong and unnatural to impart instruction to little native children in such subjects as science, history or geometry, in the vernaculars of the Presidency. I fail to see why it is unnatural for the natives of this country to learn these things in their own languages, and why it is necessary to impart a knowledge of the same in a foreign language the structure of which is quite different from that of any of the vernaculars of the Presidency. The result of the present system of teaching such subjects as science, history, geometry, and the like in English has been that it leaves an imperfect and ill-digested impression on the mind of the young student. Through the same cause our graduates are generally found to have an imperfect knowledge of their own vernaculars. That is a matter of common knowledge. I thank the Honourable Mr. SHARP for the new curriculum which he proposes to introduce into our high schools. It is the very best that can be conceived and it is calculated to make the task of little children easier than it now is. It is as unnatural to teach a subject in an Indian high school in English, as it would be to teach it in an English high school either in Latin or in Greek.

There is another matter to which I now crave permission to refer. Government have introduced recently a new method of keeping khátás in the accounts of a village. Formerly each survey number used to be shewn as standing in the name of its registered occupant. Now, survey numbers are entered in the names of those who hold them actually, whether as owners or as mortgagees. *A* may take the fields of *B*, *C*, and *D* in mortgage with possession. As soon as he does so, the fields of *B*, *C* and *D* are included in the lands of which *A* may be the registered occupant. This is done probably to facilitate the collection of land-revenue from *A* if *B*, *C*, or *D* does not pay it. Suppose *A* pays the whole amount of assessment on all the lands standing in his khátá and also the assessment on some of the lands mortgaged to him. The receipt which *A* gets shows only the total amount he pays and not the amounts on the survey numbers



separately. There may arise litigation between *A* and any of his mortgagors. *A* has to prove under the provisions of the Dekkhan Agriculturists' Relief Act what he paid to his mortgagor. He cannot do this by producing the receipt which may show the payment of assessment on his own lands and on some of the lands of which he is a mortgagee, but not on each land separately. The old method was simpler and more efficacious. I pray, therefore, that Government may be pleased to revert to the old method of keeping village accounts.

I also desire to say a few words with regard to the new practice of giving receipts. Formerly every khatedár was given a receipt book in which entries were made for a number of years, and if a dispute arose as to his title the receipt book showed that he held the field or that previously his father held it. But now that practice has been discontinued and only a chit is given, which it is very difficult to preserve. The loss or destruction of such a chit means the loss of valuable evidence in proof of his title to the poor ryot. My submission is that the change in the system is not in the right direction and that Government should return to the old order of things, and, if necessary, Government should pass an order that receipt books should be preserved either in the taluká kutchery or in the village officer's place. The system of giving small chits is obviously unsafe. This matter was once brought to the notice of Government by the Honourable Mr. RODDA, but it seems that as Government was not satisfied it made no change in the system. I now pray that Government may be good enough to institute an inquiry into the matter and take the statements of some intelligent ryots and I have no doubt that Government will be satisfied that the present state of affairs is very unsatisfactory.

The Honourable Mr. GOKULDÁS K. PÁREKH said :—I beg to join your Excellency and the Honourable Mr. LAMB in the expression of regret at the loss this Council has sustained in the lamentable death of the Honourable Ráo Bahádur JOSHI. Before he entered the Council the honourable gentleman had been known to them by reputation for his close study of public questions. We have been able to observe during the tenure of his office as a member of this Council, the amount of industry and research which he brought to bear upon subjects that came up before us for consideration. His loss is a very heavy one and very difficult to replace. The Honourable Mr. LAMB has stated to the Council the condition of the monsoon in different districts of the Presidency, and so far as the northern districts of Gujarát are concerned, the position seems to be of a very grave kind and even in other districts I am afraid that unless we get rains during the first week of August matters will assume a very grave aspect. I trust that we shall have a satisfactory monsoon and that our anxiety will be relieved. The position, as it stands at present, is of a very serious kind.

One of the questions on which I wish to address myself is in connection with the contemplated constitution of Kaira as a separate district for the purpose of judicial administration and establishing a District and Sessions Court at Kaira. This means an increased cost. Such an arrangement did exist before and was given up as it was found inconvenient to the people, and the majority of the inhabitants of the Kaira district find the present arrangement to be the best and most convenient to them. For Civil Appellate work and for special jurisdiction cases triable by the First Class Subordinate Judge, they have to go to Ahmedabad and people generally prefer going to Ahmedabad to any other place, because of the facilities of railway communication. It is convenient for them to take their

witnesses by railway, in a big town like Ahmedabad there is the additional advantage of securing best conveniences for themselves and their witnesses and moreover they have a considerable choice in the selection of pleaders. In addition to this there is a disadvantage about Kaira which is a malarial town and is more unhealthy than Ahmedabad. Kaira is at one extreme of the district and then again for criminal work the Ahmedabad Judge holds his sittings at Nadiád and there would be much greater difficulty in getting suitable and intelligent assessors at Kaira than at Nadiád. There is no doubt that there is the advantage of old public buildings which exist at Kaira and which can be utilised for Court purposes. But I submit that for the purpose of utilising the buildings, the Courts ought not to be taken to Kaira; we have got buildings at Ahmedabad also and I don't think we would pecuniarily suffer by keeping the Courts at Ahmedabad and I submit that if the Courts were established at Anand or Nadiád, the expenses would be increased. Besides the litigants prefer Ahmedabad because for the better selection of pleaders and greater conveniences to themselves. There is no doubt as to the congestion of work, but it is not in any way due to there being no Court at Kaira, but is owing to a large amount of litigation of the Ahmedabad City, and I therefore consider it proper that before coming to any definite conclusion, Government will be pleased to make further enquiry for the purpose of ascertaining whether the contemplated establishment of Courts at Kaira will conduce to the convenience of the people.

Another matter to which I wish to refer, is in connection with the Gujarát College, and as a representative of the urban population of the Northern Division, I have to express satisfaction on behalf of the people of Gujarát for Government having undertaken to take up the Gujarát College. As your Excellency is aware we have very often heard complaints from those who represent the interests of Gujarát about injustice being done to the Province, in that the capital of Gujarát should have no Government College. The liberal help of Sir Chinubhai Madhavlal has helped the Government in taking it up. By this act Government have done justice to the capital of Gujarát and many serious difficulties of a dual control are thereby avoided. I understand that a delay has occurred in taking over the College owing to some difficulty in settling preliminaries. I trust that there will not be much loss of time before Government assume control of the institution which, I hope, will be done as early as possible.

Another point to which I would refer is the question of primary education. This Council has heard the explanation of the Director of Public Instruction as to how the rate of progress in the opening of new schools was not maintained this year. There is no doubt that so far as some of the schools were concerned they had to be closed, but I understand that the reason why the schools had to be closed was possibly that about the character and classes of the population of the villages there was no sufficient enquiry made; it may be that perhaps only population statistics were looked into and the classes of the people and their wishes were not considered. If schools are opened after ascertaining that there is a demand, I do not think that the new schools will have to be closed. I hope that the rate of progress of previous years will be maintained in regard to the opening of new schools.

Another circumstance to which I wish to draw your Excellency's attention is the quartering of additional police in the district of Kaira. I much regret to find that Government have thought proper to place additional police in a large number of villages.

of the Kaira District at the cost of the people. Such a measure may be considered proper when there is a combination among the people to commit crime or to screen offenders. People believe that the increase in crime is due to the fact that both the stipendiary and the hereditary police are not sufficiently vigilant. The people are not in league with thieves or receivers of stolen property and they resent the additional burden placed upon them. I made enquiries in some of the villages and I found that there was not a single case in which the villages contained a convict of railway theft. There is a great deal of injustice involved in the arrangement. I hope Government will not consider it proper unnecessarily to burden a great proportion of the people who may be perfectly innocent and I submit that in villages where villagers are not suspected of complicity with offenders, they should not be made to share in the burden of the impost.

The Honourable Ráo Bahádúr SHRINIWAS K. RODDA said :—Your Excellency,— I only desire to speak on one or two points. My honourable friend Mr. LALUBHAI seems to be opposed to the new curriculum that is proposed to be introduced in the high schools of this Presidency ; but so far as my experience goes it is a decided improvement on the present curriculum which has been in force for the last twenty-five years. Under the present system only twenty-five or thirty pages of an English text-book are taught and that too so badly that very few students actually master the subject. Poetry, too, is altogether neglected. But under the new curriculum the number of pages in English literature has been considerably increased and the teaching of other subjects is to be conducted in the vernacular. I have found from experience that if a boy is well grounded in his vernacular from the very commencement he stands a better chance of passing higher University examinations in a comparatively shorter time than otherwise would be the case. I know of a boy who, after leaving the training college with a three years' certificate, passed his Matriculation in two years or two years and a half, got a scholarship in the Elphinstone College, passed his B.A. in the second class, and was selected a Government scholar for studying agriculture. He was my pupil. I will next give an instance of another boy in the Deccan College. After completing his third year's course in a training school, he passed his Matriculation in two years and proceeded to the Deccan College. There are many more such cases and they show that the system of teaching in one's vernacular appeals strongly to one's mind and is fruitful of excellent results. I will give my own instance. I did not know mathematics beyond simple division, but a year's course at the Training College at Belgaum was sufficient to initiate me in all the mysteries of arithmetic and algebra. My own experience has taught me that subjects like History, Chemistry, Mathematics, etc., can be better taught to an Indian student through his own vernacular than through a foreign language. The new curriculum has been prepared in consultation with many experienced school-masters and consists of a large quantity of English literature, which is to be taught in a way that would give a student a good command over the English language and a general knowledge of the literature. I feel sure that after the knowledge of English that he would derive under the new system, the long-standing complaint that the freshmen in the College are not able to follow the professors will no longer exist.

The next point on which I wish to speak has reference to the charge brought by the Honourable Dr. NARIMAN that in our zeal for education we have neglected the needs of medical work. I deny that charge and maintain that had it not been for education we would not have been able to meet here in this Council and discuss matters of public

welfare. It is owing to education that we now know more of sanitation than before. Apart from that, during the last several years grants for medical relief have been made on an ever-increasing scale. Our real difficulty is that we cannot get good trained nurses, and to create a class of qualified nurses it is necessary that we should carry on the work of education among women. I submit education is our first need to which all available resources should be ungrudgingly devoted. In fact, it is futile to charge Government with neglecting sanitation. It has always been ready to help any municipality with money for the promotion of a sanitary work.

I will now venture to place before Government another matter of great importance. It relates to the low-paid clerks in most of the mofussil offices. Taking, for instance, the jail establishment, the karkun's pay is only Rs. 15 to start with, and as he can only rise to Rs. 25 a month and has no chance of becoming a jailor, he finds no interest in his work and shows want of ambition and zeal. This pay compares unfavourably with what a clerk gets at the head-quarters at Poona, where the minimum pay is Rs. 30. For instance, taking my honourable friend Mr. JACKSON's own office, the pay is in no case less than Rs. 30. Similarly, the pay given to the peons in the offices of the Revenue Department and of Superintendents of Police is miserable. It is only Rs. 7 a month, which is less than what an ordinary coolie earns; and these peons are called upon to do work of a very responsible character. I do hope that some provision will be made in the next year's budget for the benefit of these two classes of Government servants.

I join with my honourable friend Mr. BELVI, in his appeal to Your Excellency for an expression of sympathy with our efforts to establish an Arts college in the Southern Division. Karnatak is the only province not only in the Bombay Presidency, but in the whole of British India where there is no college. It has the misfortune to be so cut up that one portion goes to Mysore, another to Madras and a third to Bombay. The portion that has fallen to the lot of the Bombay Government is by no means a small one, and therefore it is that my honourable friend Mr. BELVI has made such an earnest appeal for a declaration from such a sympathetic Governor as Your Excellency. We do not want anything more than a declaration of sympathy, and when that is given the movement is sure to succeed. I know that rules of Government service cannot allow officers to use their influence in the collection of subscriptions, etc. As to that we shall put forth our best efforts. We only want an expression of opinion that Government view this movement with sympathy. If this is done and if officers like Mr. Sheppard, Commissioner of the Southern Division, will preside at meetings held for the promotion of this scheme, it will carry great weight with the people and in the long run will prove successful.

As regards the general features of the budget, I must say it has been very carefully prepared and very ably put before us by the Finance Member, the Honourable Mr. LAMB; and it is only to be hoped and devoutly to be wished that in this year when Their Majesties the King-Emperor and the Queen-Empress are coming to this country, which is the first event of its kind in the history of India, the cause of anxiety which we now feel will pass away and the year will prove as prosperous as it would be historical.

The Honourable Sardar Dávar KAIKHOSRO EDALJI MODI said :—I find it a very gratifying circumstance that a fine tribute has been paid to the skill and ability with which the Finance Member has prepared the Budget and that credit has been given to

the Government Department presided over by the Honourable Mr. LAMB for presenting such a lucid Budget. There have been various demands made on the resources of the Government as it appears from the speech of the Honourable gentleman. Every member wants money for his own branch. One member puts in forefront the claim of primary education, another member urges the augmentation of provision for medical relief, while a third member requires funds for Technical Education, and so on. This shows that in meeting all the demands on their limited resources, Government have to keep their heads calm and level as it must be very trying for them to provide the growing expenditure of the year. Nobody denies that primary education should be encouraged, but the question is a very trying one. If money were forthcoming, primary education should be promoted. It is, however, gratifying to learn that in spite of want of funds, Government have accomplished not a little in the cause of primary education. Government are wide awake to their duties, and are very sympathetic in the cause of primary education. But the question of questions is where is the money for it? The Honourable Dr. NARIMAN wants it for medical relief. The Honourable Mr. RODDA wants it for a thousand and one purposes. With their limited resources Government have done their best to give satisfaction to various departments, and every member has expressed it as his opinion that the provisions of the Budget reflect great credit upon the Finance Member. The features contained in the Budget are very gratifying to me, but there are one or two small points to which I wish briefly to refer. The first point is about the pay of Talátis. There is not the least doubt that they are underpaid and overworked. I had the honour of being present at the Durbar at Broach, and I suggested a discussion of this subject, and pointed out the danger of keeping low-paid Talátis. I suggested that their pay should be doubled. I do not know what action has been taken in the matter, as no result has been announced of the proposed increase in the pay of the Talátis. I would earnestly request Government to find some way to provide for an increase in the pay of Talátis, so as to encourage them to discharge their duties in a proper manner. Sometimes a Taláti goes, of his own freewill, out of his proper village, and people are left in the lurch. They clamour for information, but the Taláti is nowhere to be found. If asked for an explanation he would say that he had gone to the Mámlatdár's Kacheri, and so he could not attend to his duties in the village. I venture to say that in 9 out of 10 cases it is a false excuse. The Talátis are bound to be present in the villages. Otherwise one may search for him, but the immaculate Taláti is nowhere to be found when people enquire for him; and the reason he advances for his absence possibly goes against him. If the Talátis were well paid they would never commit dereliction of their duties. If they were adequately paid that would lessen the chances of any abuses which otherwise they would be tempted to commit. A charge has been made that Talátis never prepare the record of rights in due time. That may be the case in talukás other than those of Gujarát. In Gujarát, so far as my knowledge goes, particulars were entered in the books of the khátás, and the payments made by the people were entered in the book. That system has been deprecated, but I don't know why. Until recently these books were returned three or four times after payments were made by the ryots. I do not think that Talátis are to blame in any way. The old system has worked well, and it is not easy to alter it. Under the old system we could refer to books of 50 or 70 years' standing. These books are a sort of *vade mecum* to refer to any time one liked. Under the present system people have to go to these immaculate Talátis for information. I do not see any reason for it. In fact I venture to assert that the whole Presidency from

one end to the other are attached to the old system and that they prefer it to the present one. Those who move among the ryots, and know their feelings will testify to the fact. They are dissatisfied with the present system, and they have a liking for the old one.

As to the system of tube wells people are very anxious, and they should be extended. The gradual extension of the system would be very welcome and useful.

The Honourable Mr. MANMOHANDÁS RÁMJI said:—May it please Your Excellency,—The increased activities of the Government since the last few years in the direction of allowing more and more share in the administration of the country to children of the soil, and of the development of Commerce, Industries and Agriculture have led to greater attention to the question of the disposal of the finances. It was with no small pleasure that we read each and every member of the Government of India associating himself with a policy of retrenchment which is the only means by which we shall be able to meet the increasing needs of Education, Sanitation and Industries. It is one of the happiest results of the British Administration that these needs are being felt vividly, that the awakened conscience of the people demands more and more light, and the Government will be failing in their duty if they cannot fulfil the expectations they have raised by their liberal policy. Such a policy of retrenchment needs to be adopted both by the Imperial and Provincial Governments. I know that Your Excellency's Government is always in favour of reasonable retrenchment, and so I beg to draw your attention to certain alarming increases in the expenditure of some departments.

The Revenue of any Country or Province though expanding with the growth of trade and industry is not an ever elastic one and the expenditure therefore ought to be kept in check. The Revenue of this Presidency will not, I am afraid, expand at the rate at which it was growing in the past. Thus the Revenue in 1899-1900 was Rs. 8,34,59,400. It increased to Rs. 15,59,97,645 in 1909-10, thus showing the increase by 87 per cent. and is estimated at Rs. 16,23,43,000 for 1911-12, increasing by 4 per cent. The expenditure for 1899-1900 was Rs. 4,65,64,664 which rose to Rs. 8,25,95,514 in 1909-10, being an increase of 77 per cent. and is now estimated at Rs. 9,13,62,000 for 1911-12, being an increase of 10.60 per cent. over 1909-10.

What I wish to point out is that while the Revenue does not seem likely to expand at its old rate, expenditure is growing beyond all bounds. Not that the Revenue will be stationary now but that the ratio of the increase in the Revenue will be less and less than that of the increase in the expenditure unless proper steps are taken.

Examining different items contributing to the general increase in expenditure we shall find that collection expense is increasing apace and that Spending Departments are acting up to their reputation in spending. I give herewith figures to show how the expenses of collection have increased.

Thus the Land Revenue in 1899-1900 was Rs. 3,94,20,000 which is now for 1911-12 estimated at Rs. 5,11,39,000 showing thus an increase of 29 per cent. The Collection Charges for the same were in the former year Rs. 62,89,000 which are now for 1911-12 estimated at Rs. 81,81,000 thus showing an increase of 30 per cent. The Stamp Revenue was in 1899-1900 Rs. 60,20,000 and is now estimated in the Budget for the coming year at Rs. 80,00,000 thus indicating a rise of 33 per cent. The expenditure figures for the same periods are Rs. 2,73,333 and Rs. 2,37,000 showing a decrease of 14 per cent. It may

be said to the credit of the Stamp Department that it is the only Department which shows decrease in collection expenses. The Excise Revenue in 1899-1900 was Rs. 1,14,60,000 and is now estimated at Rs. 1,92,00,000, the rise being thus 68 per cent. The expenditure figures for the same periods were Rs. 3,68,000 and Rs. 9,99,000 respectively, thus showing a tremendous increase of 271 per cent. The income from Forests in 1899-1900 was Rs. 15,33,000 and is now estimated at Rs. 37,70,000 thus showing a rise of 245 per cent. The expenditure for the former year was Rs. 9,59,000 and is now estimated in the Budget at Rs. 23,20,000 thus showing the rise of 241 per cent.

It will be thus seen that whatever may be the Revenue the Expenditure manages to rise up in a greater proportion than the increased income. With regard to forests another thing strikes us and it is the big proportion of Collection Charges to the Revenue which comes up to the high figure of 64 per cent.

We thus see how the different Departments have increased their expenditure in the last decade. The expenditure on Education though it has increased from Rs. 18,07,000 in 1899-1900 to Rs. 56,78,000 as estimated for the Budget, the proportion of Expenditure on Education to the Total Revenue has but almost remained stationary, though the Revenue increased 87 per cent. The ratio of educational expenditure to the Revenue was only 2 per cent. in 1899-1900, it is now only 3 per cent. The Medical Establishment shows a still more glaring case of neglect, being Rs. 29,53,000 in 1899-1900 and being now estimated at Rs. 31,81,000. This means that while the ratio of Medical Expenses to the General Revenue was  $3\frac{1}{2}$  per cent. in 1899-1900, it is now for the next year estimated to be 4 per cent. of the General Revenue. A rise of only half a per cent. is indeed a poor increase.

We appreciate the attention educational problems have received at the hands of Your Excellency. The whole question of Education has in short received a revivifying influence, and before long the Presidency will be able to boast of an up-to-date Science Institute and I hope up-to-date Commercial College. The commercial community has perceived with joy that its suggestion of a Commercial Degree is taken up in right earnest and that the appointment of a Committee to report on the same is but the step that will lead to placing the hitherto neglected Commercial Education on an advanced footing. The public will ever remember with gratitude the uplift that has been given to the cause of Scientific, Commercial and Industrial Education during the *Regimé* of Your Excellency and yet we shall be excused if we prove to be greedy and insatiable and ever cry out for more expenditure for educational and sanitary objects. If we cry out thus it is not through any lack of appreciation of what the Government is doing but because we feel our wants to be great and many.

With Your Excellency's permission I shall now deal with the subject of Irrigation. Irrigation is the great necessity of a country like India with its uncertain Monsoons and its utter dependence on them. It is satisfactory to find that both the Imperial and Provincial Governments are trying to do their best in this matter. But while large and costly schemes of irrigation require years to be developed, there is one system of irrigation which though far less costly and capable of yielding immediate results, is neglected—I mean the well-irrigation. The following figures will show how we have remained almost stationary in the matter of construction of wells :—

			Area irrigated by wells.		Number of wells.	
			Acres.	Pakka.	Katcha.	
1899-1900	...	...	698,794	}	Figures not available.	
1900-01	...	...	492,662			
1901-02	...	...	485,068		146,151	95,793
1904-05	...	...	519,846		149,809	95,548
1908-09	...	...	504,764		156,627	96,498

I venture to think that the Government can very well without any appreciable loss and even perhaps with profit take up the work of the construction of wells.

The Honourable MOULVIE RAFIUDDIN AHMAD said:—I take this opportunity of congratulating your Excellency's Government upon the adoption of a new policy which is beneficial alike to Government and the public at large. It is the policy of issuing Press notes of explanation upon public questions. Upon a recent occasion when there was a little dissatisfaction upon a subject of current interest, I was delighted to see the Press note issued in time. It gave satisfaction to the people, and cleared the matter by explaining the Government policy. I also take this opportunity of thanking the Government for carrying into effect the few suggestions which I had made during the last Budget discussion. The real spirit of the Reformed Council, I am glad to say, is being introduced, and the policy of associating the representatives of the various electorates in the work of administration is being wisely pursued to the satisfaction of those who had high hopes of the enlarged Council. The Honourable the JĀGHIRDĀR of ICHALKARANJI had made a useful suggestion for a library for the members of this Council at the Secretariat, and we were all delighted to hear that a library had been placed at our disposal. I would like to make a further suggestion in that direction. It is through the kindness of Government that we get all kinds of publications and provincial reports sent to us. But at times these provincial reports do not suffice, and we stand in need of Government of India's Reports, as for example, the report on Decentralisation. It is difficult for us to form an opinion on many questions of administration without them. Now take the report of the Director of Public Instruction. It is not easy for us to know all about education in other provinces without the reports that have been issued by the Government of India, and we are at a disadvantage. I hope your Excellency will see your way to secure the annual reports of the Indian Government for all the non-official members of the Council.

There are two or three points in which I am interested as a representative of the Muhamedan community. I am glad to say that the head of the Education Department has been particularly sympathetic towards the educational aspirations of the Muhamedan community. I have been indebted to him for various acts of kindness and justice shown to the community and the wholesome feeling and good opinion which has thus been formed cannot be overappreciated. There is one point to which I will draw the attention of your Excellency's Government, and that is the question of a High School for Muhamedans in Poona. There is only one Anglo-Urdu School throughout the Presidency, and the late Director of Public Instruction, Dr. Selby, was good enough to recommend to convert it (the Poona School) from the 5th standard into a course of High School but I am sorry to see that the member in charge of the educational portfolio did not see his way to accede to that reasonable request. There is no other school from which Muhamedan students could go up to the seventh standard, and they find it especially hard



on them, as their mother tongue is Urdu. In the whole of the Presidency there should be at least one Anglo-Urdu High School, and I hope Government will next year see to this most pressing need of the Muhamedan community. Then there is the question of the Urdu Training College. I am sorry that the late Mr. JOSHI is not in our midst, because he it was that had supported that idea. I am very much indebted to the Honourable Sir PHEROZESHA MEHTA and the Honourable Mr. SETALVAD for having supported me in my remarks on Urdu Training College, which is a real necessity, and I hope Government will revise their policy and will really see the matter as it is understood by the Muhamedan community. I am glad to find that even my friend the Honourable Mr. FAZULBHOY is now strongly supporting the idea, and the Director of Public Instruction will thus see the danger of relying upon individual support, as he had done last year. It is most important to practical progress in primary schools. What is the use of more schools, unless we have more teachers? What is the use of spending money over unqualified teachers? I am not one of those who believe that the time has arrived for compulsory education, but I think strongly with those who urge that facilities should be given to encourage education among all communities. That is one of the things to which I believe the attention of every practical educationist should be directed. I hope Government will see their way to grant us such an institution as the Urdu Training College.

Last year I had taken the opportunity of bringing to the attention of Government the question of the employment of Muhamedans in the Public Service. I am very grateful to Government for directing their attention to what I had then pointed out, and issuing a resolution upon the subject. We did not require places for unqualified candidates. Our complaint is we cannot always get places for our qualified candidates.

Just consider my question at the present meeting of the Council "How many persons have been Mámlatdárs during the last ten years in the Central Division who have not passed the higher standard Departmental Examination, and how many of these were Muhamedans". The answer is that four persons were made Mámlatdárs, and none of them was a Muhamedan. My second question was "How many Muhamedans are serving in the Subordinate Service in the Revenue Department in the Central Division who have passed the lower and the higher Departmental Examination," and the reply was, six. My third question was "Are the Government aware that in some large towns in the Presidency, such for instance as Hubli, there are no Muhamedan Honorary Magistrates, and whether they will be pleased to issue orders to redress this grievance". The reply is that there are 32 Muhamedan Honorary Magistrates in the Presidency proper, and that Government are always willing to appoint Musalman gentlemen when they could be found with necessary qualifications. Our difficulty is that sometimes we do not get justice done to our candidates. I do not say that it is purposely done, but these things do happen and unless attention is drawn, they cannot be remedied. I have nothing but gratefulness for the attention Government have paid to this subject. There is one more question. It is the question of Municipalities. I have heard complaints from various parts of the Presidency. Even at the present time Muhamedan representation on Municipalities is not satisfactory. What I would suggest is that in the case of nomination, Government should consult local representative bodies before the nomination of Muhamedan representatives. No doubt, I believe there is a kind of consultation made, but that consultation weakens our case. It should be made in a more consti-

tutional way with Muhamedan representative bodies. If these things were done our present needs will be satisfied, though our demand for a separate election remains as it is. There is nothing more that I would like to add excepting that Government deserve congratulations and grateful thanks of all the representatives, and the public for the manner in which they have dealt with the question of the Durbár. I think I am echoing the sentiments of this Council when I say that the compliment that Government has paid to the non-official members by inviting them as guests to Delhi on the occasion of the Durbár, is highly appreciated and will contribute to their satisfaction, and strengthen the loyalty of the people.

The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD said :—Your Excellency,—In my observations at the time of the Budget Debate last year I drew attention to the fact that the contribution to the Local Boards from Provincial Revenue in lieu of the one anna in the rupee cess in A'bkári revenue stood in need of revision on account of the expansion in that revenue and in answer to a definite question framed on this point I was told that this contribution was given to Local Boards as a matter of grace and that it was not, therefore, liable to revision on account of the expansion of A'bkári revenue. I do not know upon what particular resolution Government base that opinion, nor why this grace may not be shewn to District Boards at a time when the Boards are doing their best to meet the wishes of Government in the matter of the abolition of toll bars and when their responsibilities in the matter of the extension of elementary education and improvement of village sanitation and drinking water are fast increasing and the Local Boards have also to pay heavy charges for supervision to the Public Works Department, and in some cases nearly the whole cost of the Public Works Department establishment is practically borne by the Local Board revenues and Government maintain an establishment which is enough for their needs in the district and when that establishment is asked to carry on heavy Local Board works as well with perhaps a small addition to its staff it often finds it difficult to expend the money placed at its disposal by the District Boards within the prescribed time. This in some measure also accounts for the unexpended balances of some of the Local Boards to which Government have so often called attention. But even this inconvenience of not getting their work done in time has not helped to reduce their supervision charges and to place more money at their disposal for many desirable improvements. The Local Board of East Khándesh, for instance, which is engaged in carrying out some large works had to pay something like Rs. 40,000 to the Public Works Department for charges for supervision when the total cost of the Public Works staff in the district to Government was Rs. 43,000 a year. Government will earn the gratitude of the Boards if they fix a maximum say one-third of the total cost of the establishment to Government which may be charged to Local Board revenue for the assistance of the Department and this concession will enable the Boards to abolish toll bars without any financial embarrassment and to carry out many urgent measures for the extension and improvement of roads, schools and village water-supplies.

In my observations last year I took an opportunity of thanking the Government for the grant of a model Government High School to Jalgaon. But the scheme does not yet appear to have advanced beyond the stage of conception. I hope the Government will desire the Director of Public Instruction at least to give a competent

staff of teachers to Jalgaon and start the school and not to wait till the school-house is actually built. Our grateful thanks are due to your Excellency for the keen interest your Excellency takes in educational questions and this no doubt is an incentive to Local Boards to extend the sphere of elementary education in their respective charges.

The Dhulia Municipality has, I am glad to say, not been slow in carrying out the suggestion of Government in their answer to one of my questions that the Dhulia Municipal drains may not be permitted to empty into the river. A trench well separated from the river water was dug last year and the drain water was not allowed to mix with the river water till it went well below the town. But this nuisance will not be completely removed unless a liberal grant is sanctioned for the drainage scheme for Dhulia which I understand is now before Government.

I may be permitted to thank the able Forest Committee that sat last year for so liberally meeting the popular demand with regard to forests. In my observations last year I submitted that the cattle pound figures in the Central Circle will not go down unless forest areas which yield very little revenue and do not grow valuable timber were disforested and reserved for village use. This view I was glad to find commended itself to the Committee and the thanks of the agricultural community are due to them for removing the constant cause of friction and annoyance by their liberal recommendations.

The Honourable Sardár COOLOSWÁMY V, MOODLIAR said :—Your Excellency,—Some of the Honourable Members, who have addressed this Council on agricultural matters, have mainly dwelt upon the administrative methods of the Agricultural Department. I now propose to say something about what Government have done for the benefit of the agriculturists. I venture to assure your Excellency that we fully appreciate the efforts made by your Excellency's Government from year to year to improve agriculture in this Presidency. Sir JOHN MUIR MACKENZIE, the late finance member, was a great advocate of agricultural improvements, and it is satisfactory to find that his successor, the Honourable Mr. LAMB, has continued the same policy of sympathy and support. The support given by Government is seen in various directions. The first and foremost measure that claims our attention this year is the opening of the new Agricultural College, which has been built at a cost of twelve lákhs of rupees. It is intended for the advanced students who know English. But there are schools where the sons of agriculturists can be taught elements of agricultural science in Maráthi. There are already two such schools in existence, and a third one is shortly to be opened. Then there are various other measures adopted for the same purpose. These are the creation of experimental farms in the various parts of the Presidency, the establishment of co-operative societies, the annual agricultural shows that are held in the agricultural centres, and the introduction of improved agricultural implements, of better seeds, and of new manures. This is all that a poor ryot needs, but unfortunately this year the rain upon which the cultivator depends so much is keeping away. Let us hope that the cause of our present anxiety may soon pass away.

The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY said :—I do not wish to take up much time in what I have to say, but I feel I must associate myself with previous speakers in congratulating Government, and especially the Honourable Member in charge of the Financial Department, on the presentation of such a very satisfactorily sanctioned budget. It is evidence of the great care with which the budget was prepared

that the Government of India have accepted it without any modification, and for this also our congratulations are due to your Excellency's Government.

The Honourable Member, in the Financial statement with which he first presented the Budget to the Council, referred to the complications caused by the important changes which have been made in the Provincial Settlement, which the Government of India announced their intention of making "rigid and permanent," and by the large subventions for temporary purposes which had been received from that Government. The changes in the Provincial Settlement must have involved much anxious thought and laborious work on the part of the local administration.

It is greatly to the credit of your Excellency's Government that increased shares of growing revenues have been assigned to the Provincial Government. We have indeed to be thankful for the assignment of the whole instead of half shares of the net Excise and Forest receipts and the moiety of the income-tax on salaries in the Public Works Department. Then again special grants exceeding Rs. 15 lakhs have been made by the Government of India for Educational and Sanitary objects, and the City of Bombay Improvement Scheme has been aided by the substantial sum of fifty lakhs. For all these concessions, it is true, the Presidency has reason to be very grateful to the Government of India, but that Government would have known nothing of our wants if they had not been forcibly represented by the Local Government.

The greater part of the period for which the Budget has been prepared remains unexpired, and it is unfortunate that the weather conditions recently have been such as to give cause for some anxiety with regard to the future, but if the worst fears are realized (which God forbid) we know that the Government will not be unprepared, and we can trust them to do their best to meet the calamity.

I shall like to refer briefly to the question of gambling on race-courses and elsewhere in connection with horse-racing and to express my conviction that your Excellency will be supported by the public in your laudable efforts to check gambling. I can assure your Excellency that the action already taken meets with unqualified approval of the public excepting those who consider horse-racing a matter of business. As wise rulers, Government are anxious for the prosperity of the people; every one knows this is a matter that greatly affects not only their material progress, but also their moral and social condition.

Before I resume my seat I will refer to only one other point. In the Budget, provision has been made for expenses connected with the Delhi Durbar. I presume this includes expenditure to be incurred in the Bombay Presidency in connection with His Majesty the King-Emperor's visit. If that is so, the sum provided seems to me very small and inadequate for such an event. I am sure no one will grudge the spending of a proper amount on this unique occasion. Never has a reigning British Sovereign visited India, and the people who see the King-Emperor in this country will consider themselves fortunate in witnessing the opening of a new chapter in the Empire's History. Of course there will be expectations of some more privileges, and in any case Indians will immensely benefit by such a visit.

The Honourable Mr. RAGHUNATH PANDURANG KARANDIKAR said:—Your Excellency,—The whole of the Central Division loyally joins in every word that has fallen from your Excellency in recognition of the services of the late Honourable Ráo Bahádúr

JOSHI. The loss is more keenly felt by every educationist especially when a measure of very great importance is being considered by the country, and the Government of India. I mean the Education Bill of Honourable Mr. GOKHALE. His death has affected the Central Division very prejudicially, as his presence was extremely necessary at this sitting. It has affected me too, the election having taken place only a couple of days ago. There was hardly time to go through the Budget papers, and I almost wished the President had not exercised the right of suspending Rule 30 (1). It was, however, a personal inconvenience to me, but personal inconveniences are nothing when the postponement of the discussion would have occasioned a general inconvenience.

I find in the Budget there has been some increase in land-revenue including irrigation. There is an important fact brought out in the answer to a question put by the Honourable Mr. MANMOHANDÁS RAMJI. Arrests have been made in the Central Division. I hope the revenue contemplated in the Budget does not depend for its realization upon the kind of process known as the arrest of the defaulter. I hope if any instances have occurred in which this kind of process was resorted to, it was as a last resort after all other processes have been exhausted. State demand of land-revenue is a first charge on the property of the land-holder, but what can be said about the person of the defaulter? Suppose a defaulter is also a judgment-debtor to some one else, and is in consequence in the civil jail; is it claimed that for default in revenue the same defaulter could be claimed by the Revenue Department, because of the admitted right of the State? Personally I am not in favour of retaining in the Land-Revenue Code the provision for the arrest of a defaulter; at least it should be exercised as a very last resort when every other process has failed. I would welcome the opportunity to effect an amendment to that effect. I am anxious that an assurance may go out that if there are any instances of arrest, they are cases of extreme contumacy.

While I have spoken on behalf of the cultivator, I now refer to another matter of equally grave importance. Owing to the decision of the Division Bench of the Bombay High Court on the question of the exclusion of time spent before a conciliator in cases in which the suit is in time only by the extension of section 31 of the Limitation Act, a large number of suits has come to be dismissed as time-barred, and a large number is still in danger of being thrown out, and value involved in suits collectively has aggregated in several districts to lacs of rupees. Having regard to the misunderstanding that filled the mind of the suitors with the notion that they have a right to claim deduction of time spent before the Conciliator, and looking to the gravity of the situation, I hope your Excellency's Government will be pleased to recommend to the Government of India a small measure of law effecting the amendment in the Dekkhan Agriculturists' Relief Act or in the Limitation Act, similar to section 31 of the Limitation Act, and before long the grievance will be remedied.

My friend the Honourable Mr. BELVI has already referred to the question of the Village Police. I find in the Budget no adequate provision made for the needs of the Village Police. Ever since I was examined as a witness before the Police Commission, I have come to the conclusion that the Village Police have come to be looked on without adequate regard. From my experience as one connected with the Courts I find that all the record is on the side of the District Police, and not unfrequently blame in respect of non-detection of offences laid at the door of the Village Police. It seemed to me a strange irony of fate that those people who should have had the good fortune of protecting

the people's property and life, should be dragged into Criminal Courts as offenders under the provisions of Chapter VIII of the Criminal Procedure Code. Some of these belong to the depressed classes and it is desirable to improve them. I do not find any provision in the Budget for training the Village Police, as I find in the case of the District Police. I would wish for a larger recognition of the claims of the Village Police.

Another matter of importance as affecting the competency to spend is the question as regards the District Local Boards. At a meeting of the District Association held in Sátára, whereat I was present, the subject of the District Local Boards was considered. It was pointed out that members of the District Local Board suffered under a disadvantage, not having the opportunities required for checking and supervising the several works in course of construction under the Boards. Enquiries made from officials will, it is feared, not be quite encouraging to the District Local Board members. But I have no doubt if the difficulties in the way of the members be removed, the Boards will prove as valuable and efficacious as the Municipal bodies.

Before I conclude I will allude to a matter which is nearer home to me. The bridge at Mahuli near Sátára has been under construction for the last year and more. Government have provided 2 lákhs of rupees out of which one lách has been allowed in this Budget and Rs. 30,000 have been spent. But I am afraid unless more expert knowledge, skill and timely co-operation are brought to bear on this work there is the danger of the money being wasted. When I last had occasion to visit this work I did not find it making satisfactory progress. I have no doubt, however, that in the near future the work will be quite ready to enable us of Sátára to welcome your Excellency there.

The Honourable Mr. IBRAHIM RAHIMTOOLA said :—Your Excellency,—As one of the senior members of this Council it has struck me very forcibly how on this occasion there has been a practical unanimity amongst non-official members in expressing their appreciation of the manner in which the administration of this Province has been carried on by Your Excellency's Government. Member after member has got up and congratulated Your Excellency in regard to certain resolutions which have been issued, certain orders which have been passed, and certain action which has been taken. I think Government have reason to feel proud to have secured such practical unanimity amongst non-official members of this Council in regard to the administration of the Province as a whole. I do not wish to be backward in this respect and desire to associate myself with the Honourable the JÁGHIRDÁR of ICHALKARANJÍ and the Honourable Mr. ABDUL HUSEIN ADAMJÍ PEERBHOY in offering my congratulations on the firmness with which Your Excellency has decided to deal with the racing question. This question has occupied the minds of the public for a considerable time and they have noticed with great concern the amount of encouragement which it has received in the past. They have wondered why such great facilities as the running of race-specials and the specially low charges for travelling by them have been provided by State Railways. The effect of such facilities has been that both Bombay and Poona have become one centre of racing and the number of race-meetings has largely multiplied. I find that during each year there are so many as 42 to 45 race-meetings in the two places giving an average of nearly one meeting a week throughout the year, a number which must be regarded as very excessive. Your Excellency must have observed what an overwhelmingly large section of the public is in entire sympathy with the efforts which Government are making both in regard to the abolition of the book-makers and the reduction of the number of race-

meetings during a year. The bulk of public opinion is whole-heartedly with Your Excellency's efforts to bring back racing to the level of sport by removing therefrom the causes which have converted this noble pastime into an institution for gambling.

I should like to invite Your Excellency's attention to a matter which formed the subject of an interpellation in the January meeting of this Council. I brought the fact to the notice of Government that the public holidays notified under the Negotiable Instruments Act contained only one gazetted holiday of the Mahomedan community. On working out the list of public holidays notified by Government under the said Act I find that there are eleven Hindoo, nine Christian, four Parsi and one Mahomedan holiday. In the interpellation to which I have referred, I suggested that in the matter of public holidays the Mahomedans should be placed on the same footing as the sister-communities. I do not wish to be misunderstood. I do not contend that because the other communities have such a large number of public holidays that therefore the Mahomedans should also have a similar number of holidays. I do not wish to put it on that ground at all. I beg to submit the Mahomedan claim for equal treatment in this matter on the ground that the additional holidays which I am asking Government to recognise as public holidays under the Negotiable Instruments Act are regarded as highly important by all the sections of the Mahomedan community. These holidays are the Ramazan Id, the Bakri Id and the Bare-Wafat, *i.e.*, the day of the birth and death of our revered Prophet. These three holidays are held extremely important and I hope that the result of the consideration which Government have promised to give the subject in reply to my interpellation will be the inclusion of these in the list which will be published for the next year. The demand is a moderate one and there is full justification for it.

I was very pleased to notice that the Honourable Dr. TEMULJI NARIMAN introduced a great deal of feeling and enthusiasm in the speech which he delivered in favour of further provision for medical relief. I am in full sympathy with him in his efforts to obtain more funds for a branch of public usefulness in which he is particularly interested. But I am afraid his enthusiasm has carried him a bit too far. I wish he had not criticised the policy of Government in the matter of the steady progress of primary education. He has charged certain non-official members for not agitating in favour of extended grants for medical relief. If he refers to the past records of this Council he will find that some of us have often pressed the claims of medical relief on the attention of Government. We have certainly not asked as the Honourable member has done that the claims of medical relief should be promoted at the expense of primary education. In this connection I may be permitted to invite the attention of this Council to the statement which I prepared and circulated amongst the Councillors in 1909 shewing the growth of revenue and expenditure during the ten years from 1899 to 1909. The figures for medical relief in this statement shew that the expenditure in 1899-1900 was Rs. 29,53,000 and in 1909-10 it was Rs. 29,15,000 shewing a decrease of Rs. 38,000. If it was a fact that during a period of 10 years when revenue had been steadily increasing and expenditure on all important heads had also largely increased, that the item of medical relief had not only remained stationary but actually shewed a diminution the case of neglect would be conclusively proved. But such is not the case. In my Budget speech in connection with this statement I pointed out the real state of things in the following words: "The next item of public importance on the list is that for medical relief. The figures shew that the grant has remained stationary, and that there has not been the least

increase under the head. This is not actually so. In the Budget estimate for 1899-1900 under the head 'medical' was included a sum of 12 lacs and 64 thousand rupees for direct plague expenditure, while in the current year such provision is only 2 lacs and 15 thousand rupees. There has therefore been substantial increase of ten lacs under the head." The statement may lead to the error that the expenditure on medical relief had actually gone down in 10 years but I made it clear in my speech that such expenditure had actually gone up from 19 lacs to 29 lacs. It is therefore clear that during the last 12 years the increase under the head medical has amounted to 12 lacs of rupees and that cannot in any way be regarded as small.

Referring again to the remarks of the Honourable Dr. NARIMAN I wish to invite his attention to the fact that I am one of those who has consistently advocated the desirability of the extension of primary education and one of the strongest reasons which I have urged in favour of the course has reference to sanitation. Dr. WEIR, who was the Executive Health Officer of the Bombay Municipality for many years, in one of his able reports, pointed out the futility of spending heavy sums of money in building sanitary chawls for the poor without at the same time teaching them how to live sanitarily. He urged that you may provide the best of chawls but within six months of their occupation by the poor illiterates they will be made quite insanitary. The openings in the walls specially provided for the purposes of ventilation, and which cannot be closed, are shut up with rags and old clothes. The return to the tenants in the form of better health by the heavy expenditure in construction of sanitary dwellings is totally inadequate because of their ignorance. Surely the medical science teaches the advantages of prevention of disease as superior to actual cures. By all means make sanitation as perfect as humanly possible and provide adequate measures for medical relief but try at the same time to give primary education to the poor so that they may appreciate these measures and be fully benefited. I am one of those who believe that sanitation and education must go hand in hand. It is for these reasons that while fully sympathising with the demand of the Honourable member to obtain more funds for medical relief, I must part company with him when he asks for such additional grants to be obtained at the expense of primary education. I am inclined to think that this Council will not view favourably any proposal which interferes with the considered policy of Government steadily to extend primary education in this Presidency.

The Honorable Sir PHEROZESHAH M. MEHTA said:—Your Excellency,—It must be very gratifying to Your Excellency and the members of your Council to hear the flowing numbers of congratulations and acknowledgments of fervent gratitude which have marked the speeches of my honourable colleagues who have preceded me, and particularly the speech of my honourable friend Mr. IBRAHIM RAHIMTOOLA, who while adding his own powerful voice both in congratulations and outpourings of gratitude, drew attention to the remarkable testimony borne by such an unanimous chorus of praise. While admitting that such congratulations may not be undeserved, may I be permitted to say that when so lavishly bestowed by one member after another, they are apt to be tiresome and monotonous. I will ask Your Excellency to permit me to vary the monotony by following a different course. I am for my part ready to acknowledge the full splendour of the sun, but even the sun has its spots. I will therefore seek for some of the spots. Your Excellency, when I left for England last year I was filled with very great alarm at the pronouncement which had been made in a most hopeful and emphatic manner



by the late Finance member, Sir JOHN MUIR MACKENZIE in explaining to this Council the financial statement for the year 1910-1911. He then said:—"In these circumstances it is evident that we shall have to make up our minds to one of two courses—either the arrest of our rate of progress, or the increase of our resources by provincial or local taxation. It is my earnest hope that before I hand over charge to my successor of the financial portfolio of this Government the Council may be invested with the requisite power to impose the taxation required to meet our requirements, and that our dependence for resources upon the Imperial Government may before very long be a thing of the past. Such a change will, I am convinced, be in every way beneficial. It will bring home to us in the most wholesome manner the responsibility which we ought to feel for the expenditure which we project, it will increase the power and dignity of our Council, and will impart an altogether new and vivifying interest to its discussions of provincial finance."

It was this 'hope' and this 'suggestion' that filled me with alarm when I left for England. All the fine talk about "increase of dignity and power" was only an official euphemism used for the purpose of covering a most objectionable and dangerous proposal. At the debate on the Budget in the same year Sir JOHN MUIR MACKENZIE still more emphasised this hope and suggestion. In winding up the financial portion of the Budget he said:—"I observe in the general remarks made in the Council the same tendency I have remarked before, namely, a great preference for suggesting objects of expenditure and a very great reluctance to provide funds for them. I observe that reluctance expounded ably and at great length by the Honourable Ráo Bahádur JOSHI, and I observe that the last thing he intends to think of is the provision of the funds to attain the objects he desires. I am not at all surprised at that attitude. I have always noted it ever since I have had anything to do with this Council. The fear of taxation is exceedingly great and is only exceeded by the great benefits from it. I can only say I must repeat the hope that the responsibility for providing money for itself will be enforced upon this Presidency and that it will not be able by begging from the Government of India to provide money it requires. That is the one way in which financial and administrative responsibility will be brought home to this Council and to the people of India; that is the only way that they will come to understand that what they want they must pay for. We have seen it most excellently exemplified in the Bombay Municipality and I only hope it will develop in the Provincial Councils."

Now, Your Excellency will observe Sir JOHN referred to the earnest protest against the policy he was advocating by our late colleague the Honourable Ráo Bahádur JOSHI in regard to whom I wish to associate myself with every word that has fallen from Your Excellency and other members of the Council. Ráo Bahádur JOSHI in his speech had vigorously controverted the proposal Sir JOHN MUIR MACKENZIE was putting forward, but in spite of that vigorous protest Sir JOHN was convinced that their only hope lay in the power of taxation being given to this Council. Your Excellency will permit me to add that your powerful voice was also raised on the same side. But before I come to that I find that my honourable friend Mr. FAZULBHOY supported with his usual corroborative vigour that financial proposal. He said:—"Instead of this policy of 'doles' the Government of India should revise the provincial settlements so as to allot larger resources to the Provincial Governments when the Government of India possesses a surplus beyond

their needs. To my mind there should be a larger degree of separation between Imperial and Provincial finance, and, as Sir STEYNING EDGERLEY in his minute to the report of the Decentralization Commission pointed out, Provincial Governments should be given independent sources of revenue and some separate powers of taxation. Even the late Mr. DUTT said that when the elected representatives of the people obtained a potent and determining voice in shaping the decisions of local Councils it would not be undesirable to invest them with the powers of taxation."

Proceeds Mr. FAZULBHOY :—" That time has now come. I hope that the suggestions of the members of the Decentralization Commission, to make provincial resources independent of the Imperial Government and to invest the local Government with the requisite power to impose taxation and to carry out expenditure on important projects, will be given effect to at an early date and it will be a beneficial change and will increase the power and dignity of this Council and secure the stability of Provincial Finance. I can only hope that the Honourable Sir JOHN's successor will be as successful as he has been in directing the finances of this Presidency." In making the quotation from my honourable friend Mr. FAZULBHOY's speech, I may point out that he forgot to mention in his historical account of the proceedings of the Decentralization Commission that that Commission was against the proposal to invest the Provincial Governments with the powers of taxation and the only two members who advocated that proposal were Sir STEYNING EDGERLEY and another member of the Commission, while Mr. DUTT strongly pointed out that nothing would be more dangerous and objectionable than to invest Provincial Councils with that power unless the elected representatives of the people obtained a potent and determining voice in shaping the decisions of the local Councils. To my astonishment I read further in the speech that Mr. FAZULBHOY said that the time had come for investing the local Councils with the powers of taxation. How Mr. FAZULBHOY could ever have come to that conclusion passes my understanding. Nobody more ungrudgingly acknowledges the value of the reforms that have been recently introduced than I do. I have spoken of them as possessing great potentialities for the welfare of the whole province. But to say that the time has now come when the elected representatives of the people have obtained a potent and determining voice in shaping the decisions of the local Councils, is, I say, absolutely without foundation. I am aware that under the new reforms, so far as the Provincial Councils are concerned, they are supposed to have a non-official majority. Your Excellency in pursuance of the wise policy which you have adopted of promoting the reforms as much as possible has given the Bombay Council a larger non-official majority than even was contemplated by the law. But it must be borne in mind that after all non-official members are not all elected by the people. It seems to have been forgotten by Mr. FAZULBHOY when he boldly asserted that the time contemplated by Mr. DUTT when the elected representatives of the people obtained a potent and determining voice in shaping the Council's decisions had come, that they are largely nominated by Government. And, however excellent the nominations may be, I venture to assert, as I have always asserted, that nomination can never secure that sense of responsibility and that sense of direct touch with the people which election alone can give. I hope Your Excellency will pardon me for saying that we apply to the constitution of this Council another discriminating test, which, I deplore, is now being invoked in this Presidency. That discrimination is that members are not discriminated as official or non-official. I may be pardoned

for saying that non-official members, for all of whom I have very great respect, are sometimes members who are more official than the officials themselves. That is not the way of discriminating between the representatives of the people to whom the power of taxation can be given. The discrimination that is now invoked, I am sorry to say, is between members who are for Government and members who are *anti*-Government. Your Excellency, I am speaking feelingly about this, because I have observed it in other matters in regard to different administrations in this province. Thus it appears that in newspapers and in official reports people are described not as loyal or disloyal, seditious or non-seditious, but Government or *anti*-Government. This line of discrimination is applied to the present members of the Council who are called Government or *anti*-Government members. I deplore that a such discriminating line should ever have been used in official language and is still used. Until the members of this Council are neither Government nor *anti*-Government and are responsible to the people for what they do and say I venture to submit that nothing could be more disastrous than to invest the Provincial Council with the powers of taxation to any extent. As I have said, Your Excellency's powerful voice was raised in support of that proposal. Your Excellency in your closing speech said this:—"The Honourable Mr. FAZULBHOY referred briefly to the question of decentralization, and with what he said and with all that fell from my honourable colleague I entirely agree, The Government, with the assistance of this enlarged Council, is quite capable of dealing with all matters of local concern, and in the interests of economy and of good administration it is most desirable that a large measure of autonomy should be granted to our Presidency. The strong views of the Government on this important question will be found in their letter to the Government of India, which is published with the voluminous report of the Decentralization Commission."

