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APPENDICES.

BOMBAY LEGISLATIVE COUNCIL DEBATES

✓ In Volume XXXII of the Bombay Legislative Council Debates,
at page 19, line 13, *for* the word "did" *read* "died".

no Hb 129

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

AGENDA.

Agenda for the Third Session of the Bombay Legislative Council commencing at the Council Hall, Poona, on Monday, the 28th September 1931, at 2 p.m.

I. OATH OR AFFIRMATION OF ALLEGIANCE TO THE CROWN.

II. NOMINATION OF FOUR CHAIRMEN BY THE PRESIDENT.

III. QUESTIONS AND ANSWERS.

IV. GOVERNMENT BILLS—

(1) Bill No. VIII of 1931 (A Bill to provide for a succession duty and to encourage a more extended use of probates and letters of administration in the Presidency of Bombay)—*First Reading.*

*Notice of amendments has been received from Khan Bahadur Allah-baksh Umar. M.L.C.

(2) †Bill No. XXIX of 1931 (A Bill further to amend the Court-fees Act, 1870, in its application to the Presidency of Bombay)—*First Reading.*

(3) †Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889)—*First Reading.*

(4) †Bill No. XXXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925)—*First Reading.*

(5) †Bill No. XXXII of 1931 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923)—*First Reading.*

(6) †Bill No. XXXIII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925)—*First Reading.*

(7) †Bill No. XXXIV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading.*

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. GOVERNMENT MOTION—

Motion by the Honourable Sir Govindrao B. Pradhan, Kt., B.A., LL.B., M.L.C.

“That the Report of the Committee on Public Accounts on the Appropriation Accounts of the Government of Bombay for the year 1929-30 and the Report of the Accountant General thereon be recorded.”

* This has been circulated to members separately.

† Note—Intimation has been received that Government intend to take 1st, 2nd and 3rd Readings of this Bill at this session.

VII. NON-OFFICIAL BILLS—

(1) Bill No. XII of 1931 (A Bill further to amend the Bombay Municipal Boroughs Act, 1925)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

(2) Bill No. XIII of 1931 (A Bill further to amend the Bombay District Police Act, 1890)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

(3) Bill No. XIV of 1931 (A Bill further to amend the Bombay Pleaders' Act, 1920)—*First Reading*—Rao Bahadur D. R. Patil, M.L.C.

(4) Bill No. XXII of 1931 (A Bill further to amend (section 5 of) the City of Bombay Municipal Act, 1888)—*First Reading*—Rao Bahadur S. K. Bole, M.L.C.

Notice of amendments* has been received from Rao Bahadur S. K. Bole, M.L.C.

(5) Bill No. XXIII of 1931 (A Bill further to amend (section 11 (2) of) the City of Bombay Municipal Act, 1888)—*First Reading*—Rao Bahadur S. K. Bole, M.L.C.

(6) Bill No. XXIV of 1931 (A Bill further to amend (section 39 (1) of) the City of Bombay Municipal Act, 1888)—*First Reading*—Rao Bahadur S. K. Bole, M.L.C.

(7) Bill No. XXV of 1931 (A Bill further to amend (Schedule B of) the City of Bombay Municipal Act, 1888)—*First Reading*—Rao Bahadur S. K. Bole, M.L.C.

(8) Bill No. XXVI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901)—*First Reading*—Mr. L. R. Gokhale, M.L.C.

(9) Bill No. XXVII of 1931 (A Bill further to amend the Bombay Municipal Boroughs Act, 1925)—*First Reading*—Mr. L. R. Gokhale, M.L.C.

(10) Bill No. XXVIII of 1931 (A Bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading*—Mr. J. G. More, M.L.C.

(11) A Bill further to amend the Bombay Hereditary Offices Act, 1874—Motion for leave to introduce the Bill—Mr. H. R. Desai, M.L.C.

(12) A Bill to regulate the keeping of accounts of certain transactions—Motion for leave to introduce the Bill—Mr. Syed Munawar, M.L.C.

(13) A Bill further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Presidency of Bombay—Motion for leave to introduce the Bill—Mr. L. R. Gokhale, M.L.C.

(14) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Rao Bahadur D. R. Patil, M.L.C.

(15) A Bill further to amend the Sind Incumbered Estates Act, 1896—Motion for leave to introduce the Bill—Khan Bahadur M. A. Khuhro, M.L.C.

(16) A Bill further to amend the Bombay Public Conveyances Act, 1920—Motion for leave to introduce the Bill—Mr. A. K. Resaldar, M.L.C.

(17) A Bill further to amend the Bombay Primary Education Act, 1923—Motion for leave to introduce the Bill—Mr. R. R. Bakhale, M.L.C.

(18) A Bill to amend the City of Bombay Primary Education Act, 1920—Motion for leave to introduce the Bill—Mr. R. R. Bakhale, M.L.C.

(19) A Bill further to amend the Bombay Village Police Act, 1867—Motion for leave to introduce the Bill—Mr. A. N. Surve, M.L.C.

(20) A Bill further to amend the Bombay Prevention of Gambling Act, 1887—Motion for leave to introduce the Bill—Mr. L. R. Gokhale, M.L.C.

VIII. MOTIONS TO AMEND STANDING ORDERS—

Motion No. I of 1931—*Second Reading*—Mr. R. R. Bakhale, M.L.C.

Motion* No. III of 1931—Mr. L. R. Gokhale, M.L.C.

IX. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.†

Resolution by Rao Saheb V. S. Patil, M.L.C.

1. "This Council recommends to Government to increase the age limit of 25 to 30 years for entry into Government service in the case of educationally backward communities wherever the age limit is 25 years."

Resolution by Rao Bahadur L. V. Parulekar, M.L.C.

1. "This Council recommends to Government to construct a new road from Hatkhamba-Poladpur road to Niwali-Devrukh road in the Ratnagiri District."

Resolutions by Mr. J. G. More, M.L.C.

1. "This Council recommends to Government that Revenue officers and magistrates be not appointed as ex-officio nominated members on municipalities and local boards."

2. "This Council recommends to Government that the emoluments that are at present being paid to the officiating Revenue and Police Patils and Kulkarnis of the Central Division be at least doubled."

3. "This Council recommends to Government that, excepting in the departments of Medicine and Education, no non-provincial men be admitted to the Provincial and the Subordinate Services in this Presidency."

4. (As No. 1 of Rao Bahadur L. V. Parulekar.)

* Printed as Appendix to this Agenda.

† Resolutions are arranged according to the order of priority as determined by ballot.

Resolutions by Mr. Shaikh Abdul Aziz, M.L.C.

1. "This Council recommends to Government to request the Government of India to abolish the extra tax imposed upon yarn to protect the handloom industry from dying out completely and to either protect the production of saries below 20 counts by Indian mills or to impose 15 per cent. thereupon."

2. "This Council recommends to Government to start, in consultation with the Director of Industries and the Registrar of Co-operative Societies, spinning and weaving factories on co-operative lines on a small scale."

Resolution by Mr. R. B. Shinde, M.L.C.

1. "This Council recommends to Government that the emoluments that are at present being paid to the officiating Revenue and Police Patils of the Central Division be doubled."

Resolution by Mr. A. B. Achrekar, M.L.C.

1. (As No. 1 of Rao Bahadur L. V. Parulekar.)

Resolutions by Rao Saheb R. V. Vandekar, M.L.C.

1. "This Council recommends to Government that the emoluments that are at present being paid to the Police and Revenue Patils of the Ahmednagar and Ratnagiri Districts be henceforth doubled."

2. (As. No. 1 of Rao Bahadur L. V. Parulekar.)

3. "This Council recommends to Government to appoint an expert official of long experience to enquire into the condition of cottage industries and other indigenous industries in Gujarat and Maharashtra and to suggest measures for their revival and development."

4. "This Council recommends to Government to take steps for the introduction of legislation for the registration and licensing of money-lenders so as to restrict the exorbitant rates of interest and numerous other fraudulent ways adopted by them in their dealings with the agriculturists in the Presidency."

5. "This Council recommends to Government to take early steps to establish night schools in the rural areas of the Presidency for the education of adult agriculturists."

6. "This Council recommends to Government to move the Government of India to construct a branch railway line between Manmad and Malegaon."

7. "This Council recommends to Government that liquor shops in mill areas in Bombay City be not kept open after 6 p.m. on the mill-hands' pay day and the two following days every month."

8. "This Council recommends to Government not to renew the temporary liquor licence in the refreshment stalls in the second enclosure at the race-courses in Poona and Bombay."

9. "This Council recommends to Government the desirability of exploring the possibilities of starting, in consultation with the Director of Industries and the Registrar of Co-operative Societies, spinning and weaving factories on co-operative lines on a small scale at centres of cotton producing districts in the Presidency."

10. "This Council recommends to Government to appoint at an early date a committee consisting of officials and non-officials to inquire into the condition of cottage industries in the Presidency and to suggest measures for their development."