Your Excellency, the public of this province would entirely agree with these views if the enlarged Council was so constituted as to represent the direct voice of the people, because in the matter of taxation it is the voice of the people which ought to be conclusive, and I assure Your Excellency that if it was thus constituted, nobody would have been more ready to agree with Your Excellency than I would have been. But taking things as they are, and while the Council is in the process of development, nothing would be more disastrous than to invest it with the powers of taxation. But my fears since the last two or three months have been fortunately dissipated. My alarm was completely removed when I read in the papers a short note of the Despatch which has been received from the Secretary of State on this point. Your Excellency is well aware that the Secretary of State for India has finally decided to decline for the present to give the powers of taxation to the Provincial Councils and has adduced various reasons for his decision. Among other reasons he has given one potent reason that the determining voice of the people is still not strengthened in these Provincial Councils. Your Excellency, the remarks that I have made have also a bearing to a very large extent on what is called the devolution of functions from higher to subordinate officials. I have always protested against this devolution—this giving over of the powers enjoyed by higher officials to subordinate officials unless and until such a devolution is accompanied by measure for giving active and vigilant control to the people. I would welcome such devolution of functions and powers if the officials to whom they are transferred were at the same time guided and restrained in the exercise of those powers and functions by the representatives of the people in some form or other.

His Excellency the PRESIDENT :—Two minutes more, Sir PHEROZESHAH.

The Honourable Sir PHEROZESHAH :—Two minutes more? Then all that I can say is this that according to my watch twenty minutes have not elapsed. But I accept the correctness of Your Excellency's watch. Now, instead of going on with my remarks I cannot better use the two minutes than to enter a protest against this exercise of discretion vested in Your Excellency under the rules for the direction of the Budget debate. One can well understand that when a motion on a subject is placed before the Council, ten or fifteen minutes may be considered adequate for the expression of views of each individual member. But to give twenty minutes to a member for a general debate involving all the heads of the Budget is simply to stop his mouth. I am sorry to have to make this protest, but if anybody rationally considers, when a Budget has to be considered in all its heads, to stop a member from speaking for more than twenty minutes is to prevent him from speaking what he has got to say on the various heads of the Budget. I have a great deal to say about the educational policy of the Government, also about the views expressed by the Honourable Dr. NARIMAN on primary education, a subject on which he has spoken without understanding the merits of the question and the principle involved in the development of primary education. There are various other points on which I should have liked to speak, but I cannot do so in two minutes. All that I can do therefore is to sit down.

The Honourable Mr. W. H. SHARP :—Your Excellency,—I do not think that I will venture to express an opinion on the question whether medicine or education should receive our first consideration, though at my time of life I have to look for more help from the doctor than from the school-master. I find myself, however, in considerable sympathy with the Honourable Dr. NARIMAN's objections to the wholesale spread of education without regard to the due supply of competent teachers and sanitary school buildings. At the present time, and perhaps it is the case at all times, there is considerable rivalry between the principles of quality and quantity. People go about the country and rise up in this Council to demand more schools and more schools and still more schools, and at least 500 new schools each year and so on. But when I go to some of the schools and see the poverty-stricken appearance of some of the masters and the incompetence of others, when I see the wretched rooms that some of them meet in and the overcrowded state of others, with one man trying to teach four, five and even six classes at the same time, I cannot help feeling that, although it is very desirable that new schools should be provided where there is a real demand for them, still at the same time we cannot and must not overlook the requirements of existing schools. After all, in many cases, first consideration is due to the need of providing competent and properly paid masters, a sufficient number of them, and a sufficient number of sanitary and sufficiently spacious buildings. The Honourable Mr. GOKULDAS complained that schools had to be closed principally because they had not been located in suitable places, and that the population of villages was not the only thing to consider. It is true that in my predecessor's time a list of villages without schools and with 500 people and upwards was prepared. But that list has not been rigidly adhered to, and in selecting the site of schools regard has been paid to other considerations, to the probability, for instance, of securing a reasonable attendance. One thing we generally ask them to supply is a room rent-free, which is to some extent a real proof of the desire for education in the village; and I find that these

villagers who are represented as having a thirst for education are often singularly grasping in the matter of rent. They give us a room free for only 12 months, and then they demand rent and later raise the rent of the building, sometimes asking double the rent for half the accommodation. And I am sorry to say that the worst offenders in this direction come from the Honourable Mr. GOKULDAS's own division of Gujarát. In respect to secondary schools one member has pointed out the need of hostels for all high schools. That is a point which has never been lost sight of in the last few years, and from the help we have received from the Government of India we shall be able to create these faster than we would otherwise have been able to do. The Honourable Mr. GARUD spoke of the high school at Jalgaon and suggested that a Government high school should be started without waiting for a building. There is at Jalgaon a municipal school which teaches most of the high school course; but as soon as there was a prospect of a Government high school in view the Municipality developed a great anxiety to get rid of all interest in their Anglo-vernacular school, and to pass their burden on to Government. But that school meets in a very poor sort of building, and is very poorly equipped, and it does not seem to me that it would be very good policy for Government to have a Government high school meeting in such very poor circumstances. The plans and estimates for the new school have passed through my office, and I hope it will be possible before long to make a start with the building which will be worthy of the school. Reference has been made to the new *curriculum* and especially to the encouragement that has been given to the teaching of certain subjects in the vernacular. But I would point out that this has not been made compulsory as the Honourable Mr. LALUBHAI SAMALDAS seems to think. These are the words of the orders:—"The vernacular may be freely used in teaching this subject," and so on. A certain amount of discretion is left to the headmaster as to the principles he will actually adopt. I have seen in newspapers some strange criticisms of this policy, stating that it is distinctly intended to discourage English for political reasons. I need not say that that is absolutely baseless. This *curriculum* has to be taken as a whole, and while we have encouraged the teaching of certain subjects up to a point in the vernacular we have also made proper provision for the efficient teaching of English. It is often complained that students on going to college cannot understand the lectures of the professors. After all, that is only what one would expect. There are few people who can speak a foreign language as a native does, and it is only natural that people who perhaps have never heard an Englishman speak in their lives cannot at first fully understand the professors. That is a difficulty which is met at first but it disappears in a few weeks. There is more in the complaint as to the practice of teaching English in the schools as if it were a dead instead of a living language; and we have laid stress on teaching it as if it were a living language. Some headmasters choose books that are too difficult and struggle through twenty or thirty pages a year, and expect the students to learn the language in that way. We have insisted on the students reading a great deal more independently of the *curriculum*, and I have been doing my best to encourage this practice of extra reading. Last year Government gave me a small grant with which to start a library of interesting books—story books, etc., for the boys. I intend to develop these libraries wherever I can. My experience is that where boys are provided with simple and interesting books they will take the trouble to read them, and in that way, in addition to the English of the class-room, they will get a good deal of English practice outside

the class-room. With regard to collegiate education very little has been said. Reference has been made to the Gujarát College being taken over by Government. That is a subject which is still under consideration and therefore it would not do for me further to refer to it. An appeal has been made for a college for the Karnátic. As to this the attitude of Government has always been sympathetic, provided that someone provides a large amount of money. Gujarát has a good college and an hostel and playing fields representing a considerable sum of money, and very handsome donations have been made in Ahmedábád—to the extent of six or eight lákhs—so that in taking over the Gujarát College Government will take over a great deal of valuable property. I am sure that if the people of the Karnátic would put up something of that kind they would find a very sympathetic hearing from Government. But it seems to me—it has always seemed to me—that the first step should be with the people. The only allusion that has been made to technical education was that of the Honourable Mr. FAZULBHOY who regretted that the Victoria Technical Institute was receiving no special grant this year, and he asked for more funds for technical education. The sum of half a lách has been reserved for this institution out of the special grant from the Government of India, but it has not been allocated, because there were no schemes from the College pending with me. The Board has been asked to bring forward a scheme to spend the money; but they found themselves unable to move in the matter until the return of the Chairman from leave in October. This sum has therefore been put down for next year. With reference to the special claims of Mahomedans, we have been reminded of the need of an Anglo-Urdu school in Poona and of an Urdu Training College. With regard to the school it was proposed by me some time ago that the Poona Camp school should be raised to a high school, in which case it would be an Anglo-Urdu school. But the proposal was negatived by Government, because there is already one Government high school in Poona and there are other schools, and Government thought that as long as there were places without schools they had the first claim. When Government called for suggestions for the development of secondary education I put down the matter of the Poona school as one that might be attended to in due course. With regard to the provision of an Urdu Training College, the whole subject has engaged my attention for some time past, and I think the Honourable Moulvie RAFIUDDIN AHMAD will be aware that I am giving a good deal of attention to the subject, and in the near future we may be able to do something in the direction he wants. I might, however, point out that the number of Mahomedans in the training colleges in the Presidency proper is only 74, and supposing they were all willing to come to a central college—which remains to be proved—even then with such a small number of students in a central institution the institution would be rather an expensive one. This is as usual a question of money. I might venture to suggest to the Honourable Members my Mahomedan friends whether they cannot assist in providing the necessary finances. They are very keen on education just now and are collecting funds for it, and I think if funds were forthcoming there is no particular reason why something should not be done to put Urdu education on a firmer footing. This is a very worthy object for Mahomedan gentlemen to consider; and the devotion of money to this purpose, I think, would be doing something that was worth doing. Some people think that it was a mistake ever to start Urdu Schools, but it seems to me that if we do have such schools we should make them as good

as we can. One or two miscellaneous matters were referred to by the JĀGHIRDĀR of ICHALKARANJI. One of these was that those students who do not live with responsible guardians should be compelled either to do so, or to go to recognized boarding houses. Some years ago the Government of India proposed that those who did not live with their parents should live in the hostels of the high schools. But the Government of Bombay said that it was quite impossible to give sufficient hostel accommodation for this. This difficulty still exists, and there is the further difficulty that living in the hostels is more expensive than living in a cheap lodging, and many boys refuse to go into the hostels because they find they can live a little cheaper in the town. The JĀGHIRDĀR of ICHALKARANJI has suggested that private individuals should be encouraged to set up boarding houses. To people from English public schools it seems natural that masters should maintain boarding houses for some of the pupils. But in this country, I understand, there are prejudices against the keeping of establishments of that sort, or there have been in the past though they may be growing weaker now. But there is always the difficulty of transfer. In England the master settles down in one place for a long time; but in this country masters are being continually transferred, and to a certain extent in this country transfers are inevitable and they come in the way of the establishment of such boarding houses. If private residents would undertake to run boarding houses for the boys, which are respectable and cheap, there is much to be said for it. But I cannot say how far people would be forthcoming for that purpose, or whether they would be able to do it and keep down expenses sufficiently to enable the boys to live there. The Honourable Member also referred to the subject of home-work which he says is at present excessive. This is a subject to which I have given attention lately, and there is at home on my table a rough draft of a note to headmasters which I was thinking of issuing on the subject. It is only waiting for more urgent matters to be dealt with before it is finally approved. I think, Your Excellency, I have now dealt with all the educational matters that have been touched upon, at any rate so far as they come within my province.

The Council then adjourned till 12 noon on Wednesday, July 26th.

*By order of His Excellency the Honourable the Governor,*

L. GRAHAM,

Secretary to the Legislative Council.

*Poona, 25th July 1911.*

Journal of the Proceedings of the Legislative Council of the Governor of  
Bombay, assembled under the provisions of the Indian Councils Acts,  
1861 to 1909.

The Council met at Poona on Wednesday, the 26th July 1911, at 12 o'clock noon.

*P R E S E N T :*

- His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.M.G.,  
G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Mr. R. A. LAMB, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. MAHÁDEV BHÁSKAR CHAUBAL, LL.B.
- The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.
- The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Sardár LAKHAMGAUDA BASÁVPBABHU, Sar Desái of Vantmuri.
- The Honourable Mr. JAMES BEGBIE.
- The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL. B.
- The Honourable Mr. GEORGE CARMICHAEL, I. C. S.
- The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
- The Honourable Mr. GEORGE SEYMOUR CURTIS, I. C. S.
- The Honourable Sardár PURUSHOTTAMDAS VIHARIDÁS DESÁI.
- The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
- The Honourable Sardár SYED ALI EL EDROOS.
- The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.
- The Honourable Sardár NARÁYANRÁO GOVIND *alias* BÁBÁ SÁHEB GHORPADE,  
Jághirdár of Ichalkaranji.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable Mr. HERBERT RUFUS GREAVES.
- The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Ámod.
- The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
- The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁV, Ráje of Málegacn.
- The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.
- The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
- The Honourable Mr. J. McNEILL, I. C. S.
- The Honourable Mr. LALUBHAI SÁMALDÁS MEHTA.
- The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. MILLETT.
- The Honourable Sardár Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.
- The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
- The Honourable Sardár CÓOPOOSWÁMY VIZIARUNGUM MOODLIAR.
- The Honourable Dr. TEMULJI BHIKAJI NARIMAN, L.M., F.R.M.S. (London).
- The Honourable Mr. J. P. ORR, I. C. S.
- The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.
- The Honourable Mr. ABDUL HUSEIN ADAMJI PEERBHOY.



The Honourable Mr. IBRAHIM RAHIMTOOLA, C.I.E.  
 The Honourable Mr. MANMOHANDÁS RÁMJI.  
 The Honourable Ráo Bahádúr SHRINIWÁS KONHER RODDA.  
 The Honourable Mr. CHIMANLÁL HARILÁL SETALVAD, LL.B.  
 The Honourable Mr. W. H. SHARP.  
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.

The Honourable Mr. CHIMANLÁL HARILÁL SETALVAD said:—Your Excellency,— I want to associate myself with what has fallen from your Excellency and other members with regard to the loss sustained by the Council by the death of Ráo Bahádúr JOSHI. I also want to join in what has been said regarding the control of racing and the action taken by Government in that behalf. I further agree with what my honourable friend Mr. LALUBHAY has said about the Gujarát College in this Council. I did on many former occasions urge the desirability of the College being taken over by Government. It is now very gratifying to me, and also, I believe, to the people of Gujarát, that the generosity of Sir Chinubháí Mádhavlál has made it possible for Government to take over that College, and I do hope and trust that the same may be accomplished in a very short time.

My honourable friend Dr. TEMULJI NARIMAN yesterday with some heat urged your Excellency's Government not to give a single pie more for the extension of primary education until nurses and midwives had been provided and until the various other medical and sanitary reforms he advocated had been carried out. In doing so my honourable friend sneered at those whom he called educated leaders. I do not know whether he claims himself to be one. He complained that they shouted, but, complaining as he did of their shouting, we found him soon afterwards following that vicious example. For did not my honourable friend shout, and was heard? It is very easy, your Excellency, to indulge in sneering, but it is forgotten that these educated leaders through all these years, through good report and through evil report, and in spite of calumny and abuse, have striven their best in the interests of their country and have succeeded so far in securing reforms and benefits of which advantage has been promptly taken by those who have all these years sneered and are still sneering at them. Your Excellency, I quite join with what fell from my honourable friend Mr. IBRAHIM that it is not possible to introduce sanitary measures to their full advantage unless you first spread primary education among the masses. The Honourable Dr. NARIMAN pleaded for a supply of trained and qualified midwives and trained nurses and for other things, but I maintain that unless you remove the prejudices of the ignorant masses against these sanitary measures their need will not be felt by them and the measures will not produce the desired results. I do not say for a moment that we should neglect other things. They have also to be done side by side with the work of education, but what I say is that it is not a proper thing to ask Government not to do anything further for education until other things are done. You must go all along the line as the funds would permit until the desired end is reached. I earnestly appeal to Government to push on the spread of primary education in this Presidency as has been done in the past. I implore Government to go on steadily increasing schools in this Presidency as we have done in the past.

My honourable friend Mr. SHARP expressed some surprise that on this occasion, unlike previous occasions, not much was said about higher education. My honourable friend forgot for a moment that those of us in this Council who are connected with the University and University education, have been to a certain extent paralysed by the unfortunate position that has arisen in the University—a position in which my honourable friend Mr. SHARP is the central figure, if I may say so, although I quite recognise he is not responsible for the situation that has been created. I confess one could not help extending one's sympathy to my honourable friend Mr. SHARP when the other day he wrote a letter to the Syndicate resigning his position in all the University Committees on the ground that he was embarrassed by what had happened and that he felt that he might be placing his colleagues on the committees in a false position by accepting positions which he thought correct, but which might ultimately be repudiated by Government. I quite sympathise with the position in which my honourable friend finds himself placed. Your Excellency is aware to what I am now referring. Your Excellency knows that about two years ago your Excellency's Government addressed several letters to the Bombay University Senate for reforming their Arts and other curricula. Those letters were considered and debated at meetings of the Senate for a long time and ultimately certain resolutions were arrived at and committees were appointed to give effect to those resolutions and frame detailed schemes in pursuance of those resolutions. One of the resolutions agreed to by the Senate was that English History should be a compulsory subject at the B.A. examination, and that settlement of the question was arrived at with the full concurrence or rather at the suggestion of the Director of Public Instruction—my honourable friend Mr. SHARP—and all the members of the Senate, who were present, unanimously accepted that solution of the difficulty, thinking that, after all, a practical settlement had been reached of a controversy that was raging in the University for a long time. That resolution was passed ten months ago and was duly communicated to Government. After eight or ten months Government have thought fit to write a letter to the University pointing out that in their opinion they do not believe it is desirable to allow English History to be a compulsory subject in the B.A. course and ask the Senate to reverse their decision. Now, your Excellency, I am most ready to recognise that Government in insisting upon the University to adopt their view, are fully convinced of its correctness and consider it to be in the best interest of the University. But may we not claim, on the other hand, your Excellency, that those who take a different view are also actuated by the same motive and the same desire for the best interests of higher education in this Presidency? After all in a matter of this sort your Excellency will recognise there would always be in all countries a very serious difference of opinion. Whether a particular subject is a desirable one or is not to be retained in the curriculum of a certain examination is a matter on which even expert opinions differ widely in all countries, and it must not also be forgotten that the view contrary to that suggested by Government is a view that has been adopted and recognised by the Bombay University for many years, and only eight months back the members of the Senate, both European and Indian, have, after a careful consideration, confirmed that view, *viz.*, that History should be retained as a compulsory subject in the B.A. curriculum. That being so, your Excellency, as I have pointed out, it is after all a matter of opinion. It may be that either view may be correct, and under the circumstances I put it to your Excellency whether it is wise, expedient and statesmanlike to attempt to force the views of Government on the Senate. I daresay my honourable friend Mr. SHARP, supported by the authority of Government at his back, will be able to

carry the views of Government in the Senate by a majority; but I again ask, is it desirable, expedient and statesmanlike to do so? It is not a matter of conscience, of right and wrong; but of opinion as to what is desirable or not desirable in the interest of education. It must be remembered in this connection, your Excellency, that when the new Universities Act was passed, many people including myself and other members of this body repeatedly expressed here and at other places their fears that the University under the new Act would practically be turned into a department of Government. Is it desirable that Government should do anything which would to a very great extent strengthen those apprehensions? The Senate, as it is now constituted, consists of 100 members, of which 80 are directly nominated by Government, only 10 are elected by the registered graduates, and the remaining 10 are elected by Faculties which consist again of those 80 Fellows nominated by Government. Thus, Government has a preponderating voice in constituting the Senate. Having thus constituted that body—a body which consists of experts and specially qualified men—would it not be right and wise to leave to it the decision of educational questions unhampered and untrammelled by any outside views? The Statute gives power to Government in the last resort to approve or disapprove of the action taken by the Senate. They have a right to disapprove of any resolution passed by the Senate; and it cannot be said that Government have always refrained from exercising that power. In the past there have been occasions when the almost unanimous decisions of the Senate have been vetoed by Government. But to go further and while the matter is under discussion before the Senate and when the Senate is considering it from its own point of view, to tell it in advance what the views of Government were is highly undesirable and is calculated to destroy the sense of responsibility in a body like that. I venture to think that having created a body in the manner I have indicated, it must be left to exercise its own judgment on every matter, irrespective of what other bodies think or say. Having done that it is open to Government to deal with the matter under the powers the Act gives them. But I do feel that to force the views of Government in the way they have sought to do and to try to keep the Senate under leading strings is to weaken its sense of responsibility and to deprive it of a free and independent consideration of educational questions. I implore your Excellency to allow the resolution of the Senate to be put into effect now and to wait and see how it works. Nothing would be lost by allowing the new scheme to be tried and to see by experience how it works. Having gained the necessary experience there would be time enough both for Government and the Senate to consider what to do. I have said and say again that I fully recognise that Government are convinced in their mind that what they suggest is the right course. Even, then, is it right to secure that result in the manner in which it is sought to be done? I am afraid it will leave behind a bitterness which will not be conducive to the best interests of the University. I earnestly put it to your Excellency whether in trying to give effect to what your Excellency's Government consider to be in the best interest of education and by forcing that view upon the Senate, they would not be creating a situation that would do more harm than good. After all, it is a matter on which a difference of opinion is possible, and would it not be wise and expedient to allow the matter to proceed in the manner the Senate has already decided and see what the result would be? I do beseech your Excellency to consider this situation anxiously and not ask the Senate to give effect to the views of Government simply because Government think that it is the right course to adopt.

The Honourable Mr. W. L. GRAHAM said:—Your Excellency,—The Honourable Mr. RAHIMTOOLA in his remarks yesterday referred to the matter of racing. In doing so, he drew prominent attention to the cheap rates, and the great facilities afforded by the Railway, in providing Race Specials for the public—enabling many in Bombay to attend the races here, and to return to Bombay on the same evening.

He attributed this to the amount of gambling that goes on and implied that the activity displayed and the facilities thus afforded by the Railway would be better employed in other directions. That gambling goes on on the race-course is undoubted, but, Sir, I am afraid that that is a weakness of human nature, and those addicted to gambling will gamble, if not on a race-course, in other places. But many who attend the races, do not gamble at all, and it must be borne in mind that the races provide a very pleasant outing and holiday at this time of year to many in Bombay, who benefit by the change in coming up here and the Railway by their action confer a great benefit to the public, which is much appreciated. With the spread of races, no doubt abuses have crept in, and the action of Government in concert with the Stewards of the Western India Turf Club, is welcomed by all those who have the truest interest of true sport at heart. To turn to the Budget—it is gratifying to notice that a further substantial sum has again this year been put aside for educational purposes. Evincing the sympathy your Excellency and your Excellency's Government feel for this important matter, I hope that Government may see their way out of this sum materially to increase the salaries of teachers employed and so render their remuneration more commensurate with the great responsibility of their task. I understand that at present there are 100,000 teachers employed in primary education, whose salaries barely average Rs. 8 per month.

With such prospects, it is obviously impossible to draw the men, whom one would wish to see entrusted with the great responsibility of children's education. I attribute the slow progress of the educational movement largely to this fact.

The Honourable Mr. GOKHALE is raising the banner of Compulsory and Free Education throughout India. While I sympathise most cordially with the principles and the patriotism that have prompted him to throw his great eloquence and undoubted ability into this cause, I doubt, if India is ready for so great a step—and I think that Mr. GOKHALE's scheme must for the present remain a goal for the future. Before the adoption of so vast a scheme I hope that Government will first concentrate the funds available in improving the prospects of teachers and the status of schools that already exist and continue the sound and steady progress, which is being made in this Presidency. Another point to which I would beg to draw your Excellency's attention is in respect to the salary of the Senior Physician at St. George's Hospital. I hope this may be materially increased, so as to enable the employment of the most skilled and senior physician available—to devote his whole time solely and exclusively to the great work under his charge. This would be much appreciated by the public, who already are very grateful for your Excellency's action in appointing consulting physicians and surgeons.

The Honourable Mr. IBRAHIM RAHIMTOOLA said:—Will Your Excellency permit me to say a few words of personal explanation in regard to the remarks which fell from the Honourable Mr. GRAHAM? The Honourable Member's criticism of my speech appears to be based upon complete misapprehension. I made two points in connection with the

Race Specials and the special facilities they provide of attending the races at very reduced fares. The first was that in consequence of such facilities Poona and Bombay instead of being two different centres for race meetings, have become a common centre and the consequence was that there were so many as 42 to 45 race meetings in the year at practically the same centre. The second point was that as the Railways now belonged to the State, these special facilities to attend race meetings were construed to mean a direct encouragement by Government to this form of gambling. No objection can possibly be taken to such suitable and fast trains being run by the Railway Company for the purpose of "providing a very pleasant outing and holiday at this time of the year to many in Bombay" and if there was a demand for such a train by the general public I am sure the G. I. P. Railway authorities who have shewn themselves very anxious to meet liberally all the reasonable wishes of the travelling public, would have turned the Race Special into a regular daily train throughout the Poona season. That the Railway authorities in spite of their declared policy to meet the convenience of the travelling public have not thought fit all these years to do so is a complete answer to the criticism of the Honourable Mr. GRAHAM.

The Honourable Sardár Ráo Bahádúr MOTILAL CHUNILÁL said :—Your Excellency,— In the course of his speech, the Honourable Sir PHEROZESHAN MEHTA said which meant that though this Council commands the majority of non-official members it is practically not a representative Council and until all the members or a majority of them are elected by the people, it is not to be expected that Government measures will receive proper opposition. I do not, Sir, quote his words, but merely the pith of what he said. Evidently what Sir PHEROZESHAN MEHTA meant was that nominated members, being dependent upon Government for their nominations, cannot display the independence of character which is so essential in this Council. There were other remarks also, which I think were unnecessary and unwarranted. In doing so he has gratuitously offered little short of an insult to the nominated members. I do not wish to follow in his footpath, and therefore I will refrain myself from comparing the merits and demerits of the elected members with those who have been nominated by Government, as it will introduce a very undesirable controversy. I may, however, invite the attention of this Council to the proceedings of past meetings, which will show that in regard to interpellations, and debates, the nominated members have not shewn less intelligence, and it is also on record that the nominated members have freely voted against Government measures where they conscientiously believed that the proposed measure would affect the interest of the people. It is not desirable to mention how the elections are conducted, but in regard to nominations, I may be permitted to inform this Council that the general opinion is that Government nominations are good, and that they have, in making them, taken into consideration the character and experience of the gentlemen. I will shorten this unpleasant subject by the expression of my regret that the honourable gentleman should have said what was beside the mark.

My friend the Honourable Sardár Dávar KAIKHOSRO has eloquently advocated the cause of the poorly paid Talátis, and, Sir, I beg to support every word which he has said. The Taláti is a very useful and important servant, and his case requires to be favourably considered by your Excellency's Government. Along with the Taláti I will, with your Excellency's permission, urge the claims of the karkuns who receive a salary of Rs. 15

and 20. We all know, Sir, that the prices have risen all round ; that even the unskilled labourer earns as much as Rs. 12 a month, and a carpenter or a bricklayer Rs. 25 to Rs. 35. The educated karkuns on Rs. 15 and 20 are therefore much worse off and the result is that we are not now able to get good recruits. The 15 and 20 rupees places deserve to be transferred to higher grades.

Your Excellency is aware that the salaries of the Presidency Magistrates are much less than those of the Small Cause Court Judges who try and dispose of civil suits of the value of, I am informed, Rs. 700, whereas a Presidency Magistrate has the power to send a respectable man to jail, and deprive him of his freedom and occupation for two years. One does not care if there is a money decree against him, as it does not in the least affect his reputation and character, but a conviction by a Magistrate has a very disastrous effect on the reputation of the family. Formerly the Presidency Magistrates received a pay of Rs. 1,000 and as they have to keep up their position, and remain above corruption, I hope, therefore, that your Excellency's Government will kindly consider their claims for the improvement of their position.

One more suggestion :—The Press Note has informed us that Government have appointed a Committee to revise the school curriculum. The Committee consists of all educational officers, who are subordinate to the Educational Inspector, and therefore not likely to go against the wishes of their superiors. I recognise that the subject being a technical one professional men are more qualified to express an opinion, but would it not be advisable to have one or two retired Educational Officers, or other gentlemen who are competent to offer an opinion from their experience in the Committee? I submit, Sir, that an addition of one or two non-official members will be very welcome.

In conclusion, I join with all the speakers who have preceded me in congratulating your Excellency's Government for the lucid Budget presented to us.

The Honourable the THÁKOR OF AMOD said :—Your Excellency,—I had no mind to speak on this occasion but as the members of the Council get only one opportunity in a year to express their views on general points of public interest, it will be unfair on my part in the interests of the community which I represent if I let go this opportunity without putting forth before your Excellency my views and suggestions.

The first point which I desire to draw Your Excellency's attention to is the provision of education for the Tálukdárs of Gujarát. Gujarát is a large province, and is in no way inferior in the matter of importance to any other part of the Presidency. Besides it is well-known that Gujarát abounds in Thákores, Tálukdárs, etc. These Thákores and Tálukdárs are the descendants of those clans who were once rulers of the Province, but the wheel of fortune by frequent political changes which were the order of the day during the last century reduced them to their present position, and had it not been for the timely intervention of the British authority, they would have been consigned to a condition still worse. The Thákores and Tálukdárs of Gujarát are for ever indebted to the benign British Government for this. Just as the British arms in the last century saved those Tálukdárs from total disappearance in the midst of struggle for political powers, in the same way we expect the British Government to save us socially and financially in the midst of keen economical competition by providing us with means by which we may successfully struggle. I mean the mental equipment of us Tálukdárs. I admit that

Government have done much to improve the condition of Tálukdárs financially by legislation. But allow me, Your Excellency, to say that it is my firm conviction that the condition of Tálukdárs will never be improved only by legislation; because in spite of legislative measures passed from time to time by Government, their condition has not improved to the extent to which Government desire, and if timely steps will not be taken by Government to equip them mentally, they are sure to sink still lower down.

For the inexcusable gross ignorance of the Tálukdárs of Gujarát, I hold Government mainly responsible because for the last 50 years almost all States of the Gujarát Tálukdárs have been at one time or another under Government management, owing to, in some cases, the minority of the Tálukdárs and in others the States being involved in debt.

Government as guardians of the minors are *in loco parentis* bound to educate them. It is fortunate that Government have had under earnest consideration for some time the question of the education of Tálukdárs' children; but with reference to the reply of Government to my interpellation, I ask Your Excellency's indulgence to state that establishment of mere hostels as at Dhandhuka and A'nand is not enough. What is wanted is nothing short of the foundation of a fully equipped Central School where the Kumár could be imparted sound education. When there are so many schools at Godhra, Sádra, Wadhván, Gondal and Rájkot only for the Thákores, Chiefs and Tálukdárs, in a large province like Gujarát there ought to be at least one School for Gujarát Tálukdárs. Gujarát Tálukdárs are not less in importance than the Tálukdárs of Reva Kántha, Mewás and Mahi Kántha, because it is mere geographical accident that Gujarát Tálukdárs are without any political status.

It is satisfactory to be told that it is proposed to provide for the education of Tálukdárs' children in the amendment of the Gujarát Tálukdárs' Act.

This brings me to my second point. This is for the first time that it is officially declared that the Gujarát Tálukdárs' Act is to be amended. I take this opportunity, therefore, of requesting your Excellency's Government to take the party most concerned into their confidence, and hope that they will be consulted before the contemplated measure becomes an accomplished fact; and as many Tálukdárs as possible should be given ample time to express their views and desires on it, because it is to be for their own interest.

Another matter of public importance which I want to bring to Your Excellency's notice is the system of managing estates by the Tálukdári Settlement Officer. It is really scandalous that generations after generations should pass away, and Tálukdárs' Estates should not still be free. One change in the system of management I have to suggest, and it is that a Tálukdár whose estate is under management should be supplied with an annual statement of his account. Such a change will work an incalculable good in Bhágdári States, the Bhágdárs of which will in that case have no occasion for litigation at the termination of the management.

Here I will not forget to point out to Your Excellency one thing: that Revenue collection in the management is not to the satisfaction of Tálukdárs and it is a general complaint throughout the whole lot of petty Tálukdárs that they are often harassed by

low paid servants, such as Talátis, and the voice of Talátis alone is carried out in spite of whatever may be the grievances of the Tálukdárs who are interested in the welfare of the State.

Before I resumé my seat I think it my solemn duty to affirm as emphatically as I can that all the parental measures of Government are bound to fail unless Permanent Revenue Settlement is extended to Tálukdárs' estates in the whole Province of Gujarát, as it obtains to a certain extent in Broach and Bengal, and other places, and unless Government take the unlearned Tálukdárs under their special care and direct supervision.

The Honourable Mr. R. A. LAMB.—Your Excellency,—I labour under the disadvantage of not having been present last year at the discussion known as the Budget discussion, and I listened, therefore, with great attention this year in order to learn the exact extent to which the rules which have been laid down for the discussion of the Budget would be observed by Honourable Members. I understood during the time that these rules were in process of shaping, that the intention of them was that the discussion at this Budget meeting should not be on the old lines of reviewing generally all the branches of Government administration, but should be a discussion of the Budget that was presented. The rules lay down that a general discussion of the Budget in the Council shall take place and that at such discussion any member shall be permitted to offer any observations he may wish to make on the Budget, and finally the Finance Member shall have the right of reply and the discussion shall be closed by the President. In the old Councils each additional member spoke in turn and the replies on the discussion were given not by the Finance Member only but by each member of Your Excellency's Executive Council. Now the duty of replying is thrown solely on the unfortunate Finance Member, and if he wished to reply on all the questions that have been raised in respect of every one of the branches of administration of the Government, it would take him to reply adequately probably a great deal more time than Honourable Members would care to listen to him. Nor is he prepared to answer all these points. I think it is necessary, so far as it lies in him, to restrict himself in his reply to the points which are more closely or directly related to the Budget, and that he should not spend time in discussing subjects at great or at any length which are perhaps not at all related to the Budget, or only very distantly related to it. Many points interesting in themselves have been mentioned in the speeches of Honourable Members, but I think I shall have to ask Your Excellency's permission to pass over many of these, interesting as they are, very lightly. Such questions are those which relate to the Judicial Department where the Honourable Mr. DESÁI and the Honourable Mr. BELVI plead for an additional Civil Court for Gokák and the Honourable Mr. PÁREKH asks for a separate Judicial district in Kaira. These have nothing whatever to do with the Budget. I have no doubt that the member in charge of the Judicial Department will consider them, but as a matter of finance, they are not before us at all. In the Police Department remarks have been made by the Honourable Mr. BELVI and the Honourable Mr. KABANDIKAR on the question of district and village police. I understand the Honourable Mr. BELVI's remarks to refer to some extent to the provision made in this Budget for police administration. To that extent they are relevant to this discussion, but it is not possible now to consider any alteration in the provisions made in respect of the village police which I



understood him to say have been excessively reduced. I can only say that the matter was considered in three departments of Government, the Revenue, the Police and the Finance, and the action taken has been taken in consequence of the unanimous decision arrived at by these three Departments. The question of the number of the village police is interesting in itself but totally apart from the Budget. The Honourable Mr. BELVI's remark that the reduction of the village police had led to insecurity of life and property in the villages in which it had been carried out filled me with astonishment. I have not heard before the suggestion that the measures taken for bringing the number of village police more into accord with the work to be done had reduced in the smallest degree the security of life and property in those villages. Another matter that a good many members have referred to is the question now under treatment by Government, that of betting on race-courses. As this is a matter now under discussion outside this Council and has absolutely nothing to do with the Budget, I pass on to another question. In the Education Department a number of questions have been alluded to, the majority of them having no relation to the Budget, such as the debate in the Bombay University Senate as to the Arts curriculum and the curricula in primary and secondary schools. These have nothing to do with the Budget and have most of them been dealt with by the Honourable Mr. SHARP. It is not, therefore, necessary for me to say anything on these matters. In the Revenue Department the Jāghirdār of Ichalkaranji makes a suggestion in regard to *Wasulbāki Patrahs* in *Inām* villages. If he would like to bring this before Government in the Revenue Department, I have no doubt Government will consider it. Similarly, the Honourable SYED EL EDROOS has referred to the estates of *tālukdārs* under attachment and the Thākor of *Āmod* made several references to the treatment of the *tālukdārs*. These I regard as irrelevant to the present debate and pass them over with the remark that the Revenue Department will certainly give the closest attention to them. The Revenue Department is also interested in the matter raised by the Honourable Mr. BELVI with reference to the keeping of accounts. This matter was also referred to by SARDAR DĀVAR MODI, who objects to the giving of slips instead of the keeping of receipt books. The Honourable SYED EL EDROOS also referred to this. This is a very large question indeed, and it would be quite impossible to treat it adequately without speaking for at least the full half hour which is allotted to the Finance Member. Judging from the Honourable Mr. BELVI's remarks he seems to regard receipts for payment as evidence of title. They have nothing to do with title. The slips of paper given to the revenue-payers are merely receipts for money paid. The record of title is in the record-of-rights and not in the accounts which are kept for the purpose of revenue. This is a matter which will come before the Council more fully at a later date, and, as it does not affect the Budget, I pass over it with these remarks. In the Finance Department, I think there was only one question, namely, that which was raised by the Honourable Mr. RAHIMTOOLA with regard to holidays. This question is dealt with by the Department, and is reported on to Government every year by a Committee appointed by Government. The only restriction on the Committee is that the number of holidays should not exceed 26, because we take it that an average of one holiday per fortnight is sufficient. It only remains for the Committee to distribute them among the various claimants after which Government consider their recommendations and pass their final decision upon them. All these matters that I have so far mentioned are points that are not particularly connected

with the Budget. What is more closely connected with the Budget is the question of *Tagáí*, and the reference to it is pertinent in so far as it affects the finance of this Government. The Jáchirdár of Ichalkaranji made remarks regarding the extension of granting Government loans to cultivators in *Inám* villages. This is a question which has engaged the attention of successive Secretaries and Members in the Revenue Department since the famine of 1899-1900; but so far it has been found impossible to find means that are acceptable both to the *Inámdárs* and to Government. The papers were before me not very long ago, and we are still trying to see if we can find some method of giving assistance to the cultivators in *Inám* villages, which will be acceptable to them and to their superior holders and at the same time afford adequate security to Government for its loans. If the Jáchirdár of Ichalkaranji or any other Honourable Member can give us a practicable method of treating this we shall be very pleased to consider it. The next matter to which Honourable Members have referred is the provision made for the Agricultural Department. I think I have already stated on a previous occasion that we regard it as desirable to provide in the budget of that Department all that it can possibly spend, but we do not regard it as necessary to press on it more than the Department is able to spend. It cannot spend more than its present staff and resources enable it to get through in the year. The Department is now undergoing rapid development, and we are prepared to provide for it as it progresses. Even now there are under consideration proposals for increasing the staff. We have now in the service fully trained and properly equipped graduates and they are keen and interested in their work; but they want more guidance, more impetus as to what they shall do, than they are at present receiving. The spheres of duty of Deputy Directors are too large and we are, therefore, contemplating enlarging the staff either in the shape of Assistant Directors or Deputy Directors, probably Deputy Directors, who will be provincial men. That is, however, for the future. I mention it because comment has been made on the agricultural estimates, and I should like to assure the Honourable Members that we shall go on providing for the needs of the Department as it extends. Another subject is the provision in the Budget for the remuneration of village accountants—the stipendiary or *taláti*, the hereditary or *kulkarni*. As regards the *taláti*, the answer to the question on the subject, which is printed on page 22, indicates that Government have done as much as they intend to do to improve the pay and prospects of *taláti*s. I must ask the Honourable Sardár MODI and the Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL to take that answer as for the present the decision of Government. In respect to the hereditary accountants or *kulkarni*s, that question has been engaging attention, I may say, for a good many years now. The difficulty is that if you take the total amount of remuneration paid to all *kulkarni*s in the Presidency—almost entirely in the Central Division and in some parts of the Southern Division—you will find that it is a good deal more than we ought to pay for the work done. Perhaps, if you have not examined the figures, that may sound startling. But it is the fact that it bears a greater proportion to the work which they do and the revenue which they collect than it ought to do. The difficulty is that the number of men is too great. Under the *Watan* system we are bound to recognise *Watanárs*—we are bound under the *Watan* Act—and the result is that we employ a larger number of men than we ought to do, and they are not so well distributed as they ought to be. Therefore, to increase the emoluments of *kulkarni*s it would be necessary to decrease their number. And that would be difficult, because the *Watan* Act stands in the way. Another difficulty is the extent to which has sprung up the system of representative *Watanárs* not serving

themselves but appointing deputies. A representative *Watandár*, if he has brains, seeks employment elsewhere, appoints a deputy, and demands from the deputy "*swamitwa*" as recognition of his right as representative *Watandár*. Therefore, the *kulkarni* gets less remuneration than the Government pay, receiving only so much as the representative *Watandár* chooses to give him. It would be absurd for Government to increase the pay of the village *kulkarni*, for he would only have to pay an enlarged amount to the representative *Watandár*. Until we can find means for removing these difficulties and remedying this state of things, it will be quite impossible for Government to increase the pay of the *Watandár*. When we have succeeded in devising some means, if we can devise them, we shall be very glad indeed to improve the remuneration of *kulkarnis*; but as long as the difficulties I have mentioned stand in the way, it is impossible to make provision for the improvement of the position of *Watandár* village accountants. Somewhat similar matters were referred to in the comments made by various Honourable Members who indicated that they thought that the provision made for the expenditure of certain items was not being expended to the best advantage. Dr. TEMULJI NARIMAN complained that what we paid for the Nagpada Lunatic Asylum was not obtaining the best results. The Surgeon-General is here and will doubtless give those remarks the attention which they require. The Honourable Mr. KARANDIKAR referred to the building of a bridge at Mawli, which he seemed to fear was in danger of being washed away each year. There is no Public Works Department Member present but I will inquire what the facts are. Then, I understood the Honourable Mr. GARUD to complain that the Public Works Department establishment charges on the district local board in one of the Khandesh districts very nearly approach the total cost of the establishment in the district. If that is so, it would appear that the percentage of charge for establishment is higher than it should be. That also I will ask the Public Works Department to examine. I have noted only one other point amongst those that Honourable Members have mentioned which calls for comment with regard to the receipt side of the Budget. I understood the Honourable Mr. KARANDIKAR to express a fear that the increase in the land-revenue was being secured by wholesale arrests of persons from whom land-revenue was due. The general increase of land-revenue was fully explained in the speech I made in this Council in presenting the revised Financial Statement. I then intimated, if I remember rightly, that the actual growth of land-revenue is concealed to some extent by the operation of suspensions and remissions, and that we showed a big revenue by the fact that revenue suspended from the previous year had come in for collection in the year of this Budget. So far as it is necessary to use compulsory process to bring in arrears by means of the arrest of contumacious persons, it is true that arrest leads to increase of land-revenue receipts. But I have been recently reading the reports of the districts, particularly of the Central Division, and it appears that the habit has sprung up of deferring payment continually *ad libitum* in the hope that the revenue will be eventually suspended or remitted, if payment is deferred long enough. Difficulty has been found in bringing home to the minds of revenue payers—the ryot or cultivating class, the landlord or capitalist class, and even the village officers themselves—that when crops are adequate for the payment not only of the year's revenue but of portions of suspended revenue they have got to pay it and that it will not be allowed to stand over for further suspension and ultimate remission. In the course of bringing it home to their minds it has been the case in some districts that contumacy was extreme and arrest has been resorted to. Probably Inámdárs

were pleased with this, because an exactly similar course has been taken to recover arrears in Inám villages. I understood the Honourable Mr. KARANDIKAR to suggest that arrest should be abolished. I am not prepared to agree with that opinion. I think it is a useful thing to hold in reserve for use in the last resort. On the expenditure side the Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY referred to the provision made for expenditure on the Royal Visit. I had put down a note on the subject for my opening speech, but I struck it out because it is not possible to make any definite statement on the subject today. Estimates have been prepared and submitted to the Government of India, but it is not possible at the present time to say to what extent these estimates will be adopted finally, or will be shared between Provincial and Imperial revenues. Therefore it is not possible at present to say whether the five lákhs will be exceeded to some extent or a large extent or not at all. But at any rate, the provision of what is necessary will be made and the amount required will be met from appropriations, from savings under other heads, or, if necessary, and with the sanction of the Government of India, from balances. There remains one matter relating to general finance, namely, the Honourable Mr. MANMOHANDÁS RÁMJI'S remarks with reference to the ratio of expenditure and income. The Honourable Member sets out the proposition that whatever may be the revenue, the expenditure manages to rise in a greater proportion than the income. In support of this proposition he adduces four principal heads of expenditure—and I may say at once that I do not feel ready to accept the method adopted. It seems to me to be misleading to select just one year here and then at an interval another year and to compare those two years. As has been indicated in the reply to the question of the Honourable Mr. LALUBHAI SAMALDAS on the subject of opium consumption, the only true method is to go through a series of years, year by year. It is laborious and takes time, but it gives results which you can rely upon and regard as fairly accurate. To take a year here and another year there does not give results that you can rely upon at all. Also I think that in the particular method the Honourable Member adopted he fails to prove his case. He says whatever may be the revenue, the expenditure manages to rise in a greater degree. One of the heads he takes is Land-Revenue. There, there is an increase of 29 per cent. in revenue and 30 per cent. in expenditure, practically equal. And in the collection charges he has included more than actual collecting charges. He has included the money that we pay on land survey and land records which have nothing to do with collection. I think that in comparing the growth of revenue with that of cost of collection the increase in the cost of collecting ought not to include figures of allied departments, which have nothing to do with the collection of the revenue. In stamps he admits that the ratio is in favour of revenue. Again under forests the income has risen by 245 per cent. and the expenditure by 241. The fourth head, Excise Revenue, is the only one that shows a proportional rise in expenditure which considerably exceeds the proportion of the rise in income. To compare the proportional rises in income and expenditure is not a fair way of examining the increase in expenditure. The fair way is to compare the percentage of expenditure on income in the earlier year with the same percentage in the later year. Thus if we take the figures for 1900 the percentage of expenditure on revenue is 3 only; in the later year it is 5. This rise from 3 per cent. to 5 per cent. in the course of several years cannot, I think, be regarded as excessive, when we consider that the Excise Department does not devote itself solely to the raising of revenue. I am perfectly well aware that it is said that we do employ it solely and exclusively for the purpose of raising revenue.

But I must repeat that this is not the case. We employ the Excise Department for restricting consumption, for the purpose of restricting illicit consumption by all possible means absolutely—and illicit consumption is by no means a negligible quantity—and we also employ it for restricting licit consumption and in not allowing it to run too high. As we employ it, therefore, in services additional to the getting in of revenue, we should not charge the whole of the cost to the cost of collecting revenue. As regards the Forest Department, I made some remarks when presenting the revised Financial Statement in this Council last cold weather. I intimated that this Department was bound to expend a good deal of money for future returns on its undeveloped areas, which it is its duty to develop. The percentage of cost on income has since the introduction of the Settlement of 1904-05, been reduced from about 71 per cent. to the present figure of 64 per cent. Finally, the Honourable Mr. MANMOHANDÁS RÁMJI refers to the sinking of wells for irrigation as an object on which Government should spend money. I am afraid the Irrigation Department would not be prepared to dig wells in scattered places all over the country. But we are able to encourage the cultivator himself to construct wells. We are giving him *tagdí* on security and, if he is a poor man, we give him a free grant and we employ men to show them how to find the water. There is a series of "jumper" experiments going on on the plan popularised by the Honourable Mr. ORR, and the Agricultural Department employ an expert staff with an apparatus for boring and finding water. We are already experimenting with a patent water finder which is expected to pass over the surface of the ground and indicate where water is to be found. The Honourable Mr. MANMOHANDÁS seems to think that it would pay us very well if we took this work into our own hands, but it does not seem to me that his figures bear this out. Since 1889 the number of wells has increased from 126,629 to 156,627; but in the same period the number of acres irrigated from them fell from 519,846 to 504,768. These figures show that with an increase in the number of wells there was a marked decrease in the irrigated area. Therefore, as an investment of Government funds, the proposal does not commend itself to me, and I do not think the Irrigation Department will be able to accede to it. These are all the points I have noted as calling for remarks from me. In conclusion I should like to say that I do not regard this Council as a place for self-laudation, but I think that Honourable Members are fully justified in expressing the satisfaction they feel at a Budget having been approved by the Government of India which is satisfactory to them. The Budget is now developed and brought into its final state by the co-operation of the Honourable Members of the Legislative Council with the Executive Members of your Excellency's Government, and I think that when, working together, we are able to get through the approval of the Government of India a Budget that is satisfactory to the majority of us, we are entitled to say "Well done!"

His Excellency the PRESIDENT, in closing the Budget debate, said:—I will not detain this Council long, but there are a few points that have arisen in the course of the discussion to which I wish to refer. The Honourable Mr. FAZULBOY referred to the Victoria Jubilee Technical Institute and expressed the hope that the Government would not neglect its needs. I can assure him that this question is under consideration and that, as I have said elsewhere, we are most anxious to do more for technical education than at present, but for that as for much else we depend on the monsoon. He also mentioned the contemplated improvement of north and south communication,

which is an essential need of the City of Bombay. This most important question is not ripe for the consideration of the Government, but I can assure him that, whatever is decided, the greatest care will be taken to minimise hardship and to prevent any large displacement of population. I was glad to note that the Honourable Dr. NARIMAN appreciated the valuable investigations into malaria in Bombay Island which have been carried out by Dr. Bentley. There can be no doubt that this scourge could be eradicated at moderate expenditure now that we have the necessary knowledge. Government cannot do more than we have promised, but we are sure that the Municipal Corporation will now take up this important matter in earnest and that before long we shall see a great improvement in the health of the City from the removal of the sources of infection. As regards the proposed Pasteur Institute, we must wait till we know whether the new serum can be safely used. If that proves to be the case, we shall be spared the expense of starting an Institute at Parel. If not, I have no doubt that we shall be able to arrange for the treatment to be carried on and I fully agree with Dr. NARIMAN that it is much needed in the interests of the poor.

The Honourable Mr. SHARP has lucidly explained the reasons which have led up to permitting a longer period of teaching in the vernacular. I may add that the advantages of the proposed change have been frequently pressed upon me from many quarters ever since I came to the Presidency. Our object is to facilitate teaching and at the same time to quicken the acquisition of English. Our decision rests upon practical experience and I hope that the Honourable Mr. LALUBHAI SAMALDAS will trust us, as I am glad to know that the Honourable Mr. BELVI does. If the new regulations fail in their objects, it will be easy to alter them. The Honourable Mr. GOKULDAS and the Honourable Mr. SETALVAD referred to the question of the Gujarát College and I wish to assure them that the Government adhere to the decision I have already announced. Delay has arisen in what might be called "another place" but I am in hopes that it may be overcome before long, and that we may be able to avail ourselves of the splendid munificence of Sir Chinubhai Madhavlal to the fullest extent for the advancement of higher education in Gujarát. I can assure the Honourable Mr. RODDA that Government warmly sympathise with the scheme for a college for the Southern Division; for us it is only a question of ways and means, and in face of the needs of primary education we cannot now undertake large expenditure of this nature. We must wait and see what private enterprise can provide, and I cordially wish success to the efforts of the Honourable Member and his friends.

It requires a great deal of education to induce the people to believe that fresh air is a good thing and that the contamination of water is a great danger. Highly educated people are not always willing to remove the sources of malarial infection for which they are responsible. We must not allow ourselves to believe that education is a panacea for all human ills because experience plainly shows that this is not the case. While, therefore, I agree with the Honourable Mr. SETALVAD that Government should continue to extend education as rapidly as our means permit, we should not neglect sanitary measures and I agree with the Honourable Dr. NARIMAN that in bringing medical aid to the relief of the people we have still much to accomplish.

The Honourable Mr. SETALVAD, in very temperate language, has brought before this Council the vexed question of the University curriculum. As the Honourable

Mr. LAMB has said I think it is irrelevant to this discussion, but I will make a few short remarks upon the question because I know it is one which is exciting great public interest. I do not think the Honourable Mr. SETALVAD has quite represented the situation as it is. It would have been useless for us to express any opinion until such time as the reports of the Committees came up for consideration by the Senate, and it would have been unfair, or so it seems to me, to intervene at a later period without giving any previous elucidation of our views. I do think that, if we had taken that course, we should have laid ourselves open to much more violent attacks than those we are experiencing. What has been the motive of the Government action at this stage? Simply and solely to secure adequate discussion of an important matter which had never been thrashed out in the Senate. Think how important the change is. It means multiplying by four and a half times the value of this particular subject in the obligatory courses; surely a change of that importance deserves long, full and complete debate. The Honourable Member laid great stress on Government's power of the nomination of members of the Senate. I hope I need not assure him that Government never nominate members because they are people on whose votes we can trust, but we seek to nominate men who show that they are in touch with education and are likely to bring to bear upon it sane and sound judgment. We wish at the present time that every member of the Senate shall vote according to his conscience. If I were a member of the Senate—and I have been a member of a Senate—I really do not think I should have taken the view which Mr. SETALVAD has expressed. I should have preferred that Government should have frankly at this stage given an explanation of their views, and given their reasons for them rather than come in at the end with authority to intervene by executive order.

The Honourable Mr. GRAHAM raised the question of the salary of the Chief Physician of St. George's Hospital. I have pleasure in informing him that some time ago Government obtained the sanction of the Government of India to increase the salary on condition that no private practice be taken by the Chief Physician, and when a vacancy occurs these new conditions will be observed.

Government being very human we do appreciate the congratulations of Honourable Members on the efforts we are making for the public welfare. Such congratulations are an encouragement to us at a time when we have to face detraction from many quarters; but they are not in the least likely to make us believe that our measures are perfect. When, therefore, the Honourable Sir PHEROZESHAN MEHTA announced that he was about to show us the spots that mar the light which we endeavour to shed, I hoped that we should learn something that would be profitable and I was disappointed to find that he omitted to say anything on this subject. Instead he developed an attack on the opinions of a late and a present member of this Council and on my own. I confess I fail to understand his views, or to reconcile his contradictions. He seems to have forgotten that the taxation of India is in the hands of a Council which has an official majority, and which can never be in nearly such close touch with public opinion and public needs in this Presidency as is this Council, and on which Bombay can only be slenderly represented. On calm reflection it may occur to him that his security against any taxation, of which he might disapprove, would be vastly increased if the power of imposing it rested with this Council, and that what he calls a "dangerous proposal", would be much more nearly in accordance with the principles which he expounded than the present arrangements. I am, however, not greatly concerned with a question, which at

the present time is not before us in any way. What I regret is that the Honourable Member should have introduced into this Council the expressions "Government member" and "anti-Government member". I have never heard them before and I hope never to hear them again. It is my belief that Honourable Members, whether elected or nominated, come to the Council with an open mind prepared to discuss all questions on their merits and to vote according to their conscience when the *pros* and *cons* have been explained. I trust that it may never again be suggested that factions might prevail in our councils.

I am very sorry that the Honourable Member had not time to complete his speech, but I must remind him that he was aware that a limit of twenty minutes had been imposed, that this limit is more generous than that which was observed on the last occasion, and that from the beginning to the end of his speech he never touched upon the subject before the Council which was the Budget for the current year. Now that the Honourable Members have full powers of submitting resolutions on matters of public interest, I think it is necessary that the discussion of the Budget should in future be confined to its legitimate object, and such matters as the representation of Mahomedans on municipalities, the restriction of gambling on race-courses and Mahomedan holidays, though of great importance, ought not to be introduced on occasions like this. In conclusion I have only to say that I regard this annual general discussion as valuable to Government and to the public. We are always glad to know the views of Honourable Members and to meet them as far as lies within our power. We welcome criticism of our actions and we are glad of the opportunities of removing misunderstandings. Our anxieties arising from the break in the monsoon are shared by every honourable member of this Council. We are at one in the earnest desire that this year, in which we are to have the honour of receiving Their Majesties the King-Emperor and the Queen-Empress, may bring bountiful prosperity to the people of India. We may still cherish that hope, but if—which may God avert—we find ourselves faced with scarcity, I wish to assure this Council that Government were never better prepared to meet it than we now are and that we would take the promptest action to mitigate distress.

**BILL No. III of 1911 (A BILL FURTHER TO AMEND THE  
BOMBAY CIVIL COURTS ACT, 1869).**

The Honourable Mr. M. B. CHAUBAL:—Your Excellency,—In respect of the next item on the list, namely, a Bill further to amend the Bombay Civil Courts Act, 1869, I have to request the permission of Your Excellency to move for leave to withdraw it. The reasons which lead me to make this request are that since the introduction of this Bill by its publication in the *Bombay Government Gazette* a very slight change in another section of the Act has been found to be desirable and necessary. The present Bill is not a matter of such extreme urgency that it needs be passed at this Council, and that a separate and independent Bill consisting only of a change in one word in another section should be brought up at another meeting. We cannot incorporate this change in this Bill on account of want of necessary sanction of the Government of India who will be

Withdrawal of a Bill further to amend the Bombay Civil Courts Act, 1869.



approached on that point for according their requisite sanction. I therefore propose that the desired alteration in the other section should be incorporated in this Bill and the Bill so amended may be introduced at the next meeting, by which time the Government of India's sanction will have been received. In this way we may not have to deal with two separate Bills on the same subject. It is for these reasons that I request Your Excellency that permission may be given to me to withdraw the Bill.

The leave was granted.

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**BILL No. IV of 1911 (A BILL TO AMEND THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879, AND THE BOMBAY REPEALING AND AMENDING ACT, 1910).**

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency,—I have to request that Your Excellency will be pleased under Rule 45 of the Rules for the conduct of business at meetings of the Legislative Council to suspend Rule 32 to enable me to move for the first reading of the Bill to amend the Dekkhan Agriculturists' Relief Act, 1879, and the Bombay Repealing and Amending Act, 1910.

Rule 32 requires that the motion that a Bill shall be read for the first time shall not be moved before the expiration of 18 clear days from the date of introduction of the Bill or before the expiration of 18 clear days from the date of despatch to each member of a copy of the Bill with the Statement of Objects and Reasons. The present Bill was introduced by publication in the *Bombay Government Gazette* on the 14th July, and copies were sent to the Honourable Members on the 15th July; so that Honourable Members have had only ten days' notice.

There is no new question of principle involved in the Bill. The desirability of exempting the transactions between Credit Societies registered under the Act and the members comprising them has been recognized since 1906, and partial effect has already been given to this desire in the Bombay Repealing and Amending Act of 1910. A resolution that Co-operative Credit Societies should be exempted entirely from the provisions of the Dekkhan Agriculturists' Relief Act was passed in the Provincial Co-operative Conference held in Poona in September 1910 and the report of a committee of three of its prominent members appointed to draw up a memorandum as to the difficulties experienced by the Co-operative Credit Societies in the present legal procedure for the recovery of their debts and as to the remedies they would suggest to minimise those difficulties which was submitted at this year's Conference emphasises the necessity for the exemption; and questions asked by an Honourable Member today shew the urgency of the measure: as also the fact that the operations of Sir Vithaldas Thackersey's Central Bank will probably begin very soon. The Bill practically consists only of one sentence "that the Dekkhan Agriculturists' Relief Act except sections 2 and 21 shall not apply to Co-operative Credit Societies" and in effect was amply discussed at the last Conference. Honourable Members have had 10 days to study the Bill, which ought to be sufficient, looking to its scope and shortness, and there are precedents of Bills of this kind (the Tramways Amendment Bill, 1907, and the Bombay Repealing and Amending Bill, 1909) having been moved for the first reading with an interval of only four or five days between the introduction and the first reading.

These, it is hoped, Your Excellency will consider to be sufficient reasons within the meaning of Rule 45 for the suspension of Rule 32 in respect of this particular legislative measure.

His Excellency the PRESIDENT:—I suspend the operation of Rule 32 for the reasons which have been stated. At the same time this need not be taken as a precedent that legislation will be hurried through this Council. This is a particularly simple Bill. It is a Bill which everybody can understand, and there are urgent reasons for making progress when it comes to the starting of the Bank which Sir Vithaldas Thackersey and Mr. Lalubhai Samaldas are promoting. On that ground, and because there is ample time both here and at Bombay for the ample discussion of the measure, I suspend the rule in question.

The Honourable Mr. CHAUBAL said:—Your Excellency,—I now request permission to move for the first reading of the Bill to amend the Dekkhan 'Agriculturists' Relief Act, 1879, and the Bombay Repealing and Amending Act, 1910. The object of this Bill as stated in the Statement of Objects and Reasons is to exempt Co-operative Credit Societies registered under the Act of 1904 from the disabilities imposed upon creditors of agriculturists by the Relief Act of 1879. The Dekkhan Agriculturists' Relief Act was originally passed in the interest of agriculturist debtors to relieve them from indebtedness which was in a great measure due to the unsatisfactory nature of the relations subsisting between them and the money-lending classes. The whole procedure of the Act is therefore based on the assumption that the parties were not dealing on equal terms and that unscrupulous money-lenders took undue advantage of the ignorance and necessities of agriculturists.

The Act, therefore, provides safeguards against money-lenders committing frauds in their accounts and forcing upon them liability for much larger amounts than were justly due from them. Under the provisions of the Act the history of transactions has to be investigated from the commencement for the purpose of ascertaining the real and original amount advanced—agreements for payment of exorbitant interest have to be set aside—accounts have to be taken in the special mode prescribed, and the execution and registration of documents is prescribed in a mode which would so far as possible leave no scope for the creditor to take undue advantage of the debtor's illiteracy and necessities. Special facilities are given by the Act by making provision for conciliation and Courts of village munsiffs to enable parties to get justice at a reasonable cost, and for saving the persons of agriculturists from arrest, and their immoveable property from attachment and sale unless specifically pledged. Now Co-operative Credit Societies have been started, and one of the principal objects aimed at among others by these is also to free cultivators from their old debts with usurious interest; they are thus bodies working in the best interests of the cultivating classes themselves. In its main object therefore the institution of these societies aims at the same end as the Agriculturists' Relief Act, and the two measures of legislation ought to work without friction. The societies were started not as rival bodies—competing with the ordinary money-lenders—but in the hope that they might be induced to invest their capital or part of it with these societies. But in the actual working of these bodies it has been found that the strict procedure and machinery of the Dekkhan Agriculturists' Relief Act unnecessarily impedes the success of these bodies, and deters local capitalists from investing their capital in these societies.

It must be clear to every reasonable person that transactions which are entered into by these registered societies with their members under bye-laws which have to be approved by a responsible Government officer (the Registrar) need not be subjected to all the jealous scrutiny of the Dekkhan Agriculturists' Relief Act. There is always a guarantee that the interest charged by them on their transactions with their members will not be unreasonable or exorbitant. While therefore on the one hand agriculturists did not require to be protected from the registered societies, on the other hand the registered societies were fairly entitled to every assistance in the recovery of its just dues from fraudulent defaulters.

This principle has already been recognised in the Bombay Amending and Repealing Act of 1910, whereby registered Co-operative Credit Societies have been exempted from the provisions relating to conciliation and from the necessity of executing before a Village Registrar instruments to which they were parties. The same principle is now intended to be extended by exempting all transactions between these societies and their members from all the provisions of the Dekkhan Agriculturists' Relief Act, except the beneficent provision of section 22 which prevents agriculturists from being arrested and imprisoned in the execution of money decrees against them. In considering the effects of removing the present restrictions in the execution of decrees on the condition of agriculturists, it should be noted that like the ordinary money-lender the society has no interest in taking the land of the member for itself. It can only re-let it to some other cultivator who will regularly pay the amount agreed upon, retain his instalment and give the balance to the debtor for his maintenance. The bye-laws framed show that there cannot be any scope for the suggestion of any grasping or inequitable features in these transactions, and the removal of the disabilities and restrictions at present imposed by the Dekkhan Act will, it is expected, only conduce to the healthy and vigorous development of rural societies, at the same time that it will serve to assist the process of building up a free and independent peasantry.

The Bill is short and its provisions so non-contentious that if the motion for the first reading of it is carried I trust the Council will agree with me in thinking that it is not necessary to refer it to a Select Committee.

I now move that the Bill be read a first time.

The Honourable Mr. GARUD said :—Your Excellency,—I beg to support this Bill. The reasons which have now induced Government to bring this measure before the Council have been already explained by the Honourable Mover. Recently there have been one or two decisions in the Civil Courts by which the interest accruing after the passing of the decree has been disallowed. But now when this Act comes into force all these disabilities will disappear and the only obstacle in the way of the co-operative societies, namely, the difficulty of obtaining capital from the *sávkárs*, will no longer exist. This is obvious, because if the same disabilities which affect the *sávkárs* are applied to co-operative societies, the *sávkárs* will not be tempted to put their money into the hands of the societies, for they see that practically no better security is offered in the case of the societies than in their own and therefore there is no guarantee that the societies would be worked satisfactorily. With these remarks I beg to support the first reading of the Bill.

The Honourable Mr. KARANDIKAR :—I welcome this Bill on additional grounds. I think it would be an incentive to other money-lenders to start such societies; and in the event of the Co-operative Societies' Act coming into operation these money-lenders will

find themselves in the same position as the co-operative credit societies. It will further bring home to them the knowledge that Government is willing to help those whose transactions are straightforward. I hope the spirit of this Bill will not be limited to the co-operative credit societies. I trust that if any other individual, be he a member of the co-operative board or not, walks in the footsteps of the credit societies, keeps his accounts open for inspection, and is helpful to agriculturists generally, Government will help him.

The Honourable the SAE DESAI of Vantmuri:—I think unless the Society is compelled to charge a fixed rate of interest it would be practically useless to extend to them this exemption. I wish to know whether any rate of interest has been fixed.

The Honourable Mr. CHAUBAL:—This will be done under the bye-laws.

The Honourable Ráo Bahádur RODDA:—This Bill will confer a great benefit on the promoters of co-operative credit societies inasmuch as it will enable them to recover their debts without much delay and to make as much use of their capital as they can. The Bill is therefore to be welcomed and should be passed as early as possible.

The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILÁL:—This is an important measure. At present considerable delay is caused to co-operative credit societies in recovering their loans. As in the case of other creditors they also have to obtain the conciliator's certificate before filing suits, and their other misfortune is that since the Agriculturists' Relief Act applies to them also they are obliged to accept instalments from their debtors. Under the Bill when it is passed they will recover the money. For these reasons I support the Bill and hope it will be passed as soon as possible.

Bill read a first time.

The motion to read the Bill a first time was then put to the vote and carried.

His Excellency the PRESIDENT:—If any Honourable Member wishes that the Bill be referred to a Select Committee, it shall be done.

The Honourable Mr. SETALVAD:—Your Excellency,—I venture to submit that as a matter of principle the Bill should be referred to a Select Committee. Past experience has shown that when Bills looking innocent and small come to be scrutinized closely in the Select Committee—which is not possible in a large Council like this—such scrutiny some times leads to suggestions which prove very valuable. We have experience of the Karáchi Port Trust Act, which we were asked to pass at one sitting of the Council; but when it was referred to a Select Committee and was subjected to a close scrutiny various suggestions cropped up and were adopted. Your Excellency will remember that so far as the public are concerned they have no notice that the Bill would be passed at this meeting, so that any representation they have to make may be made at the first reading. Under the circumstances I submit we should adhere to the general practice of referring the Bill to a Select Committee. (It need not necessarily involve undue delay. (In my opinion it is always desirable, unless there is a very great urgency, which is not here, to follow the ordinary procedure.)

His Excellency the PRESIDENT:—In deference to the wish of the Honourable Member, a Select Committee will be proposed, but I may say that it has never been proposed to carry the Bill through at this session, and there would have been ample time to discuss it between now and the next meeting.

The Honourable Mr. SETALVAD:—Still, as I have pointed out, it is not possible in a large body like this to scrutinize a measure so well as in the Select Committee.

The Honourable Mr. CHAUBAL:—I propose that the Bill be referred to a Select Committee consisting of the Mover, the Honourable the Jágírdár of ICHALKARANJI, the Honourable Mr. SETALVAD, the Honourable Mr. LALUBHAI SAMALDAS, the Honourable Mr. McNEILL, and the Honourable Mr. GARUD, with instructions to report within a month.

Bill referred to a Select Committee.

The motion was agreed to.

#### DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY moved:—That the Governor in Council may be pleased to enforce existing legislation, if any, and to introduce such further legislation as may be necessary for restricting the slaughter of cattle, for purposes other than that of human consumption, *i. e.*, for trade purposes, such as for extracting fat, hides, bones and horns.

The Honourable Mr. PEERBHOY said:—Your Excellency,—It is not necessary to take up much time in support of the resolution I have just moved. I would respectfully ask Honourable Members to remember that the proposed resolution does not suggest interference in the slightest degree with the killing of cattle required for human consumption. What I wish to recommend to Government is to check indiscriminate slaughter of cattle for other trade purposes.

It is perhaps superfluous in a country like this to urge the necessity for the preservation of cattle. Government, I am sure, recognise the necessity for the encouragement of the breeding of cattle and they do help in this matter in every way they can. If it is desirable to increase the number of cattle in this way, much more is it desirable to prevent the wilful destruction of such animals. We are all aware of the praiseworthy efforts made by Government to prevent the extinction of cattle in time of famine or scarcity. The more cattle we have for agricultural and other purposes the better for the country. This being so, I submit that it behoves the Government to place restrictions on the slaughter of cattle except for purposes of food or prevention of disease.

That cattle are slaughtered for other purposes in large numbers is a fact well known to many of us. For the information of those who do not know, I may say that thousands of cattle are slaughtered every year in this Presidency, and nearly  $\frac{1}{2}$  crore of animals are killed in the whole of India for trade purposes, such as for hides, fat, bones, etc.

For instance, in one place alone, scarcely 10 miles from Bombay, more than 4 to 5 thousand cattle are slaughtered every year, not for human consumption but simply for trade purposes, that is, to secure the hides, fat, bones, and horns, and meat for export.

The slaughter of animals for the purposes I have mentioned is being carried on systematically every day and can be seen by any Honourable Member, if he so wishes.

Most of these animals are quite healthy, some young and practically sound for all purposes, and I might add that I do not think that five per cent. of them can be said to

be fit for destruction. Many of them are milch cattle and well worth preserving for breeding purposes, while the male cattle are quite fit to work in the fields or in many other ways for years.

Of the materials that could be got from these animals, bones and horns do not find a market for industrial purposes either in this Presidency or in any other part of India, so they are exported to foreign countries, and thus the benefit to this country is very little. Fat is mostly used for sizing in the weaving of cloth and for lubricating machines, and is mixed with vegetable and other mineral oil. There is no particular necessity to use fat for any of these purposes; and indeed it would be an advantage if less fat could be had for mixing with ghee. It is also used for some other purposes scarcely worth mentioning.

It is for the hides especially that so many animals are killed and the market for this article is controlled chiefly by the American and German exporters. Very few hides of these slaughtered cattle are used for industrial purposes in this country.

There are only three Leather Factories in India and one of these is in Bombay. There are also some small Tanneries. The hides of animals that die or are slaughtered for human consumption are more than ample for the requirements of these Factories and Tanneries and by discontinuing the slaughtering of animals for trade purposes, the leather industry will not be injured.

In fact, the total requirements of all these factories and tanneries do not amount to more than one-tenth of the total number of animals slaughtered for human consumption or dying from old age or disease.

Most of the Tanneries in India work with 70 to 80 per cent. of hides of dead animals and a small percentage of hides of slaughtered animals. After these hides are tanned, a small percentage is employed in India for various purposes and the majority exported to foreign countries, and the work of these factories will continue in the same manner, even if the killing of cattle for trade purposes is stopped. On the other hand, if this is done, there will be a saving of lakhs of animals every year, and the consequent increase in the number of animals will result in a proportionate increase in the number of hides from dead animals in the course of years and will thus prove beneficial to the leather industry.

Eight-tenths of the population of the country being dependent on agriculture, surely the needs of these are of much more importance than the profits of a few traders who would scarcely number 1 in 10,000 of the total population. These people will, however, still be able to trade in the hides and skins of animals slaughtered for human consumption and of dead animals, and eventually they too will benefit by the increased number of cattle in India and the consequent increase in hides.

Government are doing all in their power to encourage measures for the improvement and increase of the agricultural stock of the Presidency and have been spending every year more than a lakh of rupees for maintaining and supporting cattle farms and fairs, etc., at different places, but if such measures are to be crowned with success, the practice to which I have drawn attention must be stopped.

In this Presidency alone for the trade purposes indicated by me about 50,000 animals are on an average killed annually and the trade is worth about 15 to 20 lakhs of rupees as the average value of the materials obtained from the animals destroyed is about the following :—

	About 10 to 25	Rupees average from	Hides.
"	10 to 25	"	"
"	6 to 8	Annas	"
"	4 to 6	"	"
"	2 to 6	Rupees	"
			Fat.
			Bones.
			Horns.
			Meat.

The meat of these animals is generally disposed of wholesale. The hides are either dried or salted, and most of them are sent out of India.

Cattle for trade purposes are killed at many places in this Presidency, and it will be very easy to distinguish them from those that are slaughtered for human consumption.

Since the last quarter of a century the number of cattle in this Presidency has been decreasing every year, while the price of cattle is going up higher and higher.

At one time, some 30 years ago, a good strong animal for agricultural purposes was obtainable for a sum Rs. 25 to 30 in the districts of Thána, Poona, Ahmednagar, Sátára, etc., while at the present day it is difficult to find such an animal for Rs. 60. Similarly for a female animal, whether cow or buffalo, the price at present is almost double.

Thus it will be seen that the stock of cattle is diminishing and the cost is increasing year by year, and this must tell upon the prosperity of India.

All the communities in India are equally interested in increasing the live stock of the country for agricultural and other purposes (domestic wants and needs) and to the Mahomedans especially the question is one of great importance, for the diminution of cattle stock in the country will lead to the diminution of meat supply and increase its cost and that would tell more hardly on them as they are beef consumers. They cannot eat imported frozen meat on religious grounds. The community therefore will appreciate and be grateful for any measures having for their object the increasing of cattle.

I need not dilate on the advantages to be derived by Government also from the preservation and increase of cattle. Government themselves recognise this. I would venture to suggest that if legislation is not considered desirable, the killing of cattle for trade purposes might be checked by the following means :—

(a) In every district the killing of cattle should be stopped in any place where there are no regular slaughter houses and means for the disposal of the refuse after slaughter.

(b) In every Municipal area where there are regular slaughter houses the Municipality should be called upon to watch and check and permit only such number of animals to be killed as are necessary for human consumption, and for religious ceremonies and similar obligations, and for any others killed within the Municipal area a special prohibitive fee should be imposed.

(c) By proper supervision the Municipality can fix a limit for allowing only a certain number of cattle to be killed that are required for human consumption and for religious ceremonies and similar obligations within the Municipal area.

(d) There are many Charitable Institutions in this Presidency commonly known as Panjrapole which are maintained by funds obtained in various ways by the Hindoo and Jain communities for the preservation of old and worn out animals. If such a fund is employed for the up-keep of young and healthy cattle, especially those fit for breeding purposes, the expenditure would be more wisely spent and the benefit to the country would be far greater than can now be the case, inasmuch as a large number of cattle would be saved to the country.

(e) The imposition of a heavy export duty on hides and leather would to a great extent be a check on the killing of cattle for trade purposes, but this is a matter affecting the whole of India and therefore one to be left to the Government to deal with.

This kind of trade for hides, etc., is not confined in this Presidency, but is carried on in other parts of India. There is no reason, however, why Bombay should not take the lead in this matter as in others.

Being aware that Your Excellency's Government is ever ready thus to act and to promote every good object, I trust the matter will receive the serious consideration that in my humble opinion it deserves. In fact, I have no doubt that the kindness of heart as well as the great ability for which Your Excellency is distinguished will deal with the question in a manner which will prove beneficial to the country and satisfactory to the people for whose welfare Your Excellency is working so hard.

The Honourable Mr. GOKALDAS KAHANDAS PAREKH:—Your Excellency,—I feel much pleasure in supporting the resolution just submitted to the Council. I am glad that it emanates from a gentleman who belongs to a community which has no special regard for animals. It will be seen that the resolution does not prevent the killing of animals which are required for food purposes. Your Excellency is aware that in this country somehow or other we find that the number of horned cattle now is considerably less than before, and that is evident from the fact that we cannot get a sufficient number of cattle for tillage and other labour. I think it would be to the interest of the country if the cattle that can do useful work are not sacrificed merely for the purposes of by-products. I can tell Your Excellency why we are short of cattle. A large number of cattle are brought to the Presidency towns and other large cities like Karáchi and Ahmedabad for the milk trade. The animals are brought over from long distances, and the result is that the owners, who are generally in poor circumstances, find it beyond their means to feed them or to send them back to their native place when they cease to give milk, and are compelled to dispose of them. They are usually purchased by people for the purposes mentioned in the resolution. This is a wastage of the resources of the country, and I hope Government will do their best to prevent this wastage.

The Honourable Mr. W. D. SHEPPARD said :—Your Excellency, this motion proposed by the Honourable Mr. ПЕРВНОУ is to my mind only supported by his statement that the cattle slaughtered for the particular purpose he describes amount to a quarter of a crore. I should have been glad to have heard from the honourable gentleman where this quarter of a crore of animals are slaughtered and what ground he has for saying that the slaughter is so much as he has stated it to be. He has told us that you will find one of the slaughter places immediately outside Bombay and with the conditions of that slaughter place I am personally familiar. The Honourable Mr. PAREKH has explained



that its existence is partly due to the fact that milch cattle proprietors in Bombay have no available ground on which to graze their cattle. Nobody wishes to keep them while they are dry, and as it does not pay to keep them until they come into milk again they are slaughtered outside Bombay. The desire of the people, who slaughter them, is largely to utilise the meat for human consumption, and much of what you hear of the illicit import of meat into Bombay is due to this slaughter of milch cattle taking place immediately outside the island. The other cattle which are killed there are cattle which are condemned as unfit for slaughter in the Municipal slaughter houses at Bandra. They are practically worthless for any purposes whatever and eventually they are taken to the Kurla slaughter houses and utilised for what may be termed their natural products. As far as my knowledge goes, there is no general slaughter of cattle throughout India as indicated in this motion, and I cannot agree that any action is called for on the part of this Council.

The Honourable Moulvie RAFIUDDIN AHMAD said :—I am very sorry that my Honourable friend Mr. ABDUL HUSEIN has thought it fit to introduce this resolution in the Council. This is sure to give rise to a good deal of serious misunderstanding especially on the part of his own co-religionists. I do not understand his position. If he had taken up the position of an advocate for not killing cattle at all that would have been something; but I am sorry to say that he has introduced a resolution, the meaning of which nobody can understand. He has not been able to prove his case. As the Honourable Mr. SHEPPARD pointed out, he has not been able to show how many animals are slaughtered for the purpose of hides and bones. If he has not succeeded in doing that, I do not think that he is right in pressing this resolution. As a matter of fact I do not think that any healthy or serviceable animals are slaughtered for the purpose of hides and bones. Those of us who have lived in India for a long time and who deal in cattle for agricultural or trade purposes will tell you that in very few cases—I may say one in ten thousand—animals are killed for bones and hides. What happens is this, that when a calf or a buffalo is unfit, it is sold to the butcher before it dies because Mahomedan religion requires that an animal must be properly slaughtered before it is dead. If you look at the figures you will see that the trade in hide has not increased, but decreased during the year. In 1909-10 there have been 3,30,000 hides exported. That number is reduced by four thousand. There is no such thing as an increase in that trade. The resolution gives power to the Municipalities to stop the slaughter of animals which are intended for purposes of food. But how are the Municipalities to know what animals are slaughtered for human consumption and what are slaughtered for the purposes of bones and hides? It would be introducing a very controversial element in the administration of Municipalities. On the occasion of Bakri Id, the feeling, as it is, is very bitter over the slaughter of kine in India, and if the power is given to the Municipalities, as proposed, to ascertain the purposes for which it is required to slaughter animals before granting a permit, it would be introducing confusion into Municipal administration. I am sorry to say that this will be misunderstood on the part of ignorant population, especially of his own community. That will be the thin end of the wedge for stopping cow-killing. It was very unwise on his part to have introduced this resolution at all, and I will ask him most earnestly on behalf of myself and other Mahomedan friends to withdraw this resolution as while the profit that will accrue will be very insignificant, the misunderstanding it will create will be very serious and it will have the effect of embittering the feelings between the two communities.

The Honourable Mr. MANMÓHANDÁS RÁMJI said:—Your Excellency,—I fully sympathise with the object of the resolution brought forward by the Honourable Mr. ABDUL HUSEIN, though the remedies, he suggests, are somewhat difficult to be carried out. The fact is that milch-cattle are imported into Bombay in large numbers, and when they become unfit for giving milk they are sold for the purpose of slaughter. A buffalo fetches a price of Rs. 30 or 35, as its hide and bones find a good market. These things cannot be ignored. I have personal experience in this matter. We have started a concern which proposes to buy young ones, put them in a farm at a country place for being reared, and when they wean to lease them to somebody on monthly payment system and also keep some of them for milk-supply. When they cease to give milk they will be returned to the Company. As to the economic aspect of the question, there is no doubt that the number of cattle is decreasing. This is evident from the fact that milk and ghee, the staple food of the Hindus, are becoming dearer and dearer every year, and a want of them is also felt by agriculturists. I do not suggest that any undesirable restrictions should be placed upon the slaughter of cattle, but I do maintain that those cattle, which are fit to bear young ones, should not be allowed to be slaughtered.

The Honourable Ráo Bahádur SHRENIWÁS K. RODDA :—Your Excellency,—So far as the Southern Division is concerned there is no such thing as slaughter of animals for the purposes of trade. The great decrease in cattle is due to waste lands being converted into cultivable land. Formerly every village had some waste land which served as pasture ground for the agricultural stock. But there are no such pasture grounds any more. Again, in recent times there has been a tendency to grow cotton on the black soil, which was formerly used for *jowári*, and this cuts off another source of food supply of the cattle. The result is that for want of sufficient fodder the cattle lose their strength and are unable to bear young ones. The Honourable Mr. ABDUL HUSEIN has not indicated the direction in which legislation, if any, is required. But if there are such slaughter-houses as Mr. ABDUL HUSEIN refers to, the best course to adopt is that they should be licensed. It is impossible to prohibit the slaughter of cattle for food purposes, but their wilful slaughter for a trade purpose can be prevented. In this view of the matter I would support the resolution.

The Honourable Sir PHEROZESHAH M. MEHTA :—Your Excellency,—Whatever may be the fate of this resolution, which my honourable friend Mr. ABDUL HUSEIN has brought before this Council, whether it is or it is not found practicable to carry out the proposal it formulates, I still hail and welcome this attempt on the part of a Mahomedan gentleman as indicating that even the Mahomedan community is not averse to join in practical and temperate endeavours to solve an economic problem of great importance and seriousness. It is impossible not to recognize that in this country a very important portion of the mass of the people object to the slaughter of cows both on religious and economic grounds. It is no doubt thought that the movement which is now prevailing to a very large extent in this country was inspired by religious feelings and formulated on religious grounds, but it is not improbable that if we go back far enough, the religious feelings were themselves the outcome of economic necessities, when cattle formed an important portion of the agricultural wealth of the country and the preservation of this agricultural wealth was considered to be a problem.

of the greatest interest and value to the country. But however that may be, there is no doubt that there has been a large decrease in the number of horned cattle in the country. That is a problem of a serious character and requires to be dealt with in a large and statesmanlike manner. To my mind it is a noteworthy thing that a Mahomedan gentleman comes forward to help to solve this problem and proposes ways and means, and in spite of the fact that my honourable friend Moulvie RAFI UDDIN AHMAD seems to imagine that his action is likely to be misunderstood by the Mahomedan community, I take it that the Mahomedans themselves are reasonably desirous of co-operating in the solution of this great economic problem, apart from its bearing on the question of the slaughter of cattle for human food. Therefore it is that whatever may be the fate of this specific resolution which the Honourable Mr. ABDUL HUSEIN has brought forward, I hail it as an attempt on the part of a Mahomedan gentleman to join with his Hindu brethren in solving a problem seriously affecting the prosperity of the country.

The Honourable the SAR DESAI OF VANTMURI said :—Your Excellency,—I do not see much use in this resolution, because it appears that good cattle are not sold for the purpose of trade in hide and bones. It is only when cattle become old and unfit for agricultural purposes that the poor ryots sell them, and if they will be prevented from selling such cattle for purposes other than human food it would be difficult for them to find means of feeding and maintaining such cattle. I will vote against the resolution.

The Honourable Mr. D. V. BELVI :—Your Excellency,—I confess I find myself at a considerable disadvantage in speaking after such a veteran leader of public opinion as the Honourable Sir PHEROZESHAH MEHTA. But I cannot accord my support to this resolution, which, as it is worded, is extremely vague. It is something nebulous. Moreover, the Honourable Mover has not been able to quote chapter and verse to prove his case that a large number of cattle are slaughtered for trade purposes. Now, as practical men we cannot support a resolution that has not been backed up by any statistics whatsoever. I am anxious not to be misunderstood when I say this. As a Hindu and as a Bráhmín I should be the first to hail with delight the wholesale prevention of the slaughter of cows generally. But we must see what kind of people and how many communities inhabit this land. It is not the country of the Hindus alone. There are other communities permanently settled here and we should look to their feelings also. We cannot afford to injure the feelings of those whose principal food is beef. I thoroughly agree with the Honourable Moulvie RAFI UDDIN AHMAD in his view that this resolution should not have been moved in the present circumstances of the country, and if the Honourable Mover wishes really to do something practical in the matter I request him to withdraw the resolution, wait for a year, collect statistics and move the same resolution next year. I will not accord my sanction to the resolution as it is now worded.

The Honourable Mr. G. P. MILLETT said :—Your Excellency,—There are one or two points in the Honourable Member's resolution, which have not been touched upon by subsequent speakers. I refer to the large decrease in the number of cattle. I think we all know this decrease dates from the famine of 1899-1900. In that famine it was of course the useless cattle which died first—the old and worn-out animals which the people did not care for—subsequently, of course, the better cattle died, because the people could not keep

them. There was also the fact that the people do not take care to breed such good cattle as they used to do. Therefore the price of milch-cattle has increased. As for the cattle described that go out of milk in Bombay and so are killed in the slaughter-houses, that may be due to the fact that all the grass outside the forests in Thána has been kept for export outside the district instead of for fodder purposes. There is a large amount of grazing in the forests, but not much more than is sufficient for the cattle of the district and therefore limited. It appears to be for the people, who are interested in the preservation of cattle they consider to be needlessly slaughtered, to take measures of their own to provide grazing for them.

The Honourable the JÁGHIRDÁR OF ICHALKARANJI said:—I should very much like to know whether there is any statistical information available to shew that the number of cattle has gone down in this Presidency.

The Honourable Mr. G. CARMICHAEL said:—Your Excellency,—The number of cattle in this Presidency had gone down after the famine of 1899-1900, but now it has increased rapidly again, and it is expected by 1915, provided we have no bad seasons, that the number of cattle, which existed before the famine, will be reached again. With regard to the resolution, it seems to me that the Honourable Sir PHEROZESHAH MEHTA touched the right ground. We must consider it as an economic question. But he did not proceed any further and state the principles on which the economic question should be decided. He agrees with the deduction that the Honourable Mover of this resolution draws from the facts. As he has stated, some of these facts have not been accepted, but if the deductions which have been made by the Honourable Mover are accepted as correct they will lead us into some very absurd conclusions. He says in effect that by reducing the output we increase the supply. That is contrary to the ordinarily accepted theories of political economy and the practice on which all our trade is based. It leads us to the conclusion that by the advent of motor-cars we ought to have a plethora of horses, and we might also say that the fact that horses are here for racing in India causes a dearth of horses in Arabia or Australia exactly on the same basis of argument. I object to the Honourable Mover's proposals to impose restrictions. I object on the ground that it would cause the agriculturist very serious loss, and would take away from the present holders and users of agricultural cattle a large part of their value. I do not think any arbitrary action of that kind could be justified, and certainly could not be undertaken over a limited area like this Presidency when similar facts hold good all over India. To the agriculturist his cattle have a certain value and part of that value is no doubt due to the demand for hides and for tallow manufacture, and it is not thereby a small section of the community which is concerned. A large number of agriculturists would be affected if any restriction were imposed which would reduce the value of their cattle. If you reduce the value of cattle you begin to hamper the cattle-breeding operations, and I know that the Honourable Member's object is to increase the number of cattle. If he does anything which will impede the development of that industry the opposite result will accrue.

The Honourable Mr. R. P. KARANDIKAR said:—To shorten the matter I beg to move an amendment which will be worded something like this "That the protection and rearing of cattle claim larger attention in the interests of agriculture." This is the form of the resolution.

The Honourable Mr. IBRAHIM RAHIMTOOLA said :—May I rise to a point of order? The amendment appears quite foreign to the substantive proposition before the meeting. An amendment to be in order must in some form improve upon or amend the motion under consideration and I beg to submit that the amendment proposed does not do so. It introduces quite a new subject. The original proposition deals with the slaughter of animals for trade purposes and recommends Government to enforce existing legislation if any or to introduce in this Council fresh legislation with a view to prohibit the slaughter of animals for trade purposes. The amendment is merely the expression of a pious opinion that “the protection and rearing of cattle claim larger attention in the interests of agriculture.” I cannot see how this can be held as a valid amendment to the original motion.

Under the rules every proposition before this Council must be in the form of a specific recommendation to Government. I do not see how the expression of this Council’s opinion that “the protection and rearing of cattle claim larger attention in the interests of agriculture ” can be held to be such a recommendation under the rules. Both on the ground that it is not an amendment of the motion now before the Council and that it does not contain a specific recommendation to Government, I beg to submit that it is out of order.

His Excellency the PRESIDENT :—I think the amendment is in order. The resolution asks the Government to do something specific; that is in the nature of a recommendation.

The Honourable Mr. KARANDIKAR, continuing, said :—I have watched the discussion that has taken place in this Council and it seems to me desirable to promote the protection and rearing of cattle in every possible way. The value of agricultural cattle cannot be overstated. It is not denied that cattle are a valuable asset to agriculturists and it is the duty of everyone present here as representing the people to ask Your Excellency’s Government to promote their protection. It involves the idea of restricting the number of cattle slaughtered other than for human consumption and rearing them for the use of agriculturists. In regard to the question asked by the Honourable the JÁGHIBDÁR OF ICHALKARANJI, I have discovered from reports that if you compare the figures of 1899 with those of the last but one year, you will find that there is a remarkable decrease in agricultural cattle. Of course, the number of cattle has recently been on the increase and it may come up to the ordinary level in a few years and we must try and prevent a decrease later on. I will just refer to one thing. It is not only the slaughter of animals that does a real harm, but it is the way in which cattle are dealt with or destroyed by evil-minded persons. People who live in villages often hear of complaints of attempts at poisoning cattle for the sake of getting the skins. I once overheard a conversation between two Police Officers, I forget the name of the district they mentioned but in that district people used to drive the cattle to the verge of a cliff so that they may fall down and that they can easily remove them. A number of deaths of cattle were not discovered but ultimately the Police succeeded in finding out the culprits who were meted out their proper due. The Penal Code makes provision for damage to cattle but I think more stringent efforts should be made to prevent like acts in future. That would arrest the decrease of cattle. I hope that Your Excellency’s Council will pass my amendment.

The Honourable Mr. S. D. GARUD :—I do not agree with the amendment as it merely asks us to endorse a pious wish and does not suggest any definite action. In that way one might as well select some copy book maxims and bring them forward in the form of resolutions. I do not think that in the Mofussil cattle are killed for trade purposes. There dead cattle are the perquisite of the village Mahárs for taking out horns, hide and bones; and if any mischief is committed as the Honourable Mr. KARANDIKAR told us, it is always possible to trace the offender. As to the original proposition the honourable mover has not given any definite facts in support of it. We do not know the extent of damage done to the agricultural stock of the Presidency owing to their slaughter for trade purposes. Unless the grievance is a real one we would not be justified in taking any step, otherwise we would come in the way of poor agriculturists and prevent them from selling cattle which are useless to them. It may be urged that the Pinjrapoles might be asked to feed the worn-out cattle. But Government cannot ask Pinjrapoles to do this, and, if they do, they would be asked to contribute substantially to the funds of those institutions. Usually the Pinjrapoles are societies formed by one or two castes and it would not be right to impose upon them any serious responsibility. Besides it would be an expensive thing to maintain these cattle in this way in view of the ever increasing price of fodder in these days. A Hindu might wish to support a resolution like this, but as it is not of a definite character and as it is not based on substantial facts and figures I agree with the Honourable Mr. BELVI that we cannot support it.

The Honourable Mr. C. H. SETALVAD :—Your Excellency, may we know the exact form of the amendment?

His Excellency the PRESIDENT :—The amendment now is : “That the maintenance and rearing of cattle claim larger attention of Government in the interests of agriculture.”

The Honourable Mr. SETALVAD :—May I point out that under Rule 4, which is made applicable to amendments, an amendment also should be in the form of a specific recommendation addressed to the Governor in Council.

His Excellency the PRESIDENT :—We have altered the form, and the amendment as it now stands makes a specific recommendation to Government.

The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY in reply, said :—The Honourable Moulvie RAFTUDDIN, in criticising my resolution said that the members of my community will misunderstand the resolution that I have proposed. I do not know why it should be misunderstood. It is worded quite clearly. They require animals for human consumption and the resolution does not seek to prevent that. I do not know why there should be any misunderstanding unless the matter is misrepresented to ignorant people. I see that there is a divided opinion and I think that my resolution will not find much favour with this Council. I, therefore, ask permission to withdraw my resolution in favour of Mr. KARANDIKAR's amendment.

The permission to withdraw the resolution was granted.

The Honourable Mr. LAMB said :—Your Excellency,—I understand that the position is that the resolution has been withdrawn in favour of the amendment of the Honourable Mr. KARANDIKAR, and that that therefore becomes the substantive proposition

before the Council. The form of that substantive proposition is that the maintenance and rearing of cattle claim larger attention from Government in the interests of agriculture. As to the notion enclosed in this proposition I have absolutely nothing adverse to say. I entirely agree that the rearing and maintenance—for that is the order in which I should prefer to put it—of cattle deserves large attention from Government. But that which I somewhat disagree with is the form of the resolution, the implication that Government are not paying adequate attention to this very important subject. I should like to submit to Your Excellency that the Agricultural Department is paying a very considerable amount of attention to these subjects, and if the acceptance of this proposition were to imply that the Agricultural Department are slack in these matters I should feel it incumbent on me to resist the proposition with some vigour. If the Honourable Mr. KABANDIKAR assures me that he does not wish to imply anything of the kind but only wishes to exhort us to continue in the efforts which we have been making I shall be ready, frankly and fully to agree with him.

The Honourable Mr. KABANDIKAR said:—I have not had the slightest idea to convey the meaning that Government were not already protecting animals. What I have said is that they claim larger attention. I never contemplated or conveyed an idea that Government were indifferent in the matter. What I affirm is that there is a scope for a greater action.

The amendment, which had become a substantive motion, was then put to the vote and lost.

#### PAPERS PRESENTED TO THE COUNCIL.

1. Letter from the Secretary to the Government of India, Legislative Department, No. 1399, dated the 20th April 1911—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Aden Port Trust (Amendment) Law, 1911.  
See Appendix H.
2. Letter from the Secretary to the Government of India, Legislative Department, No. 1735, dated the 2nd June 1911—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Law further to amend the City of Bombay Municipal Act, 1888.  
See Appendix I.
3. Petition from the Bombay Bhatia Mitra Mandal, dated the 23rd June 1911, regarding the Bill for the Registration of Charities.  
See Appendix J.

The Council then adjourned *sine die*.

*By order of His Excellency the Honourable the Governor,*

L. GRAHAM,

Secretary to the Legislative Council.

Poona, 26th July 1911.

## APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF  
BOMBAY ASSEMBLED ON THE 25TH AND 26TH JULY 1911.

## APPENDIX A.

*Statement showing whether inámdárs were consulted before appointments of village officers were made in certain villages of the Sátára, Poona and Ahmednagar districts.*

Name of village.	Táluká.	District.	Whether the inámdár was consulted before the appointment of village officers.
Jinti ...	Karád ...	Sátára ...	Yes. Before the appointment of the kulkarni only.
Sávada ...	Do. ...	Do. ...	} No.
Nigadi ...	Válva ...	Do. ...	
Chinchdholi...	Wái ...	Do. ...	
Bhorkhal ...	Sátára ...	Do. ...	Yes.
Bhádas budruk ...	Haveli ...	Poona ...	Yes. Before the appointment of the kulkarni only.
Nere ...	Do. ...	Do. ...	} No.
Dápodi ...	Do. ...	Do. ...	
Nigadi ...	Do. ...	Do. ...	
Tulápur ...	Do. ...	Do. ...	} Yes. Before the appointment of the kulkarni only.
Páshan ...	Do. ...	Do. ...	
Layle ...	Do. ...	Do. ...	
Karanjgaon ...	Mával ...	Do. ...	No.
Ozar ...	Junnar ...	Do. ...	Yes.
Ambi budruk ...	Bhimthadi ...	Do. ...	No.
Vághápur ...	Akola ...	Ahmednagar ...	No.



## APPENDIX B.

Statement showing the arrears of revenue in certain inám villages of the Poona district.

Year.	Malad-Alegaon, Bhimthadi taluká.	Dhanore, Sirur taluká.	Lavle, Haveli taluká.	Páshán, Haveli taluká.	Remarks.
	Rs.	Rs.	Rs.	Rs. a. p.	
1896-1897	.....	.....	432	9 2 0	<p>(a) This indicates 53·6 per cent. on an average of the total demand.            (b) This indicates 39·5 per cent. on an average of the total demand.            (c) Particulars required in respect of the arrears of this village have not been given, the amount being small.            (d) The arrears of revenue in the case of this village for 1910-11 are Rs. 1,847-12-2 making the total of outstanding balance on 31st May 1911 to be Rs. 8,301-3-8. Of this amount Rs. 5,392-4-2 are arrears for which the inámdár did not apply for assistance, and Rs. 2,908-15-6 are arrears for which assistance was granted.</p>
1897-1898	.....	.....		.....	
1898-1899	.....	.....		16 10 10	
1899-1900	.....	.....		12 12 9	
1900-1901	.....	.....		37 6 2	
1901-1902	784	685		45 6 6	
1902-1903	805	728		126 2 1	
1903-1904	.....	1,101		295 5 3	
1904-1905	835	671		527 2 8	
1905-1906	1,246	1,246		767 13 1	
1906-1907	142	1,059		1,502 7 5	
1907-1908	838	1,285		1,076 2 11	
1908-1909	1,310	247		925 3 7	
1909-1910	1,387	1,935		1,111 12 3	
Total	7,347 (a)	8,957 (b)	432 (c)	6,453 7 6 (d)	

## APPENDIX C.

Statement showing the arrears of, and remissions granted in, certain Government villages in the Poona district adjoining the inám villages of Malad-Alegaon, Dhanore and Páshán in that district.

Year.	Bhimtadi taluká.		Sirur taluká.				Haveli taluká.			
	Kurkumb.		Koregaon-Bhima.		Talegaon-Dhamdhare.		Kothrud.		Mahalungi.	
	Arrears.	Remissions.	Arrears.	Remissions.	Arrears.	Remissions.	Arrears.	Remissions.	Arrears.	Remissions.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		Rs. a. p.		Rs. a. p.
1901-02	...	611	...	796	...	7,392		11 2 3		412 2 8
1902-03	...	...	...	951	...	3,278		246 2 11		187 5 1
1903-04	...	907	...	2,561	...	13,275		...		...
1904-05	...	1,087	...	3,253	28	14,649		...		...
1905-06	...	1,381	...	3,652	...	14,083	Nil	13 4 6	Nil	...
1906-07	...	...	212	...	655	...		253 0 11		...
1907-08	...	1,254	...	3,898	...	8,827	...	...		...
1908-09	...	1,278	...	774	...	8,795	...	...		...
1909-10	...	834	...	4,225	...	11,663	...	...		...
		3,366*	3,986	9,109†	11,213	29,968‡	52,677	523 10 7		599 7 9

\* This indicates 26 per cent. on an average of the total demand. Had remissions been withheld in this village as in the adjoining inám villages the percentage would have risen to 57.

† This indicates 24 per cent. on an average of the total demand. Had remissions been withheld in this village as in the adjoining inám villages the percentage would have risen to 52.