11. "This Council recommends to Government that a commission be appointed at an early date to enquire into the administration of jails in the Bombay Presidency and to suggest ways and means for introducing jail reform on the lines pursued in the West and in America."

12. "This Council recommends to Government to take immediate steps for imparting technical and scientific education in schools and colleges on a wide scale and to establish technological and scientific institutions on modern lines for giving scientific and technical education."

13. "This Council recommends to Government to raise loans to meet the deficits in the budget, which it proposes to cover up by dismissing employees from its services."

14. "This Council recommends to Government to give liberal remissions and suspensions of land revenue and not to use coercive processes for its collection, and to raise loans to meet the deficit that may arise in consequence of the adoption of this proposal."

15. "This Council recommends to Government to appoint a mixed committee of officials and non-officials with a majority of the latter to inquire into the practices employed by money-lenders in their dealings with agriculturists in the Central and Southern Divisions of the Presidency."

16. "This Council recommends to Government to do away with the cumbersome procedure and the dual system under which a firm of solicitors and two counsel are required to be engaged by a litigant in the Bombay High Court and to adopt a simpler and cheaper system as is followed in the Madras High Court."

17. "This Council recommends to Government to introduce legislation for the control of public temples receiving Government grants on the lines of the Religious Endowment Act passed in Madras."

18. "This Council recommends to Government to appoint a committee to inquire into the law's delays and costliness of justice in the city of Bombay and to submit proposals for improving the conditions."

19. "This Council recommends to Government that they should at once stop recruitment of candidates belonging to the forward communities for service in all departments until the ratio of 50 per cent. of non-Brahmin servants is reached in all departments."

20. "This Council recommends to Government that a Provincial Industries' Board composed of the representatives of both City and

mofussil industries be established to co-ordinate the work of the Director of Industries and the various agencies at work, to preserve and finance cottage and village industries and to prepare and launch schemes to market, both here and abroad, the products of all village and cottage industries."

21. "This Council recommends to Government to nominate a group of 25 representatives of local bodies and others interested and experienced in primary education including both the Minister of Education and the Director of Public Instruction to meet in a conference to advise the Government on the most important problems and defects which have manifested themselves during the working of the Primary Education Act, particularly with reference to the comments and criticisms made on primary education in the report of the Auxiliary Committee of the Indian Statutory Commission."

22. "This Council recommends to Government that all the unauthorized arrears which are not recovered in pursuance of Government decision not to collect during the current year more than one year's assessment owing to economic distress be treated as suspended and that no coercive measures be taken for their recovery."

23. "This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council to take adequate steps to collect sufficient data regarding the actual condition of the peasantry and to investigate the extent of distress among the cultivators and the extent of relief needed."

24. "This Council recommends to Government that steps be taken to give immediate effect to the policy of prohibition by introducing at once total prohibition at least in the district of Nasik in this Presidency."

Resolutions by Rao Bahadur D. R. Patil, M.L.C.

1. "This Council recommends to His Excellency the Governor in Council that he be pleased to convey to the Secretary of State for India and His Majesty's Government in England through His Excellency the Governor General in Council that it is the emphatic opinion of the Bombay Legislative Council that in the contemplated revision of the Government of India Act by the British Parliament after the deliberations of the Round Table Conference are over, due provision be made for adequate representation of the rural areas on the Local Legislature of the Province of Bombay and that the rural franchise be so lowered and the number of seats for the constituencies be so increased as to carry out the aforesaid object."

2. (As. No. 1 of Rao Saheb V. S. Patil.)

Resolutions by Dr. P. G. Solanki, M.L.C.

1. "This Council recommends to Government to take immediate steps to introduce legislation for the registration and licensing of money-lenders and sowcars such as Pathans, Kabulis, Marwaris, Baniyas and others, on the lines of the Money-lenders Bill passed in the Punjab

Legislative Council so as to protect the interests of the labouring classes in matters of fabricated accounts and usurious rates of interest."

2. "This Council recommends to Government to take immediate steps to introduce legislation for the registration, licensing and weekly medical inspection of all prostitutes and public women in the City of Bombay."

3. "This Council recommends to Government to enforce the amended Prostitution Act in the City of Bombay and to order the Police Commissioner to remove all the houses of prostitutes, public women and singing girls from the main roads even in the tolerated areas in the City along which tram lines pass and from the vicinity of municipal and private schools, Hindu temples, Parsi fire temples, mosques, churches and other places of worship of all other communities and to segregate all these prostitutes and singing girls in special quarters far away from the thickly populated localities of the City."

4. "This Council recommends to Government that 30 per cent. of the posts of menial staff in Government offices requiring no educational qualifications be reserved for the members of the depressed (untouchable) classes, no further appointments to such posts from members of other communities being made until the said proportion of 30 per cent. is reached."

5. "This Council recommends to Government to reserve at least 10 per cent. of the posts in all departments of Government for deserving candidates possessing the requisite minimum qualifications from the depressed (untouchable) classes, no further appointments to such posts from members of other communities being made until the said percentage of 10 per cent. is reached."

6. "This Council recommends to Government that they should forthwith stop all grants to primary, secondary and high schools under the control of local boards and municipalities which refuse admission to boys and girls of the depressed (untouchable) classes on the plea of custom, religion or orthodoxy of the local Hindus and deny the children of these (untouchable) classes equal treatment with children of the other orthodox Hindu communities, and do not intermix children of these classes in the class rooms according to their ranks by marks in their seats."

7. "This Council recommends to Government that they should, without any further delay, put up boards and public notices at all the public, local board and municipal wells, dharamshalas, tanks and other places of public utility, informing the people that these places are open for use to all human beings including the untouchables, irrespective of caste, creed or religion, and that whosoever prevents any human being from making use of these places shall be punished by the authorities."

Resolutions by Rao Bahadur S. K. Bole, M.L.C.

1. "This Council recommends to Government to introduce legislation for the abolition of Khoti system in the Ratnagiri and Kolaba districts."

2. "This Council recommends to Government to take immediate steps for introducing legislation for the registration and licensing of money-lenders and sowcars on the lines of the Money-lenders Act recently passed in the Punjab Legislative Council."

3. (As No. 16 of Rao Saheb R. V. Vandekar.)

4. (As. No. 10 of Rao Saheb R. V. Vandekar.)

5. "This Council recommends to Government that the scale of pay of the karkuns and mistries employed for outdoor work by the Public Works Department in the Thana and Kolaba districts be revised and that the privileges given to permanent staff be extended to them."

6. (As No. 2 of Mr. J. G. More.)

Resolution by Rao Bahadur R. R. Kale, M.L.C.

1. "This Council recommends to Government to constitute a Central Board for Primary and Secondary Education composed of representatives of the Bombay Government, school boards of local authorities, the University, labour organisations and educational bodies to advise the Minister of Education in preparing a well-considered scheme after a thorough revision of the curricula in primary and secondary education to give effect to the principles and recommendations laid down and made in the Report of the Committee on Primary and Secondary Education in 1929."

Resolutions by Mr. V. N. Patil, M.L.C.

1. "This Council recommends to Government that in the constitution of the next reformed Legislative Council of this Presidency the franchise qualification be extended to every male and female person above the age of 21 years."

2. "This Council recommends to Government that in the constitution of the next reformed Legislative Council of this Presidency the constituencies be single-seat constituencies."

3. "This Council recommends to Government that in the constitution of the next reformed Council of this Presidency the constituencies be based strictly on the population basis."

4. "This Council recommends to Government to restore the number of scholarships given to students of Agricultural and Veterinary Colleges to that of the last year."

5. (As No. 1 of Rao Saheb R. V. Vandekar.)

Resolutions by Mr. A. N. Surve, M.L.C.

1. "This Council recommends to Government not to give temporary licences for sale of liquor within the limits of the race-course at Bombay, including its enclosures."

2. "This Council recommends to Government to appoint a Committee similar to the Haj Pilgrims Protection Committee for minimizing the

trouble and annoyance to which the passengers are subjected in the ferry steamers plying along the western coast of the Presidency."

3. "This Council recommends to Government to introduce legislation for the abolition of Khoti tenure in the Kolaba and Ratnagiri districts."

4. (As No. 15 of Rao Saheb R. V. Vandekar.)

5. (As No. 1 of Rao Bahadur L. V. Parulekar.)

Resolution by Mr. M. J. Sindha, M.L.C.

1. (As No. 1 of Rao Saheb R. V. Vandekar.)

Resolutions by Mr. L. R. Gokhale, M.L.C.

1. (As No. 1 of Rao Bahadur L. V. Parulekar.)

2. "This Council recommends to Government that an inquiry be made to ascertain whether the use of the additional police force posted at Sangamner from 22nd March 1930 to 21st March 1931 was largely made outside the township of Sangamner and principally because of the Civil Disobedience movement, the recovery of the charges for such police being postponed till this House has had an opportunity to consider the result of the said inquiry."

3. "This Council recommends to Government that prisoner No. 16583 at Yeravda Jail, named Hiralal Ramlal Pardeshi, Pardeshi by caste, from Sangamner, district Ahmednagar, be given the benefit of the Gandhi-Irwin pact and be immediately released, and that the remission of his fine be ordered."