‡ This indicates 19 per cent. on an average of the total demand. Had remissions been withheld in this village as in the adjoining inám villages the percentage would have risen to 52.

## APPENDIX

Statement showing the consumption of opium in the several districts of the

1	2	3	4	5	6	7	8	9
Serial No.	Districts.	1893-94.	1894-95.	1895-96.	1896-97.	1897-98.	1898-99.	1899-1900.
		Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
1	Ahmedabad ...	15,536	15,558	16,272	15,994	15,636	16,187	12,751
2	Kaira ...	10,568	9,156	8,949	7,821	7,949	7,179	5,101
3	Panch Maháls ...	3,791	3,508	3,704	3,534	3,390	2,922	2,335
4	Broach ...	9,152	7,964	7,791	7,224	6,769	6,196	4,960
5	Surat ...	3,242	3,160	3,212	3,212	3,055	3,093	2,917
6	Bombay ...	15,002	15,118	15,993	13,820	13,518	13,662	14,374
7	Sholápur ...	8,397	8,529	8,104	7,479	6,595	6,144	6,184
8	Sátára ...	3,486	3,582	3,554	3,025	2,441	2,190	2,086
9	Poona ...	8,964	9,609	9,871	9,023	7,727	7,824	7,065
10	Ahmednagar ...	10,096	10,200	10,193	8,877	7,310	6,476	7,013
11	Násik ...	5,837	5,421	5,634	4,985	4,275	4,418	3,421
12	West Khándesh ...	12,653	13,498	15,831	13,084	12,317	12,559	10,203
13	East Khándesh ...							
	Total ...	1,06,224	1,05,303	1,09,108	98,078	90,982	88,850	78,360
14	Thána ...	3,917	3,964	4,201	3,880	3,626	3,491	3,333
15	Kolába ...							
16	Ratnágiri ...							
17	Kánara ...							
18	Dhárwár ...							
19	Belgaum ...							
20	Bijápur ...							
	Grand Total ...	1,10,141	1,09,267	1,13,309	1,01,958	94,608	92,341	81,693

## D.

*Presidency proper for the last seventeen years from 1893-94 to 1909-10.*

10	11	12	13	14	15	16	17	18	19
1900-01.	1901-02.	Eight months ending 31st March 1903.	1903-04.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.	1909-1910.
Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.	Lbs.
11,816	10,282	6,454 9,631*	10,934	10,853	10,223	11,558	12,815	13,125	13,254
4,808	4,230	2,906 4,359*	4,529	3,900	3,789	4,474	5,223	5,651	5,907
2,033	1,523	1,115 1,672*	1,789	1,985	1,979	2,669	3,377	3,761	3,772
4,474	4,160	2,809 4,213*	1,495	4,242	3,872	4,318	5,071	5,385	5,476
2,685	2,571	1,783 2,674*	2,656	2,466	2,281	2,361	2,483	2,492	2,517
13,166	13,629	9,212 13,818*	13,870	11,488	11,900	11,434	11,409	11,829	12,067
5,314	5,026	3,781 5,671*	7,415	6,749	5,777	5,745	7,032	7,151	8,201
1,777	1,404	1,112 1,668*	1,660	1,459	1,628	1,711	1,990	2,186	2,474
6,470	6,329	4,950 7,425*	8,060	8,557	7,899	8,014	9,262	9,762	10,522
5,748	5,532	4,835 7,253*	8,140	7,644	6,096	5,841	7,124	7,505	8,734
3,055	2,792	2,139 3,209*	3,564	3,574	3,213	3,261	3,564	3,542	3,715
9,348	9,290	6,945 10,418*	11,695	8,400	8,948	10,154	1,774 8,488	1,735 8,540	1,876 8,682
70,194	66,768	48,041 72,061*	78,807	71,317	67,605	71,540	79,612	82,464	87,197
3,424	2,723	1,943 2,914*	2,809	3,056	3,061	3,014	3,195	3,354	3,582
73,618	69,491	49,984 74,975*	81,616	74,373	70,666	74,554	82,807	85,818	90,779

\* Average for one year.

APPENDIX E.

To

THE SECRETARY,  
Legislative Department to the  
Government of Bombay.

Sir,

The accompanying memorial is forwarded to the Secretary, Legislative Department, to the Government of India. I request you on behalf of the memorialists to kindly lay the matter before the Government of Bombay for such immediate action as may be deemed proper.

*Bārsi,*  
*8th April 1911.*

I beg, etc.,  
(Signed) R. M. SANE,  
Pleader.

To

THE SECRETARY,  
Legislative Department to the  
Government of India, Calcutta.

Sir,

We the undersigned inhabitants of Barsi of the Sholapur District in the Bombay Presidency most humbly and respectfully submit the following representation regarding the hardship caused by the recent decision of the Honourable High Court of Bombay and solicit your favour in laying it before His Excellency the Governor General in Council for due consideration.

The decision above referred to was passed by the Honourable High Court on 23rd February 1911 on reference made by G. L. Dhekne, Esquire, Sub-Judge, Kopergaon, regarding the construction of section 31 of the Indian Limitation Act IX of 1908 and section 48 of the D. A. R. Act XVII of 1879-I of 1902 and has been circulated by a civil reference No. 9 of 1910 to all the Civil Courts in the Presidency. We beg to enclose herewith a copy of the said reference and decision.

We beg respectfully to point out that before the passing of the Indian Limitation Act IX of 1908, a period of 60 years was provided by the old Limitation Act XV of 1877 for suits for sale of the mortgaged property and the new Act has effected a change in respect of that period and brought it down to 12 years in conformity with the decision of the Privy Council in connection with Articles 132 and 147 of the old Act. In amending the old Act the Legislature apprehended that the change of period would cause great hardship to such mortgagees as would have their suits for recovering the mortgaged money barred by the new enactment and provided a remedy for it by enacting section 31 in the new Act. In those Districts of the Presidency where the D. A. R. Act is in force, sections 39, 46, 47 require that an application shall be made to and a certificate obtained from the Conciliator prior to the institution of a regular suit when any of the parties thereto is an agriculturist. Under section 48 of the same Act, the time intervening between the application and the grant of a certificate is excluded in computing the period of limitation prescribed for any suit. Agriculturist suitors therefore instead of filing their regular suits for mortgaged money within the period of two years conceded by section 31 of the Limitation Act of 1908, naturally made their applications before the conciliators before the expiration of that period in the belief that the time intervening between the application and the grant of a certificate would as in the ordinary cases be excluded. The result was that a number of suits came to be filed after the 7th of August 1910, that is the last day of the period allowed by section 31 of the new Limitation Act of 1908. Some of these suits have already been disposed of and in the course of their hearing the question of Limitation was not so much as suggested or raised in the pleadings nor did the construction regarding limitation now put upon section 31 of the Limitation Act of 1908 and section 48 of the D. A. R. Act by the decision above referred to occur to the pleaders or to the Bench, all holding that as a matter of course, such suits were within time under section 48 of the D. A. R. Act. In the meanwhile, the High Court have decided in the case above referred to that section 48 of the D. A. R. Act cannot be availed of to extend the period of grace allowed by section 31 of the new Limitation Act of 1908. This decision being binding on the mofussil Courts, they have no other alternative but to dismiss suits filed after the 7th of August 1910 and consequently many suits are now being daily dismissed as time-barred. This dismissal of suits has created a great row and a feeling of discontent among the litigating public, and is calculated to entail upon them a loss of thousands of rupees at which the pending mortgaged claims throughout the Presidency might be valued. It is, we humbly submit, with a view that this grievance may be redressed and the hardship caused to the public may be obviated that we approach you with this humble representation and pray that the Government will be graciously pleased to so amend section 31 of the new Limitation Act as to remove the bar of limitation which according to the decision of the High Court applies to suits filed after the 7th of August 1910 and to enable the Courts to re-admit such suits as have already been dismissed.

In conclusion, we humbly pray that the Government will be pleased to introduce at an early date a Bill for effecting the purpose above referred to and beg to remain,

Your most obedient servants,

(Signed) R. M. SANE, Pleader,  
and others.

Barsi,

8th April 1911.

From

PUMANCHAND GUMANCHAND,  
Marwadi of Ghumari, Taluka Karjat,  
District Ahmednagar.

To

HIS EXCELLENCY THE RIGHT HONOURABLE  
SIR GEORGE CLARKE, THE GOVERNOR OF  
BOMBAY IN COUNCIL, BOMBAY.

Your Excellency's most humble petitioner requests the attention to the following few lines :—

I have filed suits against agriculturists debtors in the Court of the Subordinate Judge of Karjat, Taluka Karjat, District Ahmednagar.

The Governor General of India passed the Limitation Act IX of 1908. Sections 30 and 31 of this Act gave a grace period of 2 years for filing suits by mortgagees against mortgagors. The Act came into operation on the 7th of August 1908. Suits against debtors had to be filed in Courts within this period.

Suits against agriculturist debtors could not be filed in Subordinate Judges' Courts unless a conciliator's certificate was produced, as required by the Dekkhan Agriculturists' Relief Act, XVII of 1879 as modified by subsequent Acts. The High Court of Bombay decided that section 48 of this Act, giving an additional period, applied to the prescribed period in the Schedule of the Limitation Act, and therefore did not apply to sections 30 and 31 of the Limitation Act of 1908.

A conciliator's certificate was necessary for filing suits in the Subordinate Judges' Courts *i. e.* the Court would not file suits without a certificate. And to get this certificate the plaintiff has to make an application to the conciliator. Thinking that the period for obtaining a certificate would be added to the above grace period of 2 years, the undersigned your petitioner, filed suits after the 6th of August. But as stated above, the High Court of Bombay decided that the time required to get a certificate could not be added. The result was my suits numbering 22 of the value of about Rs. 4,000 were thrown out as time-barred. This has been a great hardship on your humble petitioner.

Therefore your Excellency's humble petitioner requests, that your Excellency will be pleased to move in the matter and alter the law and give the additional period for obtaining a certificate for filing suits.

*Karjat,*  
*26th June 1911.*

Your petitioner humbly  
begs to remain,  
(Signed in vernacular)  
Pumanchand Gumanchand.

## APPENDIX F.

Statement of forfeited lands disposed of on non-transferable tenure on leases for the Revenue years 1906-07 and 1907-08 in the Bombay Presidency including Sind.

District.	Forfeited lands disposed of on non-transferable tenure on leases								Remarks.
	For one year.		For more than one year, but not more than three years.		For more than three years, but not more than ten years.		For more than ten years.		
	To original holders.	To others.	To original holders.	To others.	To original holders.	To others.	To original holders.	To others.	
1906-07.									
Northern Division.	Ahmedabad	...	18 17	...	...	...	287 4	695 34	
	Kaira	6 5	11 5	...	...	2 11	199 6	3,237 21	
	Panch Mahals	...	...	...	...	...	...	78 5	
	Broach	...	1 17	...	...	...	398 9	551 22	
	Surat	...	...	...	...	...	6 14	55 39	
	Thana	...	...	...	...	...	...	57 17	
Total	6 5	30 39	...	...	...	2 11	830 38	4,706 18	
Central Division.	Ahmednagar	...	...	...	...	...	13 3	32 14	
	East Khândesh	...	...	...	...	...	...	...	
	West Khândesh	...	...	...	...	...	43 34	470 9	
	Násik	...	...	...	...	...	...	69 33½	
	Poona	11 34	...	...	...	...	40 12	89 35	
	Sátára	...	...	...	...	...	156 18	...	
Sholápur	...	...	...	...	...	149 0	...		
Total	11 34	...	...	...	...	...	402 27	662 11½	
Southern Division.	Belgaum	...	...	...	...	...	...	*442 23	*Given on non-transferable tenure permanently.
	Bijápur	39 29	...	...	...	...	15 25	38 37	
	Dhárwár	...	...	...	...	...	29 14	83 20	
	Kánara	...	...	...	...	...	...	...	
	Kolába	...	...	...	...	...	...	2 39½	
	Ratnágiri	...	...	...	...	...	...	...	
Total	39 29	...	...	...	...	...	44 39	567 39½	
Total for the Presidency proper	57 28	30 39	...	...	...	2 11	1,278 19	5,936 29	
Sind.	Karachi	1 37	...	...	...	...	...	...	
	Hyderabad	159 0	...	...	...	18 12	24 27	12,551 18	263 31
	Sukkur	185 0	...	...	...	...	...	384 34	...
	Lárkána	...	...	...	...	...	...	983 7	91 13
	Thar and Párkar	...	...	...	...	...	...	...	...
	Upper Sind Frontier	...	...	...	...	...	...	15 20	71 10
	Colonization Tract	...	...	...	...	...	...	100 10	292 18
Total	345 37	...	...	...	18 12	24 27	14,085 9	718 32	
Grand Total for the Presidency including Sind	403 25	30 39	...	...	18 12	26 38	15,813 28	6,655 21	



## APPENDIX F—continued.

District.	Forfeited lands disposed of on non-transferable tenure on leases								Remarks.
	For one year.		For more than one year, but not more than three years.		For more than three years, but not more than ten years.		For more than ten years.		
	To original holders.	To others.	To original holders.	To others.	To original holders.	To others.	To original holders.	To others.	
1907-08.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	A. g.	
Northern Division.									
Ahmedabad	...	...	...	...	...	...	469 4	583 25	
Kaira	56 89	437 36	...	...	...	...	168 24	851 38	
Panch Mahāla	...	...	...	...	...	...	1 39	70 37	
Broach	...	31 15	...	...	...	...	90 20	332 36	
Surat	...	...	...	...	...	...	16 35	45 14	
Thāna	...	7 10½	...	...	...	...	1 13½	56 31½	
Total	56 89	476 21½	...	...	...	...	746 15½	1,941 21½	
Central Division.									
Ahmednagar	...	...	...	...	...	...	...	18 28	
East Khāndesh	...	...	...	...	...	...	...	...	
West Khāndesh	...	...	...	...	...	...	...	235 20	
Nāsik	...	...	...	...	...	...	90 35	1,133 24	
Poona	14 81	122 36½	...	...	...	...	...	154 36	
Sātāra	...	...	...	...	...	...	46 37	...	
Sholāpur	...	...	...	...	...	...	...	...	
Total	14 81	122 36½	...	...	...	...	187 32	1,542 28	
Southern Division.									
Belgaum	...	...	...	...	...	...	...	281 19	
Bijāpur	39 22	...	...	...	...	...	230 2	42 34	
Dhārwar	...	...	...	...	...	...	45 11	185 14	
Kānara	...	...	...	...	...	...	14 23	...	
Kolāba	...	...	...	...	...	...	...	0 3	
Ratnāgiri	...	...	...	...	...	...	...	...	
Total	39 22	...	...	...	...	...	289 36	459 80	
Total for the Presidency proper.	111 12	599 18½	...	...	...	...	1,174 34	3,943 39½	
Sind.									
Karāchi	...	...	...	...	...	...	...	...	
Hyderabad	166 19	4 6	...	...	...	...	6,011 37	450 1	
Sukkar	28 35	...	...	...	...	...	730 25	...	
Lārkāna	...	...	...	...	...	...	405 26	1 0	
Thar and Pārkar	...	...	...	...	...	...	...	...	
Upper Sind Frontier	...	...	...	...	...	...	439 0	13 0	
Colonization Tract	...	...	...	...	...	...	5 0	366 0	
Total	195 14	4 6	...	...	...	...	7,592 8	830 1	
Grand Total for the Presidency including Sind	306 28	603 24½	...	...	...	...	8,766 11½	4,774 0½	

**APPENDIX G.**  
**BUDGET OF THE GOVERNMENT OF**  
**BOMBAY FOR THE YEAR 1911-12.**

[Figures in thousands of rupees.]

The current year's budget estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for the year 1911-12 have been finally accepted by the Government of India without any modification. The figures stand as shown in the following table:—

	1910-11.		1911-12.
	Budget.	Revised.	Budget.
Opening balance ...	76,84	87,21	1,52,47
Revenue ...	6,23,40	7,08,70	6,78,62
Expenditure ...	6,39,37	6,43,44	7,52,82
Closing balance ...	60,87	1,52,47	78,27

Details by major heads are given in the appended statement. Detailed distribution of the major head figures will be found in the Civil Estimates for 1911-12, a copy of which has been furnished to the Honourable Members.

2. The revised estimate for 1910-11 of disbursements of takavi and other loans, as finally passed by the Government of India, amounts to 34,76 instead of 39,03, as stated in paragraph 8 of the Revised Financial Statement for 1911-12. The decrease is due to the outstanding balances of the loans to certain Native States, which have been transferred from the Imperial to the Provincial accounts, having been treated by the Government of India as additions to the opening balance of the Provincial Advance and Loan Account instead of as advances during the year. This alteration necessitates some change in the figures given in the second sentence of paragraph 16 of the Revised Financial Statement where the figures of the loan estimates for 1911-12 were compared with the revised estimate for 1910-11. The amount of 24,50 provided for loans to cultivators in 1911-12 is distributed as shown below:—

Northern Division...	...	...	3,30
Central Division ...	...	...	10,71
Southern Division ...	...	...	2,58
Sind ...	...	...	7,91

3. In consequence of the amalgamation of the Public Works Accounts Section with the Civil Accounts Department, there will be no debits to the Irrigation heads of expenditure on account of the cost of the Audit establishment. This has led to the following reductions in the provisions originally made for Establishment and specified in paragraph 53 (b) of the Revised Financial Statement for the year 1911-12:—

	42, Irrigation— Major Works.		43, Irrigation— Minor Works and Navigation.	
	From.	To	From	To
Deccan and Gujrat ...	54	51	1,38	1,34
Sind ...	1,45	1,39	3,08	2,94
Total ...	1,97	1,90	4,46	4,28

Corresponding increases have been made in the grants originally allotted for Works under the two major heads, the total provision for expenditure under each major head remaining unaltered.

4. The expenditure budget in the Public Works Department is now distributed as follows:—

<i>Original Works.</i>			
Civil Buildings ...	...	...	30,78
Communications ...	...	...	6,25
Miscellaneous public improvements .	...	...	42
Discretionary grants to certain Heads of Departments.	...	...	5,05
Reserve ...	...	...	5,07
			47,57
<i>Repairs.</i>			
Civil Buildings ...	...	...	6,82
Communications ...	...	...	11,73
Miscellaneous public improvements .	...	...	26
			18,81
Establishments ...	...	...	12,87
Tools and Plant ...	...	...	1,20
			Total ... 80,45

The provision of 47,57 for "Original Works" is made up of 21,33 for works in progress, 16,12 for new major works, including 2,50 for the acquisition of properties for the extension of the J. J. Hospital, 5,05 for minor works, and 5,07 for reserve, including 3,00 for Delhi Darbar charges.

5. The following alterations have been made in the allotments for major works in progress and new major works mentioned in paragraph 55 of the Revised Financial Statement:—

Name of work.	Allotment altered.	
	From	To
<i>Major Works in Progress.</i>		
Bungalow for the Collector of Ahmedabad ...	29	28
Mukhtiarkar's Kacheri at Tatta ...	20	15
Court-house for the Subordinate Judge at Alibag.	Nil.	20
Quarters for extra warders at the Yeravda Prison.	21	17
Works in connection with St. George's Hospital, Bombay.	18	14
Dispensary at Mirpurkhas ...	14	13
<i>New Major Works.</i>		
<i>Sind.</i>		
New Kacheri at Warah ...	39	35
Circuit House at Hyderabad ...	34	30
<i>Southern Division.</i>		
Hostel for the High School at Belgaum ...	Nil.	25
Do. do. at Bijapur ...	Nil.	25
Court-house for the Subordinate Judge at Alibag.	20	Nil.
<i>Bombay.</i>		
Extension of the Secretariat ...	50	Nil.
Works and warders' quarters at the House of Correction, Bombay.	46	45

R. A. LAMB.

Statement showing Provincial Revenue and Expenditure by Major Heads for the years 1909-10, 1910-11 and 1911-12.

[In thousands of rupees.]

Number of Account head.	Major Heads of Revenue.	Accounts, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	Number of Account Head.	Major Heads of Expenditure.	Accounts, 1909-10.	Budget, 1910-11.	Revised, 1910-11.	Budget, 1911-12.	
I	Land Revenue	Provincial share ...	2,14,11	2,03,68	2,05,98	2,08,03	1	Refunds and Drawbacks ...	4,90	3,02	3,53	4,04
		Alienated ...	95,91	92,28	95,33	95,33	2	Assignments and Cash ...	9,59	9,54	9,45	12,72
		Fixed allotment and adjustments ...	92,63	89,35	1,54,99	6,85	3	Compensations. { Alienations ...	83,02	79,78	82,69	82,71
IV	Stamps ...	36,25	38,26	41,00	40,00	3	Land Revenue ... { Cash ...	72,28	74,87	72,30	74,12	
V	Excise ...	87,73	87,12	93,75	1,92,00	6	Stamps ... { Alienations ...	7,93	7,49	7,70	7,69	
VIII	Assessed Taxes ...	23,59	23,98	24,50	24,47	7	Excise ...	1,11	1,16	1,17	1,18	
IX	Forest ...	18,79	18,55	18,85	37,70	10	Assessed Taxes ...	4,67	4,98	4,78	9,99	
X	Registration ...	7,15	7,60	7,50	7,45	11	Forest ...	48	59	56	57	
XII	Interest ...	13,59	9,81	12,41	12,95	12	Registration ...	10,32	11,31	10,54	23,20	
XVI-A	Law and Justice—Courts of Law ...	5,99	5,87	5,98	6,10	18	Interest on Ordinary Debt ...	3,62	3,90	3,75	3,88	
XVI-B	Do. —Jails ...	1,89	2,65	2,35	2,40	19-A	General Administration ...	6,19	6,13	6,03	5,77	
XVII	Police ...	3,96	4,03	3,96	4,53	19-B	Law and Justice—Courts of Law ...	16,13	17,04	17,12	19,27	
XVIII	Ports and Pilotage ...	88	95	92	92	20	Do. —Jails ...	52,62	53,03	54,68	54,59	
XIX	Education ...	4,09	4,20	4,20	4,40	21	Police ... { Cash ...	10,05	10,49	10,60	10,77	
XX	Medical ...	2,28	2,16	2,34	2,40	22	Alienations ...	88,14	89,95	89,86	95,80	
XXI	Scientific and other Minor Departments ...	79	98	1,15	1,20	23	Ports and Pilotage ...	4,96	5,01	4,94	4,93	
XXII	Receipts in aid of superannuation ...	2,67	2,35	3,25	3,35	24	Education ...	59	96	73	78	
XXIII	Stationery and Printing ...	1,00	1,01	1,01	1,09	25	Medical ...	43,53	50,60	48,00	56,78	
XXV	Miscellaneous ...	3,83	98	1,05	93	26	Political ...	24,97	30,19	24,40	31,87	
XXIX	Irrigation—Portion of Land Revenue due to Irrigation ...	11,96	14,32	14,02	13,47	29	Scientific and other Minor Departments ...	4,76	4,87	4,70	4,79	
XXIX	Irrigation—Major Works—Direct Receipts ...	6,33	5,69	5,95	6,34	30	Superannuation Allowances and Pensions ...	8,02	8,96	8,57	10,46	
XXX	Irrigation—Minor Works and Navigation ...	1,75	1,56	1,74	1,64	31	Stationery and Printing ...	28,85	30,20	30,00	31,80	
XXXI	Civil Works	Civil Department ...	9	7	7	7	32	Miscellaneous ...	15,13	13,29	14,00	13,73
		Public Works Department ...	7,45	5,95	6,40	5,90	33	Reduction or Avoidance of Debt ...	2,89	3,62	4,19	6,21
	Total ...	6,44,71	6,23,40	7,08,70	6,78,62	36	Subsidized Companies—Land ...	13,70	13,70	13,70	13,70	
	Opening Balance ...	69,83	76,84	87,21	1,52,47	40	Miscellaneous Railway Expenditure ...	...	...	23	5	
	Grand Total ..	7,14,54	7,00,24	7,95,91	8,31,09	41	Irrigation—Major Works. { Working expenses ...	5,25	6,34	6,35	6,56	
						42	Interest ...	8,65	9,13	9,09	9,56	
						43	Irrigation—Minor Works and Navigation ...	17,56	15,26	17,76	16,48	
						44	Civil Works ... { Civil Department ...	8,16	8,44	8,32	58,37	
						45	Public Works Department ...	69,26	65,52	73,68	80,45	
							Total ...	6,27,33	6,39,37	6,43,44	7,52,82	
							Closing Balance ...	87,21	60,87	1,52,47	78,27	
							Grand Total ..	7,14,54	7,00,24	7,95,91	8,31,09	

## APPENDIX H.

No. 1399.

From THE HONOURABLE MR. J. M. MACPHERSON, C.S.I.,  
SECRETARY TO THE GOVERNMENT OF INDIA,  
Legislative Department;

To THE SECRETARY TO THE GOVERNMENT OF BOMBAY,  
Legal Department.

*Dated Simla, the 20th April 1911.*

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 209, dated the 18th March 1911.

The Aden Port Trust  
(Amendment) Law, 1911.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) J. M. MACPHERSON,  
Secretary to the Government of India.

## APPENDIX I.

No. 1735.

From THE HONOURABLE MR. J. M. MACPHERSON, C.S.I.,  
Secretary to the Government of India,  
Legislative Department;

To THE ACTING SECRETARY TO THE GOVERNMENT OF BOMBAY,  
Legal Department.

*Dated Simla, the 2nd June 1911.*

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, an authentic copy of the Law noted on the margin, which was received with your letter No. 320, dated the 15th May 1911.

Law further to amend  
the City of Bombay Municipal  
Act, 1888.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) J. M. MACPHERSON,  
Secretary to the Government of India.

## APPENDIX J.

*Mungesh Senoy Street.  
Fort, Bombay, 23rd June 1911.*

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,  
General Department, Poona.

Honoured Sir,

The Bombay Bhatia Mitra Mandal—an association registered under Act XXI of 1860 and established in the year 1894—has viewed with entire satisfaction the provisions of the Bill for the Registration of Charity funds, introduced by the Honourable Mr. Ibrahim Rahimtoola in the Legislative Council. And our association is of opinion that having regard to the experience of our community, wherein many a charitable trust funds have been misapplied and have been subsequently wasted in heavy and expensive litigations, the passing of the said Bill into an Act will be a real boon.

Our association does not consider that the said Bill is exhaustive to stamp out the various abuses that have arisen in absence of proper supervision over the charitable and religious funds, whereby not only have the donors' intentions been wholly frustrated but several charitable and religious Institutions have been a source of public nuisance and have given rise to many vices, and many a charitable and religious funds have entirely disappeared and have been misappropriated by the holders thereof. It is now high time that the provisions of the said Bill be also extended to the religious Hindu Temples and in particular to the Vaishnavaites Temples which have mostly and invariably grown out of the munificent donations of our community, but the said donations are being most recklessly misapplied by the Shebaites of the said Temples.

Our association need hardly assure the Government, that the passing of the said Bill into law, with any further additions that may be made thereto so as to make the same applicable to the religious funds also has the warmest support of our body and will be a real and substantial boon to the Hindu Community at large. The provisions of the Civil Procedure Code for the relief are too costly and in very many cases the desired results by litigations are not achieved notwithstanding the waste of time, energy and money. The litigations to bring the defaulters to book give rise to personal animosities.

Under the circumstances our association prays that the Government will be pleased to pass into law the aforesaid Bill with its extended scope as herein above stated and by making the same applicable to the religious funds and Institutions.

We have the honour to be,

Honoured Sir,

Your most obedient Servants,

(Signed) JAITHABHAI WALJI,  
President.

(Signed) DAMODUR ROWJI,  
Secretary.

Journal of the Proceedings of the Legislative Council of the Governor of  
Bombay, assembled under the provisions of the Indian Councils Acts,  
1861 to 1909.

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The Council met at Bombay on Tuesday the 21st November 1911, at 12 o'clock noon.

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*P R E S E N T :*

- His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.M.G.,  
G.C.I.E., Governor of Bombay, *presiding.*
- The Honourable Mr. R. A. LAMB, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. MAHADEV BHÁSKAR CHAUBAL, LL.B.
- The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.
- The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Sardár LAKHAMGAUDA BASÁVPRABHU, Sar Desái of Vantmuri.
- The Honourable Mr. JAMES BEGBIE.
- The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
- The Honourable Sardár Ráo Bahádur MOTILÁL CHUNILÁL.
- The Honourable Mr. GEORGE SEYMOUR CURTIS, I. C. S.
- The Honourable Sardár PURSHOTTAMDÁS VIHÁRIDÁS DESÁL.
- The Honourable Mr. FAZULBHOY CURRIMBHOY EBRAHIM.
- The Honourable Sardár SYED ALI EL EDROOS.
- The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.
- The Honourable Sardár NARAYANRAO GOVIND *alias* BÁBÁ SÁHEB GHORPADE,  
Jághirdár of Ichalkaranji.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable Mr. HERBERT RUFUS GREAVES.
- The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákore of Amod.
- The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
- The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁO, Rája of Málegaon.
- The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.
- The Honourable Mr. W. H. LUCAS, I. C. S.
- The Honourable Mr. LALUBHÁI SÁMALDÁS MEHTA.
- The Honourable Sir PHEROZESHAH M. MEHTA, K.C.I.E., Bar.-at-Law.
- The Honourable Mr. G. P. MILLETT.
- The Honourable Sardar Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.

The Honourable Sardár DÁVAR KAIKHOSRO EDALJI MODI.  
 The Honourable Sardár COOPOOSWÁMY VIZIARUNGUM MOODLIAR.  
 The Honourable Dr. TEMULJI BHIKÁJI NARIMAN, L.M., F.R.M.S. (London).  
 The Honourable Mr. J. P. ORR, I. C. S.  
 The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.  
 The Honourable Mr. ABDUL HUSEIN ADAMJEE PEERBHOY.  
 The Honourable Mr. F. G. PRATT, I. C. S.  
 The Honourable Sir HENRY E. E. PROCTER, Kt.  
 The Honourable Mr. IBRAHIM RAHIMTOOLA, C.I.E.  
 The Honourable Mr. MANMOHANDAS RAMJI.  
 The Honourable Ráo Bahádur SHRINIWAS KONHEE RODDA.  
 The Honourable Mr. CHIMANLAL HARILAL SETALVAD, LL.B.  
 The Honourable Mr. W. H. SHARP.  
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.  
 The Honourable Surgeon-General H. W. STEVENSON, I. M. S.  
 The Honourable Mr. T. J. STRANGMAN, Bar.-at-Law, Advocate General.  
 The Honourable Khán Bahádur NOWROJEE PESTONJEE VAKIL, C.I.E.  
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.  
 The Honourable Mr. M. DE P. WEBB, C.I.E.

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NEW MEMBERS.

The Honourable Mr. W. H. LUCAS, the Honourable Mr. F. G. PRATT, the Honourable Surgeon-General H. W. STEVENSON, and the Honourable Mr. M. DE P. WEBB made the prescribed oath of allegiance to His Majesty the King-Emperor and took their seats in the Council.

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QUESTIONS AND ANSWERS.

The following is a list of the questions put by Honourable Members with the answers given by Government in each case:—

<i>Questions.</i>	<i>Answers.</i>
<p>THE HONOURABLE SARDA'R NA'RA'-            YANRA'O GOVIND <i>alias</i> BA'BA'            SA'HEB GHORPADE, JA'GHIRDA'R            OF ICHALKARANJI.</p> <p>1. Will Government be pleased to ask the Madrás and Southern Maráthá Railway Company to provide intermediate class accommodation on their trains as the fares charged for 2nd class accommodation are exorbitant?</p>	<p>1. Copies of the letter addressed to the Agent, Madrás and Southern Maráthá Railway Company, and of the Agent's reply thereto are laid on the Council Table.</p> <p style="text-align: center;">See Appendix A.</p>

[*This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.*]

## Questions.

2. Will Government be pleased to cause inquiries to be instituted regarding the complaints which are often made that the fruit parcels entrusted to the Madrás and Southern Maráthá Railway Company are often found open and tampered with?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

3. Will Government be pleased to place on the Council Table the result of their correspondence with the Agent of Madrás and Southern Maráthá Railway, regarding the provision of the intermediate class accommodation on the Madrás and Southern Maráthá Railway?

4. Will Government be pleased to state the result of the enquiries regarding the complaints in the matter of tampering of fruit parcels entrusted to the Madrás and Southern Maráthá Railway Company?

5. Will Government be pleased to state whether Dhondo Vasudev Kanetkar, Inámdár of Bhondan, táluká Erandol, district East Khándesh, submitted a memorial to Government in April 1911, against the order of the Commissioner, Central Division, ordering him not to recover enhanced assessment from his tenants notwithstanding that the period fixed by the survey had expired?

Will Government be pleased to state what reply was given to the memorialist and the reasons for the same?

6. Will Government be pleased to state whether the Inámdárs of Dindoli and Vanz in the district of Surat have applied for powers under section 88 of the Land-Revenue Code and whether powers under that section have been conferred on them?

## Answers.

2. In reply to the inquiry made, the Agent, Madrás and Southern Maráthá Railway, has reported that although a considerable traffic in fruit parcels is dealt with throughout the whole system of that Railway, he has been able to trace only a very few complaints as to these parcels having been tampered with. In the Poona district there has not been a single instance of such a complaint, though on that section large quantities of fruit parcels are carried.

3. The Honourable Member is referred to the correspondence which has been laid on the Table, with reference to his Question No. 3\* put at the last Meeting.

4. The Honourable Member is referred to the result of the enquiry which has been placed on the Table, with reference to Question No. 4† put by him at the last Meeting.

5. A memorial was received and Government declined to interfere with the order of the Commissioner. The levy of increased rates of assessment after the expiry of a guaranteed period of settlement is illegal unless the increased rates have been sanctioned and formally introduced as the result of a revision settlement.

6. No application from the Inámdárs has been received by Government.

\* Now printed as question No. 1 of the Honourable Member.

† Now printed as question No. 2 of the Honourable Member.



## Questions.

7. Will Government be pleased to state whether it is a fact that the Village Officer of Mángsuli in the Athni táluká of the Belgaum district took the sum of Rs. 452-15-0 as his own remuneration out of the revenue of the village collected by him without the permission of the authorities and in contravention of the orders and notwithstanding that he had left uncollected large arrears of revenue due to the Inámdár ?
8. Will Government be pleased to state how many Inámdárs applied for powers under section 88 of the Land-Revenue Code in the year 1910 and on how many of them were those powers conferred ?
9. Will Government be pleased to state whether they have arrived at any conclusion as regards the cases of Kadim watandárs in the village of Báhe in the Válwa táluká of Sátára district which as stated in reply given by Government to Question No. 7 (b) asked by me in the meeting of the Legislative Council held on the 26th January 1911 were under investigation regarding the levy of judi on them? If so, what conclusion have they arrived at ?

THE HONOURABLE MR. GOKULDA'S  
KAHA'NDA'S PA'REKH.

1. (a) Will Government be pleased to say whether they have considered to what extent the interest of British villages and of the inhabitants of the British táluká of Chikhli will be injuriously affected by the construction of the Billimoriá-Sara Railway according to its present alignment ?

\* \* \* \*

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. (1) When the estate of a Tálukdár or other land-holder is indebted to Government and it comes under Government

## Answers.

7. Government have no information on the subject. It is open to the Inámdár, if he so desires, to make a representation to the local officers or to Government.
8. During the calendar year 1910, fourteen applications were made by Inámdárs, or by District Officers in their behalf, for the grant of commissions under section 88 of the Land-Revenue Code. Commissions were granted in all these cases.
9. The cases referred to are still under investigation.

1. (a) Memorandum from the Secretary, Railway Board, See Appendix B. No. 1975-R. E., dated the 4th August 1911, and its accompaniment are laid on the Council Table.

\* \* \* \*

2. (1) Payments from revenue collections to loan accounts are made after the current expenses of the estate have

*Questions.*

management and its income leaves a balance after deduction of outgoings, will Government be pleased to say from what day the balance is applied towards the reduction of the principal amount due by the said Tálukdár or landholder?

(2) Have Government issued any orders in the matter?

(3) And if so, will they be pleased to say what such orders are?

3. Will Government be pleased to say—

(1) whether they have issued any orders for the reduction of schools teaching the higher vernacular standards to the position of Rural Schools?

(2) under what circumstances is a school teaching standards IV, V, VI of the Vernacular standards required to be converted into a Rural School?

(3) what is the number of schools teaching upto standard IV and higher that Government contemplate to convert into Rural Schools?

4. In connection with the Steam Ferry Service recently established between Broach and the places on the opposite side of the river Nerbuda, will Government be pleased to say—

(1) whether the sanctioned fare per passenger was one pice under the old system and the lowest fare per passenger of the Steam Ferry is 2 pice?

(2) whether under the old Ferry arrangement all agriculturists, Khátedárs of lands, labourers, wood cutters and grass cutters and other persons whose avocations rendered it necessary that they should now and then cross the river, were allowed to be carried free, and now holders of passes provided by the Collector alone are allowed to cross free by the Steam Launch?

(3) What is the daily number of holders of lands and their servants, agricultural labourers, tillers of lands and grass cutters and wood cutters that used to cross the Nerbuda by the old Ferry?

B 1930—134

*Answers.*

been paid and it has been ascertained what balance is available for the reduction of outstanding debts. This is invariably done before the end of July when the revenue year closes.

(2) and (3) Government have not issued any special orders in the matter.

3. The subject is still under consideration.

4. (1) The fare chargeable under the old rules was 2 pice, but the ferry farmer actually charged from 1 to 4 pice according to the ability of the passenger to pay. The fare charged at present is 2 pice.

(2) Under the old ferry arrangements the rule was that cultivators crossing every day were to be exempted at the Collector's discretion. This rule is still in force, but these exemptions have been regularised. Printed passes are now supplied to all persons exempted and have been freely given.

(3) Information is not available.

## Questions.

## Answers.

- (4) Have the Collector's free passes been given to all of them or only to a few of them?
- (5) Are the head loads of grass or fuel and agricultural produce charged or carried free by the Steam Ferry?
- (6) Were such loads allowed to be charged under the old Ferry arrangement?
5. (1) Do Government contemplate converting ordinary lands into salt pans at Bhándup in the taluká of Sálsette in the Thána district?
- (2) What is the area of land at or about Bhándup that is intended to be converted into salt pans.
6. Will Government be pleased to state—
- (1) What are the educational qualifications of the persons who have been appointed Deputy Superintendents of Police?
- (2) Do Government propose to fix the proportion of the appointments of Deputy Superintendents to be filled by men directly recruited out of persons of educational and family qualifications and those to be given to persons promoted from the Subordinate Police Service?
7. Will Government be pleased to say whether they have arrived at any decision on the question of propriety of resorting to legislature in those cases where the plaintiffs had made applications to the Conciliator before the last day prescribed by the Limitation Act of 1908 for filing suits for the recovery of debts charged on immoveable property and their suits were dismissed for having not been filed in Court in time in accordance with the ruling of the High Court or who omitted to bring their suits in consequence of such ruling?
8. Will Government be pleased to say in what districts and at which places have Famine Relief Works been opened?
- (4) Please see reply to clause (2) above.
- (5) and (6) Information will be called for.
5. (1) Yes.
- (2) 2,562 acres.
6. (1) The School Final Examination is the minimum Educational qualification required for entering into the Police Training School at Násik. Out of six Deputy Superintendents appointed, since 1906 two have been B.A., LL.B.'s and three have studied up to the P.E.
- (2) No.
7. Government have called for detailed information as to the claims which were affected by the ruling of the High Court in Civil Reference No. 9 of 1910. On receipt of this information the question will be carefully considered.
8. Famine Relief Works have been opened throughout the Panch Maháls district but not elsewhere. Information regarding the state of famine relief is given weekly in the Season Reports and Summary which are published in the *Bombay Government Gazette* and reproduced in the principal newspapers.

## Questions.

9. Will Government be pleased to say—

(1) If their attention has been drawn to Dr. Harold Mann's letter on the subject of the protection of minor girls published in the *Times of India* and other papers?

(2) Will Government be pleased to state whether Dr. Mann is correct in his statement that the opinions which the Government have collected from Indian leaders have led them to the conclusion that to make concubinage illegal for young girls under sixteen in all cases would interfere with a number of recognised customs and might lead to resentment and opposition from perfectly respectable classes?

(3) Will Government be pleased to publish the opinions which they have received in response to their investigation?

10. (1) Will Government be pleased to say if it is true that a large number of persons who were classed as Hindus in the census of 1901 has been classified as animists in the recent census?

(2) If so, under what instructions was the change made?

THE HONOURABLE SARDA'R PURU-SHOTTAMDA'S VIHA'RIDA'S DESA'I.

1. With regard to my question relating to the remission of land-revenue to be given on account of damage done to crops by the severe frost, put at the last meeting of the Council, will Government be pleased to put on the Council Table the amounts of remissions given by the several Collectors in their districts?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. Will Government be pleased to state—

(a) Whether in view of the total failure of crops in the Ahmedabad, Kaira and Panch Mahals districts they intend to direct the Collectors of

## Answers.

9. (1) Yes.

(2) The opinions collected by Government furnished one of the reasons which led them to the view they have taken of this question.

(3) No.

10. In all 320,234 persons have been returned as Animists in the 1911 census of the Bombay Presidency against 94,845 in the 1901 census. The explanation of this large increase is to be found mainly in the classification of Bhils and other wild tribes. Some of the more civilized Bhils are Hindus but the majority are Animists. The general rule under the Census Code is that the answer which each person gives about his religion must be accepted. If a Bhil said he was a Hindu he was entered as such; if he said he was not a Hindu, he was classified as an Animist.

1. A statement giving the required information is laid on the Council Table.  
See Appendix C.

2. (a) The granting of remissions and suspensions in all districts, including those mentioned by the Honourable Member, will be governed by the standing rules for the suspension and remission of land-revenue. These rules were

## Questions.

those districts to remit rather than suspend the land assessment for the year?

- (b) What steps, if any, have been taken to supply cheap fodder and to meet the deficiency of drinking water for the cattle in those districts?

THE HONOURABLE RA'O BAHADUR  
SHRI NIWAS KONHER RODDA.

1. (a) \* \* \* \*

(b) Is it a fact that the High Court has circularised the Civil Courts subordinate to it to dismiss all suits opposed to the ruling in the aforesaid case?

(c) Will Government be pleased to lay on the Table of the Council a statement of the facts of the case, a copy of the judgment of the High Court and a copy of the Circular?

\* \* \* \*

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. (a) Is it a fact that the District Magistrate of Belgaum has issued an order prohibiting the Hindoos of the Town of Chikodi from employing Tase-walás (Tom-tom-beaters) from any other place in the taluká than Chikodi?

(b) Will Government be pleased to lay on the Table a copy of the District Magistrate's order?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

## Answers.

carefully drawn up after exhaustive discussion and have been amended from time to time whenever experience showed that amendment was desirable. Their operation up to date has been satisfactory and there is no reason to vary their application at the present juncture, when the circumstances are precisely those which they have been designed to meet.

- (b) The Honourable Member's attention is invited to the press note, of which a copy has been sent to him, describing the arrangements made throughout the Presidency for the preservation and maintenance of cattle during the present scarcity.

The improvement of the supply of drinking water is being effected by the help of grants from Government. So far these grants, which are in addition to the grants made annually for this purpose, amount to Rs. 52,000 in the Northern Division and Rs. 20,000 in the Central Division.

1. (a) \* \* \* \*

(b) and (c) Copies of the judgment and the Circular of the High Court are placed on the Table.

See Appendix D.

\* \* \* \*

2. The papers on the subject received from the District Magistrate, Belgaum, are placed on the Table.

See Appendix E.

*Questions.*

3. In view of the fact that Government have recently thrown open to the Judicial Branch of the Provincial Service an additional appointment of District and Sessions Judge in lieu of the High Court Registrarship taken away from it, will Government in fairness to the Executive Branch of the Provincial Service be pleased to consider the question of throwing open an additional appointment of Collector and District Magistrate to that Branch of the Service in lieu of the Talukdāri Settlement Officer's appointment?
4. Most of the Departments of Public Service have had their revision as regards scale of pay and rate of promotion, will Government be pleased to consider the desirability of improving the status of Provincial Deputy Collectors by suitable increase in the scale of their pay bearing in mind that the duties they are required to perform are identical with those of the Civil Servants and the existing scale of pay was fixed many many years ago?
5. Will Government kindly see their way to increasing the permanent travelling allowance of District Deputy Collectors to at least to Rs. 100 (the rate allowed to supernumerary Assistant Collectors in charge of a single taluká), the present rate of Rs. 75 having been fixed years ago when prices were lower by at least 33 per cent.?
6. Having regard to the fact that Postal Superintendents and apprentice Engineers drawing much less pay than the last grade Deputy Collectors are First Class Officers for purposes of Travelling Allowances rules, will Government be pleased to consider the advisability of declaring all Deputy Collectors in this Presidency (Sind included) whose duties are equally onerous, if not more so, to be First Class Officers for the purposes of Travelling Allowance Regulations as this suggestion if carried out will improve the status of the Deputy Collectors without much cost to Government?
7. Will Government be pleased to say—
  - (a) Whether they are prepared to sanction two middle school scholarships of rupees 3 per mensem each for each district exclusively for the boys of the Depressed classes, as in the case of Mahomedans and other backward classes?

*Answers.*

3. The matter is under consideration.
4. Government do not consider it necessary to improve the status of Provincial Deputy Collectors by increasing the scale of their pay.
5. Government do not consider it necessary to increase the rate of permanent travelling allowance of District Deputy Collectors.
6. This matter has already been fully considered and it has been decided not to treat Deputy Collectors of rank below the third grade with the exception of fourth grade—Deputy Collectors who have received direct appointments to the Provincial Service as—First Class officers for the purposes of the travelling allowance Rules.
7. The suggestions made by the Honourable Member will be considered.

## Questions.

(b) If so, whether they would be prepared to lower the standard of eligibility for these scholarships from Standard IV to Standard III?

8. Will Government be pleased to say whether an inquiry has been made as to the circumstances under which a passenger by steamer lost his life in the Panvel Creek on 13th June last?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

## Answers.

8. While the S.S. "Káliká" was proceeding to Ulwa on the 12th June 1911, it was reported to the Commander that a passenger had fallen overboard. The steamer was stopped immediately, a life boat lowered and a thorough search made for three-quarters of an hour, but no trace of the missing person could be discovered. The death of the passenger in question was reported by the Bombay Steam Navigation Company, Limited, to the Assistant Collector of Customs, Preventive Service, Bombay, who made enquiries into the facts of the casualty and was satisfied that the ship in question was properly equipped and that it was not through any defect in the equipment of the vessel that the loss of life occurred. It appears from the Panchnama which was held on board the vessel that the case was one of suicide.

THE HONOURABLE SARDAR SYED  
ALI EL EDROOS.

1. Will Government be pleased to say how many applications were received from Mahomedans in the Surat district for the post of taláti during the past three years, and how many Mahomedans were provided for in that post?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. Will Government be pleased to state, whether or not it is a fact, that a number of accused persons have been confined in the lock-up for an unduly long time pending their trial before the Second Class Magistrate of Nadiád, Kairá district?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

1. Eleven applications were received from Mahomedans during the period mentioned. Of the applicants, six were appointed talátis, one has been appointed to act as a kárkún, one being a gunshi in an Urdu School was not relieved by the Deputy Educational Inspector and three are waiting for vacancies.

2. In the Third Class Subsidiary Jail at Nadiád there were 14 under-trial prisoners of the Court of the Second Class Magistrate, Nadiád, during the months of May, June and July of which 2 were admitted at the end of the month of March, 2 in April, 1 in May, 3 in June, and 6 in July. Of these 14 prisoners, 5 and 8 were either discharged or convicted in the months of May and July respectively and there was one in the Jail at the end of July. Five prisoners admitted into the Jail in March, April and May, were detained for about a month and more, but this was unavoidable owing to the sudden illness of the Magistrate, and to the fact that the hands of the Mámlat-

## Questions.

3. Will Government be pleased to say whether the late District Deputy Collector of Kairá, Mr. Heblikar, has made good the cost of the Pump which the Municipality purchased in order to provide drinking water from the Vav?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

THE HONOURABLE MR. GULAM MUHAMMAD WALAD KHA'N BAHADUR, WALI MUHAMMAD BHURGRI.

1. (a) Will Government be pleased to state what was the amount of fines imposed by the Executive Engineer, Jámrao Canals, last year, for

- (1) waste of water,  
(2) unauthorized use of water?

- (b) Will Government be pleased to state in how many cases appeals were filed before the Colonization Officer against the Executive Engineer's orders, and in how many cases the Colonization Officer interfered?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. Is Government aware that these fines are imposed on the reports of the Abdárs, and that no enquiry on the spot is made by any officer except the Abdárs and Canal Assistants?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

## Answers.

dár and First Class Magistrate, Nadiád; to whom the cases can be transferred, were full with the First Class cases.

3. As the result of the inquiries made, Government see no reason why Mr. Heblikar should make good the cost of the Pump referred to.

1. (a)

- (1) Rupees 981,  
(2) Rupees 10,668.

- (b) Appeals were filed in 141 cases and the Colonization Officer interfered in one only.

2. The statements in question 2 of the Honourable Member are not correct.

A most thorough and careful check of the work of the Abdárs and Canal Assistants is made by the Sub-divisional Officers and 3 out of 6 of these officers were Assistant Engineers.

Over 52 per cent. of the cases submitted to the Executive Engineer in 1909-1910 were inspected and verified by the Sub-divisional Officers, and in addition the Executive Engineer, and an Assistant Engineer specially on Inspecting Duty, verified others.

The number of cases would be greatly reduced if the Honourable Member and other leading landholders insisted on their servants conforming to the rules.



## Questions.

3. Will Government be pleased to state what is the annual cost of the maintenance of the Abdárs and Canal Assistants on the Jámrao?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

4. Is Government aware that non-qualified men are taken on in Government service in Karáchi in contravention of Government Resolution, Educational Department, No. 1363, dated 28th July 1910? Will Government be pleased to say how many of these men are Mahomedans, how many Hindus, and how many Christians?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

5. (a) Will Government be pleased to state what was the amount of fines levied in the Hala Sub-Division for unauthorized cultivation during the last year?

- (b) In how many cases has the fine been levied at the rate of 10 times the assessment?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

6. (a) Will Government be pleased to state if they have come to any decision about the revision of the Sind Fallow Rules?

- (b) If so, will the Government be pleased to lay on the Council Table the papers on the matter?

7. Will the Government be pleased to say when the new district of Nawábshah will be created? Has the Secretary of State sanctioned the creation of the new district?

8. Will the Government be pleased to state if the area under cultivation on the Jámrao tract has increased or decreased since the amalgamation of the northern and southern districts of the Jámrao under one Executive Engineer?

9. (a) Are Government aware that there is a widespread cry about the failure of the Jámrao water-supply?

## Answers.

3. The annual cost of the Abdárs and Canal Assistants is approximately Rs. 39,000.

4. The orders contained in Government Resolution, Educational Department, No. 1363, dated the 28th July 1910, are carefully attended to in Karáchi as in other parts of Sind. Inquiries which have been made have failed to bring to light any such cases as are referred to by the Honourable Member.

5. (a) The amount of fines levied in the Hala Sub-Division for unauthorized cultivation during the revenue year 1910-11 was Rs. 31,038-3-0, of which Rs. 8,452-9-0 have been remitted by the Collector on appeal. Seven appeals are still pending.

- (b) Fine at the rate of 10 times the assessment was levied in the case of nine zamindárs in respect of twelve survey numbers.

6. The Honourable Member is referred to the first part of the reply given to Question No. 3 put by him at the meeting of the Council held in March 1911. The Commissioner's report is still awaited.

7. Government are unable to state when the new district of Nawábshah will be created. The scheme is at present under the consideration of the Government of India.

8. Owing to the deficient water-supply the area under cultivation has decreased during the period referred to.

9. (a) Government are aware there is a large demand for water on the Jámrao canal; the supply has not failed.

## Questions.

- (b) Will Government be pleased to say if the mouth of the Jámrao has silted up?
- (c) If so, will Government be pleased to state if any measures have been taken or are in contemplation to improve the supply?

THE HONOURABLE SARDA'R NAHAR-SINGHJI ISHWARSINGHJI, THA'KOR OF A'MOD.

1. Will Government be pleased to say whether it is possible for the Tálukdári Settlement Officer to furnish to all Tálukdáras whose estates are under his management, a statement of their accounts annually?

[This question was asked at the meeting held on the 25th July 1911, when an ad interim reply was given.]

2. (a) Will Government be pleased to state whether a rule has been formulated as regards the percentage of survey assessment to be fixed as jama on tálukdári estates,
- (b) and if there is any, will Government be pleased to lay it on the Council Table?
3. Will Government be pleased to state whether the recent removal of the names of certain persons from the Gujarát Sardárate is due to any political reasons or other causes, and will Government be pleased to state, for the information of the Sardárs, the reasons which led to this action on the part of the Government?
4. Will Government be pleased to lay on the Council Table the proposals, if any, made by the High Court, in the matter of the revision of the establishment in the Judicial Department? If there is any such proposal, will Government be pleased to state what consideration has been given to it?

B 1930-138

## Answers.

- (b) No. The mouth has not silted up.

1. The accounts of Tálukdáras' estates under management are at all times open to inspection by estate-owners themselves or their accredited agents, who take notes and uncertified copies free of charge. Certified copies are furnished on application and on payment of copying fees. Ample facilities for ascertaining the state of individual accounts therefore exist. There are over 500 estates under management with a very large number of co-sharers in the estates. To furnish every Tálukdár annually with a statement of accounts would involve an increase in establishment and consequently in the cost of management and there is no such general desire for the statements among Tálukdáras as a body as to render this justifiable.
2. There is no rule by which Government have limited themselves to taking as jamá on tálukdári estates any fixed percentage of the assessment.
3. Government are unable to give their reasons for the action taken by them in the matter. The attention of the Honourable Member is drawn to Government Resolution No. 6265, dated the 21st September 1909.
4. Proposals have been made by the High Court and accepted by Government and the sanction of the higher authorities is about to be applied for. The Governor in Council does not think that it will serve any useful purpose to publish the proposals at this stage.

*Questions.*

5. Will Government be pleased to say whether any consideration has been given as regards furnishing to all talukdárs, whose estates are under the management of the Talukdári Settlement Officer, a statement of their accounts annually, as to enable them to make suggestions regarding the management of their estates and also to put forth their grievances?

THE HONOURABLE SARDA'R RA'O  
BA'HA'DUR MOTILAL CHUNILAL.

1. Will Government be pleased to state as to whether they have received the letter dated the 29th May 1911 from the Collector of Broach to the Commissioner, Northern Division, requesting Government to provincialize certain roads in the Broach district and, if so, will they state as to when the request will be complied with?

THE HONOURABLE MR. HARCHAND-  
RAI VISHINDAS.

1. (a) Is it true that by opening the Choi branch, and the consequent regulation of the Begári Canal at the Choi head, this year, the Main Begári Canal in Upper Sind silted up, causing heavy loss to lands commanded by that canal?
- (b) Is it further true that this result could have been in a measure avoided by taking precautionary measures as soon as a low inundation was foreseen?
- (c) Is it true that the Executive Engineer, Begári Canals district, declined offers of zamindárs to clear the Begári head, and, at their expense, to cut a water-course connecting the Begári head with the Indus to save their standing Kharif crops and ensure a sufficiency of water-supply for the ensuing Rabi crops?
- (d) If the answers to (a) and (b) be in the affirmative, will Government be pleased to issue instructions that in future early precautions be taken to obviate a recrudescence?
2. (a) Are Government aware that since late in the Hyderabad district the full penalty of 25 per cent. is being charged for default in payment of assessment on

*Answers.*

5. The Honourable Member is referred to the reply to Question No. 9\* put by him at the Legislative Council Meeting of 25th July 1911, which has been placed on the Council Table.

1. The letter referred to by the Honourable Member has received sympathetic considerations but Government regret that they are unable to entertain the proposal at present owing to the existence of famine in certain districts. Further consideration will be given to the matter when the funds required are available.

1. Government have received no information indicating that there is any foundation for the question of the Honourable Member. A report is being called for from the local officer.

2. Government have no information regarding the extent to which a penalty of 25 per cent. of the assessment due has been lately levied in the Hyderabad

\* Now printed as Question No. 1 of the Honourable Member.

*Questions.*

due date, and ten times the assessment for unauthorized cultivation of Government lands?

- (b) If so, will Government be pleased to relax the Rules?

3. (a) Are Government aware that paper books in the Court of the Judicial Commissioner of Sind in Civil appeals and applications are typed, and though two copies for the use of the Judges are typed by one process, litigants are charged Re. 0-2-0 per folio for each of the two copies, working out to Rs. 1-4-0 or Rs. 1-8-0 per page, whereas in the Bombay High Court paper books are printed at the comparatively lower cost of Re. 0-4-0 a page, and that this constitutes too hard an imposition on justice seekers?

(b) Will Government be pleased to afford some measure of relief by reducing the fee to Re. 0-2-0 per folio only for one copy instead of for each of the two copies?

4. Will Government be pleased to state what progress has been made with the scheme formulated by Mr. Wright, a former Educational Inspector of Sind, for opening a Central Technical Institute in Karachi?

*Answers.*

district in cases of default of payment. At the end of both the revenue years 1908-1909 and 1909-1910, however, there were very large unauthorised arrears of land-revenue in this district and Government drew the attention of the local officers to the sparing use made in both years of the power to fine defaulters. Government have no reason to think that any relaxation of this power is now necessary or desirable.

The latest information regarding the levy of ten times the assessment in cases of unauthorised cultivation is given in the answer now laid on the Council Table in reply to Question No. 4\* asked by the Honourable Mr. Gulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri at the meeting of the Legislative Council held on 25th July 1911. In this case also no relaxation of the rules is considered desirable.

3. (a) The cost of copies in the Sind Court Rules is 2 annas for every 90 words. It is not correct that each copy typed by the same process is separately charged for. No matter how many copies are provided only double fees are asked for.

(b) Government consider that the question is one to be decided by the Sind Court and that their interference is not called for.

4. The attention of the Honourable Member is invited to paragraph 11 of Government Resolution No. 1353, dated 20th July 1906, which was placed on the Table in answer to question No. 3 put by the Honourable Sir Pherozeshah M. Mehta, K.C.I.E., at the Council Meeting held on 18th August 1906 and which will be found published at pages 227-241 of the Proceedings of the Council for 1906, Volume XLIV. It will be seen therefrom that the scheme was abandoned.

\* Now printed as Question No. 5 of the Honourable Member.

## Questions.

5. Will Government be pleased to consider whether the benefit of local allowances should not be extended to the non-clerical superior establishments, *e. g.*, gate-keepers, appraisers, examiners, Police clerks and the like in Karáchi in the same way as has been done in Bombay, as also to the establishments of the North-Western Railway?
6. Are Government aware that one second class compartment attached to the Up and Down Quetta Mails referred to in answer to my question No. 2 at the last meeting of the Council has been found to be inadequate for the travelling public, and will Government be pleased to relieve the inconvenience?

THE HONOURABLE MR. FAZULBHOY  
CURRIMBHOY EBRAHIM.

1. (a) Will Government be pleased to state whether the Agricultural Department has been able to take over any cattle belonging to agriculturists in view of the fodder famine in Gujarát and Káthiáwád, and thus save them from destruction, consequent upon the inability of the ryot to feed them?
- (b) Will Government be pleased to consider whether the scope of the Agricultural Department should not be so extended as to enable it to take over cattle from poor agriculturists, when an emergency like the present occurred in the future?
2. Will Government be pleased to state whether there is educational or any other test laid down for those seeking admission in Government service as A'bkári Inspectors? What is the highest starting salary given to A'bkári Inspectors?

## Answers.

5. The matter will receive the consideration of this Government so far as their own officers are concerned. The question of the grant of the Karáchi local allowance to the establishment of the North-Western Railway is one with which the Government of India and not the Bombay Government are concerned.
6. The only recent complaints which have come to the notice of Government are those which appeared in the *Star of India* in its issue of the 14th October 1911, and in the *Sind Journal* in its issue of the 26th October 1911. Government have caused a letter to be addressed to the Manager, North-Western Railway, regarding the alleged inconvenience in the Up and Down Quetta Mails, and the result of the correspondence will be laid on the Council Table.

1. (a) Three hundred selected head of cattle will be taken into the Northcote Cattle Farm at Chharodi and fed there. The stock of fodder stored does not permit of more being done.
- (b) The Agricultural Department could not take over the cattle. But means of assisting the ryots to meet a fodder famine are under the consideration of the Director of Agriculture.
2. A'bkári Inspectors are usually appointed by promotion of Sub-inspectors and candidates are accepted only occasionally for direct appointment. No special educational test has been prescribed for those seeking admission to the service as Inspectors, but they are required to pass a departmental examination before being confirmed in their appointments. Other qualifications required are physical fitness and good character. Of three direct appointments made in the last two years the highest starting salary was Rs. 125 per mensem given in one case.

*Questions.*

THE HONOURABLE MR. CHIMANLAL  
HARILAL SETALVAD.

1. Whether Government will be pleased to state what steps have been taken to remedy the defects in the new students' quarters for the Grant Medical College pointed out by the Colleges Inspection Committee?
2. Whether Government have come to any conclusion regarding the suggestion of the Colleges Inspection Committee about the residential quarters for the students of the Elphinstone College that "the only true remedy would be to dispose of the existing buildings and to erect properly designed quarters on a more suitable site?"

THE HONOURABLE MR. DATTATRAYA  
YENKATESH BELVI.

1. Will Government be graciously pleased to state what measures they intend to take in respect of suspension and remission of land-revenue payable in the year 1912 and in respect of affording special facilities for grazing cattle in the several districts of the Bombay Presidency in view of the very poor harvest which the current year threatens to yield?
2. Will Government be pleased to state whether they intend to reduce the assessment on Makki lands in the Kárwár táluká and the other coast tálukás of the Kánara district?
3. Will Government be pleased to state—  
(a) whether under a circular order issued by the Collector of Belgaum in July 1910, grazing fees were levied in a large number of forest villages in the several ranges of the Belgaum district at the penal rate of eight annas per head of horned cattle in lieu of the normal fee of two annas?

*Answers.*

1. The partitions between the three rear rooms on the ground floor of the central block and the corresponding front rooms have been removed and each double room is to be occupied by three students instead of four. Each of the seven rooms on the first floor of the central block which face north is to be occupied by one student instead of two.
2. The attention of the Honourable Member is invited to the remarks of Government against item No. 9 in the accompaniment to the Press Note No. 797, dated the 20th April 1911, copy of which was supplied to him. It will be seen therefrom that there is no more suitable site within easy reach of the College to which the hostel can be removed. In addition to the sum of Rs. 27,658 there mentioned Government have recently sanctioned a further sum of Rs. 18,160 for additions and alterations to the existing hostel.

1. Suspensions and remissions of land-revenue will be granted during the current season in accordance with the standing rules, and no special measures are necessary. A copy of a Press Note stating the measures taken for the preservation and maintenance of cattle has been furnished to the Honourable Member.
2. The question of revision of the assessment of the lands referred to is under consideration.
3. (a) Government are aware that the grazing fee was fixed at 8 annas in 43 villages of the Belgaum district last year and in 42 villages this year.

*Questions.*

- (b) Will Government be pleased to state the grounds on which the penalty was levied by the Collector?
- (c) Will Government be pleased to state if the Collector's order was based upon any other sufficient grounds than the reports of Forest guards to say that the inhabitants of the villages did not render prompt assistance in preventing or putting out forest fires?

*Supplementary Question.*—Will Government be pleased to make enquiry?

- (d) Will Government be pleased to lay on the Table of the Council a copy of the order in question and to say if they had accorded their sanction to it?

4. (a) Will Government be pleased to state whether they will kindly inquire into the causes of the serious and frequent inconvenience to which the bulk of the people in the Hukeri taluká of the Belgaum district are put owing to the recent transfer of that taluká to the jurisdiction of the Subordinate Judge at Gokák?

(b) Will Government be graciously pleased to inquire into the relative importance of the talukás of Hukeri and Gokák from the stand-points of population and civil litigation and to provide Hukeri with a travelling Subordinate Judge, if not with a permanent one?

5. Will Government be pleased to state the total number of marriages certified under the Special Marriage Act III of 1872 from the date of the extension of the said Act to the Bombay Presidency to the end of the year 1910?

*Answers.*

- (b) The normal fee was enhanced on account of the failure of the villagers to co-operate with the authorities in protecting the forests from fire.
- (c) Government are not aware on what evidence the Collector took action.

His Excellency the President.—That does not arise out of the question. That must be put as a separate question.

(d) Government do not consider it necessary to call for a copy of the order which did not require the sanction of Government. It is within the Collector's discretion to enhance grazing fees wherever the villagers are addicted to forest offences or fail to co-operate with the forest officers in protecting the forests. He has also authority to remit entirely these fees in cases where the villagers give proper assistance to the authorities and he has granted on this account during the present year the concession of free grazing in 41 villages of the district.

4. Government are not aware that the location of the Court at Gokák has caused any serious inconvenience. If there is any demand for a Court at Hukeri it will be carefully considered.

5. Please see the answer to question No. 2 put by the Honourable Mr. Karandikar.

*Questions.*

6. Will Government be pleased to state the result of the inquiry which they promised to make at the last Meeting of this Council into the matter covered by question No. 5 put by the Honourable Mr. Gokuldás Párekh?
7. Will Government be pleased to state—  
 (a) if they had once issued a resolution sanctioning the construction of a good road from Dharamtar to Mahábleswar?  
 (b) If so, when do they intend to give effect to it?
8. Will Government be pleased to say whether they are prepared to accord their sanction to the re-opening of "The Special classes" in the Municipal English School at Mahád on condition that the entire management of the said school is placed under the direct control of the Bombay Educational Department?
9. Will Government be pleased to state the total number of cases in the Bombay Presidency excluding the Town and Island of Bombay under the Guardians and Wards Act, 1890, and under the Probate and Administration Act, 1881, during the quinquennium ending with the 31st December 1910?

THE HONOURABLE MR. SIDDHANATH  
DHONDDEV GARUD.

1. (a) Is it true that the new mile-stones on the Agra road between Dhulia and Málegaon record in the Khándesh district 32 miles as the distance between these two places and in the Násik district 30 miles as the distance between them?
- (b) Will Government be pleased to state in which of these two districts the miles-stones on the Agra road record the correct distance?
- (c) Does this variation also affect the figure for Bombay in these two districts?

*Supplementary Question.*—Will Government be pleased to mention the points in Dhulia and Málegaon from which the distances are measured?

*Answers.*

6. The Honourable Member is referred to the answer given to question No. 7 put by the Honourable Mr. G. K. Párekh.
7. The reply is in the negative. Improvements to the road are being carried out from time to time as funds are available.
8. In April 1910 the Kolába Zilla Sabha was informed in reply to a petition that the question of re-opening the classes in question would be considered if the Municipality of Mahád guaranteed proper conditions of housing, teaching, discipline and supervision. An application from the Municipality on the subject will receive due consideration from Government.
9. Government are unable to state the number of the cases filed under the two Acts and it does not seem to them that any advantage proportionate to the trouble involved will be obtained by calling for the figures.

1. (a) Yes; difference is due to points in Dhulia and Málegaon from which the distances are measured.

(b) The correct distance is 32 miles.

(c) No.

His Excellency the President.—We will ascertain. I am afraid, we are not prepared with that local knowledge now.



## Questions.

2. Will Government be pleased to state whether they have considered the desirability of establishing a model Government farm at Násik and a demonstration plot in the old cantonment area at Málegaon?
3. Will Government be pleased to state—
- (a) whether the project of a railway line between Manmád and Dhulia is likely to be taken up in the near future?
- (b) If not, will Government be pleased to state the reasons which have induced them to abandon it?
4. Will Government be pleased to state—
- (a) the number of boys in the Matriculation and School Final classes at the time of the preliminary examination in 1910 in the Garud High School, Násik High School and the Sholápur High School?
- (b) the number of boys sent up for those two examinations from these High Schools?
- (c) the number of boys from these schools who passed those two examinations?
5. Will Government be pleased to state—
- (i) the total number of boys in each of the above-mentioned High Schools in about the middle of November 1911?
- (ii) the number of boys the income of whose parents or guardians is—
- (a) below Rs. 25 per month,
- (b) between 25 and 50 per month,
- (c) between 50 and 100 per month,
- (d) above 100 per month.

## Answers.

2. No proposals of the kind referred to by the Honourable Member have been considered by Government.
3. (a) and (b) The original scheme, supported by the Civil Authorities, for a railway connection to Dhulia, was by a branch line from Chálisgaon. In 1891, in connection with the schemes of the B. B. & C. I. Railway for railways in the Tápti Valley, the G. I. P. Railway Company proposed a loop between Manmád and Jalgaon *via* Dhulia. But subsequently in 1895, the G. I. P. Railway Company receded from that proposal, recommended that the most economical arrangement would be to make the line to Dhulia from Chálisgaon and offered to construct that Branch as an integral part of the G. I. P. Railway. This revised proposal, which was supported by the citizens of Dhulia, was accepted by Government and sanctioned by the Secretary of State. No proposals have come before Government subsequently for an additional branch to Dhulia from Manmád; and it is not likely that such a scheme will be undertaken in the near future.
- 4 and 5. The information required in questions Nos. 4 and 5 (i) has been called for and will be supplied when received. The collection and classification of the information required in question No. 5 (ii) would entail an entirely disproportionate amount of labour and trouble and Government are not prepared to order them.

*Questions.*

*Supplementary Questions.*—Is it true that the information has been collected at the Government High Schools?

If it has been collected for one Government High School, will Government be pleased to lay it on the Table?

6. Will Government be pleased to state—  
 (i) whether they contemplate starting any relief works in the Central Division?  
 (ii) if so, in what districts?  
 (iii) the nature of the relief work contemplated?

7. Will Government be pleased to supply a water-finder machine to each District Local Board of the Central Division to enable the Boards to help agriculturists to locate plentiful sources of sub-soil water?

8. Will Government be pleased to state when the Dhulia drainage scheme is likely to be taken in hand?

9. In view of the fact that the planting of road-side trees in East Khândesh has been done last year by Mr. Simcox through the Revenue Department at a cost smaller than that usually incurred by the Public Works Department, will Government be pleased to state whether they have considered the advisability of handing over that work to the Revenue Department in the Central Division?

*Answers.*

Government have no information on that point at present.

His Excellency the President.—If you put that in the form of a question it will be answered.

6. The necessity of opening relief works has not yet become established in any part of the Central Division.

7. Operations with the "water-finder" are still in the experimental stage in this Presidency. It requires skilled handling and is designed for use only in certain special cases. There is no likelihood of any District Local Board being able to make advantageous use of it at present in the manner suggested.

8. A rough project has been prepared by the Sanitary Engineer and submitted to the Collector, but the scheme has not yet been approved by the Sanitary Board, and the question of financing it has not been settled. In these circumstances it is not possible to say when the work will be taken in hand.

9. Government are not aware that the assertion made by the Honourable Member is altogether correct, but it has been decided that the Commissioners of Divisions shall in each case determine the agency to be employed for planting and maintaining avenues on Local Fund roads in charge of the Public Works Department.

*Questions.*

THE HONOURABLE Mr. ABDUL  
HUSEIN ADAMJEE PEERBHOY.

1. Are Government aware that noting the results of the recent enhancement of the second class fares on their Railways, the G. I. P. Railway Company have decided to introduce the Intermediate Class on their long-distance trains ?
2. Are Government aware that owing to the short time that long-distance trains halt at Stations, third class passengers find great difficulty to secure drinking water, specially in the hot weather ?
3. Will Government be pleased to take steps in view of securing that all third class carriages on long-distance trains should be provided with a small tank for filtered drinking water with a small tap attached thereto, as is at present being done in first and second class carriages and for securing this urgently needed comfort in the first instance, in the carriages reserved for females ?
4. Will Government be pleased to state whether they have received the Survey results of the proposed Railway line to Sátára City, and, if so, when the public may expect this line to be constructed ?
5. Will Government be pleased to state how far the Scheme urged by the District Local Board of Belgaum, for a branch Railway to Nipáni, has progressed and when the district may expect the construction of this urgently needed Railway to be undertaken ?
6. Are Government aware that on numerous occasions third class passengers who have purchased Mail Train Tickets but are prevented from travelling by Mail owing to want of accommodation thereon are obliged to travel by Slow Passenger or Mixed Trains and the Railway Administration make no

*Answers.*

1. Government are aware that the G. I. P. Railway Company has recently decided to introduce the Intermediate Class on its Mail and Third Class express trains, but they are not aware that this decision is due to the results of the enhancement of the second class fare on that Railway since 1910. The Company's intention is gradually to introduce the Intermediate Class generally on its system, as experience may show it to be necessary and as stock may become available.
- 2 and 3. Government have caused letters to be addressed to the Agents, G. I. P., B. B. & C. I. and M. & S. M. Railway Companies, on the subject and the result of the correspondence will be placed on the Table.
4. The project plans and estimates for the Branch line to Sátára City, together with the Promoter's application for a concession for the line, were received by Government and transmitted to the Railway Board, who have referred the proposals to the Madrás and S. M. Railway Administration for consideration. Government are unable to say when this line may be expected to be constructed.
5. The application of the promoter who has come forward with proposals for a concession for a branch line of railway to Nipáni, is still under consideration, and Government are unable to say when the line is likely to be undertaken.
- 6 and 7. No complaints have come before Government regarding the matters referred to. They have caused letters to be addressed to the Agents, G. I. P., B. B. & C. I. and M. & S. M. Railway Companies, on the subject and the result of the correspondence will be laid on the Council Table.

*Questions.*

attempt to refund them the difference in fare? Will Government be pleased to enquire on how many occasions within the last two years, the G. I. P. Railway, B. B. & C. I. Railway, and S. M. Railway Company have refunded such difference in fares in the case of the third class passengers travelling on those Railways?

7. Are Government aware that often illiterate third class passengers having purchased a mixed train ticket unintentionally enter a Mail Train and are made to pay the excess fare and penalty? Will Government be pleased to take steps in view of securing that the responsibilities in such cases is fixed on the Railway Staff whose duty it is to direct the travelling public to their proper trains?

8. Are Government aware that the S. M. Railway Company use Iron wagons for the carriage of passengers during the rushes of Melas? Will Government be pleased to secure that the S. M. Railway Company shall restrict the use of wagons in such cases strictly to the wooden type?

*Answers.*

8. The reply to the first part of the question is in the affirmative.

Government are unable to consider the suggestion in the second part of the question, because almost the entire covered goods stock on the metre-gauge section of the Madrás and S. M. Railway consists of iron vehicles, and it would inconvenience seriously third class passengers if the use of these vehicles were prohibited at times of heavy traffic.

## Questions.

## Answers.

THE HONOURABLE MR. RAGHUNATH  
PANDURANG KARANDIKAR.

1. The late Honourable Mr. M. G. Ranade in 1893, as Member of this Council, interpellated Government by the following question:—
    - (a) What progress has been made in the way of giving full effect to the policy of Government to encourage purchase of local manufacture and what economy is effected since 1884?
    - (b) Will Government be pleased to lay similar information on the Table for a period not covered by the answer to the Honourable Member's question, so far as Bombay Presidency is concerned?
  2. *Special Marriage Act.*—Will Government be pleased to say how many marriages were registered under the Special Marriage Act of 1872 in the Bombay Presidency since the passing of that Act till 1911 and between whom (names and residences if possible)?
  3. How many of the suits lodged in 1909, 1910 and 1911 in the Original Side of the Bombay High Court were such as could have been filed in the Bombay Court of Small Causes?
  4. How many of the suits instituted in the Bombay High Court, Original Side, were in respect of immoveable property valued at less than Rs. 5,000?
  5. Will Government be pleased to consider whether part of the litigation in the Bombay town, admits of its disposal by a court presided over by a Subordinate Judge (First Class) of ripe experience or a Civilian District or Assistant Judge?
  6. Has Government noticed the Article dated 30th September 1910 in the Bombay Law Reporter, Volume XII, over the signature of X headed "Wanted a City Civil Court for Bombay" mentioning that Madrás has a City Civil Court by Act VII of 1892 and that at Alláhábád too, there is a District Court for that City?
1. The collection of the information for 10 years supplied to the Council in 1894 entailed a great amount of correspondence and trouble and took six months to complete. Government are not prepared now to undertake the collection of similar information for the subsequent 18 years. The policy of encouraging the purchase of articles made in India, in preference to imported articles, is being kept steadily in view.
  2. Information is readily available only from the year 1889. Since that year there have been 39 marriages certified under the Act in the Bombay Presidency: of these 32 were in Bombay City, 3 in Poona, 2 in Karáchi and 2 in Hyderábád. Government do not consider it advisable to publish the names of the contracting parties.
- 3 and 4. Information will be called for.
5. The question will be considered on receipt of information on the subject.
  6. The attention of Government has not been drawn to the article in question.

*Questions.*

7. How many auctions of liquor shops were held during 1910 and 1911?
8. How many of these were such, in which maximum bid was overreached?
9. Is there any test laid down for regulating the selection of the bidder in cases, where several bidders at one sale reach the maximum figure?
10. Has the number of liquor shops in areas not subject to the action of Local A'bkári Committees increased or decreased during the last five years, and if so, to what extent?
11. What action does Government contemplate taking in connection with the subject of the Village Pancháyats?
12. Has any representation from the Registrar, Co-operative Credit Societies, been received by Government on the subject of the facilities or disabilities of the Co-operative Credit Societies in litigation?
13. Has any recommendation been made to the High Court in the matter of amending the rules as regards service of summonses?
14. Will Government be pleased to consider whether it is necessary to continue publishing separate annual reports of the administration of Minors' Estates in the Bombay Presidency or whether the information may not be included in the reports of the several District Judges under whose orders the estates are managed and appear consolidated in the Report on the Judicial Administration of the Province?
15. *Aden Report, Table VI.*—Has Government noticed that among the nationalities of steamers, there is no Indian steamer?
16. Has Government noticed that the wool industry in the Bombay Presidency is shown by the Report on External (Transfrontier) Land Trade to be set back by about three (3) lakhs of rupees during the year 1910?

*Supplementary Questions.*—My question was based on paragraphs 7, 8 and 9 of the Report on the External Land Trade for 1910-11. Do I understand that the figures shown here shows the importa-

B 1930—139

*Answers.*

7. The number of shops put up to auction in 1909-10 was 1,156 and in 1910-11 was 1,119.
  8. The information is not available.
  9. No fixed tests have been prescribed. Each case is dealt with on its merits. It has now been decided to dispose of shops as a rule on a system of fixed fees.
  10. Local Excise Committees were appointed only in October 1908. In 1909-10 127 shops and in 1910-11 65 shops were closed in areas outside the sphere of these Committees.
  11. The Bill regarding which most of the Honourable Members have already been consulted will be introduced in the Legislative Council in due course.
  12. Yes. The subject was previously and is still under the consideration of Government.
  13. No.
  14. The object of the suggestions is not understood. Government are not aware of any reasons why the existing form of report should be discontinued or altered.
  15. If by 'Indian steamer' the Honourable Member refers to steamers registered in British India, these are included in the 879 British vessels shown in the table.
  16. The Report on the External Trans-frontier land trade of Sind and British Baluchistan to which the Honourable Member appears to refer does not purport to give figures regarding the wool industry in the Bombay Presidency.
- His Excellency the President.—The answer shows that the Report of the External Transfrontier Trade does not purport to give figures regarding the wool industry in the Bombay Presidency. I think it

## Questions.

## Answers.

tion of the whole of India and not the Bombay Presidency ?

The figures appear in paragraphs 7-10. My prayer is that I may be permitted to know what it is that these figures refer to ?

17. Government Resolution No. 7609, dated 12th August 1911, on the annual report of Land Records for 1909-1910, paragraph 3, says—"Steps were taken during the year to give effect to the instructions of Government that efficient and energetic village accountants who are qualified in survey should be promoted to Circle Inspectorships."

How many such instances of promotions occurred during 1909-1910 and 1910-1911 and in what districts, with names of villages to which these accountants belonged, and whether they were talátis or other persons ?

18. The same paragraph says that "These classes (those giving survey training to village accountants) have been temporarily discontinued."

Will the Government be pleased to say why they were discontinued and were they revived again, and, if so, since when in the respective districts ?

19. Is any amendment to the Land-Revenue Code in contemplation ?

20. Will Government be pleased to say why and since when the scale of 12 annas was made to represent average crop ?

21. What is the average estimate of the annenary of the first crop in the various districts of the Central Division for 1911-1912 ?

22. Which is the Landbank in view to which according to the remarks at page 11 of the Land Revenue Administration Report, Part II, for the year 1909-1910, the State will hand over its functions of tagái operations? Can Postal Savings Bank Deposits, at least of those that consent, go towards tagái advances ?

23. Will Government be pleased to declare that wire fencing from the tagái loans as a protection from ravages of wild pigs from forest reserves is not a legitimate expense by cultivators ?

is quite plain that it does not refer to the Bombay Presidency.

We cannot discuss this matter. We have given an answer that the report does not refer to trade in the Bombay Presidency. If you like to put another question elucidating it, later, we shall be very glad to answer it.

17. The information cannot be made available without calling for reports from all districts in the Presidency proper. As the information when compiled is not likely to serve any useful purpose, Government do not consider it desirable to impose on District officers the trouble involved.

18. The classes were discontinued pending consideration of other arrangements. They have not yet been revived.

19. Yes.

20. In order to secure uniformity of standard Government have since 1898 directed that in all reports and returns the scale of twelve annas should be taken as representing a *normal* crop.

21. The information is not available in complete form now. It will be published in due course, as usual.

22. The remark referred to was made in general terms. Postal Savings Bank Deposits are under the control of the Government of India.

23. A declaration or ruling in the form suggested is, in the opinion of Government, altogether undesirable.

## Questions.

24. Will Government be pleased to lay on the Table the Government Resolution, Financial Department, No. 2743, dated 18th August 1910, which disposes of the question of the establishments for Tagái works?
25. Is Government considering the question of distributing between Government and Municipality the realizations of fines on building sites within municipal limits?
26. Will Government be pleased to ascertain why the cutlery factory at Dhulia is not thriving as also why the match factory at Poona and the one at Asoda near Jálgav have had to be closed?
27. Will Government be pleased to secure due advice to intending adventurers in order to minimise such failures?
28. (a) Who is appointed to report on the working of the Dekkhan Agriculturists' Relief Act?  
(b) When is his report due?  
(c) What facilities are open to him to collect authentic information?  
(d) Will the enquiry cover the question of the hardship due to the High Court Ruling in Dayáram vs. Rango—Reference No. 9 of 1911, dated 23rd February 1911?  
(e) Is non-official view secured in the matter of this reporting?
29. What is the average area of fodder-producing land per head of cattle and what was the total number of such cattle and the area so available in the Bombay Presidency in 1909-10?

## Answers.

24. Government do not think it necessary to lay the resolution on the Table. A copy will be placed, however, in the library set apart for the use of Honourable Members.
25. Fines of the kind referred to have been abolished since 1903.
26. Government have no information and suggest that the Honourable Member should make the necessary inquiries himself.
27. Government are always ready to give any assistance they can, on application being made by persons intending to start new local industries.
28. (a) Mr. S. R. Arthur, I. C. S., and Mr. Vaman Mahadev Bodas, Retired Subordinate Judge.  
(b) It is not known when the enquiry will be complete and no definite date can be fixed for the submission of the report by the special officers.  
(c) and (e) The special officers will be given all possible facilities and will no doubt consult non-official gentlemen but no definite instructions as to this have been issued.  
(d) In the negative.
29. The number of cattle in 1909-10 in the Presidency proper was 7,530,000 and in Sind 2,105,000.  
For the area of grazing ground available in forests the Honourable Member is referred to the Forest Administration Report for the year. Waste lands in charge of the Revenue Department which are available for grazing are given in the Land-Revenue Administration Report, Part I. Details of land under fodder crops are given in the Season and Crop Report.



## Questions.

30. What is the income per head and the caste or religion of the well-to-do classes in Sind and Bombay City amongst whom, according to the statement exhibiting the Moral and Material Progress and Condition of India during the year 1909-10, there is a growing taste for foreign liquors? Is this tendency on the increase outside Bombay in the Presidency proper and in what districts?

31. As in the case of cheap salt issued to fish curing, will Government be pleased to endeavour to enable agriculture to use salt refuse for manurial purposes?

32. Is it a fact that Raoji Vasudeo Amblekar of Junnar has complained to Government that in spite of his having paid Government assessment for 1908-09, 1909-10 and 1910-11 he was required to pay the assessment afresh? If so, will Government be pleased to direct refund of the same?

33. Is it a fact that the inámdār of Bhondan in the East Khándesh district has been, under rates permitted by Government Officers since 1894, collecting from his tenants enhanced rents guaranteed by his sanad till 1910 when Government Officers interfered and disabled him from collecting such annual dues?

Will Government be pleased to say under what authority the local officers acted in this matter?

34. Is it a fact that in the talukás of Pen and Panvel of the Kolába district the registration of agricultural leases for one year and less period has been made compulsory and that additional registrars have been appointed for this purpose?

Is it a fact that the registration of such leases costs 10 or 11 annas in each case while formerly the cost of execution was only one anna on the average?

35. With reference to Educational Department Press Note No. 2588, dated the 25th August 1911, will the Government be pleased to say whether any Indian as distinguished from European manufacturers were approached by the *Ranchhodlál Chotlál Technical Institute*? If so, what was the result?

## Answers.

30. The information is not available.

31. The Honourable Member has already been separately informed that the use of salt in agriculture is under investigation in the Agricultural Department.

32. A vernacular petition was received, but it was returned to the writer for compliance with the Petition Rules.

33. The Honourable Member is referred to the reply given to the Honourable the Jághirdár of Ichalkaranji's Question No. 5 at the present meeting of this Council.

34. The compulsory registration of agricultural leases for one year and less period in the talukás of Pen and Panvel and in three talukás of the Thána district has been sanctioned as an experimental measure, and additional facilities for registration have been provided.

The registration fee in each case is two annas. It is understood that other expenses in connection with the attendance of parties and witnesses make the total expenditure about eight annas per lease. The cost of execution formerly was probably about two annas.

35. Enquiries are being made.

*Questions.*

36. Were the offers made by the European manufacturers availed of by the Institute, and, if so, do Government consider it desirable that credit for the same be shown on the receipt side of the statement of receipts and expenditure of the Institute appended to the Press Note?
37. Is it a fact that no fees are allowed to examiners of the Government Annual Vernacular Final Examination as are allowed in the case of Government School Final Examination?
38. Is it a fact that the intended increase in the pay of high school assistant masters has been deferred owing to impending scarcity?
39. Will Government be pleased to say whether owing to the impending scarcity it is contemplated to postpone the recovery of increase in the fees of students in the high schools and aided schools until the season becomes normal?
40. Were any aided institutions consulted before Government came to a decision in the matter of raising the fees?
41. Have any instructions been issued by the Director of Public Instruction in the matter of filling the 5 per cent. of the free studentships available to backward and the advanced classes respectively?
42. Regarding the curriculum of the village school the Educational Department held conference in various centres and decided to teach only three standards in the village schools. Will Government be pleased to say whether they consider it advisable to include the 4th standard also, so that those who want to learn English may

*Answers.*

36. Enquiries are being made.
37. Yes. The matter is under enquiry.
38. The scheme for the revision of pay of assistant masters in Government secondary schools requires the sanction of the Government of India which has not yet been received. Meanwhile provision for the expenditure involved has been made in the next year's budget, and it is uncertain whether it will be allowed to stand.
39. The reply to this question is in the negative.
40. Government did not themselves consult any aided institution but such institutions were in some cases consulted by the Educational Inspectors.
41. In addition to the general instructions in paragraph 6 of the Press Note No. 2357, dated the 27th July 1911, a copy of which was furnished to the Honourable Member, the Director of Public Instruction instructed the head masters that it was not necessary for them to fill up all the 10 per cent. of places at once, but that a careful selection should be made of poor but deserving boys; that the present free list should be revised and any unsatisfactory boys deprived of the privilege; and that the free list should be scrutinized by the Inspector each year.
42. Government have recently decided that a rural school should teach an infant class and the first three standards, and they do not at present see any reason to modify this decision.

*Questions.**Answers.*

at once go to that school, and others requiring to learn the vernacular may go to some higher vernacular school ?

43. Were Chairmen appointed or elected to the Works Committees of the District Local Boards of the Central Division during the year 1910-11 ?
44. How many meetings have the Works Committees each held during the same year ?
45. Is it a fact that the Works Committee of the Sátára District Local Board has never met and not a single work was inspected during the year ? If so, since when is that the practice ?
46. Whose duty is it to call meetings of the Works Committees ?
47. Did the Executive Engineer in the district of Sátára arrange in communication with the District Local Board of Sátára the time when the execution of each work shall be commenced and the rate at which the same shall be proceeded with, as required by section 56 of the District Local Board Rules ?
48. Were the times and rates of progress communicated to the District Local Board Works Committees in the Sátára and other districts of the Central Division during the year ?
49. What other facilities were available to the Works Committees for inspection ?
50. Is it a fact that the Executive Engineers object to the inspection by the District Works Committees in some districts ? If so, in which and on what grounds ?
51. Have non-official members the same facilities as official members in the inspection of works ?
52. Have the several District Local Boards annually reported on the working of their Works Committees ? Will the Government be pleased to place the reports for 1910 and 1911, if received, on the Table ?
53. Is it a fact that municipalities having their incomes under five thousand rupees have yet to pay for the auditing of accounts ?
54. How do the Táluká Local Boards stand in this respect ?

43 to 49. Inquiries are being made.

50 and 51. No complaints about any such objection have reached Government, nor about any difference in the facilities for inspection by official and non-official members.

52. No reports of the nature referred to are received by Government.

53 and 54. The accounts of those municipalities whose income does not exceed Rs. 5,000 are not audited by Government auditors. As soon as the income of a municipality exceeds Rs. 5,000, orders are issued for the audit of its accounts. No fees are charged by Government for the audit of the accounts of municipalities and local boards.

## Questions.

55. Will Government be pleased to lay on the Table the recommendation or observations of the three Departments, Financial, Revenue and Police, referred to in the reply of the Honourable Mr. Lamb on the Budget discussion, and the decision arrived at by Government thereon, in respect of the Village Police?
56. Will Government be pleased to state whether the Village Police is constituted under any and what law and who are actually included in the term Village Police and whether Government intend recasting the old Enactment No. VIII of 1867, (Bombay)?
57. Will Government be pleased to lay on the Table, a statement showing the strength of the Village Police in the several talukás and districts of the Central Division, their sub-divisions according to the duties they have to perform, their remuneration either cash, hereditarily available or stipendiary, or in lands whether available to the officiator or held by the family of such officiator?
58. Is it a fact that in some villages, the only person falling under the term Village Police is simply the Patel of the village having no recognized subordinate under him engaged at the expense of public revenue?
59. Is it a fact that the Second and Third Class Magistrates in the Sátára district have received special orders in the matter of not taking complaints of Hurt and Assault without the orders of the Sub-Divisional Magistrates? Under what authority these orders are issued?
60. Will Government be pleased to lay on the Table the names of Police Officers retired or otherwise in the

## Answers.

55. Government must decline to lay on the Table suggestions and observations made in the course of the discussions between the various Departments of Government on matters on which Government are about to pass orders. The suggestions and observations must naturally be treated as of a confidential character.
- The reply of the Honourable Mr. Lamb on the Budget discussion in Council referred to the remarks of the Honourable Mr. Belvi relating to the reduction of shetsanadis in the Southern Maráthá Country.
- The Government Resolution relating  
See Appendix F. to these districts,  
No. 10372, Revenue  
Department, dated 27th October 1909,  
is laid on the Table.
56. Village Police are regulated by Act VIII of 1867. They are nowhere defined but are those persons who by section 5, clause (1), of the said Act are placed under the charge of the police pátil. There is no intention of recasting the Act.
57. The preparation of the statement would involve an amount of labour out of all proportion to any public or other interests likely to be served. Government are therefore not prepared to take any steps in the matter.
58. Yes.
59. Enquiry is being made.
60. Lands have been given to only one police officer in the Central Division, namely, Ráo Sáheb Ganpat Malhár.

Questions.

several districts of the Central Division to whom lands have been given by Government, how many acres given to each and on what conditions and for what special service, also to whom and how many acres are intended to be given during the current year and for what special service?

61. Will Government be pleased to state the nature of the change in the system of the purchase of opium for Government and will Government be pleased to say whether the Rules and Regulations referred to in paragraph 13 of the Report on the Administration of the Opium Department of the Bombay Presidency for the year 1910-11 have received the sanction of the Government of India?

62. Will Government be pleased to say how much of the increase in the stamp revenue for 1909-10 under Court fees was due to the influx of suits owing to the change in the law of limitation affecting mortgage transactions?

63. (a) Were any additional Subordinate Judges appointed in connection with the disposal of the increase in litigation?

(b) Do they still continue?

(c) What was the cost of the additional help in 1909-10 and 1910-11?

Answers.

He was given land assessed at Rs. 303-8-0 on the following conditions:—

- (1) The rights of all existing occupants under the survey tenure should be fully recognised.
- (2) Only the fixed survey rates should be levied.
- (3) All A'bkári rights should be reserved to Government.
- (4) All expenses of village management, collection of revenue, etc., should be borne by the grantee as long as he holds or his heirs hold the village rent free; when his heirs are required to pay Government half the full survey rates, the expenses should be defrayed in equal shares by Government and the holders.

The reward was for special services culminating in the capture of a gang of dacoits.

Government do not think it desirable to furnish the information called for in the last part of the question.

61. Under the existing system the Collector of Customs, Bombay, purchases in the Bombay market the opium required for the districts of the Presidency where the "separate shop" system prevails. The contractors for five districts in Gujarát purchase their opium either in the Bombay market or from the Collector of Customs, Bombay. Under the new system purchases for the "separate shop" districts will be effected by the authorities in Málwa and the contractors in Gujarát also will make their purchases in Málwa.

The answer to the second part of the Question is in the affirmative.

62. The information cannot be made available without great labour and the probable employment of special establishments. As its collection is unlikely to serve any useful purpose, Government are not disposed to call for it.

63. (a) Twelve Subordinate Judges were appointed in 1911.

(b) Yes.

(c) The total cost in 1909-10 was nil; in 1910-11 it was Rs. 2,090 approximately and the total cost of the 12 appointments will be about Rs. 21,500.

## Questions.

64. Will the Government be pleased to secure an arrangement for the convenience of passengers from Dharamtar so that the steamer start from Bombay at 8-30 A. M. in order that it should arrive at Dharamtar by 11-30 A. M. ?
65. Will Government be pleased to lay on the Council Table copy of the communication conveying to the Editor of the "Jagad Vritt" the views of and warning from Government referred to in question No. 1 put at the last sitting by the Honourable Mr. Lalubhai Samaldas ?
66. What was the total number of passengers, carried over the G. I. P. Railway in 1910 and 1911 on the occasion of the Pandharpur fairs in wagons, from whom ordinary 3rd class fares were received and what is the total of such receipts ?
67. Referring to reply to question No. 3 of the Honourable Sardar Ghorpade, Chief of Ichalkaranji, put on 25th July last, will Government be pleased to place on the Council Table, the result of the correspondence, with the M. & S. M. Railway, on the subject of Intermediate Class accommodation ?
68. Will Government be pleased to lay on the Table, the result of the enquiries on the subject of fruit parcel complaints referred to in question No. 4 put by the Honourable the Chief of Ichalkaranji ?
69. Do Government contemplate issuing early orders in respect of remissions and suspensions of revenue ?
70. Will Government be pleased to desire that the next annual report shows the number of cattle both agricultural and other and the quantity of salt which they collectively should require for consumption in the interest of agriculture and supply of milk and food ?
71. *The report of the Salt Department, page 6.*—The increase in the case of foreign Malabar is believed to be due to a greater demand for salt for industrial and agricultural purposes.

## Answers.

64. The matter is one for disposal by the Company concerned, which must be dependent upon the tides.
65. Government see no reason to publish the communication.
66. Government have caused a letter to be addressed to the Agent, G. I. P. Railway Company, requesting him to favour Government with the information required by the Honourable Member. The information, when received, will be placed on the Table.
67. The Honourable Member is referred to the correspondence which has been laid on the Table, with reference to Question No. 3,\* put at the last Meeting by the Honourable Sardar Narayanrao Govind *alias* Babá Sahéeb Ghorpade, Joghirdar of Ichalkaranji.
68. The Honourable Member is referred to the result of the enquiry which has been placed on the Table with reference to the Question, referred to by him, put at the last Meeting.
69. Suspensions and remissions of land-revenue are granted in accordance with sanctioned rules under the authority of the Collectors. It is not necessary for Government to issue any special orders.
70. Government do not think that the suggestion, which they understand the Honourable Member to make, need be adopted.
71. Government have no information.

\* Now printed as Question No. 1 of the Honourable Member.

*Questions.**Answers.*

Will Government be pleased to say what these agricultural and industrial purposes respectively are?

72. Is there a similar contingency in respect of the Bombay Presidency?

73. In the Report on the Administration of the Salt Department for the year 1910-11 it is stated that the increase in revenue under "Customs duty on imports of salt by sea" is due to larger imports of salt from foreign countries. Which are these foreign countries?

74. *Paragraph 61 of Salt Department Report.*—Will Government be pleased to say whether any representation from the public is received in respect of opening a set of salt-works at Bhándup?

75. The project of constructing a new salt work at Bhándup is reported to be under consideration of Government. How far has the consideration progressed?

76. Is it a fact that newly appointed Civilian Assistant Judges when posted to Dekkhan Agriculturists' Relief Act districts cannot try cases falling under Chapter II of the Dekkhan Agriculturists' Relief Act, which means cases similar in nature and perhaps superior to cases triable under mofussil Small Cause Courts Act; as a consequence when they have to learn work of original suits, they come to be given more important cases which naturally District Judges feel disinclined to give them for want of experience. Will Government be pleased to enquire into this and secure a suitable amendment in the Dekkhan Relief Act or appoint First Class Subordinate Judges in place of Assistant Judges?

77. What action does Government contemplate to give general effect to the principles upheld by the Judicial decision of the Bombay High Court in Reg. appeal No. 59 of 1905 decided on 21st February 1910 by modifying Government orders of general or special application like Government Resolution No. 4168 of 3rd July 1897 or in any other manner?

72. As Government understand the question, it is disposed of by the answer to Question 71.

73. The Honourable Member is referred to Appendix E to the Salt Administration Report for the year 1910-11 which contains the information asked for.

74. Representations were received from certain owners of salt-works and from the Kolába Zillah Sabha.

75. Enquiries are in progress regarding the extent of the requirements which the proposed work should be designed to meet.

76. It is a fact that Assistant Judges cannot try suits under chapter II, Dekkhan Agriculturists' Relief Act. But it is not correct that District Judges find any difficulty in giving them other and equally suitable cases to try. As no inconvenience has been felt from the law as it stands Government do not propose to amend it.

77. The decree of the High Court will operate in due course and no modification of the general orders referred to or other special action by Government is considered necessary.

*Questions.*

78. Is it a fact that the High Court have finally settled the proposals of the revision scheme of the Subordinate Judicial establishments in the Bombay Presidency and have forwarded the same to Government for taking further steps to bring the scheme into effect as early as possible? Will Government be pleased to say what steps Government contemplate taking and when?

*Answers.*

78. The Honourable Member is referred to the answer given to Question No. 4 put by the Honourable Sardar Naharsinghji Ishwarsinghji, Thakor of Amod.

*Observations by His Excellency the President in opening the Meeting.*

His Excellency the PRESIDENT said :—Gentlemen,—Before we proceed to our deliberations, I wish to say a few words on certain matters of Council procedure in which we are all interested. I think it will be admitted that the Government have dealt generously with questions put by honourable members. I do not know any Legislative Assembly which receives fuller replies to questions than this Council, and it is only when the preparation of the answer to a question would require time and expenditure out of all proportion to its importance, or when the rules by which we are all bound have been violated, that questions have been disallowed. On the present occasion, one Honourable Member has asked about 115 questions and has submitted 9 resolutions in addition. I am sure that Honourable Members will agree with me that moderation on the part of individuals in these matters is essential, and that our proceedings would suffer loss of dignity if many members were to interpellate Government on this vast scale. We each of us have duties towards the Council as a whole and among those duties is consideration for our fellow members whose time is valuable and who might not be able to give it to the discussion of an inordinate number of Resolutions. I do not think that non-official members can have any idea of the trouble entailed in dealing with a large mass of questions in time for the Meeting of Council, or the dislocation of current work thus entailed. Even if a question has to be disallowed, it must be transcribed and carefully examined before it comes up to the President for final decision. But unless the answer can be a simple affirmative or negative, which is the exception, heavy work is entailed, and if the number of such questions at a single Session of the Council were excessive, it would be absolutely impossible for Government and the Departments to deal with them in the short time available. If honourable members would try, when possible, to send in their questions at least a month before the Council Meetings, it would be a great help to Government. Government would be most unwilling to make a rule placing a limit upon the number of questions and we trust that such a step will never be necessary and that honourable members, in their own interests, will observe such moderation as will enable all our non-official colleagues to exercise their rights without creating an *impasse*.

Another point which I wish to suggest to honourable members who are new to the duties of this Council is that they should study the questions rules before committing themselves to paper, and also make sure that the information asked for is not already in their hands or available in the library. You will, I am sure, permit me to give examples



explaining my meaning. The following is an instance of a question which is necessarily disallowed: "The report further says that in Sind and Bombay City, there is a growing taste for foreign liquors among the well-to-do classes. Will Government be pleased to ascertain their income per head and their caste or religion?" Honourable members will understand that by no possible means could Government ascertain the names of all individuals who may be evincing a taste for foreign liquors and that, even if it were practicable to draw up such a list, an inquisitorial investigation of individual incomes would be bitterly and justly resented. Clearly, if all honourable members were to glance through every report placed in their hands and mark off queries of this nature, the work entailed on Government would become impossible. I do not for a moment anticipate that all honourable members will so proceed; but I merely indicate whither it would lead us. As an example of failure to read a report before evolving a question from it, I may instance the following:—"Increase in revenue is due to larger imports of salt from foreign countries. Which are these foreign countries?" The report duly specifies the countries referred to, and much trouble would have been saved to many people if the questioner had not failed to observe the fact.