4. "This Council recommends to Government that immediate steps be taken to relieve the distress of those residents in the Ratnagiri district who have suffered on account of recent floods by giving help to such people as are in need of clothing and foodstuffs, by giving cash allowances for rebuilding their houses, by giving them facilities for using timber from Government forests for the purpose of re-erecting their huts and in such other ways as the Government may find desirable, after a thorough inquiry."

5. "This Council recommends to Government that an inquiry be made to ascertain the damage caused both to agricultural lands and crops by the recent floods in the Ratnagiri district, and in cases where such lands are found to have suffered on account of floods, remission of land assessment be allowed and advances be made for making the necessary repairs to the fields."

Resolutions by Mr. Syed Munawar, M.L.C.

1. "This Council recommends to Government to give immediate effect to the recommendations of the Mussalman Wakf Committee, Bombay, contained in pages 19-22 of the Committee's Report."

2. (As No. 7 of Rao Saheb R. V. Vandekar.)

3. "This Council recommends to Government to take immediate steps to see that the recommendations of the Royal Commission on Labour in India regarding hours of work and working conditions in factories are carried into effect by the parties concerned or by necessary legislation as early as possible."

4. (As No. 9 of Rao Saheb R. V. Vandekar.)

5. (As No. 10 of Rao Saheb R. V. Vandekar.)

Resolutions by Mr. N. E. Navle, M.L.C.

1. "This Council recommends to Government not to recover the amount of costs of additional police force posted in the town of Sangamner from the Hindu and Moslem house-owners of the said town as per Government Notification, Home Department, No. 6842/2, dated the 1st July 1930, and to repay the same in case it is either fully or partially recovered from them."

2. (As No. 1 of Rao Saheb R. V. Vandekar.)

3. "This Council recommends to Government to take notice of the corruption that is prevalent in the Survey Department of this Presidency and to take immediate steps to stop it."

4. "This Council recommends to Government that all future recruitment in the Department of Land Records be restricted to the backward class candidates in order to give them adequate representation in this Department."

Resolution by Mr. Hoosenally M. Rahimtoola, M.L.C.

1. (As No. 18 of Rao Saheb R. V. Vandekar.)

Resolutions by Mr. J. S. Kadri, M.L.C.

1. "This Council recommends to Government that an Advisory Board consisting of the 4 elected members of the Legislative Council, representing Muhammadan Urban and Rural constituencies of the Northern Division, with 3 additional members co-opted by the said elected members of the Council, be formed with authority to recommend for appointment suitable Muhammadan candidates for service to the Heads of various Government Departments who may be directed to give due consideration to the recommendations of the Board in the matter of appointments."

2. "This Council recommends to Government that the post of the Director of Public Health be abolished and that the duties attached to that post be entrusted to the Surgeon General with the Government of Bombay."

3. "This Council recommends to Government that the duration of training for the first year's certificate examination in the Urdu Training Schools for Men at Ahmedabad and Poona should be of two years."

Resolution by Rao Saheb P. D. Kulkarni, M.L.C.

1. "This Council recommends to Government that the dates fixed for the payments of instalments of the land revenue, payable in respect of lands assessed for purposes of agriculture only, be changed to 1st March for first instalment and 1st April for the second instalment in the case of villages placed under Class I and to 1st April and 1st May respectively in the case of II Class villages."

Resolutions by Syed Miran Mahomed Shah, M.L.C.

1. "This Council recommends to Government to declare in unequivocal terms that in future it will be their policy not to demolish or damage or acquire under the Land Acquisition Act or any other law in force any mosque, temple, or any other place of worship."

2. "This Council recommends to Government to instruct the Commissioner in Sind to abolish the antiquated system of granting chairs to certain individuals of the public as a sign of distinction and honour."

3. "This Council recommends to Government to order the abolition of the custom of holding durbars in the province of Sind in future."

4. "This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council and an expert engineer with experience of road construction, to travel in Sind, and to report on the condition of roads and other communications in Sind and to suggest measures for their extension and improvement."

5. "This Council recommends to Government to instruct the Revenue Officer, Lloyd Barrage, Sind, while disposing of the land on concessionary rates, to give priority over all others to those zamindars who have forfeited their lands within the Barrage zone in Sind under the Fallow Rules, irrespective of the limit of time of forfeiture."

6. "This Council recommends to Government to appoint an expert official of long experience to enquire into the condition of cottage industries and other indigenous industries in Sind and to suggest measures for their revival and development."

7. (As No. 4 of Rao Saheb R. V. Vandekar.)

8. "This Council recommends to Government to take steps to introduce in this Council a Bill to be called the 'Sind Land Revenue Code' incorporating such revised rules as may be suggested by a committee of official and non-official members of this Council with a non-official majority to be appointed for the purpose of—

(1) examining the Commissioner in Sind's Special Circulars regarding revenue matters in Sind;

(2) reporting on their suitability and propriety; and

(3) suggesting revisions, modifications or amendments thereof, and other means to establish revenue policy in Sind on a sound basis."

9. "This Council recommends to Government to take steps to have a feeder railway line constructed between Hyderabad and Hala *via* Matiari, similar to the one that has recently been constructed between Tando Adam and Sakrand, district Nawabshah."

10. "This Council recommends to Government to take early steps to establish schools in the rural areas of the Presidency for the education of adult agriculturists."

11. "This Council recommends to Government to move the Government of India to construct a branch railway line between Tando Mahomed Khan and Shahbunder."

Resolutions by Mr. G. M. Kalbhor, M.L.C.

1. "This Council recommends to Government that they should provide sufficient funds for making grants to the district local bodies in the Presidency to enable them to undertake immediately the schemes in the Primary Education Act for compulsory primary education in their respective districts."

2. "This Council recommends to Government that they should at once stop recruitment of candidates belonging to the forward communities to services in all departments until the ratio of 50 per cent. of non-Brahmin servants is reached in all departments."

3. "This Council recommends to Government to publish authorised reports of cattle slaughtered throughout the Presidency every year, along with the yearly report of the Agricultural Department, the information being, if possible, divided under the following heads:—

1. Cows under 9 years.
2. Cows over 9 years.
3. Bullocks under 9 years.
4. Bullocks over 9 years.
5. Cow calves (under 4 years).
6. Buffalo calves (under 4 years).
7. She-buffaloes under 10 years.
8. She-buffaloes over 10 years.
9. He-buffaloes.
10. Sheep and goats."

4. "This Council recommends to Government to frame a Bill that will effectively check the passage of disease-carrying herds of cattle into and through the Presidency, and simultaneously compel herdsmen to get their cattle inoculated with preventive serum."

Resolution by Rao Bahadur R. S. Asavale, M.L.C.

1. (As No. 1 of Rao Saheb R. V. Vandekar.)

Resolution by Dr. M. K. Dixit, M.L.C.

1. "This Council recommends to Government to introduce a Bill in the Bombay Legislative Council enabling the local bodies to open 'Forced Labour Houses' and to detain in such Labour Houses able-bodied and work-shy beggars."

Resolutions by Mr. Shankarrao Jayaramrao Zuncarrao, M.L.C.

1. (As No. 1 of Rao Saheb R. V. Vandekar.)
2. (As No. 1 of Rao Bahadur L. V. Parulekar.)

Resolution by Dr. V. G. Vaishampayan, M.L.C.

1. (As No. 1 of Rao Bahadur L. V. Parulekar.)

Resolutions by Mr. N. N. Patil, M.L.C.

1. (As No. 1 of Rao Saheb R. V. Vandekar.)
2. (As No. 1 of Rao Bahadur S. K. Bole.)

Resolutions by Mr. V. A. Surve, M.L.C.

1. (As No. 1 of Rao Saheb R. V. Vandekar.)
2. (As No. 1 of Rao Bahadur L. V. Parulekar.)

Resolution by Mr. R. R. Bakhale, M.L.C.

1. "This Council recommends to the Governor in Council (1) to instruct the Labour Office to prepare a programme under which such of the recommendations of the Royal Commission on Labour as lie within the competence of the Bombay Government and the statutory and other bodies within the Bombay Presidency to give effect to, will be carried out within a period of three years; and (2) to announce the said programme before the next session of the Council."

Resolutions by Mr. B. P. Wadke, M.L.C.

1. (As No. 1 of Rao Bahadur L. V. Parulekar.)
2. (As No. 1 of Mr. J. G. More.)
3. (As No. 2 of Mr. J. G. More.)
4. "This Council recommends to Government to appoint a committee of official and non-official members at an early date for the purpose of suggesting practical steps for removing hardships of tenants in the City of Bombay due to high rents."

Resolutions by Rao Bahadur B. R. Naik, M.L.C.

1. "This Council recommends to Government that they be pleased to give remission of at least 40 per cent. of the land revenue demands for

the year 1931-32 and of 50 per cent. of the suspended revenues of the previous years and to resuspend the remaining 50 per cent. of the suspended revenues."