Turning to resolutions, it may be useful if I give instances in which disallowance was inevitable. It was desired that this Council should affirm "That in the matter of the Budget, Government may be pleased, in exercise of the discretion vested in the President under Rules 30 and 37, to always postpone the discussion of the Budget, whenever any electorate remains unrepresented until the presentation of the Budget to the Council under Rule 29." Gentlemen, I think it may be said that no Assembly in the world would permit its deliberations to be fettered or postponed because a seat happened to be vacant, and Government could not allow the time of honourable members to be wasted and the dignity of this Council to be compromised by discussing such a resolution.

Similarly the following resolution shows a want of understanding of the principles by which our Council is regulated: "That in the matter of a discussion on a Budget under Rule 30 Government may be pleased to dispense with the power vested in the President of fixing any limit to an individual member." A limit of speaking time appears to be meant; but Government have no power to dispense with authority vested in the President under the Rules of this Council. This resolution is otherwise faulty. It is within the President's discretion only to prescribe a time limit for all members and to extend that limit, if an honourable member were in the middle of an important passage in his speech dealing with the Budget, as the Rules enjoin upon him. I need hardly tell you that such extension would always be given.

I am sorry to have detained you so long; but I think it is best to tell you frankly what is necessary for the maintenance of the dignity of our Council and for the effective discharge of its important duties. Government will always be most reluctant to disallow either questions or resolutions. We welcome the latter whenever they are calculated to be of public benefit; but we must abide strictly by the Rules which govern our procedure and we must jealously guard the reputation which the Legislative Council of Bombay has worthily earned in the past.

We look forward with general joy to the arrival of Their Majesties next week, and we are proud to know that Bombay will be the first City of India to accord a

welcome to our King-Emperor and Queen-Empress. The reception of Their Majesties on the 2nd December will be a most striking expression of the heartfelt loyalty of their Bombay subjects and will be worthy of the unique occasion and of our great City.

At a time of general rejoicing it is sad that we should be face to face with scarcity amounting to famine in parts of our Presidency. As I told this Council at its last Session, Government have done all in their power to prevent suffering. The revised Famine Code is liberal and far-reaching. We began our operations in good time. I am glad to say that the forecast in Káthiáwár is more favourable than at first appeared; but, on the other hand, the failure of late rains since we last met must affect the rabi crop in the Deccan and elsewhere. Happily much work is now available and we are quite ready to undertake other works of a permanently useful character in any districts which may need assistance. As regards our provision for cattle, we have issued a press note explaining what has been done, and we shall from time to time supply information to honourable members and the public indicating the progress of events. At such times, there are always cases of want with which it is difficult to deal by Government agency. In providing help in such cases, private effort, carefully bestowed, may be most valuable, and Government welcome and will assist in the movements which are being organised for this purpose. While we must all deeply regret that any distress should fall on our patient people, especially at such a time as this, we may well be thankful that the appalling devastation which failure in the monsoon entailed in earlier days is now impossible. And while no human effort or foresight can entirely overcome the effects of the operation of higher natural laws, you may be sure that, so far as lies within our powers, distress will be averted or alleviated.

**BILL No. II OF 1911 (A BILL FOR THE REGISTRATION OF CHARITIES).**

The Honourable Mr. IBRAHIM RAHIMTOOLLA said:—Your Excellency,—I have received a letter from the Secretary to the Legislative Council informing me that the Government of India have intimated to the Government of Bombay that they would like to have some further time to consider the Bill\* as amended by the Select Committee and that they desire that the consideration of the Bill should be postponed till the next meeting. As everyone would desire that the Bill should be carefully considered by the Government of India, I propose to accept the suggestion they make and give the necessary further time that they require for fully going into the merits of the Bill as it is now before this Council, and I will, therefore, with Your Excellency's permission, ask this Council to postpone the consideration of the second reading of the Bill till the next meeting.

Second reading of the Bill postponed.

The Council agreed to the postponement of the further consideration of the Bill.

\* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 9th September 1911.

**BILL No. IV OF 1911 (A BILL FURTHER TO AMEND THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879, AND TO AMEND THE BOMBAY REPEALING AND AMENDING ACT, 1910).**

The Honourable Mr. M. B. CHAUBAL said :—Your Excellency,—Before moving for the second reading of the Bill further to amend the Dekkhan Agriculturists' Relief Act and to amend the Bombay Repealing and Amending Act, I have to request permission to move for an amendment of clause 3 of the Bill in the way proposed in the motion standing in my name on the Agenda paper.

The object of the amendment is to cure an obvious oversight which escaped us in the Select Committee, and I have to thank my friend the Honourable Mr. CHIMANLAL SETALVAD for bringing it to my notice.

Clause 3 as it stands proposes to repeal the words "Dekkhan Agriculturists' Relief Act, 1879, and of the" from the preamble of the Bombay Repealing and Amending Act. This was due to the impression that all the items of the Dekkhan Agriculturists' Relief Act, 1879, contained in the Repealing and Amending Act would become unnecessary owing to the earlier clauses of the present Bill. But as a matter of fact out of the four items relating to the Dekkhan Act, only three, *i. e.*, Nos. 2, 3 and 4 (*i. e.*, those referring to sections 48, 62 and 63A), become unnecessary in that way, and item 1, relating to section 2 of the Act, remains quite unaffected. As this item remains in the Repealing Act, the allusion to the Dekkhan Agriculturists' Relief Act in the preamble is necessary, and the repeal of the words as proposed in clause 3 (a) of the Bill would be a mistake.

For these reasons I trust the Council will pass the amendment I am proposing which has the effect of curing an obvious error.

The amendment was agreed to.

The Honourable Mr. CHAUBAL said :—Your Excellency,—I now request your

<p>The Honourable Mr. M. B. CHAUBAL moves the second reading of a Bill further to amend the Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910.</p>	<p>permission to move for the second reading of the Bill* further to amend the Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910, as recommended by the Select Committee, together with the amendment therein just proposed and passed.</p>
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As explained at the first reading of this Bill, the whole of it practically amounts to a provision that the Dekkhan Agriculturists' Relief Act except sections 2 and 21 shall not apply to the transactions of the Co-operative Credit Societies. The principle of the Bill has been accepted by the Council, and I need not trouble Honourable Members again with the reasons which make it desirable to exempt the transactions of these societies from the disabilities and restrictions imposed by the Dekkhan Act.

It remains now to see only whether the object aimed at is not best attained by the provisions of the present Bill. The Select Committee appointed by the Council have

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\* The report of the Select Committee and the Bill as amended were published in the *Bombay Government Gazette*, Part VII, on the 14th October 1911.

carefully considered this question. It was discussed by the Committee if the twofold repeal, *i. e.*, in both the Dekkhan and the Repealing and Amending Acts, was necessary and they came to the conclusion that it was desirable to do so with a view to keep our Statute-book clear of all superfluous matter. Where amendments of an Act are included in a general Repealing and Amending Act, and the Act amended is to be further amended in the same particulars, then unless the provisions which are to be repealed are repealed both in the Act itself and in the general Repealing and Amending Act, there is a chance that in the one or the other the provisions may survive and continue in the Statute-book, and thus possibly cause confusion. It was therefore considered desirable to retain the scheme of this twofold repeal as drafted.

The only other alteration effected in the Select Committee is the introduction of the word "further" in the heading and the preamble so far as the Dekkhan Agriculturists' Relief Act is concerned: the alteration is due to this Act having in the past been subjected frequently to this process of amendment.

I therefore move the second reading of this Bill as finally adopted and propose that the Council will be pleased to approve of the same.

The Honourable Mr. R. P. KARANDIKAR said:—Your Excellency,—I beg to suggest to the Honourable Mover of this Bill whether the expression appearing in the second clause, namely, "the Co-operative Credit Societies Act, 1904," may not be so amended as to cover the case of the societies that may come into existence shortly under the amended Co-operative Societies Act. I believe there is some enactment pending before the Government of India in reference to the co-operative societies, and in case the Co-operative Credit Societies Act merges into that enactment it may be possible for the Dekkhan Agriculturists' Relief Act to cover that case also. I know it is possible for the Council later on to have a small Amendment Act in case the India Act comes into operation, but in order to avoid further legislation on the point some wording can be used to cover the case.

The Honourable Mr. CHAUBAL:—Is it in respect of clause 2 (b) that your suggestion is made?

The Honourable Mr. KARANDIKAR:—Yes, and also sub-clause (c), because there also the words "Co-operative Credit Societies Act, 1904" occur.

The Honourable Mr. CHAUBAL:—It will make no difference if the words are allowed to stand in this particular way.

Bill read a second time.

Discussion in detail.

Bill read a third time and passed.

The second reading of the Bill was carried. The bill was then put to the Council clause by clause and read a third time and passed.

**BILL NO. V OF 1911 (A BILL FOR THE ABATEMENT OF NUISANCES ARISING FROM THE SMOKE OF FURNACES IN THE TOWN AND ISLAND OF BOMBAY AND TO PROVIDE FOR THE EXTENSION THEREOF TO OTHER AREAS IN THE BOMBAY PRESIDENCY).**

The Honourable Mr. R. A. LAMB:—Your Excellency,—I rise to move the first read-

The Honourable Mr. R. A. LAMB moves the first reading of a Bill for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

ing of the Bill for the abatement of the smoke nuisance in the City and Island of Bombay; (The Bill was duly introduced by publication in the *Government Gazette* in August last.)

That there is urgent need for legislation dealing with this nuisance is admitted on every side. What is visible to the eye cannot be denied; and one has only to approach Bombay by land or sea on a cold-weather morning to find the whole city being gradually enveloped in a dense pall of smoke issuing from hundreds of factory chimneys. The nuisance has been gradually growing until, with the increase in the number of factories and the general substitution of Bengal for English coal, it has now by common consent become intolerable. And Government feel that they have the entire support of the community, not excluding factory owners, in this endeavour to secure a purer and healthier atmosphere for the people to breathe.

With regard to the form of the proposed legislation, the Council will recollect that the Municipal Corporation originally made a suggestion that in amending the City of Bombay Municipal Act of 1888 the Corporation should be given power to deal with the nuisance. Accordingly clause 13 of Bill IV of 1910 was drafted. But the Select Committee which was appointed to consider that Bill were unanimously of opinion that the matter was one which should be dealt with by Government and not by the Municipality and that experience of the working of the Bengal Smoke Nuisances Act of 1905 indicated legislation in the form of that Act as more suitable for the purpose. Therefore clause 13 of the Bill for amending the Municipal Act was dropped and in its stead the present Bill has been drawn up on the lines of the Bengal Act.

The Bengal Act has now been in force for 5 years and has been remarkably successful in reducing the smoke nuisance in Calcutta. The average emission, for each furnace, of offensive smoke, rateably reduced in terms of dense black smoke, was 13 minutes in the hour during the month of April 1906 when the Act was introduced; this was reduced to  $3\frac{1}{2}$  minutes in March 1907, to 2.5 minutes in March 1908, to 2.04 minutes in March 1909, to 1.94 minutes in 1910 and to 1.85 minutes in March 1911. Thus, for the last 3 years the average emission of smoke has been actually kept below the limits prescribed by the rules under the Act. (If we can secure equally successful results by five years' working of the Act in Bombay, then the Council will certainly have good reason to congratulate itself on having enacted a most useful piece of legislation.)

The working of the Act in Calcutta is supervised and controlled by a Commission consisting of a President and three official members nominated by Government and three non-official members nominated by the local bodies whose interests are affected by the Act. The executive officers of the Commission are expert inspectors, who under the orders of the Commission inspect furnaces, take observations of the emission of smoke, issue warn-

ings to owners of offending furnaces, indicating at the same time any alterations necessary to abate the nuisance, and, finally, if the warnings are not heeded, conduct prosecutions under the Act. In Calcutta the Commission have received the cordial co-operation of factory owners, managers and others in giving effect to the objects of the Act; and the public generally are reported to appreciate fully the relief that is being afforded them, as complaints are promptly made to the Commission whenever a nuisance occurs. It is no doubt to this willing co-operation of owners and the public that much of the success of the operations in Calcutta is due, and I have no doubt that we can count on equally willing assistance being given in Bombay.

Your Excellency, the Bill which I have the honour to present to the Council proceeds on the exact lines of the Bengal Act. We provide first for the constitution by Government of a Bombay Smoke Nuisance Commission, consisting of a President and an equal number of official and of non-official members—the latter to be elected by bodies or associations whose interests are likely to be affected by the Act. Then we take power to appoint a Chief Inspector of Smoke Nuisances and as many Assistant Inspectors as may be necessary, all these to be subordinate to, and subject to, the control of the Commission. Clause 7 then provides that Government may prohibit within any specified area the erection of brick, tile or lime kilns, or of non-smelting furnaces or the manufacture of coke. With reference to this clause I may mention that the only prohibition issued so far under the corresponding section of the Bengal Act has been one against the making of coke without ovens or special appliances. Then comes the most important provision of the Bill, clause 9, which enacts that if smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time than is permitted by rules made under the Act, the owner of the furnace will be liable to fine; and clause 11 gives the Local Government power to make such rules subject to the sanction of the Government of India and to previous publication. It is necessary to relegate the fixation of these standards to rules, both because the standards may have to be varied from time to time and also because highly technical explanations of the method of determining the density of smoke, by reference to a certain Smoke Gauge, have to be given and the standards themselves have to be expressed in detailed tables for varying densities of smoke. The rules to be made under the Act will provide also for warnings being given to owners of furnaces and time allowed to make necessary alterations in furnaces before prosecutions are sanctioned.

These, Your Excellency, are the main provisions of the Bill. They have been proved to work efficiently and smoothly in Calcutta, and I imagine that this Council will have no hesitation in approving the application of the same principles to Bombay. I, therefore, beg to move that the Bill be now read for the first time.

The Honourable Mr. FAZULBHOY C. ERRAHIM said:—Your Excellency,—I rise to express my gratification at the way in which the Government have received the suggestions and recommendations of my constituency, the Millowners' Association of Bombay, in regard to this Bill for effectually dealing with the smoke nuisance in the City.

While approving the Bill as a whole, I have certain suggestions to make which I am sure will be acceptable to the Select Committee to whom the Bill will be entrusted.

*Clause 4, sub-clause (4).*—If a vacancy occurs of a non-official who has been nominated by an Association, that body should be asked to fill the vacancy instead of Government.

I am sure my suggestion will not appear unreasonable. It is but fair that the body that makes the appointment should also have the privilege of filling up a vacancy, when one arises, to keep up a continuity of representation, and I believe the same is the intention of the Legislature, though the language of the clause is not quite clear.

*Clause 12.*—In this clause, sub-sections (3) and (4) of the Bengal Smoke Nuisance Act have been omitted. The sub-sections read as follows:—

*Sub-section 3.*—The date to be specified in accordance with clause 3 of the section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under sub-section (1) of this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

*Sub-section (4).*—Any rule to be made under this Act shall, before it is published for criticism under sub-section (1), be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

*Clause 12 (a).*—The following words should be added after the words “Chief Inspector” :—

“Who has obtained the sanction of the Commission before laying the complaint.”

The Honourable Mr. H. R. GREAVES said :—Your Excellency,—I would like to endorse the remarks that have just fallen from the Honourable Mr. FAZULBHOY and to support the suggestions which he makes.

The Honourable Sir HENRY PROCTER said :—Your Excellency,—I have much pleasure in supporting the principle of the Bill and feel sure that the public will do all that they can to support Government in the matter and that the result will be distinctly good. I would like also to support the suggestions which the Honourable Mr. FAZULBHOY has brought forward.

The Honourable Mr. R. A. LAMB :—The suggestions made by the Honourable Mr. FAZULBHOY and supported by the Honourable Mr. GREAVES and the Honourable Sir HENRY PROCTER will naturally come up for consideration of the Select Committee to which, if the Council passes the first reading of the Bill, I propose to move that it be referred. (On a motion for the first reading of the Bill the amendments of the clauses cannot conveniently be considered, but they can be brought before the Select Committee and they will then come before the Council when the Select Committee makes its report.) (I do not think there have been any other remarks upon which comment is necessary, and I move the first reading of the Bill.)

(His Excellency the President :—In putting this motion to the Council for acceptance I wish to say that Government are very much pleased at the cordial way in which the principle of the Bill has been accepted. We all feel that we have in Bombay

great possession, probably one of the most beautiful cities of the world, but man, and especially the factory man, has laid a heavy hand on its beauties. It is hoped that under the operation of the Bill this heavy hand will be removed and that the beauty of the City will be regained and even enhanced.

The first reading of the Bill was carried, and it was referred to a Select Committee composed of the Honourable Mr. GREAVES, the Honourable Mr. FAZULBHOY, the Honourable Mr. IBRAHIM RAHIMTOOLLA, the Honourable Mr. SETALVAD, and the Honourable Mr. MORISON, with instructions to report by the 31st January 1912.

\* Bill read a first time.  
Bill referred to a Select Committee.

**BILL No. VI OF 1911 (A BILL FOR THE REGISTRATION OF MEDICAL PRACTITIONERS).**

The Honourable Mr. R. A. LAMB said:—Your Excellency,—I now rise to move the first reading of the Bill for the registration of medical practitioners in the Presidency of Bombay.

The Honourable Mr. R. A. Lamb moves the first reading of a Bill for the registration of medical practitioners.

The idea of providing by legislation for the public registration of medical practitioners in Bombay was first mooted in 1881. The Government of Bombay thought at that time that an Act should be passed which should be applicable to the whole of India and they made a recommendation to the Government of India accordingly. But the Imperial Government, after consulting other local Governments, replied that they did not think it expedient to undertake any general legislation on the subject. And there the matter dropped for the time.

It was taken up again in 1887 by the Bombay Medical Union and the Grant Medical College Society. They proposed that a local Act should be passed for the Town of Bombay only. Accordingly Government had a draft Bill prepared, but the Bill met with very half-hearted support. One objection urged to it was that it did not deal with *vaid*s and *hakims* whom the medical profession generally desired to be prevented from practising in the City. In view of the adverse opinions expressed on the Bill Government decided not to proceed farther at that time.

Since then the aspect of the situation has changed. While the exclusion from practice of the native *vaid* and *hakim* remains both undesirable and impracticable, it has become necessary to protect the public as well as the medical profession from the irregularly qualified doctor who has received a training in medical science at an unrecognised medical institution. Several such institutions have already sprung up in Bengal, one of which proposed to establish examination centres throughout India; and there is an increasing risk that persons holding degrees or diplomas from such unrecognised colleges and schools will pass themselves off as duly qualified practitioners.

The time has therefore come when in the interest, both of the general public and of the medical profession, a Registration Act should be passed for this Presidency. No doubt if it proves satisfactory in practice, our example will be followed by other provinces.



In respect of the extension of Western medical science this Presidency is in a more advanced state than most of the other provinces of India. The number of qualified medical practitioners is already very considerable and is constantly increasing. They are already to be found in most small towns and presently will be forced by stress of competition to spread all over the country. The proposed law, while not interfering directly with the practice of *vaidis* and *hakims*, will improve the status of qualified medical practitioners and extend the area of their influence. Government believe that the proposed legislation has the support of the great body of enlightened public opinion in the Presidency. The Bill follows in general outline the English Act on the same subject (21 and 22 Victoria Cap. 90) without, however, prohibiting in any way the recovery of charges by unregistered persons. We seek to gain our object by the grant of privileges to qualified practitioners, not by the infliction of penalties upon unqualified persons. In fact the only penalty imposed by the Bill is for falsely pretending to be a registered practitioner. The Bill creates a Medical Council which will control the keeping of the Register and will have power to remove from it the name of any medical practitioner who is guilty of any grave misconduct or unprofessional act. The registered practitioners, backed by the Medical Council, will, in course of time, become a powerful body capable of making their influence widely felt. The privileges which the Bill confers on registered practitioners are as follows :—

(1) No person who is not registered shall be considered to be a “legally” or “duly qualified medical practitioner” under any Act in force in this Presidency, or shall be entitled to give any certificate required by any such Act.

(2) No person not registered shall be appointed to be medical officer in any hospital or dispensary not supported entirely by voluntary contributions.

(3) Registered practitioners will be exempted from serving on inquests.

There is only one other point to which it seems necessary for me to allude: it perhaps is a matter more of detail than of principle and as such would be discussed more appropriately at the second reading. But as there is known to be some diversity of opinion on the point, perhaps Your Excellency will permit me to allude to it here. Among the persons qualified to be registered, we have included sub-assistant surgeons and Military Assistant Surgeons. These men go through a four years' course of instruction in a Government Medical College or School, as compared with five years for the degree of L. M. & S., and on passing the final examination receive a certificate from Government declaring them to be qualified to practise Medicine, Surgery and Midwifery. Most of the mofussil dispensaries are in sole charge of men of this grade, and they are found to be fairly competent medical practitioners. Except in the larger towns, the greater part of the medical practice in the mofussil is in their hands and Government have to depend on them for lego-technical work. We consider that they are entitled to be treated as duly qualified medical practitioners, and indeed it would be impossible to rule them out without leaving the greater part of the mofussil entirely without “duly qualified practitioners” for the purpose of certificates and for the officering of dispensaries. Their inclusion in the Register is therefore essential to the working of the Act,

I now beg to move that the Bill be read a first time.

The Honourable the Surgeon-General H. W. STEVENSON said :—Your Excellency,—I imagine that there are a considerable number of members of this Council, whose ideas on the subject of the registration of medical practitioners may be somewhat vague, and I therefore ask permission to supplement to some extent the statement made by the Honourable Mr. LAMB, and to enter perhaps more fully into the details of what is proposed to be done by this Act. I believe that in some quarters there is very considerable misapprehension with regard to the actual proposals. In some quarters, for instance, it is looked on as an instrument of compulsion by which people are to be forced to apply for treatment only to qualified practitioners recognised by Government. In other quarters, it is held to be a means of exalting certain classes of practitioners at the expense of others; and in yet other quarters, it is looked on as being aimed at the *vaid* and *hakim*, and the medical practitioner practising according to indigenous systems. It seems hardly necessary to say that all such ideas are entirely erroneous. As I understand the Bill, Government have but one object in its introduction, and that is to benefit the public. Incidentally also, the Bill will improve the status of the profession generally, and will regulate the practice of medicine according to Western methods in this Presidency. The Bill seeks to benefit the public in two ways. First of all it creates a Medical Council. This will be a responsible body, whose work it will be to do everything in its power to improve the education, and professional training of medical practitioners. It will also exercise certain disciplinary powers over all medical practitioners whose names are on its register. It will form a channel of communication through which the needs, and views of the medical profession may be brought to the consideration of Government. I think that the existence of this Council can only lead to the improvement of the quality of the medical aid which will be at the service of the general public. Secondly, the Bill institutes a register, and lays down the standard of qualification that will entitle any person proposing to practise medicine to have his name entered in the register. Registration is not to be compulsory, and no medical practitioner is forced to register, unless he desires to obtain employment under some public body, or desires to have his certificates accepted in those cases in which certificates are required by law. I have been asked by one member of this Council, whether in those cases in which a municipality, or other local body may require certificates of the cause of death, as when an epidemic is prevalent, the Bill will prevent the acceptance of such certificates if given by an unregistered practitioner. I speak subject to correction, but so far as I am aware, there is no Act in force in this Presidency that requires certificates of death in these circumstances; but I do not think that anything in the Bill would prevent the acceptance of a certificate of the cause of death from an unregistered practitioner by a local body, provided that no medical or legal question were involved, and that the local body was satisfied as to the source of the certificate. But I think this question can be easily dealt with on the second reading, and probably much more fittingly. The register is to be published annually, and will be available to all persons, so that in future no one who requires medical aid need consult, or employ a practitioner who is insufficiently qualified unless he desires to do so. He will have the means of distinguishing the regularly qualified from the irregularly qualified practitioner, and if he chooses may employ the latter at his own responsibility. The Bill in no way interferes with the existing practice of *vaid*s and *hakims*. It merely draws a clear line between those practitioners whom Government consider to be qualified, and those whom it does not consider to be qualified. In the latter class may be included all those who have obtained

bogus degrees, and diplomas from institutions purporting to give medical education which they do not give. It will also include the large class of men with a slight smattering of medical knowledge who have been in Government service as compounders. While in Government service these men collect as many prescriptions as they can, and with these as their stock in trade they afterwards set up a stall in the market, and style themselves medical advisers. If a man comes to them with tuberculosis of the lung, they probably give him an ordinary cough mixture, and if they also take his temperature and find he has fever, they give him a dose of quinine. I think the public would like to have a distinction made between these men and those who are duly qualified. There has been, I understand, considerable excitement in the medical profession in Bombay, with regard to the qualifications which the Bill proposes should be considered sufficient to entitle its holder to have his name put on the register; and as it seems to me that a vital principle of this Bill is involved in this question, I would ask to be allowed to offer a few remarks on it at this stage. As all the Honourable Members are well aware, Government have for many years maintained certain medical schools, for the purpose of educating lads in the practice of medicine in order to supply its own services both Civil and Military. These schools are, first of all the Grant Medical College, at which is carried out the training of Military Assistant Surgeons, and there are also the three schools at Poona, Ahmedabad, and Hyderabad (Sind), where is carried on the training of Sub-Assistant Surgeons, both Civil and Military. It has not been the practice of Government hitherto, to give the students who pass out of these schools any real diploma, or certificate of any sort entitling them to place letters after their names. They receive certificates showing that they have sat at an examination, and that they have been found capable and qualified to practise in medicine, surgery, and midwifery. In former days they were only qualified to practise as Hospital Assistants, or Sub-Assistant Surgeons, but later they have been qualified to practise medicine and surgery. It is against the inclusion of these men in the register that so much has lately been written and said by members of the local profession in Bombay. I will ask the Honourable members of the Council to consider the training which these men go through, and the nature of the duties which they have hitherto performed, and are at the present time carrying out all over the Presidency. I ask them to consider these before they allow themselves to be influenced by the arguments that have been brought against their inclusion in the register. These lads come to the Medical Schools from the High Schools and elsewhere, and a certain number of them have already passed their Matriculation examination. Before they are allowed to enter the Medical Schools, they are subjected to an examination in general knowledge, and as the number of vacancies is usually considerably smaller than the number of those applying, it becomes a competitive examination at which, by the way, the matriculated candidates do not always succeed in securing places. This, I think, shows that the preliminary education of these students is not on such a low grade as has been stated in this city. The candidates who are successful in this examination are admitted to the Medical Schools, and there the training lasts for four years. Their progress is constantly checked by examination, both written and oral. After they have succeeded in passing the final tests at the schools, they are admitted into Government service as vacancies occur. In addition to the Government students a certain number of pupils from Indian States, and private pupils are also educated at the Mofussil schools, and qualify themselves for practice in their native towns or villages. After admission to Government service,

the Military Assistant Surgeon is sent to a station hospital for duty with European troops, and eventually a certain number of Military Assistant Surgeons find their way back to the Civil departments of local Governments. There they are placed in subordinate charge of large Civil Hospitals in the Presidency, such as St. George's, the J. J., and the Goculdas Tejpal Hospitals in Bombay, the Sassoon Hospital, Poona, the Civil Hospital, Karachi, the General Hospital, Aden, and at Asylums such as Colaba. They are also placed in sole Medical charge of all the ships of the Royal Indian Marine; they are also placed in sole Medical charge of telegraph stations and quarantine stations on the Persian Gulf; and lastly a certain number of them are placed in sole charge of revenue districts in this Presidency as Civil Surgeons of the district. In Military employment, it has been stated, that they are never allowed to treat the European soldier or officer. This is entirely untrue. These men are sent on detachments in charge of European troops, in sole charge of both men and officers, and in one case, of which I am personally aware, and I have no doubt there are others, a Military Assistant Surgeon is in sole charge of a Station Hospital in which both men and officers may be received for treatment. The Military Sub-Assistant Surgeon is sent on duty with Indian troops. These men are constantly sent on detachments, and camps of exercise in sole charge of Indian troops and their European officers. All members of this Council are aware of the work which is done by Sub-Assistant Surgeons in Civil employ. They are in charge of practically all the dispensaries of the country, and I can only say, that taking the whole of the work throughout the whole of the country that these men do, it can only be said to be, good. Seeing that those men go through a regular four years' course of training for professional work, seeing that they undergo examinations which are certainly not easy, and are employed by the Government of the country to perform all the duties which could be required of a medical man with the highest qualifications, it is to me inexplicable that anyone should dream of asking Government to declare that their own servants are unqualified to do the work for which they are employed. For certain local members of the profession to contend that these men's names should not be admitted to the register, is to ask Government to condemn its own servants, and to acknowledge that it has been wrong in employing unqualified men to do work which has been, and is being carried out. I have said that I think a vital principle of the Act is involved in this question, because to my mind if these men are not to be admitted to registration, the Bill would fail in its purpose.

The Honourable Dr. TEMULJI B. NARIMAN said :—Your Excellency,—In the statement of objects and reasons, though it is stated that the object of this Bill is to protect the public and the medical profession from irregularly qualified practitioners, through some misapprehension or misunderstanding on the part of both the public and the medical profession, the Bill in its present form is not looked upon with favour. Some even go further and suspect the ulterior motives of Government. There seems to be no doubt a great deal of ignorance about the object of this Bill among certain classes in Bombay. It is considered by some a one-sided measure to protect and benefit the duly qualified medical profession only, whilst a good number of the latter class strongly protest against the passing of the Bill as it is framed, believing that their rights and privileges are being trampled upon and that they will be lowered in public estimation by the passing of this Bill.

Truly speaking it is a Bill to protect the public, to enable them when requiring medical aid to distinguish qualified from unqualified practitioners. Thus the primary object of this Bill is not to benefit the medical profession, but to ensure an efficient medical service to the public.

This Bill is framed on the lines of the English Medical Act, with this difference, that in the present Bill medical men with much inferior qualifications as the Hospital Assistants and Sub-Assistant Surgeons are for certain state reasons considered fit to be registered, and the irregularly qualified and unregistered persons are not prohibited by the Bombay Act from recovering charges for medicine, attendance, etc., which the English Act disables them from recovering.

The Honourable Surgeon-General STEVENSON:—Might I rise to a point of order? I would like to point out that when the Registration Act was passed in England, not only were the persons supposed to be qualified admitted to the registers, but other men were admitted, whether they possessed any qualification or not, who could show that they had been in practice for a number of years before the Act was passed.

The Honourable Dr. NARIMAN:—I wish the Honourable Surgeon-General had some patience. I am coming to that point myself. I simply say that in the present Bill medical men with much inferior qualifications are placed on the register, while irregularly qualified and unregistered persons are not prohibited from recovering charges for medicine and attendance which the English Act does not allow.

In other words the qualified medical profession in this Presidency is brought under the control of a penal and disciplinary Act, with powers to remove a medical man's name from the register for grave misconduct or unprofessional act, while the unqualified practitioner is free to treat patients and recover charges and be under no disciplinary or penal act or state control. Thus the present Bill from the point of view of the qualified medical men, gives them, as the Gujarati phrase goes, *Cholelá Bore*, that is, plums deprived of the pericarp or the succulent eatable part, leaving only stones behind. Having said all this on the Bill as it is framed, my honourable colleagues will be surprised when I say that I am not going to oppose the introduction of this Bill, but to support it. I do so for two reasons: one is the implicit faith in the good intentions and ulterior motives of our Government, and the other is the keen desire to see the introduction of the Registration Act for which the profession has been agitating for more than thirty years, with a firm belief that once the Act is introduced, in the course of a few years it will be so amended that it will give entire satisfaction to the medical profession and the public as the English Act has done.

I was one of those who first agitated about the introduction of the Registration Act and I was the Secretary of the Grant College Medical Society when in 1881 the first representation about the introduction of the Medical Registration Act was submitted to Government by our President, Brigade-Surgeon Henry Cook.

In that memorial to Government we prayed:

I. That medical men be publicly registered in the city after a sufficient scrutiny of their diplomas or degrees rendering it illegal for any one to assume title which is not so registered.

II. That none but persons so registered be entitled to demand and recover charges in any Court of Law for professional aid or advice.

III. That none but persons so registered be eligible for employment as a physician, surgeon, etc. (Here followed list of public appointments in the medical line.)

IV. That no certificate required by any Act now in force be valid unless the persons so giving it are registered.

It will thus be seen that what the profession then wanted was an Act similar to the English Registration Act. In the present schedule two classes of medical practitioners are recognised :

I. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad and Lahore.

II. Any person trained in a Government Medical College or school who holds a diploma or certificate granted by Government, declaring him to be qualified to practise medicine, surgery and midwifery, is to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant, or Sub-Assistant Surgeon.

The qualification of the old G.G.M.C. or Graduate of the Grant Medical College has all along been considered equal to those of the L.M. & S. There are only three or four surviving members of that class and they ought to be included in class I. There are two Medical Societies in Bombay, the Grant College Medical Society and the Bombay Medical and Physical Society, and there is a branch of the British Medical Association. The Grant College Medical Society has sent a protest against the inclusion of class II of the Schedule in the Bill, whilst the British Medical Association is in favour of it. The Bombay Medical and Physical Society has expressed its opinion in favour of including this class on the register, on the understanding that there should be two classes of Registered Medical Practitioners, and that the one with the lower qualification ought to be distinguished from those holding higher qualifications.

At the last meeting of the Legislative Council in Poona I expressed my opinion about the Hospital Assistant class, declaring their period of study to be short and their medical curriculum low. Though I am not in favour of including this class permanently on the register, I do not press this point at present considering the circumstances in which this class is at present situated and having the stamp of Government recognition, but I am sanguine that the Medical Council, which shall be elected in virtue of this Bill and which has large powers, will in course of time raise the period of study and the standard of medical curriculum of this class to such an extent that it may be recognised by the General Medical Council of Great Britain and Ireland.

When the English Medical Act was first introduced, not only men of much lower qualifications were first placed on the register, but the Doctorate conferred by the Archbishop of Canterbury was also recognised. Subsequently by frequent amendments of the Act and the raising of the standard of medical studies, the present status is attained.

In this connection I may state that there was a similar agitation in Calcutta about the inclusion or exclusion of the diplomats passed out by some of the private medical

schools and colleges in Calcutta, whose standard is decidedly lower than that of the graduates of our University.

The native medical leaders in Calcutta are in favour of treating those Institutions "with sympathy and moderation in the beginning and then gradually increasing the stringency of the regulations".

They say that "this class ought to be given every encouragement to better themselves, failing which they would be automatically abolished; this would be less objectionable than abolishing them by enactment and equally efficacious".

I bring these points to show that even in Calcutta they are in favour of placing men with inferior qualifications on the register in the beginning. With these few observations I support the introduction of this Bill.

The Honourable Mr. R. P. KARANDIKAR said:—Your Excellency,—I am afraid I cannot support the process of reasoning which has been adopted by those members who spoke in favour of the Bill that is before the Council. The Bill has been opposed on various grounds. When analysed the opposition presents a variety of features. One of them is the opposition of persons, who, though qualified to grant certificates, object to be linked together with a certain class of persons. There is then the opposition of persons who independently of registration are in a position to certify or grant certificates which would be admissible in evidence and quite acceptable to any authority or Court of Law whatsoever, in virtue of the degrees or qualifications they possess from a medical point of view. There is, again, the opposition of persons—perhaps a misconceived opposition—who say that, though they have been mentioned in the statement of objects and reasons, there is no specific clause inserted in the Bill sufficient to guard their interests, I mean the *vaid*s and *hakims*, who have been expressly excluded from the operations of the Bill. Lastly, there is an opposition based upon the principle that the Government of India ought to make it an imperial enactment. Under those circumstances it would be desirable to know what urgency is made out for such a measure.

I know the medical profession is pressing for such an enactment, but it is difficult to understand what it means. Having regard to the extent of the Bombay Presidency and its population, and also having regard to the number of qualified medical men that would be available for being entered on the register, it seems to me desirable that a case should be made out that there is a probability of a sufficient number of medical practitioners, such as can be registered, being available in the mofussil. As far as I have been able to gather the total number of L. M.'s between the years 1862 and 1876 comes to about 67, and from 1876, when the L. M. & S. examination was instituted, to 1910-1911, there have been in all 1,053 medical graduates. In other words, the total number of those who can be called qualified under the proposed test would be about 1,120. In this I have not included those whose qualifications have been much canvassed and regarding whom there is some doubt. Now, deducting from this number those who are not available for being registered, the nett number of qualified medical men at present practising may be reasonably fixed at half, that is 560. So that taking that as the proper figure I have great doubt that such a limited number of men together with those derived from the Indian Medical Service would be able to meet the requirements of the mofussil. According to the census the population of the Bombay Presidency is estimated at about two crores—though in another place the figure is given at 24,700,000—and

therefore the percentage of qualified medical practitioners will come to one for every twenty-seven thousand persons. The number, it must be admitted, is far short of the needs of the Presidency.

Now, coming to the question of certificates which the qualified medical men will be entitled to give, it may be asked: What is the nature of these certificates? If they are the certificates which witnesses and others concerned in legal cases are required to produce as excuses for non-attendance in Court, I submit it would be an unnecessary hardship on people living far away from larger towns in the mofussil to procure certificates from the persons who are in the position of granting certificates under the Act. The hardship will be rendered still greater in the case of death certificates. In view of these circumstances the matter seems to me to require much deeper consideration than has apparently been given to it.

We have next to consider the measure from another standpoint. The Western system of medicine is allopathic in its treatment, which is still on its trial. There is another system which is coming forward and is known as homœopathy. It is practised by many and the science is progressing. But according to the schedule in the Bill only those persons who hold degrees and diplomas either from the University or Government can grant certificates. Of course, Government have reserved to themselves the right of including other persons in the schedule. But so far those are the persons who have the power to grant certificates and who are recognised under certain sections of the Bill, and the effect of such legislation, I beg to submit, will be that we will discourage in a manner the advance of a science which is founded on modern lines.

This brings me to the question of Indian medicine. I am afraid this subject has not received that attention which it deserves. The system of Indian medicine is not quackery as it is supposed to be in certain quarters. Unfortunately it has fallen into the hands of men who are incapable of handling it in a proper manner, and it is to be feared that unless Government make an effort to encourage this Swadeshi science and if you proceed on the lines advocated by the Honourable Dr. NARIMAN it will in course of time be wiped off entirely. I think it our duty to bring home to these *vaid*s and *hakims* the necessity of improving their status. When I refer to the Indian system of medicine I mean the Ayurvedic system as obtained among the Hindus and the Unani system of the Mahomedans. I do not know whether the Parsi community possess any medical science of their own or not, but I am convinced they are in a position to appreciate the value of the system of Indian medicine. I hope therefore that no sentiments expressed in this Council may affect the chance of advancing the cause of the Indian science which deserves encouragement at our hands. I fail to see why the medical profession of the City of Bombay—I say the City of Bombay because I do not find any interference in the matter on the part of the profession in the mofussil—should not encourage the development of the Indian system of medicine in their efforts to make competent medical assistance available.

Your Excellency, I understand that there has not been so far a concurrence of views between the local Government and the Government of India on the subject of this legislation, and this leads me to the consideration of the question whether a measure of this kind should be taken up by the local Legislative Council when there were impediments in the way of the Government of India introducing a general enactment



which would deal with the whole of India. Under the schedule of the present Bill it is proposed to place the medical graduates of other Universities on the footing of the graduates of the Bombay University, so that the Governments of other Provinces would ultimately accept the measure. I therefore think that, in view of the fact that possibly an Act of this Council may influence the other Provincial Councils, we should proceed with greater care in the carriage of this measure, which in principle would affect all Provinces in India. I am not satisfied that a special case has been made out for introducing this measure in the Bombay Legislative Council. I am persuaded to believe that, having regard to the fact that so much attention is being paid to the development of the Indian system of medicine in Bengal, that Province would have been a suitable place for introducing such a Bill, as there it would likely have found a greater scope for discussion. But, at any rate, if the principle is applicable to the whole of India, I submit the legislation should be undertaken by the Government of India. In support of this argument I can recall one parallel, and that is the Legal Practitioners' Act. The whole legal profession has throughout India been governed by an imperial enactment, and if this was possible in the case of legal practitioners, I cannot for myself differentiate the case of the legal practitioners from that of the medical practitioners.

Apart, however, from this question of principle, I do feel that the exclusion of the Indian system of medicine from the Bill is likely to operate prejudicially on its development. Living in the mofussil as I do and having known the people and things connected with them, I cannot help thinking that it would have been impossible for the noble and generous hearted medical officers in the districts to carry on their work of alleviating human sufferings and checking the growth of diseases in the Presidency had it not been for the assistance rendered to them by those practising the Indian system of medicine. I think it is owing to this consciousness that the statement of objects and reasons makes it clear that it is not the intention of the legislature to place a direct control or restriction on them. But there is just the fear that it may ultimately come to pass that this want of direct restriction may be turned into direct restriction as hinted by the Honourable Dr. NARIMAN. I am persuaded to believe that we shall not be guarding the interests of the ancient science of Indian medicine by allowing its exclusion from the scope of the Bill. The English Act of 1858, I may be permitted to point out, recognises different systems of medicine, for the obvious reason that, unless sufficient recognition is given to all the systems, nobody would be entitled to form his opinion as to the merits or otherwise of a particular system. I again submit that this Bill is calculated to discourage the development of the Indian system of medicine. On the whole, I do not think that the view put forward by the opponents of the Bill should be discarded. There is something in it which deserves consideration, and I suggest it is high time for the Council to hold up their hands and say "We will postpone the first reading of the Bill to some more convenient time". There are special reasons for doing so. The opponents of the Bill in this Council are all laymen, and those opponents who can speak with authority are not represented here. These declare that this is not a desirable measure. I do not know why Government have not secured on this Council the representation of those holding the opposite view, as was done on the occasion of the discussion of the Indian Universities' Act in the Imperial Council. In concluding my remarks I may say that I may have been deficient in expressing myself, but I assure Your Excellency that in saying what I have said I

am really voicing the views and sentiments of the people living in the mofussil, who consider that this enactment is of such a doubtful character that it should not be made applicable to the whole of the Bombay Presidency. Of course, whether it is suited to the needs of the Bombay City or not, it is for the Bombay representatives to say, but, so far as the mofussil is concerned, I venture to submit that no case has been made out for such a measure.

The Council adjourned for luncheon.

Upon the resumption the Honourable Mr. LAMB said:—With Your Excellency's permission I wish to move that the name of the Honourable Mr. MANMOHANDAS RAMJI be added to the Select Committee on the Smoke Nuisance Bill.

The proposition was agreed to.

The Honourable Mr. GOKULDAS K. PAREKH said:—I submit that the Bill which has been brought forward before this Council is somewhat too premature. It appears that there are two objects with which the Bill has been placed before the Council. So far as one of the objects is concerned, namely, that only persons who are on the register should be permitted to give certificates, we have not been told by the Honourable Mover of the Bill or the Honourable Surgeon-General who spoke after him what are the cases where Acts of Legislature require certificates of medical gentlemen. We have also not been told under what circumstances there has been inconvenience felt or any loss caused to the public in consequence of the gentlemen from whom the power of giving certificates is to be taken away possessing such powers. I think that when a new measure, and especially a measure which has evoked some sort of opposition from members of a respectable profession whose motives are unquestionable, is brought before the Council, it would be advisable carefully to consider whether there is any necessity for it. So far as the question of appointments is concerned the conferring of public appointments would depend upon the orders of Government. I do not think that there is any necessity for the present measure. I have sounded public opinion and I do not think it is in favour of the measure. So far as the City of Bombay is concerned we have had the opinion of a large body of medical practitioners in it. So far as the mofussil is concerned or at least my constituency of Gujara't is concerned, I have been able to ascertain that a large consensus of public opinion is not in favour of the measure. I do not ignore the fact that there is some very unsatisfactory feature in connection with the practice of Indian medical practice as it now prevails. The Honourable the Surgeon-General has referred to the case of the compounder who having had a few prescriptions sets up a dispensary, and poses as a qualified medical practitioner. We have a number of instances of people who had never been inside a dispensary or never seen a hospital trying to pose as medical practitioners. If the Bill were limited to preventing such people from practising and jeopardising the health and lives of people who place themselves under their treatment it would have met with universal approval. But this measure does not disqualify that class of practitioners from practising and it yet lowers the dignity of those whom the public may regard as competent to treat. I submit that there are amongst these people who have not obtained university degrees many who are competent to carry on medical profession. At the same time one should not ignore the fact that there are a number of people who have been trained in indigenous methods and who have obtained a considerable amount of practice and who do medical work as well as any

other people who have passed University examinations. It is true that men holding university degrees made good doctors by reason of their training, but then there are several trained exclusively in the lore of Indian medicine, who were equally competent to do the work, and they should not be deprived of any of their privileges. It was quite true that they had no association or organization which would test the ability, capacity and position of the gentlemen, who join the profession of Indian medicine; but movements are already going on for the purpose of forming associations for establishing hospitals where these people would be able to test the knowledge of people who had been trained in their ways and after testing the ability they would say whether they were qualified or not to carry on the practice. We find a large number of people in the country—people of position and capable of forming an independent opinion—who prefer indigenous treatment to the treatment of gentlemen trained in occidental ways. We find a number of people who believe that so far as certain maladies are concerned, indigenous treatment is more efficacious than the occidental treatment. There are a number of responsible persons whose views cannot be ignored who emphatically state that Indian medicine should not be put under any condition of disadvantage. Again there are some people, who consider on religious grounds that certain medicines prescribed under the western treatment should not be taken. Under the circumstances, I think that it would not be proper to put these competent people who conduct the professional business of medicine in a position which compared with others would be considered a position of disadvantage. As to the question of a certificate, if a man who did not believe in occidental treatment required a certificate, the result will be that he would have one doctor for the purpose of giving him medicine and another doctor for the purpose of giving him a certificate. I think this is a measure which will not be regarded by the public at large as in their interests. I think the complaint about including sub-assistant surgeons among persons who may be considered competent to be registered is a very reasonable one. There may be some respectable exceptions, but you cannot expect a whole body of them to be of more than average ability. I think that it is not good in public interests that we should give exclusive power to a body from whose position we cannot expect that sort of high tone and high character which you may expect from a people of higher education. A measure of this kind which has evoked such an opposition should not be carried hurriedly. In my opinion there does not appear any immediate necessity of the measure.

The Honourable Mr. D. V. BELVI said :—Your Excellency, I have read the Bill very carefully and have listened most patiently to the short and terse speech of the Honourable Mr. LAMB who moved the Bill for the acceptance of the Council, and also to the speech of the Honourable the Surgeon-General in support of this measure, but I feel that I cannot persuade myself to accept the views of either of those gentlemen. It has been brought to your Excellency's notice that the number of qualified men knowing the European system of medicine in this Presidency is not large enough to make this Bill a practical measure at this stage. It was only the other day that your Excellency was pleased to issue a press note stating that more dispensaries and hospitals would be opened shortly by Government in the various divisions of the Presidency. It is a matter of common knowledge that it is very difficult to obtain the services of sub-assistant surgeons in the different talukás of the Presidency. In my own district of Belgaum there are more than one taluká where there are no medical men to take charge of dispensaries. Consider-

ing therefore that a very limited number of qualified medical men is available at present in this Presidency, I submit the introduction of a Bill of this kind is not desirable.

But I look upon the matter from still another point of view. Even supposing that the number of men practising the European system of medicine is sufficiently large to cope with the work, it would be wholly wrong to do anything which would prejudice and jeopardise the development of the indigenous system of medicine. We know there is a considerably large class of *vaids* and *hakims* in this country who treat patients under the oriental system of medicine. I admit there are many of them who are ignorant and who know very little of medicine. But we have also to consider the prejudices of the people in the matter. There are thousands of Indians, both men and women, who will have no European medicine, especially in the liquid form. What are we to do with such people? We cannot ignore their sentiments and prejudices; nor can we say that there is no good at all in the Indian system of medicine. There are many standard works written by Indian gentlemen on Indian medicine, and they are studied by native practitioners. Why should these books be cast aside in favour of the European system? It is true that the Bill does not directly affect the practice of Indian medicine, but I do believe that the ultimate effect of this measure, if passed into law, will be to drive out of existence the Indian system of medicine. That should never be done. We know there is not a warmer and more sympathetic friend of Indian arts and industries in this country than your Excellency. Only the other day the public of this Presidency had the pleasure of knowing that your Excellency had expressed yourself in favour of the Indian art of music. Your Excellency was then pleased to say that efforts should be made to cultivate the Indian system of music. If that is so, and considering the fact that there is a vast majority of people who prefer Indian to European medicine, I ask why similar efforts should not be made by your Excellency's Government to promote the Indian system of medicine? Why should there not be institutions for the proper training up of *vaids* and *hakims*? Why should there not be diplomas and degrees instituted in Indian medicine? We have been told here that people who are trained in the Indian system of medicine in Bengal are quacks. With all due deference to the opinion of the Honourable Surgeon-General I crave permission to differ from him. It is unjust to those gentlemen in Calcutta that have started the College of Medicine under the auspices of the National Council of Education to say so. We know that the best talent in Bengal is represented on that Council. It turns out young men whose qualifications do not compare unfavourably with those of the men trained in the Bombay University. If the Honourable Surgeon-General characterises them as quacks and incompetent men, then it is open for a large body of people outside this Council to retort that the medical men produced by the Bombay University can do nothing more than dispense medicines prepared in Europe. It is a well known fact that a large quantity of Indian drugs is exported every year to Europe from India and brought back to this country made into different kinds of medicine and sold here. Why should that be so? Are the locally qualified medical men unfit to prepare such medicines in India? I say it is wrong to call the young men trained in the Bengal school quacks. We know that there are eminent medical men in our own Presidency, men who are experts in the European science of medicine—I mean men like Sir BHALCHANDRA KRISHNA and Dr. DESHMUKH who have made the Indian system of medicine their special study—who are opposed to this Bill. These are gentlemen whose views ought to carry weight, and

I do not think it would be right to brush aside their opinions simply because some overzealous advocates of the European system of medicine wish to raise the status of men who have qualified themselves in that system.

There are other grounds on which the Bill may be justly opposed. Why is it necessary to bring it in as a piece of provincial legislation? Are we to suppose that the Bombay Presidency alone is westernised? Why does not Bengal or Madras take the lead? My friend the Honourable Mr. KARANDIKAR was right in saying that if this legislation was necessary, it should have been left to the Imperial Legislative Council to introduce it. I think this measure is simply an attempt to drive the thin end of the wedge. Perhaps I am blunt in my expression, but I echo the sentiments of a large body of people outside this Council when I say that on the ground of principle this Bill cannot be justified. This legislation should either have been undertaken by the Imperial Legislative Council, or there should have been a general demand for it in this Presidency. I submit it is ill-conceived and as it is against the interests of the people it should be dropped.