2. "This Council recommends to Government to appoint either as subordinate judges or in other posts having equally good pay and prospects such servants in the Judicial Department who, being B.A., LL.Bs., joined the Judicial Department under the old rules and were given to understand that they would be made subordinate judges in due course."

X. PAPERS* PRESENTED TO THE COUNCIL—

(1) Government Resolution in the General Department, No. S. 90 (23) dated the 2nd July 1931, containing amendments of the Election Rules of the Surat Municipality (placed on the Council Table in accordance with section 221 of Bombay Act No. XVIII of 1925).

(2) Revised Rules Nos. 3 and 4 of the Election Rules of the Surat Municipal Borough.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 28th September 1931.

* Kept in Secretary's Office.

APPENDIX TO THE AGENDA.

AMENDMENTS TO BILLS.

BILL No. XXII OF 1931

(A Bill further to amend the City of Bombay Municipal Act, 1888).

Notice has been received of the following amendments from Rao Bahadur S. K. Bole, M.L.C. :—

Add after clause 2 the following at the end :—

“ and *substitute* ‘ eighteen ’ *for* ‘ fourteen ’ in line 5 of the section, and *substitute* in Schedule B ‘ twelve ’ *for* ‘ ten ’, ‘ eight ’ *for* ‘ six ’ and ‘ eight ’ *for* ‘ six ’ in consecutive Nos. 5, 6 and 7 respectively in the last column.”

Add in the Statement of Objects and Reasons the following new paragraph :—

“ The Bill also proposes to distribute the ten seats in the following manner: four to be added to the number of councillors appointed by Government and six seats are to be equally distributed among the Byculla, Parel and Mahim wards as the population of these wards is vastly increased than before.”

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 12th September 1931.

MOTION TO AMEND STANDING ORDERS.

MOTION No. III OF 1931.

Under Standing Order IX (1) of the Standing Orders of the Bombay Legislative Council, notice of the following amendment has been received from Mr. L. R. Gokhale, M.L.C. :—

To Order VI after paragraph 6, *add* the following :—

“ 6A. When the questions to be put and the answers to be given are printed, such printed questions and answers shall be supplied to all the members at least 24 hours before they are to be so put and answered.”

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

Poona, 14th September 1931.

Monday, the 28th September 1931

The Council met at the Council Hall, Poona, on Monday, the 28th September 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ALLAHBAKSH, Khan Bahadur
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHURO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MATCHESWALLA, Mr. G. E.
 MEHTA, Mr. M. H.

MIRZA, SAHEBZADA M. A.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable Moulvi
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

NOMINATION OF CHAIRMEN OF COUNCIL.

The Honourable the PRESIDENT : Order, order. I have to announce a panel of Chairmen for the session. I appoint the following honourable members as Chairmen :

1. Rao Bahadur R. R. Kale,
2. Mr. Hoosenally M. Rahimtoola,
3. Mr. J. Humphrey,
4. Dr. P. G. Solanki.

GOVERNOR-GENERAL'S ASSENT TO ACTS.

The Honourable the PRESIDENT : The following Acts have received the assent of His Excellency the Governor General since the close of the last session :

1. An Act further to amend the Bombay District Police Act, 1890.
2. An Act further to amend the Bombay Local Boards Act, 1923.
3. An Act further to amend the City of Bombay Improvement Trust Transfer Act, 1925.
4. An Act further to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

DEATH OF Mr. L. T. KARKI.

The Honourable the PRESIDENT : Before we proceed further, I think the House would wish me to make a mention of a very sad event, and that is the demise of an honourable member of this House, Mr. L. T. Karki, who died on the 25th of August. He was a new member to the Council, attended one session, and gave promise of being a useful member of the House. The House will regret his death and would wish me, I know, to communicate its sympathies to the bereaved family.

Honourable members will show respect to the memory of the deceased by standing in their places.

[All the honourable members rose in their places accordingly.]

QUESTIONS AND ANSWERS.**FRUIT SUPPLY TO BOMBAY CITY.**

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether they are aware of the correspondence in the *Times of India* dated the 8th November 1930 regarding "Fruit Supply to City of Bombay";

(b) whether they propose to take any steps to do away with the middlemen in order to profit grower and get cheaper fruit ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) Yes.

(b) The Bombay Fruit Growers' Association has been formed with a view to carry out improvements in the fruit industry in all directions. One of the objects of this Association is to improve the method of marketing perishable produce. The Agricultural Department is giving advice and assistance to the Association. The Horticulturist to Government is at present studying in England the problems of marketing Indian fruits. The question raised in this clause will receive his attention on his return.

Rao Bahadur S. K. BOLE : In the reply to (b) there is no reply to my question. I have asked, "whether they propose to take any steps to do away with the middlemen in order to profit grower and get cheaper fruit?" I am told that one of the objects of this association is to improve the method of marketing perishable produce. But there is

nothing about doing away with the middlemen in order to profit grower and get cheaper fruit.

The Honourable Dewan Bahadur S. T. KAMBLI: The honourable member is referred to the last sentence in the printed reply to part (b) of the question.

Rao Bahadur S. K. BOLE: There also it is stated, "will receive attention;" it is not, "has already received attention."

The Honourable Dewan Bahadur S. T. KAMBLI: The answer is clear, Sir.

Rao Bahadur S. K. BOLE: There is nothing in the answer. [Laughter].

Mr. B. S. KAMAT: Is the Honourable Minister aware that a committee called the "Mango Marketing Committee" has made a report about doing away with the evil of many middlemen in the Bombay markets?

The Honourable Dewan Bahadur S. T. KAMBLI: Yes.

Mr. B. S. KAMAT: Is it also true that the recommendation of this committee had been before the Agricultural Department for something like a year or two, before the Horticulturist to Government proceeded to England?

The Honourable Dewan Bahadur S. T. KAMBLI: Yes; that also is true.

Mr. B. S. KAMAT: During these two years, what did the Horticulturist do in regard to the matter?

The Honourable Dewan Bahadur S. T. KAMBLI: I require notice of the question, Sir.

TEACHERS: LOCAL BOARD SCHOOLS, GUHAGAR.

Rao Bahadur S. K. BOLE: Will Government be pleased to state—

(a) the number of teachers in the Local Board schools at Guhagar in the Ratnagiri district;

(b) how many of them are Brahmins;

(c) how many are residents of Guhagar;

(d) whether they were transferred any time?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) 12.

(b) 12.

(c) 5.

(d) 4 out of the 5 mentioned in the reply to clause (c) above were transferred to other places.

Rao Bahadur S. K. BOLE: Was no non-Brahmin found suitable for appointment as a trained teacher in this place?

The Honourable MOULVI RAFI UDDIN AHMAD: Evidently not.

Rao Bahadur S. K. BOLE: May I point out that there are so many non-Brahmin qualified men, better qualified than the trained teachers who are there?

The Honourable the PRESIDENT: What is the question?

Rao Bahadur S. K. BOLE : The question is : " May I point out that there are better qualified men than the trained teachers—

The Honourable the PRESIDENT : That is no question.

Rao Bahadur S. K. BOLE : My object in asking the question, Sir, is that there are already better qualified men than these teachers—

The Honourable the PRESIDENT : Yes, but no speech is allowed on a question like that or any question. I suppose there is no further supplementary question.

Rao Bahadur S. K. BOLE : I can put it in better form next time, Sir.

SCHOOL, MEHMEDABAD : ADMISSION OF DEPRESSED CLASSES.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether it is a fact that the boys of the depressed classes are refused admission in the municipal schools at Mehmedabad in the Kaira district ;

(b) if so, what steps Government have taken in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) No.

(b) Does not arise.

Rao Bahadur S. K. BOLE : Is the Honourable Minister aware that in newspapers, complaints were made, as regards the question asked by me, that the boys of the depressed classes were not admitted in these schools ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am afraid I have not read any such information in the newspapers.

REGISTRATION : SAVINGS BY PHOTOCOPYING SYSTEM.

Dr. M. K. DIXIT (Surat District) : Will Government be pleased to state—

(1) the names of registration offices in which the photocopying system is working ;

(2) the date from which it has been introduced in each office ;

(3) the number of clerks reduced in each office and the savings effected thereby ;

(4) the cost of transmission of documents to the photo office and back ;

(5) whether the system has been introduced to reduce establishment or merely as a policy of Government ;

(6) the amount of photo fee charged in each office from January to March 1931 ;

(7) the amount of copying fee that would have been charged if the documents in these offices were copied by hand ;

(8) whether it is a fact that in the mofussil the photo-copying system has proved to be more expensive to the public than the hand-copying system ;

(9) whether the photos are compared at Poona or in the original offices ;

(10) whether any blanks or gaps appear in any photos in any case ;

(11) if so, whether they have to be corrected by hand, and if so, whether there is danger of interpolation or mischief ;

(12) the cost of erection of the photo office at Poona ;

(13) the number of employees with the number of posts in each grade in the photo office ;

(14) the monthly cost of papers (for taking photo copies), chemicals and other materials used by the office including furniture, etc. ;

(15) the number of cameras working, their price, and recurring expenditure ;

(16) the amount of initial and recurring expenditure in addition to the above items per year ;

(17) the amount of net saving effected by the introduction of this system from the beginning to date and the amount of cost incurred for the system ;

(18) the head to which the saving, if any, is applied ?

The Honourable MOULVI RAFIUDDIN AHMAD : (1) and (2)—
The following statement contains the required information :—

Offices under Photography.

No.	Name of office	Date
1	Haveli I and II	23rd April 1921.
2	Haveli III	1st July 1921.
3	Satara	15th July 1921.
4	Maval	15th July 1921.
5	Sholapur	1st August 1921.
6	Ahmedabad	22nd August 1921.
7	Ambegaon	1st March 1923.
8	Bombay	1st August 1923.
9	Bandra	1st December 1923.
10	Ahmednagar	7th April 1924.
11	Islampur (Walwa)	25th April 1924.
12	Karad	25th April 1924.
13	Bhimthadi	1st January 1924.
14	Indapur	15th November 1924.
15	Dhond	15th November 1924.
16	Junnar	15th November 1924.
17	Malegaon	1st June 1930.
18	Dhulia	1st May 1930.
19	Surat	3rd January 1931.
20	Borsad	1st April 1931.
21	Anand-Ras	1st April 1931.
22	Kalyan	1st April 1931.
23	Parner	1st April 1931.
24	Sangamner	1st April 1931.

Nc.	Name of office	Date
25	Rahuri	1st April 1931.
26	Pandharpur	1st April 1931.
27	Savda	1st April 1931.
28	Sindkheda	1st April 1931.
29	Niphad	1st June 1931.
30	Alibag	1st April 1931.
31	Tasgaon	1st April 1931.
32	Khed (Poona)	1st April 1931.
33	Dapoli	1st April 1931.
34	Malwan	1st April 1931.
35	Khed (Ratnagiri)	1st April 1931.
36	Belgaum	1st April 1931.
37	Athni	1st April 1931.
38	Bijapur	1st April 1931.
39	Hubli	1st April 1931.

(3) The required information is supplied in the following statement:—

Name of the office	No. of posts reduced	Approximate savings up to 30th June 1931
		Rs.
Bombay	13	85,540
Haveli	3	14,640
Maval	1	4,780
Bhimthadi	1	3,600
Indapur	1	3,180
Dhond	1	3,180
Junnar	1	3,180
Satara	3	14,300
Islampur (Walwa)	1	3,200
Karad	1	3,200
Ahmednagar	1	3,200
Ahmedabad	6	4,480
Bombay Suburban District	2	3,400
Dhulia	1	560
Malegaon	1	520
Surat	2	480
Borsad	1	120
Anand	1	120
Kalyan	1	120
Ahmednagar District	4	480
Pandharpur	1	120
Savda	1	120
Sindkheda	1	120
Niphad	1	40
Alibag	1	120
Dapoli	1	120
Ratnagiri	1	120
Malwan	1	120
Khed (Ratnagiri)	1	120
Belgaum	1	120
Bijapur	1	120
Tasgaon	1	120
Hubli	1	120

Note.—A post is reduced from Dharwar District and transferred to Broach District where one post was reduced.

(4) As no period is specified the reply cannot be definitely stated.

(5) It is introduced for economy as well as efficiency.

(6) and (7) The statement given below gives the required information :—

Serial No.	Name of the office	Photo fee from	Hand copying fee
		January to March 1931	that would have been charged during the period
		Rs. a. p.	Rs. a. p.
1	Haveli I and II	436 4 0	608 2 0
2	Haveli III	278 0 0	402 0 0
3	Satara	176 13 0	301 10 0
4	Maval	136 14 0	188 14 0
5	Sholapur	281 14 0	327 12 0
6	Ahmedabad	543 0 0	687 8 0
7	Ambegaon	126 12 0	178 8 0
8	Bombay	2,258 0 0	4,103 0 0
9	Bandra	300 0 0	423 8 0
10	Ahmednagar	190 5 0	282 4 0
11	Islampur (Walwa)	149 8 0	242 8 0
12	Karad	134 12 0	214 12 0
13	Bhimthadi	135 12 0	185 4 0
14	Indapur	45 2 0	82 0 0
15	Dhond	45 0 0	66 7 0
16	Junnar	183 7 0	273 2 0
17	Dhulia	280 12 0	333 4 0
18	Malegaon	285 10 0	388 0 0
19	Surat	755 1 0	859 0 0

(8) No.

(9) Photo-copies are scrutinized in Poona and also in the original offices when necessary.

(10) and (11) These do occur occasionally, when corrections are made by hand, every care being taken to avoid interpolation.

(12) Rs. 13,205 approximately.

(13) As given in the statement below :—

No. of posts.	Grade.
	Rs.
1	250 (fixed).
2	50—5—100
5	40—2—60
3	42 (fixed).
3	40 ..
2	32 ..
1	30 ..
10	25 ..
9	20 ..
5	10 ..

Total .. 41 posts.

(14) The average cost varies according to the increase in work and offices every year.

(15) Two costing Rs. 953-9-9. Their recurring expenditure is practically nil.

(16) The initial expenditure was Rs. 4,108-9-9 and practically no recurring expenditure in addition to items already mentioned.

(17) The net saving up to 30th June 1931 is Rs. 68,541 and the cost incurred Rs. 2,21,592.

(18) Under the head "9, Registration."

CANAL ASSISTANTS : JAMRAO DIVISIONS.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) whether it is a fact that a College for the training of Canal Assistants and Abdars has been opened at Hyderabad (Sind);

(b) whether two Canal Assistants, one a Muslim and other a Hindu, from the Southern and the Northern Jamrao Divisions respectively, have been appointed as teachers in the College;

(c) whether the posts of these two Canal Assistants have been filled in by two Hindu Abdars by the order of the Chief Engineer in Sind;

(d) why was a Mussulman not appointed to one of these two posts;

(e) are Government aware that there were Muslim candidates with good records and well recommended by their superiors;

(f) are Government aware that after the deputation of one Muslim Canal Assistant referred to in (a) there are now 3 Hindu Canal Assistants and one Muslim in the Southern Division Jamrao Canal, Mirpurkhas?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) Yes.

(c) Yes.

(d) The appointments were conferred on the most senior Abdars in the selection grade (who happen to be Hindus) who had previously worked as Canal Assistants very satisfactorily.

(e) Yes, but they were not in the selection grade.

(f) Yes.

CANTONMENTS, POONA AND KIRKEE : WATER CHARGES.

Mr. L. R. GOKHALE (Poona City): (a) Are Government aware that the water charges in the Cantonment area in Poona and Kirkee are heavy?

(b) If the answer to (a) be in the affirmative, do Government intend to take any steps in the matter?

The Honourable Sirdar Sir RUSTOM JEHangir VAKIL: (a) and (b) Government do not consider this to be the case. There are other places in this Presidency where higher rates, even up to Re. 1 per 1,000 gallons, are charged for water which is not pumped, filtered or chlorinated as it is at Poona. Government have already arranged, however, to consider the question of reduction in due course.

Mr. L. R. GOKHALE: The answer given is, "Government have already arranged, however, to consider the question of reduction in due course." Will Government state what time they will take to decide this question?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The work of remodelling the canal is going on, and until the work is completed, Government will not be in a position to promise any reduction in the rate.

CHIRNER CASE : EXPENDITURE.

Mr. L. R. GOKHALE (Poona City): Will Government be pleased to state what is the total cost to Government of the Chirner Firing case—

- (a) in the lower court; and
- (b) in the Sessions Judge's Court?

The Honourable Mr. G. A. THOMAS: (a) In the lower court Rs. 1,904-4-0.

(b) In the Sessions Court Rs. 14,683-9-10.

MOTOR ACCIDENTS.

Rao Bahadur R. R. KALE (Satara): (a) Are Government aware of the increasing frequency of service motor accidents resulting in loss of life of, or serious injury to, human beings?

(b) Whether it has been found that these accidents are due to gross recklessness on the part of the drivers and neglect of the owners in not keeping the machinery in proper order?

(c) If so, what steps have Government taken or intend to take in the matter?

The Honourable Mr. G. A. THOMAS: (a) There has been no marked increase and so far it has been disproportionate to the increase in the number of vehicles in question.

(b) These causes are to a large extent responsible.

(c) Drivers found to be at fault are prosecuted and their licences are cancelled or suspended. The registration of motor vehicles found to be defective is suspended until the defects are remedied, and owners' permits are also suspended in such cases.

A scheme for a quarterly instead of an annual examination of service motor vehicles at a charge of Rs. 24 per annum for each vehicle has been drawn up, but, in view of recent increases in registration fees, Government have not thought it advisable to impose this additional charge at present, and without it the scheme cannot be financed.