The Honourable MOULVIE RAFIUDDIN AHMAD said :—Your Excellency, I venture to submit that so far as the object of the Bill is concerned it is not served by this measure. The Bill professes to protect the interests of the public and the medical profession from the irregularly qualified practitioners. To my mind it gives no protection to the medical profession because it does not prohibit at all any unqualified man from practising; and so far as the public is concerned it seems to me that the Bill does not go far enough. But I do not agree with my honourable friends who say that Bills of this kind should be passed only by the Imperial Legislative Council and that the Provincial Legislative Councils should not take up such questions as this. I say, No. There is a precedent in which we have taken up a question which was rejected by the Imperial Council. I refer to the Bill for the Registration of Charities. What I say is that we should be very careful in taking up measures which have been rejected by the Imperial Council and nothing short of a declaration of public opinion should ever induce us to take up such questions. I say that such a declaration has not been made in the present case. There is no demand for such a Bill and the complaints against *vaids* and *hakims* have not been so numerous as to justify the introduction of the Bill in this Council. I am of opinion that in a matter of this character the Provincial Council should not take up a question which has been rejected by the Imperial Council.

His Excellency the President :—I might inform the honourable member that it has never been rejected by the Imperial Council at all.

The Honourable MOULVIE RAFIUDDIN :—I beg your pardon, I heard it said that the Imperial Council held an adverse opinion. To proceed; I think this is no occasion for making any comparison between the indigenous and the western systems of medicine. But there is this much to be said that if this Bill becomes an Act, certainly it is a kind of thin end of the wedge to weed out the *vaids* and *hakims*. At present the *vaids* and *hakims*, who possess no diplomas, carry on their practice and are quite satisfied with their position. On the other hand, qualified medical practitioners, who hold degrees and diplomas, command lucrative practice. It is for the public to find out who are the better doctors. But when you give certain privileges to a certain class of people you discourage to that extent the people who do not possess such privileges, and the result of

such an act would be that the better class would be nowhere and would ultimately lose their profession.

It is pleasant to notice that elsewhere there is a tendency to encourage the development of the indigenous system of medicine. Only recently the Government of India conferred the title of Hafiz-ul-Mulk on a *hakim* of Delhi. This Honourable Council must also have heard of the conference of *vaids* and *hakims* that was recently held at Lucknow when a proposal was made to open a class of Indian medicine in the Allahabad College. So that when other Councils are trying their best to encourage the Indian system of medicine, it would reflect no credit on this Council if its action were to lead to its discouragement. I listened with great attention to the arguments advanced by the Honourable Surgeon-General and what he said about the sub-assistant surgeons seemed to me to be quite right. But I fail to see any reason why this Bill should at all be introduced in this Council. Compared with its disadvantages its advantage is very small. For while the only advantage it gives is in the way of conferring a small privilege on qualified medical men, its great disadvantages are that it makes an invidious distinction between the two systems of medicine, it will discourage the development of the indigenous system of medicine and it will excite bad feelings against Government. And there is no reason to displease the class of native practitioners. During the plague epidemics they have co-operated with Government and in some cases even their recommendations have been accepted by the Provincial Government. Again, their services to the community at large cannot be denied, for if you will go to the villages and the Presidency proper you will find that the people prefer *hakims* to qualified medical men. Of course, when education advances amongst the masses this class of native doctors will disappear in the course of time. But at present this measure is to my mind quite premature. The same thing happened in England, and I think in the case of India it will take a very long time before any measure on the model of the English Act becomes acceptable.

The Honourable Lieutenant-Colonel J. JACKSON said:—Your Excellency, it seems to me that the opponents of this Bill can be divided into two classes, those representing the claims of the East and of the West. Some try to be both and advocate practice by qualified members of the profession in Bombay, but also hold very strong advocacy for the old medicine, the Eastern medicine. One must be consistent. If Eastern medicine is the best thing the Honourable Mr. BELVI and the Honourable Mr. KARANDIKAR should hold to it and absolutely go against all modern sanitation and medicine. It seems to me that there is great misapprehension about sub-assistant surgeons and assistant surgeons as to the short period of time they have spent in professional study. I wonder how many of the senior members of the medical profession in Bombay have studied for more than four years, because it is only a few years ago that the number of years for the medical course was increased to five years. I remember that even at the time I was at college myself one could obtain a degree in four years. The Honourable Mr. BELVI suggested that in order to be properly qualified greater time should be spent at the medical course. But in course of time we shall surely see colleges of medicine in Poona, Hyderabad, Ahmedabad and Bombay affiliated under a Royal College of Surgeons, Bombay, and gradually the qualifications of sub-assistant and assistant surgeons will necessarily rise to meet modern requirements. The Honourable Mr. PAREKH, the Honourable Mr. KARANDIKAR and the Honourable Mr. BELVI are very tender about

*vaid*s and *hakims* and urge Government to protect them in every way. I have never heard it suggested by them that the village *kulkarni* should be allowed to increase his scanty emoluments by acting as a *vakil* or a barrister, but I am sure that he knows a good deal more about law than the *vaid* does about medicine. As for the Honourable Moulvie RAFI UDDIN AHMAD's remarks about Indian medicines I would point out that there is a very great difference between indigenous medicines and indigenous medical practice. We ought to encourage the scientific study of the first and no one understands importance of this more than the European practitioners and much was done in this direction by the late Dr. DIMMOCK and the study of indigenous drugs is being carried out in several places in India; but indigenous practice is quite another thing. The two things are not to be confused and what should be encouraged is the study of indigenous drugs. Of course, if it were a desirable thing to keep down the population of the Presidency I would then heartily support my honourable colleagues Mr. PAREKH, Mr. KARANDIKAR, Mr. BELVI and urge that the practice of the *vaid* and *hakim* should be encouraged. Speaking from my own experience I am not impressed with the practice of the *vaid* and *hakim*. I once treated a man for cholera and he got better under treatment. It probably was not because of any medicine I gave him but the grace of God. But I do know that a few hours later it was a *vaid*—his own uncle—who killed him by giving him a decoction of watermelon in an infusion of nim leaves. I remember reading in the Bagho Bahar of how a distinguished professor of Indian medicine proceeded to extract a maggot from the brain. The diagnosis was correct and therefore that portion of the art must have been fairly far advanced. On removing the top of the skull the operator proceeded to tear out the maggot with a forceps. His chela remonstrated pointing out that if he did so the maggot holding on to the brain with his claws would pull the brain out too, and recommended touching up the maggot with a red hot wire when he would curl up and drop out. Enraged at the interruption the indignant professor went away and hung himself. It is not recorded whether the patient recovered. This is only a case that I have read of, but I have seen examples of surgery which showed that ayurvedic surgery has not advanced beyond the stage illustrated in the anecdote just quoted. The Honourable Mr. BELVI, the Honourable Mr. KARANDIKAR and the Honourable Mr. PAREKH appear to have no faith in the common sense or intelligence of this Council when they suggest that a commission is needed to deal with the question and that we should wait until the Imperial Council moves in the matter. We are here in Bombay at the gateway of India and we should be the pioneers of knowledge and lead the rest of India instead of following it. Some honourable members are afraid that the number of practitioners of European medicine will injuriously affect the *hakim* and *vaid*. But the Honourable Mr. KARANDIKAR has just been dilating on the extreme paucity of medical men practising medicine on western methods. Surely we should not stand still for this reason or endeavour to resuscitate a system of medicine dying, not from neglect, nor unfair treatment, but because it is founded on the sands of empiricism and not on the rock of science. The Honourable Mr. PAREKH says it is impossible for the whole body of hospital assistants to be good men. It is impossible for the whole of even this Council to be good men. There must always be some weak spots. But I think that the hospital assistants as a body are exceptionally good men and have done exceptionally good work. The Honourable Mr. BELVI says that the Act has been brought in to raise the status of medical men but thinks that their position will not be improved because they are so

few in numbers. Organisation means improvement and when you organise a profession the supply of candidates always increases, no organisation means no candidates.

The Honourable Sir PHEROZESHAH M. MEHTA said :—May it please Your Excellency, it was impossible not to listen to the speech of the honourable gentleman who just sat down without being equally interested and amused. My Indian colleagues in the Council took up cudgels on its behalf for the Ayurvedic system of medicine and spoke up vigorously. My honourable friend Colonel JACKSON has retaliated by telling us many interesting and amusing stories as to how the Indian *vaids* and *hakims* treated cases here and there which have come to his knowledge. But I wonder whether he has ever heard the other side and the number of stories told by Indian patients of the remarkable and startling manner in which now and then they had been treated by qualified medical practitioners. I was very much interested to hear a remark from the Honourable the Surgeon-General who told us how one of those unqualified men, who had a patient suffering from tuberculosis, gave him some cough mixture. I believe the story is perfectly true; but I ask him, has he heard stories of what are called qualified medical practitioners who do exactly the very same thing and who when patients have gone to them for serious chest diseases have treated them as cases of cough and cold. I know several stories of that character.

But after all this impassioned eloquence of the Honourable Colonel JACKSON, I put it to the Council if we are not drifting away from the true meaning and purport of the Bill. When the honourable members were speaking on the Bill I was rubbing my eyes over and over again to find out what was the real connection between the arguments that were urged and the real substantial meaning of the Bill before the Council. I am afraid so far the discussion on the Bill has proceeded on entirely wrong and irrelevant lines. I will ask my Indian colleagues to consider in what way is it that it really affects the *vaids* and *hakims*. To my mind it is quite clear that they are left in the Bill as they have ever been before. As a matter of fact, they have never enjoyed the privilege of giving certificates. What is there in the Bill which takes away in any respect from the position which they now occupy? They are left entirely to their own devices as at present without let or hindrance. Now I think that the very first speakers—the Honourable the Surgeon-General and the Honourable Colonel JACKSON—are to some extent responsible for confirming my Indian colleagues who followed them in imagining that this Bill was really aimed against *vaids* and *hakims* for their speeches endeavoured to justify and show the necessity for adopting measures for disqualifying the indigenous medical practitioners. Even my honourable friend cannot be quite acquitted of the same charge. In his short dispassionate speech, he threw out only one justification for the Bill,—a justification which amounts to this that Bombay should suffer for the sins of Bengal. He said that in Bengal there have sprung up several institutions which turn out irregularly qualified medical men, and those institutions have in recent times multiplied to such a very large extent that it is possible that they may invade this Presidency. I do not think the honourable member has been able to convince the Council that such an infection has reached or is very likely to reach this Presidency. But if the object of the Bill is to prevent this, then there is a necessity of checking the practice of *vaids* and *hakims*. But turning to the sections of the Bill you will see that in no instance the *vaids* and *hakims* are really touched.



Now, if you will permit me I will say what is the real meaning of the Bill. I will tell you at once. I will tell my Indian friends that the Bill does not affect the *vaides* and *hakims*; it does not affect unqualified medical practitioners—the compounders and others who dispense medicine to those who choose to be treated by them. The Bill in reality is an attempt on the part of Government to bring the qualified medical practitioners under their absolute control. I ask the members to see for themselves if the description I give of the real scope of the Bill is not correct. The Bill is said to be founded on what is called the English Medical Act (21 and 22 Vict., c. 90). That Act is very well suited to the circumstances under which medical practitioners exist in a civilized country like England. But in this Bill, which is to be transplanted to the Indian soil you go beyond the provisions of the English Act. In the first place, you will see that qualified people as determined by Government are to be brought on the register. Then comes the appointment of the members of the Medical Council. And who are those? They are men for the most part chosen and nominated by Government for a term of five years. For, Clause 2 (2) says:—[Reads.] Your Excellency will see that so far as the constitution of the Medical Council is concerned, there will be a President, nominated by the Governor in Council, and twelve members, of whom six will be nominated by the Governor in Council, four will be elected by doctors, bachelors and licentiates of medicine and surgery of the University of Bombay, and two by the medical practitioners who for the time being are practising in the Bombay Presidency and who are not graduates or licentiates of the University of Bombay. Thus it will be seen that the Medical Council is strongly composed of the official element. Then the Bill states how the qualified medical men are to be registered. The next important clause is clause 9. It runs thus:—[Reads.] I submit this clause goes far beyond the English Act. In the English Act the Medical Act—of 1858—some enquiry is provided before the name of a medical practitioner can be removed on the ground of “grave misconduct or unprofessional act.” But in this Bill that portion of the provision has been omitted, and the Medical Council is empowered to remove from the register without inquiry the name of any medical practitioner who has in their opinion been guilty of any “grave misconduct or unprofessional act.” Now, leaving alone the question of trial and inquiry, you will see that an enormous power has been placed in the hands of the Medical Council, which is to discover and determine the “grave misconduct and unprofessional act.” But, it is well known that even in England the profession is so much divided as to what constitutes an unprofessional act that there are constant discussions in newspapers as to what should be properly called an unprofessional act and what ought not to be so called. Then, there is the vague expression “grave misconduct,” and this Medical Council is invested with the power of determining what constitutes “grave misconduct.” I hope the qualified medical profession of this city and the Presidency will carefully look into the provisions of this Bill and see that they are not allowing themselves to be placed at the mercy of a body which, it is impossible to say, will be able to deal rightly with the cases that may come before them.

There are certain small advantages which are certainly given to the registered members of the profession as would appear from clause 10. But then follows a section against which I beg to enter my protest. Clause 11 says:—[Reads.] Now, I wish to point out that in the former Acts the qualification inserted was that the person to be appointed to a medical post was that he should be a duly qualified practitioner. But it

was never under contemplation that such persons should be the persons who would be brought under this Registration Act. The condition requisite for holding such posts under the previous Acts was that the holders should have received certain training and certain degrees; but this further condition of having been registered under this Bill is something which goes beyond what was contemplated by the framers of the previous Acts. I do not think it is right to insert conditions of this character to act retrospectively. I do not attach any value to the granting of certificates. For these documents are generally in the nature of certificates of illness produced before Courts of Law on behalf of persons interested in cases under trial as excuse for non-attendance and so forth. When such a certificate is produced in a court the Judge tries to find out who the person is who has signed the certificate and then determines what weight should be attached to the document. But it is very undesirable to restrict the area from which medical officers of health can be obtained, for it seems to me that it is possible for the various municipalities which are springing up in this Presidency and which require medical officers of health, to bring out men who possess adequate qualification as health officers, yet are not registered under the Medical Act.

Then comes a whole series of clauses to which I want to direct the attention of the Council. Clause 13 says—[Reads.] Now, I ask the Council what is the need for such a provision as this? Our University with the colleges affiliated to it is at present so constituted that it is specifically under the guidance and control of Government, so much so that no regulation for studies can be adopted by it until it is sanctioned by Government. Why, then, do you superimpose upon it an authority under which the governing body or authorities of a medical college or an examining body can be called upon to furnish information to the Medical Council regarding the course of study prescribed or examination held by such body or authority? Of course, if the Medical Council is created by the Bill, there would be no harm in furnishing such information. But what is the need for empowering the Medical Council to depute a member to attend at an examination? Anybody, who is acquainted with the conduct of an examination, will ask what kind of function is such a person expected to perform. Will he have the power to alter an examination paper? If he wants any information regarding examination papers he can obtain it without being present at the examination. Ordinarily it is only the supervisors who attend at an examination to see that the candidates do their work in the proper way.

The clauses that follow relate to financial arrangements. The next important clause to which I request the attention of the Council is clause 19. It says: [Reads.] You will see from this that the Medical Council is empowered to make rules and regulations to carry out the provisions of this Act. This is a very large power vested in them, though the rules and regulations that they may pass are made subject to the sanction of Government. Then comes clause 20: [Reads.] I will ask the members of this Council to note what an unnecessarily enormous power is vested in Government by this clause. My colleagues will mark that the power which is vested in Government is to be exercised not only on the representation of the Medical Council, but also without it, because you see the words: "If it shall appear to the Governor in Council on the report of the Medical Council or *otherwise*," etc. In either way it comes to this that if it shall appear to the Governor in Council that the course of study and examination pre-

scribed by any of the colleges are not such as to secure to the student sufficient knowledge and skill for the efficient practice of his profession, it might direct that the possession of such qualification would not entitle him to registration under this Act. I ask the Council and Your Excellency to consider whether this is right. The colleges and the University which exist in this Presidency are bodies created by the Act and are so placed as to be under the entire guidance and control of Government, in the first place of His Excellency the Governor as Chancellor and then of His Excellency the Governor in Council as Government. And in spite of that control and guidance, the Governor in Council reserves to himself the power of saying that these bodies are unfit to grant degrees which they are empowered to give. I submit that is not a logical position to take up. Does it not seem to the Council we are now giving a further power to the Governor in Council? To do what? To say that this control and guidance is of no use whatsoever. And this too, not upon the representation of the Medical Council, but even without it. I ask Your Excellency and the Council to consider whether such a provision is a provision which should really be enacted by a regular Act of this Legislative Council.

I will now ask the attention of the members of the Council to the last clause of the Bill. I have been familiar with what are called the bludgeon clause of Acts. I am familiar with the bludgeon clauses in the Municipal Act of the City of Bombay. But a bludgeon clause in this Act comes as a surprise to me. Clause 21 runs as follows: [Reads]. It will be seen that under this bludgeon clause the Medical Council can be altogether superseded. The Medical Council, as I have already pointed out, is largely composed of members nominated by Government, and seeing that it is so composed, is it necessary to enact that if at any time it appears to the Governor in Council that the Medical Council has failed to exercise any power and to perform functions imposed upon it, he may appoint another agency to carry out its work? Has the time really come for a Bill of this drastic character? I confess I am unable to bring myself to believe that the circumstances of this Presidency are of such a character as would require legislation of this sort. I repeat now what I said at the beginning that this is the real purport of the Bill. It seeks to place the whole body of qualified medical practitioners entirely—I was going to say at the mercy of, but I will say—under the control of Government. I submit that is not a wholesome way of dealing with an honourable body of men such as exist in this Presidency.

My Honourable friend Mr. BELVI said that this Bill is the thin end of the wedge to dust the native practitioners from the field. I cannot conceive that it will have any end as that. The enormous mass of the people will have nothing to do with the western medical science, and so long as that prejudice—that unreasoning prejudice—exists, I assure my Indian colleagues, the *vaids* and *hakims* will also flourish. There are a number of persons who pose themselves as *vaids* and *hakims*. They are a worthless lot and do more harm than good. Still you must not ignore this fact that there is a fund of medical knowledge and medical science which is still embodied in the Ayurvedic system, and so long as the popular feeling continues the *vaids* and *hakims* will come to no harm. The real purport of the Bill is the enormous drastic powers which are incorporated in it, powers which would bring the qualified medical profession within the control and guidance of Government in a manner which nothing that has yet been said justifies.

The Honourable Mr. W. L. GRAHAM said :—Your Excellency,—I have listened with great interest to the speeches of Honourable Members, but I am quite unable to follow the line of argument that has been pursued. I would point out to my active colleagues that in the statement of objects and reasons for this Bill it is laid down that it follows in general outline the English Act (21 and 22 Vict., p. 90) without, however, prohibiting in any way the recovery of charges by unregistered persons. While therefore it places no direct restriction upon the practice of Indian *vaid*s and *hakims*, it will improve the status of qualified medical men. The Honourable Mr. GOKULDAS PARBKH stated that there are numbers of educated people in the country who prefer indigenous medicine and that he considered that indigenous medicine should not be put under any disadvantage. Your Excellency, I cannot see how this Bill affects such people. Nor can I agree with the Honourable Mr. BELVI that the introduction of this Bill will jeopardise the indigenous system of medicine as the Bill is framed merely for the registration of duly qualified members of the medical profession—members who hold degrees—and not of *vaid*s and *hakims*.

India is an old fashioned country and its customs do not change readily. Those who have been in the habit of consulting native doctors will continue to do so, whatever legislation may be passed. I therefore am unable to agree with Honourable MOULVIS RAFIUDDIN's argument that if a measure of this kind is introduced, native doctors and those who study indigenous medicine will die out.

The Bill has been put forward from the best of motives, the weal and welfare of the public, and has been supported by the medical members of Council. I therefore beg to submit that it should be read for the first time and referred to a Select Committee who will deal with the provisions of the Bill with the utmost care and consideration.

The Honourable the ADVOCATE GENERAL said :—Your Excellency,—The Surgeon-General has referred to the objections that have been raised by certain sections of the public to this Bill. These objections taken shortly, come to this, that the progress of the science of medicine in India is likely to be checked if this Bill is passed into law. In this connection reference is made to clause 10 of the Bill. I will deal with this clause shortly, but I will first state what appear to me to be the objects of this Bill. It seems to me that the objects of this Bill are in the first place to protect a certain section of the public, and also to protect a certain section of the medical profession. What is the section of the public that is to be protected? It is that section of the public which employs or is desirous of employing persons practising medicine, surgery or midwifery according to Western methods, and the section of the medical profession that is to be protected is that section of medical practitioners who have obtained certain degrees or undergone certain training which, in the ordinary course of things, ensures their competence. The section of the public I have referred to is to be protected against unqualified and unskilled practitioners. The protection for the section of the medical profession I have referred to is protection against the unfair competition of unskilled persons. Now, your Excellency, if that really sets out in a few words, as I think it does, the real purpose of the Bill, it does not appear to me that any of the gentlemen who have spoken against it would quarrel with it. Now let me deal with the objections to the Bill. The first is with regard to clause 10 of the Bill. That provides that from the commencement of the Act the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" as used

in any Act shall have a certain meaning, that is to say, they shall mean the class of practitioners included in the schedule. How does this touch the  *vaid*  or  *hakim* ? Is a  *vaid*  or a  *hakim*  a legally qualified practitioner? Is he a duly qualified practitioner? I should say certainly not. I should say these expressions mean medical practitioners having a recognised medical degree and it is not suggested and it cannot be suggested that the  *vaid*  or  *hakim*  has a recognised medical degree. What is the effect of this section? The effect is two-fold. First of all it enlarges the scope of these words, "legally qualified medical practitioner" by including those who have not degrees but have undergone a certain training and received certain certificates. Again it restricts the natural meaning of the words in the case of those holding degrees to those who hold degrees recognised by the Medical Acts and degrees referred to in the second paragraph of the second schedule. These provisions appear to be wise as excluding persons with degrees of doubtful value and including persons whose training is a fair guarantee of competence, but however that may be they certainly cannot be objected to by those who champion the  *vaid*  and  *hakim* . I now come to the second portion of the clause and in this connection I think the Honourable Sir PHEROZESHAN fell into the same error as the gentlemen who preceded him. This is what the clause says: "After the commencement of this Act, no certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act." What has been the comment of the learned gentlemen who have spoken here today on this section? It has been said that supposing a certificate were produced, say for the purpose of obtaining an adjournment of a case on the ground of the alleged illness of a party or a witness, the Judge would be precluded from looking at it by this Bill unless it were from a registered practitioner. I say that that is an absolutely unfounded criticism. This would not be a certificate required by any Act but a certificate placed before the Judge by a party as witness to show that he or his witness was ill and the Judge would be free to accept it or not. So far as I have been able to make out, the only Act which speaks of the requirement of a medical certificate is the Bombay Municipal Act and the section of that Act on the subject is section 450 which provides that in the case of the death occurring in the Island of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner is to give a certificate of the cause of death. If I am right in supposing that this is the only legislation which requires a medical certificate, how is this section, the second part of clause 10, going to affect the  *vaid*  or  *hakim* , because, as I have pointed out, the words used in section 450 are "duly qualified medical practitioner" and I have pointed out before that this seems to me to mean a medical practitioner possessed of some recognised degree. So, I think it is quite apparent that the criticisms with regard to clause 10 of the Bill are absolutely unfounded. Now how is the passing of the Bill into law going to affect the status of the  *vaid*  or  *hakim*  in any other respect? They are left severely alone. They are entitled to practise medicine, midwifery or surgery, or as perhaps Colonel Jackson would say butchery, and to charge for their services in the same way as they have been able to do hitherto and recover their charges in case of dispute in a court of law. So far as the people are concerned who employ these individuals they are not likely to be influenced by the passing of the Bill into law because if they want to employ a  *vaid*  or  *hakim*  they are not likely to look in the register to see if his name is there because they know perfectly well that his name will not there appear. I now come to the objections raised by the Honourable Sir PHEROZESHAN and so far as

I can make out his objections amount to this. If this Bill be passed into law, the medical profession will have an incubus placed on the back of it and that incubus is likely at any time to be increased if Government become the incubus instead of the Medical Council. The Honourable Sir PHEROZESHAH said he had read the Bill over many times. I confess I have only read it twice. It appears to me that the fears he entertained are as unfounded as those entertained by those who have spoken before him. What are the purposes of this Council? The objects and purposes of this Medical Council are to prepare a register of duly qualified medical practitioners and collect information for the purpose. These are the purposes, these are the functions of this Medical Council. How is that going to interfere with any medical man or cause any hardship or harrassment? The only hardship or harrassment I can see is in regard to the unqualified practitioner whom the Council will be able to prosecute under clause 10. These are the functions of the Medical Council. How can any one seriously argue that the creation of such a Council is to create an incubus over the Medical profession and how can any one seriously argue that if the Council did not fulfil its duties and the Government took them over that would be hardship on the medical profession?

The Honourable Mr. HARCHANDRAI VISHINDAS said:—To cut the long story short the purpose of the Bill is to protect a certain section of the public, namely, that section of the public who resort to Western doctors. It also seeks to protect the duly qualified section of the medical practitioners from any unfair competition. With due deference to the learned Advocate General I think that with all the elaborate speech which he has made he has failed to convince me that either object will be achieved. I have read the clauses of the Bill very carefully. I was very anxious to find that there was any provision in the Bill under which it was forbidden or there was any check on any section of medical practitioners, but I find none in the provisions of the Bill. The only provisions in the Bill which I consider to be bearing on the objects of the registration are contained in clauses 10 and 11. What these clauses provide is that this body of registered medical men will serve for two objects. The first is that medical certificates where certificates are required by law will be valid only when the person signing it has been registered. There is nothing in the provision which disallows any section of medical profession from practising, and how these people who went to them may be protected. It is open to the people to take themselves to any doctor, high or low, and he may attend any patient who may choose to call him. I don't think that any section of the people who are desirous of having doctors has been protected. To talk of *vaid*s and *hakims* was quite beside the mark. I, therefore, leave that severely alone. I do not see any protection either to a section of the public or to a section of the medical profession as suggested by the Advocate General. Then as regards the granting of certificates the Advocate General must point out that it has not come under any Act in which certificate is required. It is pointed out that under the Municipal Act a certificate is required after death. I think there is no necessity for the enactment. What is the meaning of it? No certificate is valid unless that certificate is granted by only those who have been registered. The Act will therefore be a dead letter. Now I come to the point which is this. I will not go to the length of saying that the sole object of the Government was for exercising control over the medical profession; that may or may not be, but I find I was very much disappointed in not having come across anything to remove this doubt. Has any case been made out why this Bill should be

introduced? As things go no instance or complaint has been shown which this Bill seeks to remedy. At least nothing has been heard at this debate. It is, I think, more or less a piece of over-legislation. We should not press upon people anything until a definite demand has been made either expressly or by circumstances. The Honourable Dr. NARIMAN says that thirty years ago a representation was made by the Medical Union, but that was dead and gone. On the other hand we have a representation coming from the medical profession of our own time stating that we should not legislate in the matter at the present time. So far as the medical profession is concerned they are at perfect liberty to come forward before this Council to say that such a law should be enacted for the protection of their interests. We only find that there is a feeling amongst people that a great mischief is being perpetrated. So far as *vaids* and *hakims* are concerned they are severely left alone. Then how are the things to be remedied? There has been no public demand for the measure and I will vote against it.

The Honourable Mr. S. D. GARUD said:—Your Excellency,—The statement of objects and reasons says that the object of this Bill is to protect the public and the medical profession from the irregularly qualified medical practitioners who have received a training in medical science at unrecognised institutions. But on going through the various provisions of the Bill it is difficult to find anything to show how it is proposed to give protection either to the public or the medical profession against the irregularly unqualified persons. In the second paragraph of the statement of objects and reasons it is added that the Bill does not prohibit in any way the recovery of charges by unregistered persons and places no direct restriction upon the practice of Indian *vaids* and *hakims*. The *vaids* and *hakims* have been specifically mentioned, but it is clear that the Bill does not place any restriction upon the irregularly qualified persons as well. That being so, not only the *vaids* and *hakims*, but also the irregularly qualified men will continue to practise, and thus no protection has been afforded to the public as well as the qualified medical practitioners. But the Bill is open to attack from other points of view also. The present policy of the medical faculty is to promote the cause of one system of medical science only, and for this reason the faculty is frequently charged with becoming more and more conservative under the official patronage. I do not see why we should ignore the claims of other systems. Homœopathy is the latest system that has come into existence and has secured a large number of followers. Yet it has not been given a fair trial in this country in which it is hardly fair to discourage the development of the Indian system of medicine which has a literature of its own and which treats of drugs, the efficacy of which has been amply demonstrated but which still remain uninvestigated by the medical faculty. It is well known that where European doctors have failed, the native *vaids* and *hakims*, and even those dealing in homœopathy have met with remarkable success. Therefore, at any rate, it is premature to hold that the indigenous system of medicine does not deserve encouragement at our hands unless we have some recognised institutions for training people in that system. I submit this kind of legislation which seeks to impose restrictions in a certain way is not justifiable.

In the case of granting certificates the Bill allows the privilege to a certain class of practitioners only. I venture to submit that at present there is not a sufficiently large number of qualified medical men available to meet the wants of the Presidency as a whole, and under the circumstance a measure of this character is likely to operate

harshly on people living in the mofussil, and particularly in remote towns and villages where the services of qualified medical men are not available. Imagine, for instance, a case in which it is necessary to note the state of mind of a dying person who executes an instrument. In such cases in the absence of a qualified man the testimony of even a man who knows very little of the recognised system of medicine becomes very valuable, and, as has been pointed out, there is very little chance of any harm being done by such a certificate as it forms the subject of Judicial inquiry in the event of a case being taken to a law Court. It depends entirely upon the presiding judge what evidentiary value should be attached to these certificates. I submit no case has been made out for extending the privilege to one class of practitioners to the exclusion of the other.

Again, the Bill imposes certain restrictions on the qualified medical practitioners themselves, and the representation sent by them shows that the Bill has not met with their unanimous approval. In conclusion, I submit that the Bill does not in practice serve the interests either of the public or the medical profession, and therefore I oppose its first reading.

The Honourable SARDAR COOPOOSWAMY MOODLIAR said :—Your Excellency, I have only a few words to say without entering into the controversy. I will only say a few words to the point. In the first place I think the registration will necessarily exclude the *vaids* and *hakims*, as men unqualified for medical practice. It is said that this measure will not in any way affect the *vaids* and *hakims*. If I have two men before me, I prefer one, give him a certificate and register his name; the other man naturally suffers. I need hardly say that as a layman, I am not qualified to say much on the subject. But eminent doctors like Sir BHALCHANDRA and Dr. DRESHMUKH, who have studied both the English and Indian medicines, will be in a position to say if the *vaids* and *hakims* have any standing in medical practice even without possessing certificates.

India has been noted from early ages, as the land of medicine and medicinal herbs. Medical science must have been in its perfection in times gone by in this country. As many of the sciences have disappeared and shown a retrograde course, medical science must have had its turn. In southern India even to this day, various medicinal herbs are administered in particular diseases with good effects by ordinary men and women. I have only to say that it is a science which requires State support to develop. If schools and colleges are established, Ayurvedic and Unani medical science will revive and come to life again and do good to the country.

The Honourable SARDAR DAVAR K. E. MODI said :—I have listened to all the arguments but I have not heard any objection to the spirit of the Bill. The spirit of the Bill is that some recognized status should be guaranteed to the qualified medical practitioners, provided that *vaids* and *hakims* are not touched. They are touched only where the power of granting certificates is not granted them. However there are not many cases in which certificates are required. If these *vaids* and *hakims* have not been given the power of granting certificates it may be due to the fact that it is intended that the status of the regularly trained European practitioners should be raised. I do not think that this should be objected to. Government control has been objected to, but I cannot agree to that. It is a necessity. If we accept the principle, then the Bill should be referred to a Select Committee who might recast the whole Bill. The question of granting status to the qualified medical practitioners is an old one and for the last thirty years there



has been a desire that the Legislature should give them the privilege. This shows that there is a natural wish that something should be done for the recognition of the local bodies of medical men and such a natural desire ought to be gratified. If the Bill is referred to a strong Select Committee it might be improved in the proper direction.

The Honourable Mr. R. A. LAMB :—Your Excellency, I desire to make only one or two brief remarks before Your Excellency sums up the debate and puts the motion. I gather from what the Honourable Mr. MODI has said that the impression still remains among some members of this Council that the Bill deprives the *vaid* and *hakim* of a power to give certificates which they now possess. I am unable to trace what clause or clauses of the Bill take away power from the *vaid* or *hakim*. Sub-clause (2) of clause 10 says “After the commencement of this Act, no certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.” The Advocate General has mentioned one case in which a certificate is required by law from a medical practitioner, that is the Municipal Act which requires a certificate in case of death, in the case where the patient has been attended by a qualified medical practitioner. There are two other cases in which certificates are required: under the Lunatic Asylums Act before a lunatic can be entered in an asylum, and the Vaccination Act which requires a certificate from a qualified practitioner in the case of a child alleged not to be in a fit state for vaccination. Beyond these I am not aware of any other case where a certificate is required. *Hakims* and *vaid*s cannot give a certificate under these Acts at present and the Bill makes no difference in their position in regard to that matter at all. There is another matter in which I have not been able to understand the criticisms which have been made. Some honourable members seem to think that the Bill as drafted includes too many persons in the register and some others seem to think that it includes too few. Clause 20 of the Bill is intended, I think, to deal with any superfluity of entries in the register. Clause 20 is one of the clauses on which the vials of the wrath of Sir PHEROZESHAH have been poured. The main object is that, if in the working of the Act, the schedule is found to be too narrow there will be power to enlarge it and if it be found to be too wide there will be power to restrict it. I do not wish to take up the time of the Council further. It appears to me that the Bill is likely to be a useful measure.

His Excellency the President said :—I do not propose in winding up the debate to detain the Council for more than a few minutes. We have had a most interesting and exhaustive discussion on the first reading of the Bill and I think everything that could have been said against it has been said, and we have had from varying sources such light as could be thrown on the provisions of the Bill. The Honourable Mr. KARANDIKAR spoke of a disagreement between the Government of Bombay and the Government of India, on the subject, but I wish to assure him that there has been no disagreement of any kind. The Government of India was perfectly willing that the Government of Bombay should introduce this legislation as they thought that our position among the other provinces stood higher than the others in regard to medical science, and that we were in the best position to make the first step in this direction. That I think is a matter of which we should be proud. The Honourable Mr. PAREKH says that many people prefer indigenous medicine and the others have religious scruples against Western medical science, but, as has been said by several speakers, the Bill does not affect these people in the least. The people are able to call in any *hakim* or *vaid* they may happen

to prefer. As to whether indigenous methods are sound or not, the difficulty is that there is no training in them. There is nothing to say who is a *hakim* or who is a *vaid*. Anybody, as far as I understand the matter, can call himself by these learned names, and go about the country increasing the death-rate. If the *hakims* wish to be seriously considered, surely they must organise themselves, submit to some form of training and use some method of differentiating between those who are *hakims* and those who are not. Mr. BELVI asks "why have not Madras or Bengal a Registration Act? I think in Bombay we feel quite able to lead the rest of India and I hope that the time will never come when we shall have to wait for the rest of India before taking any step. As Colonel JACKSON says we should be the pioneers of progress and advancement. I think I have made it clear to the Honourable MOULVIE RAFI UDDIN that this Bill has never been before the Council of the Governor General in any form and so that misunderstanding is removed.

The Honourable Sir PHEROZESHAH has attacked the Bill as a whole in one of his characteristically eloquent and vigorous speeches. He does not object to the clauses of it but he objects to the whole thing. In this respect he reminds me of the soldier who, when brought before a court-martial, was asked if he objected to any of the members of it, and said that he objected to nobody but to the whole business. The Honourable Sir PHEROZESHAH's great objection is that he sees the cloven hoof of Government at the back of the measure. I cannot discuss—and if I did it would be irrelevant and out of order—the functions of Government, but really I must impress on him that a Government with great responsibilities must have some control. We have instances which point to the fact that when a Government loses control serious results follow. But Sir PHEROZESHAH has sought to frighten the medical profession if they believe all that he said their flesh must creep; but he seems to ignore the fact that this Bill was brought forward at the request of a large body of the medical practitioners of Bombay and that they were entirely in favour of it until the question of including sub-assistant surgeons in the register arose. And even with them included if the period of their training had been raised to five years their objection would be withdrawn. So that from the Government's point of view we have the medical profession with us except on that one point. India is really almost the only civilised country in which the medical profession is not an organized body and I do feel that this Bill, though it is a small step, will have the effect of raising the status and improving the position, not of imported doctors, but of the Swadeshi article which we are turning out in larger numbers every year from the colleges. It is from their point of view I think that a Bill which improves their status and draws a line between them and the unprofessional and untrained *hakims* and *vaids*, is an advantage. I regard it therefore as the first step towards the reorganization of the medical service in India and a distinct benefit to the Indian practitioners, whose number is ever increasing. For that reason I strongly support the Bill.

The first reading of the Bill was put to the vote and declared carried. Upon a poll being demanded by the Honourable Mr. BELVI it was carried by 32 votes to 10.

Bill read a first time.

The division was as follows :—

*Ayes.*

The Honourable Mr. LAMB.  
 The Honourable Mr. CHAUBAL.  
 The Honourable Mr. MORISON.  
 The Honourable the Sar Desái of Vánt-  
 muri.  
 The Honourable Mr. BEGBIE.  
 The Honourable Mr. CURTIS.  
 The Honourable Sardár PURSHOTTAMDAS  
 V. DESAI.  
 The Honourable Mr. FAZULBHOY C.  
 EBRAHIM.  
 The Honourable Sardár SYED ALI EL  
 EDBOOS.  
 The Honourable Mr. GRAHAM.  
 The Honourable Mr. GREAVES.  
 The Honourable the THÁKOR of AMOD.  
 The Honourable Lieutenant-Colonel  
 JACKSON.  
 The Honourable Sardár SHAMBHUSING  
 JADHAVRAY, Ráje of Málegaon.  
 The Honourable Mr. LUCAS.  
 The Honourable Mr. LULUBHAI  
 SAMALDAS MEHTA.  
 The Honourable Mr. MILLETT.  
 The Honourable Sardár Ráo Bahádur  
 YESHVANTRAY T. MIRIKAR.  
 The Honourable Sardár Dávar K. E.  
 MODI.  
 The Honourable Dr. TEMULJI  
 NARIMAN.  
 The Honourable Mr. ORR.  
 The Honourable Mr. PEERBHOY.  
 The Honourable Mr. PRATT.  
 The Honourable Sir HENRY PROCTER.  
 The Honourable Mr. IBBAHIM RAHIM-  
 TOOLA.  
 The Honourable Mr. MANMOHANDAS  
 RAMJI.  
 The Honourable Mr. SHARP.  
 The Honourable Mr. SHEPPARD.  
 The Honourable Surgeon-General  
 STEVENSON.  
 The Honourable the ADVOCATE-GENERAL.  
 The Honourable Khán Bahádur  
 NOWROJEE P. VAKIL.  
 The Honourable Mr. WEBB.

*Noes.*

The Honourable MOULVIE RAFIUDDIN  
 AHMAD.  
 The Honourable Mr. BELVI.  
 The Honourable Mr. GARUD.  
 The Honourable Mr. KARANDIKAR.  
 The Honourable Sir PHEROZESHAH  
 MEHTA.  
 The Honourable Sardár COOPOOSWAMY  
 MOODLIAR.  
 The Honourable Mr. PABEKH.  
 The Honourable Ráo Bahádur SHRI-  
 NIWAS K. RODDA.  
 The Honourable Mr. SETALVAD.  
 The Honourable Mr. HACHANDRAI  
 VISHINDAS.

The Bill was then referred to a Select Committee comprising the Honourable Surgeon-General STEVENSON, the Honourable Dr. NARIMAN, the Honourable Sardár MOODLIAR, the Honourable Mr. VAKIL, the Honourable Mr. HARCHANDRAI, the Honourable Mr. RODDA and the Honourable Mr. MORISON, with instructions to report by January 31st, 1912.

The Council then adjourned till 12 noon on Wednesday, November 22nd.

*By order of His Excellency the Honourable the Governor,*

L. GRAHAM,

Secretary to the Legislative Council.

*Bombay, 21st November 1911.*

Journal of the Proceedings of the Legislative Council of the Governor of  
Bombay, assembled under the provisions of the Indian Councils Acts,  
1861 to 1909.

The Council met at Bombay on Wednesday, the 22nd November 1911, at 12 o'clock  
noon.

*P R E S E N T :*

- His Excellency the Honourable Sir GEORGE SYDENHAM CLARKE, G.C.M.G.,  
G.C.I.E., Governor of Bombay, *presiding*.
- The Honourable Mr. R. A. LAMB, C.S.I., C.I.E., I. C. S.
- The Honourable Mr. MAHÁDEV BHÁSKAR CHAUBAL, LL.B.
- The Honourable Mr. WILLIAM THOMSON MORISON, C.S.I., I. C. S.
- The Honourable MOULVIE RAFIUDDIN AHMAD, Bar.-at-Law.
- The Honourable Sardár LAKHAMGAUDA BASÁVPEABHU, Sar Desái of Vantmúri.
- The Honourable Mr. JAMES BEGBIE.
- The Honourable Mr. DATTÁTRAYA VENKATESH BELVI, LL.B.
- The Honourable Sardár Ráo Bahádur MOTILAL CHUNILAL.
- The Honourable Mr. GEORGE SEYMOUR CURTIS, I. C. S.
- The Honourable Sardár PURUSHOTTAMDAS VIHARIDÁS DESÁI.
- The Honourable Mr. FAZULBOY CURRIMBOY EBRAHIM.
- The Honourable Sardár SYED ALI EL EDROOS.
- The Honourable Mr. SIDDHANÁTH DHONDDEV GARUD.
- The Honourable Mr. W. L. GRAHAM.
- The Honourable Mr. HERBERT RUFUS GREAVES.
- The Honourable Sardár NAHARSINGHJI ISHWARSINGHJI, Thákor of Amod.
- The Honourable Lieutenant-Colonel J. JACKSON, M.B., I. M. S.
- The Honourable Sardár SHAMBHUSING AMARSING JÁDHAVRÁV, Ráje of Málegaon.
- The Honourable Mr. RAGHUNÁTH PÁNDURANG KARANDIKAR.
- The Honourable Mr. W. H. LUCAS, I. C. S.
- The Honourable Mr. LALUBHAI SÁMÁLDÁS MEHTA.
- The Honourable Mr. G. P. MILLETT.
- The Honourable Sardár Ráo Bahádur YASHAVANTRÁV TRIMBAK MIRIKAR.
- The Honourable Sardár Dávar KAIKHOSRO EDALJI MODI.
- The Honourable Sardár COOPOOSWÁMY VIZIAUNGUM MOODLIAR.
- The Honourable Dr. TEMULJI BHIKAJI NABIMAN, L.M., F.R.M.S. (London).
- The Honourable Mr. J. P. ORR, I. C. S.
- The Honourable Mr. GOKULDÁS KAHÁNDÁS PÁREKH, LL.B.
- The Honourable Mr. ABDUL HUSEIN ADAMJI PEERBHOY.
- The Honourable Mr. F. G. PRATT, I. C. S.
- The Honourable Sir HENRY E. E. PROCTER, Kt.
- The Honourable Mr. IBRAHIM RAHIMTOOLA, C.I.E.

The Honourable Mr. MANMOHANDAS RAMJI.  
 The Honourable Ráo Bahádúr SHRINIWAS KONHER RODDA.  
 The Honourable Mr. W. H. SHARP.  
 The Honourable Mr. W. D. SHEPPARD, C.I.E., I. C. S.  
 The Honourable Surgeon-General H. W. STEVENSON, I. M. S.  
 The Honourable Khán Bahádúr NOWROJEE PESTONJEE VAKIL, C.I.E.  
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.  
 The Honourable Mr. M. DE P. WEBB, C.I.E.

**BILL No. VII OF 1911 (A BILL FURTHER TO AMEND THE KHOTI  
 SETTLEMENT ACT, 1880).**

The Honourable Mr. R. A. LAMB said:—Your Excellency, the short Bill further to amend the Khoti Settlement Act, 1880, is directed, as set forth in the Statement of Objects and Reasons, to correct two defects in the Act. The intention of the Act seems clearly to have been to impose on the transfer of an occupancy tenancy by the occupancy tenant the necessity of the consent of the Khot; but the intention is not carried into effect, owing firstly to the absence of any prescription of the effect of such a transfer without the Khot's consent, and secondly to the High Court decision in I. L. R. XXX Bom. 290, which rules that an occupancy tenant may without the Khot's consent transfer all his occupancy rights except only his special status of occupancy tenant. The result of this is that an occupancy tenant may place in possession of the land comprised in an occupancy tenancy any person, without the Khot's consent, himself retaining the status of occupancy tenant; and the Khot cannot succeed in ousting the tenant in possession, notwithstanding the provision in the Act as it stands which requires his consent to the transfer of an occupancy tenancy. The first object of the Bill is therefore to render effective the prescription which requires the Khot's consent to the transfer of an occupancy tenancy. It is plain that the alteration in the law, though it gives effect to the original intention, makes a change in the actual law which is disadvantageous to the occupancy tenant to the extent to which it may be to his disadvantage to be unable to transfer his occupancy tenancy without reference to the Khot; and it will therefore be proper in Select Committee, to which I intend with Your Excellency's permission to propose that the Bill shall be referred, if the first reading is carried, to consider what provision, if any, should be made to protect occupancy tenants from any loss or disadvantage which might result from an inconsiderate or oppressive exercise of the power to enforce the necessity of his consent to a transfer, which the Act of 1880 intended to give the Khot, but which he has not in fact enjoyed. The second object of the Bill is described in the Statement of Objects and Reasons and does not, I think, call for further comment. It is believed that the sections 9 and 10 are so drafted as to secure the two objects of the Bill. I have the honour to move that the Bill be read a first time.

The Honourable Mr. W. D. SHEPPARD:—Your Excellency, this Bill arises from a request of the Khots who are all resident in the Ratnágiri district. The request was framed by the Association of the Khots who expressed their desire that the disabilities from which they are suffering should be removed by law, and the draft sections put

forward in this Bill have been framed to meet their requirements. There is just a slight possibility that on the other side the occupancy tenants may have some case which has not been put fully forward, but I think that in the Select Committee the claims of the occupancy tenants can be fully considered. I therefore have much pleasure in supporting this Bill.

The Honourable Ráo Bahádur SHRINIWAS K. RODDA said:—I fully support the Bill which, while it adequately guards the rights of the Khot, does not in any way increase them. Under the existing Act it sometimes happens that a transfer of rights places a Khot in an awkward position.

Bill read a first time.

Bill referred to a Select Committee.

The first reading of the Bill was carried and it was referred to a Select Committee consisting of the Honourable Mr. BELVI, the Honourable Mr. PEEBHOY, the Honourable Mr. RODDA, the Honourable the SAR DESAI of VANTMURI, the Honourable Mr. SHEPPARD, the Honourable Mr. CHAUBAL and the Honourable Mr. LAMB, with instructions to report by January 31st, 1912.

**BILL No. VIII OF 1911 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890).**

The Honourable Mr. M. B. Chaubal moves the first reading of a Bill further to amend the Bombay District Police Act, 1890.

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency, the Bill further to amend the District Police Act deals with a few petty details of police administration which experience has shown require to be incorporated in the law.

The first two clauses are intended to remove an anomaly which at present exists between the letter of the law and actual practice. The object of the third clause is to give the District Magistrate specific power to call for a report on the conduct of any police officer. Hitherto there has been some slight doubt in this matter and it is deemed advisable to put the matter beyond doubt.

With regard to clause four I may explain that the duty of examining police account offices originally vested in the Commissioners. In 1909, however, the duty was transferred to Deputy Inspectors-General as an experimental measure; and as the experiment has proved a success, Government wish to make that arrangement permanent. As regards the last clause I think the Statement of Objects and Reasons sufficiently explains the reasons why that clause has been put in. The Statement of Objects and Reasons says: [Reads.] I do not think that any further explanation of the Bill is necessary at this stage and I now beg to move that the Bill be read for the first time.

The Honourable Mr. G. S. CURTIS said:—Your Excellency, it seems necessary to point out that the number of Cinematograph exhibitions which are being opened is extremely large and possibly we may eventually find that there is one in every taluká town. It is obviously necessary to have regulations which will prevent the recurrence of accidents such as we saw in the Deccan last June which was attended by such disastrous consequences as were seen in the fire of Salumbre. A few simple regulations of this sort might prevent such accidents and the consequent mortality. Again the conditions of traffic have altered. Motor-traffic is becoming increasingly prevalent and it may be that before long in our larger towns the motor-propelled vehicle will be more

common than the horse drawn vehicle. The necessity of rules to cover this has become evident; with changed conditions the law must be changed. It is a good thing that the amendment in the law allow of rules being framed and altered as circumstances require. And I would therefore urge that this amending Bill be referred to a Select Committee.

The Honourable Mr. R. P. KARANDIKAR said :—Your Excellency, I wish to suggest the inclusion in clause 3 of this amendment Act of a provision for giving control to the District Superintendent of Police over the conduct and character of any village officer subordinate to him. If this suggestion is submitted to the Select Committee and if they are given the necessary power to go into the question, I will leave the matter in their hands. But it may be urged that this is a question of principle and cannot come within the purview of this enactment, and in view of that I rise to make the suggestion. I find that the control which I wish to give to the District Superintendent of Police can be given to him by the District Magistrate under the Village Police Act. The section of that Act which deals with this matter runs thus: [Reads section 4.] From this it will appear that in a certain contingency the District Magistrate can authorise, subject to the approval of the Commissioner, the District Superintendent of Police to exercise control over the conduct and character of the police officers belonging to the village police. I think it would greatly add to the efficiency of the village police if the power, which I suggest, is given to the District Superintendent, and he is asked to include in his reports observations with reference to the conduct and character of the village police officers. That is my first point. My next point is that in the older enactment of the District Police Act of 1867 the last section foresaw a contingency where the village police was enrolled as part and parcel of the district police. That section is omitted from the later enactment of 1890. On a consideration of this question I believe that it will be found reasonable to admit of such contingency where it would be necessary to enable the village police to be amalgamated for certain purposes with the district police, and with that object in view I have ventured to send an amendment. Perhaps it may not be ripe for discussion at this stage. But I have no objection to its being discussed at the second reading of the Bill.

His Excellency the PRESIDENT :—I may point out to the Honourable Member that there will be a legal difficulty in dealing with the village police under an Act which deals only with the district police. I am quite sure if he sends his suggestion to the Select Committee it will receive the fullest consideration, but there may be the legal difficulty which I have referred to.