Rao Bahadur R. R. KALE: With reference to the second part of answer to (c), besides this quarterly, instead of the annual, examination of service motor vehicles, is it the intention of Government to entrust the services to an authorized body?

The Honourable Mr. G. A. THOMAS: That is not yet considered by Government.

Rao Bahadur R. R. KALE: Are Government aware that the G. I. P. Railway has started services in some parts of the Poona district?

The Honourable Mr. G. A. THOMAS : That may be so, but that does not arise.

Rao Bahadur R. R. KALE : My question is whether Government have any intention, in order to minimise the number of accidents and other evils, of restricting the services to a public body or even a private Company which may come forward to run these services on a licence from Government and which may give some guarantee to run the services without frequent accidents.

The Honourable Mr. G. A. THOMAS : Government have not considered that point.

REVENUE QUALIFYING TEST.

Rao Bahadur R. R. KALE (Bombay University) : (a) Are Government aware of the discontent caused among the members of the Lower Subordinate Service in the Revenue Department by the results of the qualifying test examinations held in October 1930 and April 1931 ?

(b) Has the attention of Government been drawn to a letter headed "Revenue Qualifying Test" published in the *Bombay Chronicle* of the 17th June 1931 ?

(c) Will Government be pleased to state the number of candidates who appeared for the Revenue Qualifying Test examination during the last five years, together with the percentage passing each year ?

(d) How many of them were graduates and how many non-graduates ?

(e) Is it a fact that out of 46 graduates who appeared for the examination only 6 or 7 passed during 1930-31 ?

(f) Is it a fact that permission to appear for the examination is granted only to those whose record of service is bright and creditable ?

(g) What are the reasons for the great disparity in the past results and those since October 1930 ?

(h) Is there any committee of experts to check the work of the examiners ?

The Honourable Mr. W. F. HUDSON : (a) No.

(b) Government have seen the article in question.

(c) The numbers and percentages are as follows :—

Year	No. of candidates who appeared	Number passed	Percentage
1926	73	45	62
1927	86	30	35
1928	95	44	46
1929	87	61	70
1930	84	44	52
1931 (April)	42	12	29

(d) The number of graduates and non-graduates out of those candidates who appeared for the Revenue Qualifying Examination during the last five years was as follows:—

Year	Graduates	Non-Graduates
1926	6	67
1927	14	72
1928	14	81
1929	24	63
1930	31	53
1931 (April)	25	17

(e) Out of 31 graduates who appeared for this examination during the year 1930-31 (April 1930 and October 1930 examinations), 20 passed.

(f) No.

(g) There are no special reasons.

(h) The Departmental Examinations, including the Revenue Qualifying Examination, are conducted by the Permanent Committee for Departmental Examinations of which the Chief Secretary to the Government of Bombay is the *ex-officio* President. The tabulated results of these examinations are published after the scrutiny and approval of the President.

Rao Bahadur R. R. KALE: With reference to answer to part (g) of the question, I suppose there must be some reasons for the great disparity referred to. May I know those reasons?

The Honourable Mr. W. F. HUDSON: Perhaps the answer is not very accurately worded, but it is extremely difficult to say what the reasons of any disparity are in the results of examinations, as the honourable member is well aware. One reason may be that at a particular time the candidates are below the mark, or it may be that the examiners are unduly severe. That is one of the inevitable results of all examinations. Government are not in a position to say what the particular reason in a particular instance is.

Rao Bahadur R. R. KALE: Am I to understand that in view of the great disparity, Government have taken care to check the results by means of their departmental Secretaries or whoever the authorities are?

The Honourable Mr. W. F. HUDSON: No; Government have every confidence in their examiners who are all experts in these matters. If, however, the honourable member means "Are the figures of marks checked?"—they are most carefully checked, and it is always left to the President of the Board to give grace marks in any case he thinks it desirable to do so.

Rao Bahadur R. R. KALE: Will Government investigate into this disparity?

The Honourable Mr. W. F. HUDSON: No; Government are not prepared to make any investigation of the kind.

TALUKDARI ESTATE, MEHLOL : KABULAYAT RULES. .

Khan Bahadur A. E. PATEL (Northern Division): (a) Will Government be pleased to state the total number of cultivators in the Mehlool Talukdari Estate of the Godhra Taluka (Panch Mahals), and how many of them belong to the Bania, Brahmin and other classes who do not cultivate the lands themselves but get them cultivated either by renting or letting them on the share system?

(b) How many of such middlemen had either sold away or mortgaged their tenancy rights and how many had only leased them out for a definite period for annual payment of rents during the period of 1923 to 1926?

(c) How many of such middlemen were excused for the breaches of the Kabulayat Rules by Government Resolution No. 1922-G/24 dated 16th April 1930?

(d) Is it a fact that those who had either sold or mortgaged their tenancy rights had their breaches condoned on payment of four times the assessments, only once, by the said Government Resolution of 1930?

(e) Is it a fact that under Government memorandum No. 1922-G/24 dated 26th March 1931 the lessors, middlemen, are required to pay, not once, but for all times to come, four times the assessment annually, so long as they continue to hold the lands?

(f) If so, why are the mortgagors and the lessors placed on a different footing?

(g) Are Government aware that, owing to bad seasons and heavy fall in prices all round, the lessors are not likely to get any more rent than double the sum of the actual assessment?

The Honourable Mr. W. F. HUDSON:

(a) Total number of cultivators 1,912

The number of Bania, Brahmin and other classes who do not cultivate the lands themselves, but get them cultivated either by renting or letting them on the share system 310

(b) Number of such middlemen who have sold or mortgaged their tenancy rights during the period from 1923 to 1926 7

Number of such middlemen who have leased their lands for a definite period for annual payment of rents during 1923-26 4

(c) 7.

(d) Yes, *vide* reply to clause (f).

(e) The four lessors have to pay multiples of assessments as rent every year as mentioned below:—

(1) Mr. Jamaluddin A. Kazi—four times the assessment.

(2) Khan Sahab Ismailji A. Saherwala—three times the assessment.

(3) Khan Sahab Rustomji R. Dalal—three times the assessment.

(4) Mr. Vallavdas G. Parikh—three times the assessment.

(f) As the orders issued by the Collector under his No. 764 dated 17th December 1910, known as Sale and Mortgage Rules of 1910, have been revived by Government Resolution, Revenue Department, No. 1922/24 dated 16th April 1930, the cases of mortgage and sales have been dealt

with according to those rules by levy of one or four times the assessment by way of penalty according as the transferee is an agriculturist or non-agriculturist.

The cases of the four lessees were differentiated from others in order to prevent middlemen from diverting into their own pocket profits which are properly due to the Estate.

(g) The lessees have leased their lands as mentioned below :—

—	Village	Area		Assessment		Annual rent		Period		
		A.	g.	Rs.	a.	p.	Rs.		a.	p.
1. Mr. Jamaluddin A. Kazi.	Kaliana	150	11	140	12	0	1,999	0	0	11 years from 1st March 1924.
2. Khan Saheb Ismailji A. Saherwala.	Dhanol ..	150	11	140	12	0	651	4	0	20 years from 28th April 1924.
							1,301	4	0	for the first two years and for the next 18 years.
3. Khan Saheb Rustomji Dalal.	Dhanol ..	150	0	140	9	0	590	0	0	20 years from 20th April 1924.
							907	8	0	for the first year;
							1,201	8	0	for the next four years;
										for the next 15 years.
4. Mr. Vallavdas G. Parikh.	Gawachi	80	18	92	14	0	92	14	0	20 years from 20th April 1924.
							423	0	0	for the first year;
							846	0	0	for the next six years;
							1,128	0	0	for the next six years;
										for the next seven years.

In the case of the first three lessees the sub-tenants continue to cultivate the land and are bound by their kabulayats to pay the amounts fixed. In the case of the fourth lessee the sub-tenants have left and the lands are with the lessor.

Khan Bahadur A. E. PATEL: With reference to the concluding portion of answer to part (g), may I know whether the case of the first three lessees will be reconsidered after the period of the kabulayats of their sub-tenants is over?

The Honourable Mr. W. F. HUDSON: No doubt the matter will be considered when that time comes.

SECONDARY TEACHERS : INCREMENT AS PER FUNDAMENTAL
RULES NOS. 22-23.

Khan Bahadur A. E. PATEL (Northern Division) : (a) Will Government kindly state the number of secondary teachers and assistant deputy educational inspectors who entered the new scale of pay in 1922 and were entitled to one more increment as per Fundamental Rules Nos. 22-23 ?

(b) Were all these teachers given the due increment ?

(c) If not, are Government considering the question ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Six Assistant Masters only.

(b) and (c) No. Old fundamental rule 22 (a), which has been withdrawn, was not applied to these teachers while it was current. Under Fundamental Rule 22 (a) as it stands at present the teachers in question are not entitled to the additional increment. Government have decided that they should not be given the benefit of the increment, since the application of the old rule would give rise to a number of difficulties and anomalies in the service.