Bill read a first time.

The first reading of the Bill was carried.

The Honourable Mr. CHAUBAL :—As I believe this is a very non-contentious matter I propose that it be referred to a Select Committee consisting of the Honourable Mr. CURTIS, the Honourable Mr. PAREKH, the Honourable SARDAR SYED ALI EL EDROOS, the Honourable Mr. KARANDIKAR, and the Honourable Mr. MORISON, with instructions to report by the 31st January 1912.

Bill referred to a Select Committee.

The motion was agreed to.



**BILL No. IX OF 1911 (A BILL FURTHER TO AMEND THE BOMBAY  
CIVIL COURTS ACT, 1869).**

The Honourable Mr. M. B. CHAUBAL said:—Your Excellency, I request permission  
The Honourable Mr. M. B. Chaubal moves to move the first reading of the Bill further  
the first reading of a Bill further to amend to amend the Bombay Civil Courts Act,  
the Bombay Civil Courts Act, 1869. 1869.

This is, I believe, a very small and non-contentious Bill as it is confined to supplement the main Act by only two new provisions. As observed in the statement of objects and reasons, one of these provisions aims at removing an anomaly in the existing conditions under which Subordinate Judges are appointed.

In 1869 when the Subordinate Judicial service was not so well manned as it is now, it was considered desirable that occasionally appointments might usefully be made to that service from the class of pleaders and advocates who had not passed any recognised law test or University Examination in law, but who were all the same perfectly conversant with the law and procedure of our Courts owing to their having practised at the Bar for some length of time. The Act also provided for these officers being drawn from the class of persons who passed the special test prescribed by the High Court, which required a good knowledge of the laws and procedure by which the Courts were governed. They were also drawn from the class of those who passed the University Examination for the Degree of Bachelor of Laws. For many years past, owing to the number of candidates available from the latter two classes, hardly any appointments have been made from the first class. Almost every Subordinate Judge that has been appointed for the last over twenty years has been either a Bachelor of Laws or a gentleman who had passed the test prescribed by the High Court called an examination for the office of High Court Pleader and Subordinate Judge. And in addition by supplemental rules Government require such persons to have either put in three years of full and continuous practice at the Bar, or to have performed the duties of certain posts which require a knowledge of law.

This has brought about the anomaly that while a High Court Pleader or a Bachelor of Laws can become a Subordinate Judge with only three years' practice at the Bar, an Advocate who has passed perhaps the stiffest examination in law in India or a Barrister-at-Law who has been called to the Bar after studying in England at one of the Inns of Court cannot become a Subordinate Judge unless he has previously practised for five years, *i.e.*, for two years more than the High Court Pleader or the Bachelor of Laws. To remove this anomaly it is proposed to amend section 22 by providing three years instead of five, thus making the length of practice at the Bar an uniform one for all the classes from which selection can be made.

The second provision is due to a recommendation from the High Court made in pursuance of a report made by the Honourable Mr. JUSTICE HEATON after one of his tours of inspection of the Subordinate Courts. It was brought to the notice of Government that while on the one hand the trial of suits and proceedings in Subordinate Courts was on the whole efficiently and satisfactorily conducted, there was much scope for improvement in the working of the administrative machinery of these Courts and that the execution of decrees was attended with grave abuses. For attaining this object it was considered by the High Court desirable that District Judges should have more time

for maintaining consistent and continuous supervision, for which they have not much time owing to the amount of Court work devolving upon them. On the other hand our Subordinate Judicial service is now so efficient that there are no longer the same reasons as perhaps obtained some years back for withholding jurisdiction from them in the inquiries or proceedings under the Indian Succession Act or under the Probate and Administration Act, or the References now made to them by Collectors under paragraph 5 of the third schedule to the Code of Civil Procedure, 1908. This provision therefore invests Subordinate Judges with the requisite jurisdiction to entertain and dispose of those inquiries under conditions of appeals similar to those now provided in the case of suits. This provision, it may be mentioned, proceeds on the same lines as those of section 23 of the Bengal, North-Western Provinces and Assam Civil Courts Act, XII of 1887.

For these reasons I move the first reading of the Bill.

The Honourable Mr. D. V. BELVI said:—Your Excellency, I want to say a few words in connection with this Bill. Looking to the statement of objects and reasons, especially as regards the lightening of burden now imposed on the District Judge, I find that the Bill does not include something which ought to have been included in it and includes something which ought to have been excluded from it. For instance, you will find many cases on the file of the District Judge which come under the Guardians and Wards Act, and if his burden of work is to be relieved such cases should be transferred to the Subordinate Judge. For in these cases the question to be determined by the Court usually relates to the temporary custody of the person and the estate of a minor, and the decision is binding only on the parties to each case. There is no harm whatever in handing over such cases to the Subordinate Judge and leaving to the District Judge the cases that crop up under the Indian Succession Act and the Probate and Administration Act. I have found from my experience of twenty years at the bar in the mofussil that there are many more cases under the Guardians and Wards Act than under the Indian Succession Act and the Probate and Administration Act. I do not know how the matter stands in Bombay. Perhaps the situation is not exactly alike, as the people here are more enlightened and intelligent than those in the mofussil and they understand better the importance of making wills than the people in the mofussil, where very few persons make wills of which probate is taken. This is as regards the omission of which I complain.

Now, turning to clause 2 of the Bill, we find that the District Judge is to be empowered to transfer to the file of the Subordinate Judge cases arising under the Probate and Administration Act. I submit that it is a highly objectionable provision. Cases under the Probate and Administration Act are very important. It is well known that a judgment in a probate case operates as a judgment *in rem*. The judgment is not only binding on the parties before the Court, but it is binding on the whole world. It is such cases that are proposed to be transferred to the file of the Subordinate Judge, a Subordinate Judge of the second class having the power of trying cases in which the amount involved is less than Rs. 5,000. An appeal against the decision of the Subordinate Judge will lie to the District Judge, but there will be no second appeal to the High Court on the question of evidence. I submit it should be provided either that only a Subordinate Judge of the first class should be invested with the jurisdiction to try cases under the Probate and Administration Act, so that in every case an appeal on

facts can lie to the High Court, or that the District Judge should be allowed to exercise his jurisdiction as at present. It is not desirable to invest the generally inexperienced second class Subordinate Judge with the power of trying cases under the Probate and Administration Act. I only bring these defects in the Bill to the notice of the honourable mover of the Bill with a view to their being considered and rectified in the Select Committee. With these observations I support the Bill.

The Honourable RAO Bahádur SHRINIWAS K. RODDA said :—I support the Bill in its entirety. The anomaly which has so long existed with regard to the appointment of Subordinate Judges is sought to be removed under the present Bill, and the Advocates and Pleaders will now receive equal treatment in point of the period of qualification. As to the question of the delegation of powers to the Subordinate Judge, I do not think there is reason to entertain any apprehension as the Subordinate Judicial service is under the entire control and guidance of the High Court, and we can trust to the High Court delegating the proposed jurisdiction for trying cases under the Indian Succession Act and the Probate and Administration Act to competent Subordinate Judges only. As to appeals, the ordinary procedure will no doubt be followed, so that I find nothing in the Bill to be objected to. I support the first reading of the Bill.

The Honourable Mr. R. P. KARANDIKAR said :—Your Excellency, I rise to support the Bill subject to the observations made by my honourable friend Mr. BELVI. In fact I sent in an amendment to that effect. It may be that I would not be quite right in moving the amendment at this stage and that it may come properly before the Select Committee. But as there is a point of principle involved in the provision transferring certain suits and applications from one tribunal to another, I rise to support the recommendation made by the Honourable Mr. BELVI. I feel constrained to think that it is in the interest of the continuity of judicial policy in reference to several matters and also in the interest of the parties to the suits that the District Judge should deal with probate and administration suits and that an appeal should lie against his decisions to the High Court. At the same time I am proud to think, and I go with the Honourable Mr. CHAUBAL when he said, that our subordinate judiciary has highly improved, and in this respect we endorse every word that is said in the statement of objects and reasons. I believe there is no idea conveyed in the statement of objects and reasons that the Subordinate Judge has less onerous work to do. Still, as one connected intimately with the judicial administration in the district, I may be allowed to say that the Subordinate Judge is far more overworked than the District Judge. The Subordinate Judge has to do the important part of the work. He has to try cases, hear evidence and write judgments; and he has to do extra work at home, even to sit late at night, and work by daylight and by candle light. I would certainly bring home to the honourable members concerned that it is extremely desirable to point out to the District Judge as well that it is known outside that the District Judge's work is very light compared with the work of the executive members of the service. I have found judges who spend comparatively less time in Court, and do their work in chambers, reading evidence and writing judgments. In fact, they have not so much work as the Subordinate Judges, but at the same time in order to bring justice nearer to the parties I would go in for transferring cases under the Guardians and Wards Act from the District Judge's Court to the Subordinate Judge's Court instead of the cases under the Probate and Administration Act. With these observations I beg to support the Bill.

The Honourable Mr. CHAUBAL said:—Your Excellency, with reference to the points which have been mentioned by the honourable members in connection with this Bill, I may be permitted to state that the Guardians and Wards Act was apparently one of the Acts which was considered by the High Court with a view to determine whether the series of proceedings under that Act could be or ought to be included within the scope of the present Bill, and it apparently came to the conclusion that those proceedings should not be withdrawn from the District Judge's Court. At the same time my honourable friends are aware that so far as the proceedings under the Guardian and Wards Act require a knowledge of local conditions and local experience, there is a provision in the present Act, namely section 46, under which the District Judge has power to call for reports from Subordinate Judges or Collectors, and reports submitted by them can be treated as evidence in the case. But the High Court apparently came to the conclusion that it was not advisable to remove altogether these proceedings from the jurisdiction of the District Judge.

As regards the Probate and Administration Act I think the Honourable Mr. BELVI has not sufficiently grasped the scope of the present Bill. The statement of objects and reasons, and the reasons given by me when introducing the Bill for the first reading show that these proceedings stand on the same basis as suits for immoveable property do at present, and if there are any proceedings which relate to a subject matter exceeding Rs. 5,000 in value, then in the first instance they will be dealt with by Subordinate Judges of the first class just as is done in other suits involving property of that value. If the subject matter is less than Rs. 5,000, then second class Subordinate Judges are competent to deal with such cases. As regards appeals, if the value of the subject matter is less than Rs. 5,000, the appeal will be to the District Judge, but if it is more than Rs. 5,000 there will be an appeal direct to the High Court. It is proposed by the present Bill to give the same jurisdiction to Subordinate Judges, as they have in other cases relating to property and to treat these proceedings on the same basis as suits. However these are questions which I think can be sufficiently discussed in the Select Committee.

Bill read a first time:

The first reading of the Bill was carried.

The Honourable Mr. CHAUBAL then moved that the Bill be referred to a Select Committee consisting of the Honourable the Advocate General, the Honourable Mr. PAREKH, the Honourable Mr. SETAJVAD, the Honourable Mr. BELVI, the Honourable Mr. GARUD and the mover, with instructions to report by the 31st January 1912.

Bill referred to a select committee.

The proposition was agreed to.

#### DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable Mr. R. P. KARANDIKAR said:—Your Excellency, in reference to resolution No. 1, as also the others standing in my name, I may be allowed to say that in view of the fresh information obtained by me since the submission of these resolutions I do not press them and ask Your Excellency's permission to withdraw them—and to use the language with which I am accustomed—with liberty to bring them forward if occasion arises.

His Excellency the President:—I understand that the Honourable Member asks to be allowed to withdraw his resolutions. We have no rules which provide for the withdrawal of resolutions which have not been moved, but I think I shall be only acting within my discretionary powers if I allow him to do so. I do not think the Honourable Member was present at this Council when I told the Members that I hold myself accessible to all members at any time so far as my numerous engagements permit, and I hope he will realise that this applies to him and that if he has ever any difficulty regarding the terms of any resolutions I or my colleagues or the officers of Government in the department which is concerned will, at any time, be glad to give him any information he wants. I am sorry to say that the Jaghirdar of Ichalkaranji is prevented from being here by an attack of fever today, and I therefore propose to postpone the resolution of which he has given notice until the next meeting.

PAPERS PRESENTED TO THE COUNCIL.

1. Further petition, dated the 30th August 1911, from the Mushavirs or Directors of the Juma Musjid of Bombay and of its properties and funds and charities attached thereto regarding the Bill for the Registration of Charities.

See Appendix G.

The Council then adjourned *sine die*.

*By order of His Excellency the Honourable the Governor,*

L. GRAHAM,

Secretary to the Legislative Council.

*Bombay, 22nd November 1911.*

# APPENDICES

TO THE

PROCEEDINGS OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR  
OF BOMBAY ASSEMBLED ON THE 21ST AND 22ND NOVEMBER, 1911.

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## APPENDIX A.

No. 801-Ry. of 1911.

PUBLIC WORKS DEPARTMENT:

*Bombay Castle, dated the 19th July 1911.*

From

H. V. R. KEMBALL, ESQUIRE,  
Joint Secretary to the Government of Bombay ;

To

THE AGENT,  
Madrás and S. M. Railway Company.

Sir,

I am directed to forward a copy of Question No. 1, put by the Honourable Sardár Náráyanráo Govind *alias* Bábá Sáheb Ghorpade, Jágírdár of Ichalkaranji, at the meeting of the Legislative Council to be held on the 25th instant, regarding the desirability of the provision of Intermediate class accommodation on the Madrás and S. M. Railway, and to request that you will be so good as to favour Government with the views of your Company and with any information you may be able to supply, to enable them to give a reply to the Honourable Member.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) R. T. HARRISON,

Under Secretary to Government.

*Document accompanying :—*

Copy of Question referred to.

## THE MADRAS AND SOUTHERN RAILWAY COMPANY, LIMITED.

AGENT'S OFFICE:

*Madrás N.-E., 24th July 1911.*No.  $\frac{2002}{T}$ 

To

THE JOINT SECRETARY TO THE GOVERNMENT OF BOMBAY,  
Public Works Department,  
Bombay Castle, Bombay.

Sir,

Referring to your letter No. 801-Ry., dated the 19th instant, I have the honour to say that this Company provides an intermediate class on its North-Eastern Line between Madrás and Waltair and finds that the service involves a loss and that there is little demand for this class of accommodation. The intermediate class is also being given a trial from 1st instant on the Masulipatam line, on the understanding that the Kistná District Board, for whom this Company works the section in question, will bear any loss resulting from the experiment.

2. It has not so far been considered either necessary or advisable to extend the introduction of intermediate class to other parts of the system. Apart from any other question to do so would only lead to confusion as neither of the two Railways with which we connect to the South and to the West run intermediate class carriages.

3. The request that intermediate class accommodation should be provided on this Railway on the grounds that the fares charged for 2nd class accommodation on the Madrás and Southern Railway are exorbitant is not reasonable. The 2nd class fares charged on the Madrás and Southern Mahráttá Railway are similar to those charged on many other Railways in India and do not exceed the limits fixed by the Government of India.

4. It may be added that 2nd class return tickets available for six months are now issued over the Madrás and Southern Mahráttá Railway at a single fare and a half for distances up to 300 miles instead of at two single fares as formerly.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) H. J. STANLEY,

*for Agent.**Enclosure.*

Nil.

APPENDIX B.  
NOTIFICATION.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

*Simla, the 3rd August 1911.*

No. 203.

It is hereby notified for general information that His Majesty's Secretary of State for India has sanctioned the construction by the Barodá Durbár of a 2' 6" gauge railway from Billimorá, a station on the Bombay, Barodá and Central India Railway, to Kalamba, a distance of 34.817 miles.

2. The line will be known as the Billimorá-Kalamba Railway.

(Signed) R. C. VOLKERS,  
Secretary, Railway Board.

No. 1975-R.E., dated the 4th August 1911.

Copy forwarded to the Secretary to the Government of Bombay, Public Works Department, for information, with the remark that there are no important bridges to be built on the line.

By order,  
(Signed) P. C. YOUNG,  
for Secretary, Railway Board.

APPENDIX C.

*Statement showing the amount of suspensions and remissions of land-revenue granted during the year 1910-11 on account of the damage done to crops by frost in certain districts of the Bombay Presidency.*

District.	Suspensions.	Remissions.
<i>Northern Division.</i>		
	Rs.	Rs.
Ahmedábád ... ..	12,903	8,611
Broach ... ..	49,648	770
<i>Central Division.</i>		
Ahmednagar ... ..	.....	64,000
West Khándesh ... ..	727	2,060
Sátará ... ..	.....	102
Total ...	63,278	75,543



## APPENDIX D.

No. 1206 OF 1911.

HIS MAJESTY'S HIGH COURT OF  
JUDICATURE, APPELLATE SIDE :

Bombay, 24th/25th March 1911.

From

R. E. A. ELLIOTT, Esquire,  
Registrar, High Court,  
Appellate Side, Bombay;

To

THE DISTRICT JUDGE OF

Sir,

I have the honour, by direction, to forward for your information the accompanying copy of this Court's judgment in Civil Reference No. 9 of 1910, as the judgment will be of great importance in deciding whether plaints presented in Court after the 7th August 1910 are barred by the Limitation Act IX of 1908 or not. I enclose herewith spare copies for the Subordinate Judges in your district.

I have, etc.,

(Signed) R. E. A. ELLIOTT,  
Registrar.

\*The question referred was :—

“ Whether in a suit filed on 10th August 1910, the cause of action in which was barred on 4th March 1909, a plaintiff can, having regard to sections 3 and 31 of the Limitation Act and section 48 of the Dekkhan Agriculturists' Relief Act, enlarge his period of limitation beyond 7th August 1910 by claiming to add the period required for obtaining a Conciliator's certificate, which was applied for on 15th June 1910 and obtained on 8th August 1910.”

## CIVIL REFERENCE No. 9 OF 1910.

Dayarám Parsharám Márwádi ... Plaintiff;

*versus*

Laxman walad Kunja Teli ... Defendant;

Reference made by G. L. Dhekne, Esquire, Sub-Judge, Kopargaon.\*

Mr. Ratanlal R. for the plaintiff (*Amicus Curiae*).Mr. J. B. Gharpure for the defendant (*Amicus Curiae*).*Judgment* :—We answer the question referred to us in the negative.

Section 48 of the Dekkhan Agriculturists' Relief Act provides for the exclusion of the period intervening between the application for a conciliator's certificate and the grant

of the certificate under section 46 for the purpose of computing the period of limitation prescribed for any such suit or application.

Now the period prescribed for any such suit or application as is referred to in section 48 is, according to the judgment of the Privy Council, 12 years. That period is prescribed by Article 132 of the Limitation Act (XV) of 1877 and of the Limitation Act (IX) of 1908.

"The period prescribed" is an expression which is used in the same sense in various provisions of the legislature in *pari materia*: for example, in section 72 of the Dekkhan Agriculturists' Relief Act, in sections 4 and 5 of the Limitation Act of 1877 and section 3 of the Limitation Act of 1908; and we therefore conclude that in section 48 of the Dekkhan Agriculturists' Relief Act also it was intended to refer to the period prescribed in the Schedule.

Section 31 of the Limitation Act, however, is relied upon, and it is contended that in effect that adds a period of two years to the period prescribed by the article, that is to say, the period of two years from the date of the passing of the Act can be extended by excluding the time elapsing between the date of an application for a conciliator's certificate and the grant of the certificate.

This we think is an erroneous view. Section 31 was enacted in order that hardship might be obviated in particular cases. It gave a period of grace of two years from a definite date, that is to say, from the date of the passing of the Limitation Act.

No argument has been advanced to us which would induce us to suppose that that period was extendable by excluding any period of time within it.

The Court is indebted to the Pleaders who have undertaken the duty of *amici curiæ* in arguing this Reference.

(Signed) B. SCOTT.

(Signed) S. L. BATCHELOR.

23rd February 1911.

## APPENDIX E.

No. 6049 of 1911.

From

B. A. BRENDON, Esquire, I. C. S.,  
District Magistrate, Belgaum

To

THE UNDER SECRETARY TO GOVERNMENT,  
Judicial Department,  
Bombay.

*Belgaum, 24th July 1911.*

Sir,

With reference to your No. 4246, dated 21st instant, I have the honour to forward copies of the following papers:—

1. Proceedings and order of the Mámlatdár and Second Class Magistrate, Chikodi, under section 144, Criminal Procedure Code, dated 8th September 1910.
2. My order dated 15th September 1910 issued under my No. 8451 of the same date.
3. My Memorandum No. 8459, dated 16th September 1910.
4. Report No. 654, dated 23rd September 1910, from the Assistant Superintendent of Police.
5. My order dated 29th September 1910 issued under my No. 8932 of the same date.
6. My order dated 11th October 1910 issued under my No. 9186 of the same date.

2. I desire to state for the information of Government that there has been considerable ill-feeling in Chikodi for some time past between the Bráhmíns and the Mahomedans and between the Bráhmíns and the Lingáyats and that in my judgment the orders issued were necessary to preserve the peace. I seized the opportunity afforded by a recent visit to Chikodi to bring representatives of the warring creeds together and without assigning blame to any one faction requested them to put an end to the disputes which disgrace their town whenever a festival occurs by keeping the turbulent members of their communities in order.

3. I am sending copies of this report and its accompaniments to the Commissioner, Southern Division.

I have, etc.,

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

*Proceedings.*

Under section 144 of the Criminal Procedure Code. Undersigned is empowered under this section.

Received Chikodi Police Sub-Inspector's report No. 2540, dated today, stating that certain Bráhmíns at Chikodi have brought tásewálás from other villages for beating táse in or near Datta temple in connection with the Ganpati worship there and they want permission to beat the táse up to 18th instant. The Mahomedans object to that. Some time ago outsider tásewálás were brought in one of two marriage ceremonies but Mahomedans snatched away the táse. If the permission asked for by the Bráhmín applicants be granted the public peace is in danger. Therefore the Sub-Inspector wants me to take steps under section 144 of the Criminal Procedure Code.

Received the application of R. L. Chitnis and 2 others to the Sub-Inspector, dated today, stating that the Chikodi Mahomedans have resolved not to beat táse for Bráhmíns, that the applicants are unwilling to employ them and asking permission to employ outsider tásewálás up to 18th instant in connection with worship of Ganpati in the Datta temple.

Received application of certain Chikodi Mahomedans, dated today, stating that at the last Moharam owing to refusal of the Mahomedans to boycott foreign papers in making tábuts their religion was insulted, that in this case against some mischievous Bráhmín boys the Bráhmín pleaders refused to plead for the Mahomedans, that therefore the Mahomedans have resolved not to beat táse (of their religion) for Bráhmíns, that the applicants want to provoke by employing outsider tásekaris that the permission asked for should not be granted, and that if granted there would be a riot.

Mr. DeSilva, the Police Sub-Inspector, tells me that the required permission is wanted before 3 p. m. today. It is now 2 p. m. This is a case of emergency. There is no sufficient time to hear the parties. Therefore the following order is passed *ex parte* :—

*Order.*

Undersigned knows local conditions pretty well. He believes that if outsider tásewálás should beat táses, there is grave risk to the public peace. Therefore under section 144 of the Criminal Procedure Code, I prohibit all persons who are not residents of Chikodi, to beat táse in or near the Datta temple at Chikodi and I also prohibit all Bráhmín residents of Chikodi to employ outsiders to beat táses in or near the Datta temple, Chikodi.

(Signed) R. R. KULKARNI,

Mámlatdár and Magistrate,

Second Class, Chikodi.

Chikodi, 8th September 1910.

*Below application, dated 15th September 1910, from Honourable Mr. V. R. Nátu on behalf of certain Bráhmín residents of Chikodi.*

*Order.*

I am asked to issue an order to the effect that drummers from other villages should be permitted to beat drums in Chikodi during the Ganpati festival this year. The Mámlatdár and Second Class Magistrate, Chikodi, has issued an order under section 144, Criminal Procedure Code, forbidding persons, not residents of Chikodi, from beating drums in or near the Datta temple on account of the grave risk of such outsiders being assaulted by the local drummers. It appears that the local drummers, who are Mahomedans, refuse to beat drums for the local Bráhmíns because the latter insulted the Mahomedan religion on the occasion of the last Moharam festival.

The Second Class Magistrate, Chikodi, has not, as I was given to suppose, forbidden all music during the Ganpati festival. His order relates to drummers from outside and appears to me to be reasonable and necessary under the circumstances. The order appears to me to be the most effective way of preserving the peace in Chikodi during the festival. I am satisfied from the Second Class Magistrate's proceedings that in the absence

of such an order drummers from other villages beating their drums in Chikodi would require police protection. The measures taken by the Second Class Magistrate for preserving the peace appear more effective and more reasonable and I decline to interfere with them.

*Belgaum, 15th September 1910.*

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

No. 8451 of 1910.

*Dated 15th September 1910.*

Copy of the order forwarded for information and guidance to—

The Mámíatdár and Magistrate, Second Class, Chikodi.  
The Sub-Inspector of Police, Chikodi.

Copy forwarded for information to—

The Sub-Divisional Magistrate, First Class, N. D.  
The Assistant Superintendent of Police, Belgaum.  
The petitioners through the Honourable Mr. V. R. Nátu, Belgaum.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

No. 8459 of 1910.

*Dated 16th September 1910.*

**MEMORANDUM.**

In continuation of this office No. 8451, dated 15th instant, the Sub-Inspector of Police, Chikodi, and the Mámíatdár and Magistrate, Second Class, Chikodi, are informed that the order about the prohibition of beating drums or 'táses' by tásewálás or drummers who are not residents of Chikodi should be strictly construed as applying to tásewálás only and not to other musicians, as the Chikodi Second Class Magistrate's order under section 144, Criminal Procedure Code, refers only to tásewálás. Musicians, other than tásewálás, from outside villages may be allowed to play music during the Ganpati festival if there is no fear of their being assaulted by the local people and passes to play music should be given to the local people subject to the same condition and to orders already issued regarding the playing of music in the Lingáyat quarter, etc.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

Copy forwarded for information and guidance to—

The Mámíatdár and Magistrate, Second Class, Chikodi,  
The Sub-Inspector of Police, Chikodi,  
in continuation of this office No. 8451, dated 15th instant.

Copy forwarded for information to—

The Sub-Divisional Magistrate, First Class, N. D.  
The Assistant Superintendent of Police, Belgaum.  
The Honourable Mr. V. R. Nátu, Belgaum.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

*Copy of letter No. 654, dated 23rd September 1910, from the Assistant Superintendent of Police, Belgaum, to the District Magistrate, Belgaum.*

As the following matters are still the subject of dispute at Chikodi, I have the honour to request that early orders may be issued in view of the coming Dasará festival :—

- (1) The beating of the drum known as 'Kadidola' and other instruments by weavers in the Lingáyat locality.
- (2) The use of the tashaya by Bráhmins.
- (3) The stopping of Hindu music while passing Musjids.
- (4) The Lingáyat procession with music to the Pátíl's house.

I understand that the Sub-Divisional Magistrate has made personal inquiries into the merits of each case and as the Dasará begins on or about the 4th proximo and lasts for 9 days (or nights) stringent orders appear to be necessary.

IN THE COURT OF THE DISTRICT MAGISTRATE, BELGAUM.

Read letter No. 654, dated 23rd September 1910, from the Assistant Superintendent of Police, Belgaum.

Read my order, dated 15th September 1910, in connection with the beating of drums in Chikodi during the Ganpatí festival.

Perused the vernacular correspondence received with the Sub-Divisional Magistrate, First Class, N. D.'s No. M. Chillar Arja 159, dated 19th August 1910.

*Order.*

It appears necessary for the preservation of the peace at Chikodi during the coming Dasará festival to take action under section 44, District Police Act. The following orders are therefore passed under that section :—

- (1) No Kardidolas shall be beaten in the Lingáyat and Jain quarters of Chikodi during the Dasará festival by Hatkars or Jadars from other quarters.
- (2) No tashyas shall be beaten in any of the Dasará processions by persons coming from villages outside Chikodi.
- (3) All music played in the processions shall be stopped for a distance of 30 paces on either side of mosques during prayers therein.

*Belgaum, 29th September 1910.*

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

No. 3932 of 1910.

*Dated 29th September 1910.*

Copy forwarded for information and guidance to—

- The Sub-Divisional Magistrate, First Class, N. D.
  - The District Superintendent of Police, Belgaum.
  - The Assistant Superintendent of Police, Belgaum.
  - The Mámlatdár and Magistrate, Second Class, Chikodi.
  - The Sub-Inspector of Police, Chikodi, with 6 spare copies for service on the prominent members of all sections of the community at Chikodi.
2. The Sub-Inspector should publish the orders by beat of drum.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

## IN THE COURT OF THE DISTRICT MAGISTRATE, BELGAUM

Read petition of Pándurang Shrinivás Dandi and others of Chikodi presented today by their pleader, Mr. N. S. Lokur.

Read petition of certain Jains of Chikodi, dated 7th instant.

Read my order under section 44, District Police Act, dated 29th September 1910.

*Order.*

I am satisfied that there is no need to maintain that part of my order which prohibits Hatkars and Jadars from beating Kardidolas in the Jain quarter of Chikodi during the coming Dasará festival.

My order of the 29th September should be modified accordingly.

2. As regards tashyas I think it necessary to maintain my order so far as persons coming from outside villages are concerned. But I did not and do not prohibit any persons of any caste residing in the town of Chikodi from being employed to beat tashyas. The Police should be instructed accordingly.

3. As regards the stoppage of music outside mosques I am asked to specify the hours of prayers in the mosques and to specify the mosques to which the order is applicable.

The Police should be instructed to ascertain and notify to the processionists the prayer hours at the mosques and to enforce the order during those hours in respect of all mosques.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

*Belgaum, 11th October 1910.*

No. 9186 of 1911.

*Dated 11th October 1910.*

Copy forwarded for information and guidance to—

The Sub-Divisional Magistrate, First Class, N. D.  
The District Superintendent of Police, Belgaum.  
The Assistant Superintendent of Police, Belgaum,  
The Mámlatdár and Magistrate, Second Class, Chikodi.  
The Sub-Inspector of Police, Chikodi.  
The applicants through Mr. N. S. Lokur, Pleader.  
The Jain applicants through the Sub-Inspector of Police, Chikodi.

(Signed) B. A. BRENDON,  
District Magistrate, Belgaum.

## APPENDIX F.

*Remuneration of inferior village servants in  
the Southern Division.*

Revision of the —

No. 10372.

REVENUE DEPARTMENT.

Bombay Castle, 27th October 1909.

Letter from the Commissioner, S. D., No. 5283, dated 27th November 1908—Submitting with his remarks the reports of the Collectors in the Southern Division except Kolába called for in Government Resolution No. 5921, dated 21st July 1905.

Memorandum from the Commissioner, S. D., No. 1258, dated 12th April 1909—Submitting with his remarks a letter No. A.—486, dated 31st March 1909, from the Collector of Kolába.

Government memorandum to the Commissioner, S. D., No. 5947—120-Conf., dated 19th June 1909.

Letter from Ráo Bahádur R. C. Artal, District Deputy Collector, Northern Division, Belgaum, No. 1225—31-Conf., dated 4th July 1909.

Memorandum from the Collector of Belgaum, No. 6575—68-Conf., dated 12th July 1909.

Memorandum from the Commissioner, S. D., No. 2937—63-Conf., dated 20th July 1909.

RESOLUTION.—The papers relate to the reports which have been received under Government Resolution No. 5921, dated 27th July 1905, on the subject of the revision of the remuneration of inferior village servants. They refer to the districts in the Southern Division. The Collectors have not complied fully with the call made in paragraph 2 of the resolution. The report of the Collector of Belgaum is the clearest and most practical. His proposals as regards shetsanadis in Belgaum are briefly that—

(i) The distinction between revenue and police shetsanadis should be abolished; all sanadis should do the work of the village under the pátíl's orders; where there are separate revenue and police pátíls, the Sub-Divisional Officer should pass orders distributing the sanadis between them, whenever this may be necessary.

(ii) A certain number of shetsanadis should be appointed for each village according to its size and locality and the work to be done, subject to a maximum limit, without adhering closely to a set scale.

These proposals are approved as a whole, subject to the following remarks:—

The Collector has left the maximum limit to be fixed by Government, and a maximum of twenty is accordingly prescribed. Government consider that there must be some standard by which to measure the number required in any village according to its size, location and work. The standard taken by the Commissioner, S. D., namely, one sanadi for every five hundred of population and Rs. 1,000 of revenue, seems to the Governor in Council to be reasonable. In any village in which there are watandárs other than mahárs, who do some of the work which the sanadis would have to do if there were no such watandárs, the number of sanadis should be reduced and the work should be performed by the watandárs, the emoluments of so many of them as may be necessary being raised to that of a sanadi and the rank of sanadi also being conferred. When the revenue of a village is under Rs. 250 and also the population under 100 souls there should be no sanadi at all unless the Collector is able to justify the appointment of one by special local reasons.

2. The Collector further proposes that the pay of sanadis should be Rs. 48 cash or Rs. 24 in land in big or busy villages, and Rs. 36 cash or Rs. 18 in land in other villages; and that the Collector should be authorised to distribute the villages among the two grades. With reference to this proposal the Commissioner suggests that the pay should be Rs. 48 cash or Rs. 24 in land with increases for larger places. Government, however, are not aware of any reason why suitable men should not be procured on Rs. 48 a



year even in the larger villages and on Rs. 36 in the smaller villages of the Belgaum District. The Collector's proposal is therefore preferred to that of the Commissioner.

3. The Commissioner remarks that the scale is somewhat more liberal than that adopted in Ahmedabad under Government Resolution, Judicial Department, No. 9, dated 3rd January 1900, but for the reasons given in paragraphs 6 and 7 of the Commissioner's letter No. 5283, dated 27th November 1908, Government see no objection to accepting the more liberal scale in Government villages. The scale in inam villages should be lower than that for Government villages as suggested in paragraph 10 of the Commissioner's letter. There also appears to the Governor in Council, for the reasons given in paragraphs 8 and 10 of the Commissioner's letter, no objection to effecting the reductions at once.

4. The form in which the improved remuneration of the reduced number of shetsanadis is to be granted should be settled in the manner shown in paragraph 7 of the Collector's letter No. 7744, dated 29th September 1908. Where there is land assigned for remuneration, if the assessment is higher than the sanctioned scale, the excess should be recovered as *Kasar judi*. If it is lower, a cash allowance should be given to make up the remuneration to the proper amount. Where land is not and cannot be assigned for remuneration, the payment should be in cash.

5. The shetsanadis in Bijapur and Dhárwár should be dealt with in the same way as in Belgaum, without any modification in Bijapur, and in Dhárwár with the modification that the remuneration should be Rs. 48 in cash or Rs. 24 in land as a standard. The Commissioner may reduce it not lower than Rs. 36 in cash or Rs. 18 in land in the more remote and unimportant villages where this may be possible, and raise it to Rs. 60 in cash or Rs. 30 in land in villages where it is necessary to do so.

6. The Commissioner should be requested to work out the whole of the shetsanadi establishment for the three districts on these lines and to report at his early convenience the resulting savings (1) in cash and (2) in alienation of land revenue.

7. The Governor in Council can see no sufficient reason for increasing the expenditure on inferior village servants in Batnágiri which is notoriously—apart altogether from statistics—the least criminal district of the Presidency. Neither is he prepared to agree to any large expenditure in Kánara, which is known to be free from serious crime though the statistics which include offences against Forest Laws make it appear more criminal than it really is. For very similar reasons Government are not prepared to approve of special expenditure in the Kolába District.

H. B. CLAYTON,  
Under Secretary to Government.

To

The Commissioner, S. D.,  
The Commissioner, C. D.,  
The Commissioner, N. D.,  
The Collectors in the Southern Division,  
The Settlement Commissioner and Director of Land Records,  
The Inspector General of Police,  
The Accountant General,  
The Judicial Department of the Secretariat,  
The Financial Department of the Secretariat.

No. \_\_\_\_\_ of 1909.

Copy forwarded for information and guidance to .

## APPENDIX G.

To

HIS EXCELLENCY SIR GEORGE SYDENHAM CLARKE,  
G.C.M.G., G.O.I.E., F.R.S.,  
Governor and President in Council, Bombay.

The further Petition of Kazi Sheriff Mahomed Saleh L.,  
(Kazi of Bombay), Mahomed Hasson Muckba, Badrudin  
Abdulla Koor, Mahomed Ismail Hafiz, Haji Ebrahim Jitekar,  
Goolam Mahomed Malick, and Abdul Kadir Shaik  
Bhican, Mushavirs or Directors of the Juma Musjid of  
Bombay and of its properties and funds and charities  
attached thereto.

HUMELY SHEWETH,

1. That Your Petitioners humbly submit this their further Petition in continuation of their Petition submitted to Your Excellency on the 13th March 1911 against the Bill for the Registration and Regulation of Charities, which has been proposed by the Honourable Mr. Ibrahim Rahimtulla in the Local Legislative Council.

2. That in clause 14 of their said Petition Your Petitioners stated that they intended shortly to submit to Your Excellency in Council Fatwas of the Mahomedan Ulamas, that is, the Expositions of Mahomedan Law on this subject by learned Mahomedan Jurists.

3. That Your Petitioners have since received two such Fatwas, one from the Ulamas of Deoband, who belong to the Arabic Islami Madrasa of Deoband, and the other from the Ulamas of Cawnpore, who belong to Madrasa-i-Jame-ul-Uloom, Cawnpore, and have got them translated by one of the Translators of the High Court of Bombay, and they now beg to annex hereto the said original Fatwas and their said translations for the perusal of Your Excellency in Council, in the hope that they will meet with the consideration due to them.

4. That Your Excellency in Council will be pleased to see from the Fatwa of the Deoband Ulamas that they have after due deliberation come to the conclusion that the Bill is contrary to the rules of Mahomedan Law, in support of which contention they state as follows :—

“It is stated in the book called Durrul Mukhtar as follows :—‘That the conditions imposed by the Wakif are like the commands of the Lawgiver.’ In the Chapter on Wakfs it is said by Shami :—‘Verily the conditions imposed by the Wakif are reliable when they are not contrary to the Law,’ page 361. ‘Verily they have distinctly stated that it is obligatory to carry out the objects of the Wakifs,’ page 423, Vol. 3. ‘It is not necessary to have the accounts in every year, and it is enough for the Kazi to have from the Mutawalli a summary if he is known for honesty, and if he is suspected he should be sworn,’ Kuniah (Shami), page 425, Vol. 3, the Chapter on Wakfs. ‘It is not for the Kazi to fix a stipend or pay in (connection with) a Wakf without a condition imposed by the Wakif to that effect’ (Durre Mukhtar), the Chapter on Wakfs. And in the book called Ashbah on the rules of guardianship :—‘Special guardianship is stronger than general guardianship and accordingly the Kazi has no power to deal with the Wakfs when there is a Nazir’ (*i. e.*, trustee); and in the book called Durrul Mukhtar it is stated as follows :—‘According to the dictum of law no property should be taken (*i. e.*, no penalty should be imposed)’ and in the Shara-hul Assarut, ‘Tazir by taking property was allowed in the beginning of Islam but it was subsequently abolished.’ In short the dictum of religion does not allow ‘Tazir’ by taking property, and so on (Shami), page 175, Vol. 3. (Tazir means punishment).”

5. That Your Petitioners for the sake of convenience also crave leave to quote a portion of the Fatwa of the Cawnpore Ulamas, which it will be seen runs as follows :—

“According to the rules fixed by the Wakifs the community have right to examine the accounts, and in the case of a breach (of the Rules) the community

can call (the trustees) to account according to the abovementioned rules and the beneficiaries can obtain the benefit to the fullest extent. Therefore it is entirely against the Mahomedan Law to burden the Wakfs with the expenses which are not allowable under the same. 'The Kazi has no power to fix a stipend or salary in connection with the Wakfs unless it is so provided by the Wakif,' Shami, page 417."

The said Cawnpore Ulamas further express their opinion as follows :—

"The rules framed by the Supreme Government which are now in existence are sufficient for the purpose of putting an end to negligence, indifference and irregularity. The Supreme Government have not thought any more interference with Wakfs to be allowable than this, neither would the Mahomedans like it because according to Mahomedan Law it is not allowable even for the Kazi to deal with the (Wakfs) contrary to the conditions of the Wakif. One of the invalid decrees is the decree which is contrary to the conditions of Wakif because to act contrary to the same is tantamount to acting contrary to the commands (of the Lawgiver) Alashba an Nazaier, page 163."

6. Your Petitioners therefore respectfully submit that Your Excellency in Council will be pleased to disallow the proposed Legislation.

And Your Petitioners as in duty bound will ever pray.

(Sd.) KAZI SHERIF MAHOMED SALEH LONDAY,

( ,, ) M. H. MUCKBA,

( ,, ) BADRUDIN ABDULLA KOOR,

( ,, ) M. I. HAFIZ,

( ,, ) HAJI EBRAHIM JITEKAR,

( ,, ) GOOLAM MAHOMED MALICK,

( ,, ) ۞۞۞۞ ۞۞۞ ۞۞ ۞۞۞۞,

i. e., ABDUL KADAR SHAIK BHICAN.

Bombay, 30th August 1911.

(Translated from Urdu.)

Before we form any definite opinion on the Honourable Mr. Ebrahim Rehmatullah's Wakfs (*i. e.*, charities) Registration Bill before us, it is necessary that we should obtain

(a) "Fatwa" from the Ulama (*i. e.*, learned) in religion in the following matter: A, merely thinking that because sometimes the moneys appertaining to charities are misappropriated or that on account of the indifference of the Mutawallis the beneficiaries cannot derive the benefit thereof, is desirous that the Government should take the Mahomedan charities under their own supervision and compel them to get their charities registered and to submit the annual accounts to the Government and that in default they should be fined, and that the Presidency Magistrate should have the power to make any kind of enquiry into their affairs in respect of any matter whatsoever and that salaries of the Government Registrars, Officers, Auditors, and hundreds of clerks and the Head clerks and other servants and the expenses of the offices, etc., which will be opened for this work, should also be borne by the charities and that the Government may appoint Officers for this work, etc., for whatever pay they like and may dispense with their services whenever they like and that they may open offices for this work whenever and on whatever rent they like and that the rents, etc., may also be paid out of the charities themselves. Merely on this ground A wishes that all these expenses should be borne by Mahomedan charities, notwithstanding that the Government have appointed the Advocate General for these very charities because any one, who has the interests of charities at heart and wishes to make any complaint against any Mutawalli, executor, etc., can inform the Advocate General about the same and file a suit immediately after obtaining his sanction. The Government have prudently imposed this restriction of obtaining the sanction of the Advocate General and making him a party for this reason, namely, that nobody may drag any one into Court for nothing out of personal, communal or private enmity. Under such circumstances will our Ulama versed in religion consider such interference by the Government with the Mahomedan charities to be allowable according to the Mahomedan Law? And will all the Mahomedans be pleased with such steps and is it a matter of fact that the welfare of Mahomedan charities depends on such an arrangement? Besides, it is also A's object that every individual, after having paid the fee fixed by the Local Government, should be entitled to see the accounts of Mahomedan charities, even their special charities, namely tribal, communal and family charities. Although (Mr.) Ebrahim Rehmatullah's Bill relates to charities, etc., of the public in general we have no concern whatever with the (charities of) other (communities).

(a) Fatwa means a judicial decree, judgment, decision, et

Your obedient Servant,  
 MAHOMED HASAN  
 (may he be pardoned).

*Answers.*

In the name of God the Compassionate the Merciful. I say depending on Divine help:—It is clear from the trustworthy books on Jurisprudence as follows:—The

conditions imposed by the Wakif in respect of the Wakfs are necessary to be carried out just as the commands of the Lawgiver (*i. e.*, the Arab Prophet) and that excepting the

excepted cases nothing which is contrary to the conditions of the Wakif is allowable. But as it is also necessary to take care of the Wakfs and redress the grievances of those in whose favour the Wakfs are made the Government have already made an arrangement in respect thereof as necessity required, which is sufficient and enough. The duties performed by the Advocate General are enough for the purposes of preserving the Wakfs

and carrying out the object of the Wakif. Besides this, should there be any further necessity, in that case whatever may be done which is not contrary to the rules of the Law is not objectionable. That the above case is contrary to the rules of the Law is evident from the following extracts:—It is stated in the book called Durrul Mukhtar as

(b) Wakif means one who makes a Wakf.

follows:—"That the conditions imposed by the Wakif are like the commands of the Lawgiver." In the Chapter on Wakfs, it is said by Shami:—"Verily the conditions imposed by the Wakif are reliable when they are not contrary to the Law," page 361. "Verily they have distinctly stated that it is obligatory to carry out the objects of the Wakifs," page 423, Vol. 3. It is not necessary to have the accounts in every year and it is enough for the Kazi to have from the Mutawalli a summary if he is known for honesty and if he is suspected he should be sworn," Kuniah (Shami), page 425, Vol. 3, the Chapter on Wakfs. "It is not for the Kazi to fix a stipend or pay in (connection with) a Wakf without a condition imposed by the Wakif to that effect," (Durre Mukhtar), the Chapter on Wakfs.

(b) Wakif means one who makes a Wakf.

And in the book called Ashbah on the rules of guardianship "Special guardianship is stronger than general guardianship, and accordingly the Kazi has no power to deal with the Wakfs when there is a Nazir" (*i. e.*, trustee), and in the book called Durrul Mukhtar it is stated as follows: "According to the dictum of law no property should be taken (*i. e.*, no penalty should be imposed)" and in the Shara-hul Aasafut, "Tazir by taking property was allowed in the beginning of Islam but it was subsequently abolished." In short, the dictum of religion does not allow "Tazir" by taking property and so on (Shami, page 175, Vol. 3). And the most High God knows best and His command is most imperative.

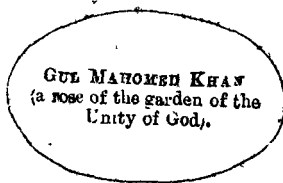
Written by Azizur Rahman Muftee, Madrasae Arabia, Islamia, Deoband.

The reply is correct.

(The humblest of all)

GULAM MAHAMED KHAN, Teacher,  
Madrasae Arabia alia, Deoband.

A seal as follows:—



The seal as follows:—

AZIZUR RAHMAN (a dependent upon the Powerful and Merciful God).

The reply is correct.

GULAM RASOOL (may God pardon him),  
Teacher, Madrasae Islamia, Arabia,  
Deoband.

The reply is correct.

AMIR AEMED (may God pardon him),  
Teacher, High School, Deoband.

The reply is correct.

MAHOMED ANWER (may God pardon him).

The reply is correct.

MAHOMEDUL MADU BIS SAHUL (may God pardon him), Teacher, High School, Deoband.

The reply is correct.

MAHMOODALI (by my own hand), a teacher of the Madrasa.

The reply is correct.

MAHAMED MURTUZA HASAN (a servant of the students), High School, Deoband.

A true translation.

RUSTAM MEHERBAN AGA,

Translator (High Court).

11th April 1911.

(Translated from Urdu.)

He God helps us to go along the righteous path.

The Honourable Mr. Ebrahim Rahmatullah has stated in connection with the necessity of the Bill for Registration of Wakfs (*i. e.*, charities) that it has been kept in mind to exclude those Wakfs which relate to religious instruction of the principles of prayers. Mahomedan Wakfs stand purely on the basis of service to God, and according to the Mahomedan Law a Wakf can only be made with the object of acquiring merit in the next world. (In Arabic.) And the condition thereof is that it should be made with the object of approaching (God); therefore the Wakf by which merit in the next world is not sought, that is to say, by which service to God is not intended, cannot at all be a Wakf. Whatever Wakfs the Mahomedans have are all religious ones. According to religion it is not at all allowable to interfere therewith in any way which is contrary to the conditions of the Wakif. The conditions of the Wakif are like the commands of the Lawgiver, that is to say, it is obligatory to carry out the same. This opinion is in accordance with the general principles. Tahtawi, page 545, Vol. 4.

The abovementioned honourable gentleman has also stated, while showing the necessity for the Registration Bill, that sometimes owing to the neglect and carelessness and irregularity of the Mutawallis, the beneficiaries do not get full benefit thereof (*i. e.*, of the Wakfs). As a matter of fact there exists a sufficient rule for setting the matter right made by the Supreme Government from the very beginning. If there be any such case the beneficiaries can, with the sanction of the Advocate General, easily set the matter right and seek a remedy for themselves. There is no necessity for a separate rule. Therefore as there is a remedy for the same it is not allowable to interfere with any Wakf contrary to the object of the Wakif. According to the rules fixed by the Wakif the community have a right to examine the accounts and in the case of a breach (of the rules) the community can call (the trustees) to account according to the abovementioned rules, and the beneficiaries can obtain the benefit to the fullest extent. Therefore it is entirely against the Mahomedan Law to burden the Wakfs with the expenses which are not allowable under the same. "The Kazi has no power to fix a stipend or salary in connection with Wakfs unless it is so provided by the Wakif," Shami, page 417.

The rules framed by the Supreme Government, which are now in existence, are sufficient for the purpose of putting an end to negligence, indifference and irregularity. The Supreme Government have not thought any more interference with Wakfs to be allowable than this, neither would the Mahomedans like it, because according to the Mahomedan Law it is not allowable even for the Kazi to deal with the (Wakfs) contrary to the conditions of the Wakif. "One of the invalid decrees is the decree which is contrary to the conditions of the Wakif because to act contrary to the same is tantamount to acting contrary to the commands (of the Lawgiver)." Alashba an Nazaier, page 163.

The reply is correct.

Mahomed Manfaetali, Head Master,  
Madrasae Jame-ul-Uloom, Cawnpore.

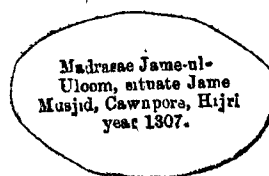
An ink seal as follows :—



The reply is correct.

Khan Aman, Teacher, Madrasae  
Jame-ul-Uloom, Cawnpore.

An ink seal as follows :—



The reply is correct.

Mahomed Faizul Hasan (may God pardon him), Editor of the "Makhzan-ul-Uloom," Chatae Mahal, Cawnpore.

The reply is correct.

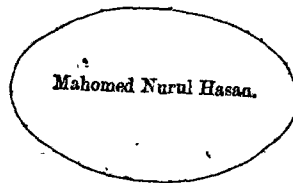
Inayet Ali, Fifth teacher of the Madrasae Jame-ul-Uloom, Cawnpore.

The person who has answered this is right. And the most High God knows what is right. Written by one who is dependent on the most High God. Abaid-ullah, Teacher, Faiz Ahmedi Madrasae, Cawnpore (may God pardon his sins).

The reply is correct.

Mahomed Nurul Hasan, Superintendent, Madrasae Jame-ul-Uloom, Cawnpore (may God pardon him).

An ink seal as follows :—



The reply is correct.

Mahamed Farook of Bhabraieh (may he be pardoned).

The reply is correct.

Sayed Mahomed Askeri of Kannoas (may God pardon him).

A true translation,

BUSTAM MEHERBAN A'GA,  
Translator (High Court).

11th April 1911.