BOMBAY EDUCATIONAL SERVICE POSTS FOR SENIOR ASSISTANT
DEPUTY EDUCATIONAL INSPECTORS AND THE HEAD MASTER
OF THE P. R. TRAINING COLLEGE, AHMEDABAD.

Khan Bahadur A. E. PATEL (Northern Division) : (a) Will Government be pleased to state what items of work done by the Deputy Educational Inspectors and the Principal of the P. R. Training College, Ahmedabad, were curtailed when their posts were abolished and their work entrusted to officers of the Subordinate Educational Service cadre named Assistant Deputy Educational Inspectors and Head Master, P. R. Training College ?

(b) Which of the primary training colleges of the Presidency still have officers of the Bombay Educational Service cadre for their heads ?

(c) What are the special reasons for maintaining officers of the Bombay Educational Service cadre for these institutions ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The Deputy Educational Inspectors in districts in which control of primary education has since been handed over to local authorities were formerly responsible for—

(1) the general administration of all primary schools maintained by the District Local Boards, including supervision and control of the educational staff of the Board ;

(2) the inspection of all approved schools ;

(3) preparation of the educational budget of the District Local Board ;

(4) maintenance of records pertaining to all local board schools and the submission of the prescribed annual returns in respect of these schools ;

(5) exercise of certain powers in regard to the grant of leave to, and transfer and punishment of the educational staff subordinate to them ;

(6) assisting the Educational Inspector in the examination of inspection of secondary and special schools in their respective districts.

The Administrative Officers of School Boards of Local Authorities are now responsible for (1), (3), (4) and (5) and share the responsibility for inspection.

No item of work done by the Principal of the P. R. Training College was curtailed when his post was transferred from the Bombay Educational Service to the Subordinate Educational Service.

(b) (1) Training College for Men, Poona.

(2) Training College for Men, Dhulia.

(3) Training College for Men, Hyderabad.

(4) Training College for Women, Hyderabad.

(5) Training College for Women, Dharwar.

(6) Training College for Women, Poona.

(7) Mahalaxmi Training College for Women, Ahmedabad.

(c) Their size and importance.

SUBORDINATE EDUCATIONAL SERVICE AND BOMBAY EDUCATIONAL SERVICE OFFICERS : PAY AND RETIREMENT.

Khan Bahadur A. E. PATEL (Northern Division) : Will Government state (1) the names of the Subordinate Educational Service and Bombay Educational Service officers in the secondary and inspecting branches, (2) their pay, (3) their period of service, (4) their dates of retirement, and (5) the date on which they drew their last increment ?

The Honourable MOULVI RAFIUDDIN AHMAD : Information regarding the names of Bombay Educational Service officers and their pay is given in the Bombay Civil List. Lists of Subordinate Educational Service officers in the secondary and inspecting branches are maintained in the office of the Director of Public Instruction, but they do not contain information on all the points required by the Honourable Member and are not always up to date as certain powers regarding transfer and appointment of Subordinate Educational Service officers have been delegated to the Educational Inspectors. As the task of revising these lists in order to have up-to-date information on all the points raised by the Honourable Member and of compiling information in regard to Bombay Educational Service officers which is not given in the Civil List, is likely to prove very laborious, Government regret that they are unable to undertake it.

CENSUS, 1931 : REMUNERATION AT BROACH.

Khan Bahadur A. E. PATEL (Northern Division) : Will Government kindly state—

(a) the total number of enumerators, supervisors and Ward Superintendents employed in the Census work at Broach in 1921 and 1931 ;

(b) the pay and designations of Government servants who worked as (1) Ward Superintendents (2) Supervisors who worked both as enumerators and supervisors ;

(c) the actual dates on which census work was commenced and finished in (1) 1921, (2) 1931 ;

(d) the amounts of remuneration paid for census work at Broach and other places in the Presidency to Government servants ;

(e) whether remuneration was paid to all Government servants, who worked in different capacities for census work in 1931 at Surat and other places, but not at Broach ;

(f) whether Government received any reports from the Collector of Broach and the Presidency Census Commissioner of great difficulties under which the last census was taken at Broach ;

(g) whether both the Collector of Broach and the Census Commissioner recommended to Government the payment of a special allowance for work over office hours to Government servants for the last census work at Broach ;

(h) if the answer to (g) be in the affirmative, what are the reasons for Government withholding the recommended special allowance ?

The Honourable Sir GHULAM HUSSAIN: It is not clear whether the information required is for the territorial area of Broach District, or Broach Taluka or Broach City Municipal Area. In any case no information under (a), (b), (c) and (d) of the question is available so far as the year 1921 is concerned. Assuming that the information required is for the Broach City Municipal Area, the answer to the question is as follows :—

(a) The total number employed in 1931 were :—

Enumerators	..	..	..	122
Supervisors	..	..	..	7
Ward Superintendents	..	..	..	Nil

(b) There were no Ward Superintendents and similarly no Supervisor worked both as Enumerator and Supervisor.

(c) The work commenced on 13th February 1931 and finished on 28th February 1931.

(d) The amounts of remuneration paid to Government servants employed whole time on Census work at Broach were as follows :—

				Rs.	a.	p.
Census Officer	..	..	..	171	7	0
Conveyance allowance	..	..	..	57	2	0
Clerk	..	..	..	25	0	0
Peon	..	..	..	8	0	0

With regard to the amounts paid at other places in the Presidency, it is not possible to give an answer without knowing the particular place or places for which information is required. As a rule Government servants got no remuneration. In some cases they were paid travelling allowances.

(e) No, vide also (d) above.

(f) Yes.

(g) The recommendation was in respect of the grant of bonus and not of special allowance.

(h) The recommendation was not accepted by Government as the work was not satisfactory.

MALKI WARKAS LAND : TEAK TREES.

Mr. N. N. PATIL (Kolaba District): Are Government aware that owners of malki warkas land have been fined or made to pay compensation for the theft of teak trees on which royalty has not been paid or which are supposed to belong to Government? If so, will Government be pleased to state under what law these fines are imposed, and the number of cases in Kolaba District in which such fines or compensation was recovered during the period 1921 to 1930 (both years inclusive)?

The Honourable Mr. W. F. HUDSON: As far as can be ascertained from the records there are eight cases in which the kabjedars of malki warkas lands were made to pay the price for royalty teak trees cut and removed from their lands during the years 1921 to 1930 in the Kolaba District, but in no case was fine or compensation recovered from them. Kabjedars of malki warkas lands are responsible to Government for taking care of royalty trees standing in their lands and they are liable for the price of such trees cut and removed from their lands under section 43 of the Land Revenue Code read with Rule 63 of the Land Revenue Rules.

SECONDARY SCHOOLS, KOLABA DISTRICT : GRANTS-IN-AID.

Mr. N. N. PATIL (Kolaba District): Will Government be pleased to state the amount of provincial grant paid per pupil to various secondary schools in the Kolaba district in the year ending in March 1931?

The Honourable MOULVI RAFIUDDIN AHMAD: Government regret that they are unable to furnish the information, as grants to secondary schools are not paid on a capitation basis.

FOREST DEPARTMENT : CLERKS IN CENTRAL CIRCLE.

Mr. SHAIKH ABDUL AZIZ (Central Division): Will Government be pleased to state—

(a) the total number of clerks in each grade of the Central Circle of the Forest Department and how many of them are Brahmins, non-Brahmins and Mahomedans in each grade;

(b) how many vacancies have been filled up during the last 4 years and how many of them have been given to Mahomedans, Brahmins and non-Brahmins;

(c) whether applications for these vacancies were invited by notification; if not, the reasons therefor;

(d) whether for obtaining suitable candidates any public body was consulted;

(e) how many clerks have been promoted from one grade to another grade during the last 4 years and how many of them were Brahmins, non-Brahmins and Mahomedans;

(f) what effect has been given to the Government Resolution regarding the appointment of 50 per cent. of backward class and Mahomedan candidates in this department?

The Honourable Dewan Bahadur S. T. KAMBLI : (a)

Grades in Clerical establishment of the Central Circle.	Number of		
	Brahmins, i.e., advanced classes.	Non-Brahmins.	Mahomedans.
Head clerk Rs. 220—10—270 ..	1	....	....
Head clerk Rs. 150—5—200 ..	1	....	....
Head clerks Rs. 105—5—140 ..	4	1	....
Senior Accountants Rs. 115—5/2—150.	2	....	....
Junior Accountants Rs. 85—5/2—100.	7	....	....
Senior Clerks Rs. 30—5/2—80 ..	52	5	1
Junior clerks Rs. 30—5/2—50 ..	10	3	....

(b) The total number of vacancies that occurred during the last 4 years is 14 of which 9 were given to Brahmins and 5 to non-Brahmins. In all 6 posts were offered to non-Brahmins and 1 to a Mahomedan, but the work of a non-Brahmin recruit during his probationary period was found to be unsatisfactory and consequently his services were dispensed with and the post was given to an experienced Brahmin candidate. The Mahomedan candidate to whom a post was offered, refused to accept it.

(c) No notifications for inviting applications for these posts were issued because applications of qualified men, both Brahmin and non-Brahmin, are constantly received and the names of suitable candidates are registered in two registers (one for advanced classes and the other for backward classes including Mahomedans) maintained in the office.

(d) The Mahomedan Education Society and the Maratha Educational Conference were requested to send lists showing the names of candidates of their community willing to serve in this Department. The names of candidates, who were found to be suitable, from among the lists submitted by them, have been registered. Applications from non-Brahmin candidates are also at times received through the Secretary, Maratha Educational Conference, and their names are registered if they are thought suitable.

(e) There were four promotions in each of the grades of Junior Accountants, Senior Accountants and Head clerks during the last 4 years. The persons who were promoted to the first grade, were all Brahmins, to the second, three Brahmins and one non-Brahmin and to the third, three Brahmins and one non-Brahmin. These promotions are given according to seniority and merit of the persons concerned.

(f) From the reply given to clause (b) it will be clear that every effort is made to give effect to Government orders regarding the appointment of 50 per cent. of backward class candidates including Mahomedans in the Central Circle of the Forest Department. This effort, however, has not

always been successful as the candidates from the backward communities frequently refuse to accept the posts offered to them when their turn comes. They also sometimes refuse to accept temporary appointments in leave vacancies, etc., which are offered to them with a view to training them for office work prior to their confirmation in the Department, and consequently the names of such candidates have to be struck off the register.

Mr. SHAIKH ABDUL AZIZ: With reference to answer to (b), it is stated that the Mahomedan candidate to whom a post was offered, refused to accept it. May I know whether there was no other Mahomedan candidate available?

The Honourable Dewan Bahadur S. T. KAMBLI: Presumably not; not a suitable candidate at any rate.

FLOODS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

- (a) the amount of damage caused by floods in Sind in recent years;
 (b) the measures they have adopted for giving relief to persons who have suffered loss in consequence of these floods;
 (c) the measures they intend to adopt to prevent similar damage in future?

The Honourable Mr. W. F. HUDSON: (a) There were floods in Sind in the years 1927, 1929 and 1930. As regards the floods of 1927, the Honourable Member is referred to the Report on the Floods in Gujarat and Sind in 1927, a copy of which is in the Council Library. The following are the figures of the approximate estimates of the damage caused by the floods of 1929 and 1930:—

Year	Damage to Cattle.	Damage to house property.	Damage to other property.	Damage to crops.
	Rs.	Rs.	Rs.	Rs.
1929	12,13,000	35,77,000	1,75,000	1,27,21,000
1930	7,500	11,41,750	2,56,500	18,30,350

(b) Full information about the relief measures adopted during the year 1927 is given in the report referred to in clause (a) above. Similar measures were taken in the years 1929 and 1930. These measures consisted of gratuitous relief in the shape of free grants for food, clothing, cattle and reconstruction of houses, etc., and loans and advances, e.g., tagai for the purchase of seed and cattle and loans for reconstruction and repairs to houses. The following amounts were sanctioned for gratuitous relief and advances during the years 1929 and 1930:—

Year.	Gratuitous relief.	Loans and Advances.
	Rs.	Rs.
1929	6,00,000	32,86,000
1930	2,00,000	4,31,000

In 1927 tagai advances for all objects except house-building and house repairing if applied for before 1st December were granted free of interest up to 30th September. Thereafter they carried the usual rate of interest ordinarily charged on such advances. During 1929, advances for house-building and repairing were made on the same basis as in 1927 and at the same rate of interest. During 1930, owing to the increase in the rate of normal interest of tagai advances, slightly increased rates were charged.

(c) A copy of a note on the subject is placed on the Council table.

NOTE ON THE MEASURES TO BE TAKEN TO PREVENT DAMAGE BY FLOODS IN SIND.

The Indus River Commission made a thorough and exhaustive enquiry into the causes of the several breaches in the river bunds and canals in Sind in 1930, the measures taken to deal with them and the subsequent disposal of the flood water. They made the following four recommendations for guidance in the future :—

I. Points to be carefully observed in the construction of bunds.

(a) All bunds must have a free-board of 4 feet above the Maximum High Flood Level. The Maximum High Flood Level is liable to change over a period of years, as the set of the main channel of the River changes; hence, as the Maximum High Flood Level rises, so the top of the Bund in that locality must be raised.

(b) It is particularly necessary that Cross Bunds and Loop Bunds forming compartments (i.e., where pocketing can occur) be raised so as to give 4 feet free-board above the Maximum High Flood Level at the *upstream* end of the compartment.

(c) Where bunds have to pass through "dhoros" or where soil is bad (i.e., cracked or *kular*) a brick core wall, 1 foot thick with weep holes at intervals, or other form of diaphragm should be constructed in the Bund. Core walls have been tried in America and found successful. The matter should be referred to the Indus River Commission to consider in detail.

(d) Where a Canal Bank has to be used as a bund it must be made to bund section and any sluices in the bank must be made according to the Indus River Commission type design for sluices in Bunds.

The maintenance of such canal banks should be from Bund Funds and not from Canal Funds.

II. Villages and cultivation in compartments.

Owing to the existence of villages and cultivation in compartments between Bunds and Loops there is sometimes a tendency for Executive Engineers not to flood such compartments. Flooding in such circumstances is much resented by the inhabitants of the villages and the owners of the cultivation and this may influence officers and lead them to abstain from flooding such a compartment. It is recommended that the whole question should be gone into carefully by the Indus River Commission.

III. Rules for the maintenance of Bunds and a Manual for the guidance of those concerned with Bunds

It must frequently happen that an officer, with considerable experience in the Public Works Department, may be placed in charge of Bunds though he has had no previous experience of them. It is recommended that "Rules for the maintenance of Bunds" and a "Manual" describing the method of organising the maintenance of a bund should be drawn up. In the manual such information as how to close a breach, how to distinguish between a leak and percolation water flowing out of a bund and similar information of this type should also be given. In short it should be a *vade mecum* for a Sub-divisional Officer in charge of bunds and it will be invaluable for young officers joining the I. S. E. and B. S. E.

IV. Bunds round towns.

It was considered that all towns and villages of any importance whatever which are likely to be flooded, should be legally bound to construct bunds for their own protection. The towns and villages which should be so protected should be named by the Indus River Commission.

Recommendations I and III have been approved by Government and the necessary action will be taken by the Indus River Commission.

As regards the second recommendation the President, Indus River Commission, has been requested to submit a further report on the subject.

The Commissioner in Sind has been requested to address Collectors of districts in the sense of Recommendation No. IV and, if necessary, the matter will be referred again to Government.

JUDICIAL COMMISSIONER'S COURT, SIND: SHORTHAND ALLOWANCE.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state whether they are aware that there are four shorthand writers (one attached to each of the four judges), and that there is a clerk in the Judicial Commissioner's Court, Karachi, who gets Rs. 40 as shorthand allowance per month although he does not do any shorthand work at all?

The Honourable Mr. G. A. THOMAS: The clerk in the Judicial Commissioner's Court works as a shorthand writer during the absence of any of the four shorthand writers.

JUDICIAL COMMISSIONER'S COURT, SIND: ALLOWANCES.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether it is a fact that there are in all three sorts of extra allowances in the Judicial Commissioner's Court, Karachi, namely, Shorthand, library and S. L. R. ;

(b) whether it is a fact that ever since the introduction of the allowances, no Non-Amil in the Court has enjoyed the benefit of these allowances ;

(c) if the reply to (a) and (b) is in the affirmative, will Government be pleased to state whether the claims of the Non-Amils have been considered in the granting of these allowances ?

The Honourable Mr. G. A. THOMAS: (a) Yes.

(b) Yes.

(c) Yes.

BORAH WAKFS: PERIOD OF EXEMPTION.

Mr. SYED MUNAWAR.: Will Government be pleased to state—

(a) whether the three years' period of exemption granted to the Dawoodi Borah Wakfs has not yet expired ;

(b) if the period has expired whether the Wakf Act has been made applicable to them ;

(c) whether any press communiqué has been issued or any Government Resolution is proposed to be promulgated to terminate the period of exemption ?

The Honourable MOULVI RAFIUDDIN AHMAD: The honourable member's attention is invited to the Press Note dated 27th July 1931 on the subject, a copy of which is placed on the Council table.

*With the compliments of the
Director of Information, Bombay.*

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27th July 1931.

The Mussalman Wakf Act, passed by the Central Legislature, became law in August 1923, and the provisions of the Act were brought into force in this Presidency including Sind in June 1925. The Dawoodi Borah Community was however exempted from the operation of the Act for a period of three years, or pending further orders. At the same time it was made clear that the decision was subject to reconsideration at the end of the period of three years. Subsequently a very large number of representations were made to Government urging them to withdraw the exemption granted to that community. Many notices of resolutions were also received from members of the Legislative Council to the same effect.

The Bombay Legislative Council at its meeting held on 12th August 1929 passed a resolution recommending to Government to appoint a Committee of officials and non-officials to enquire into and report on the administration of Mussalman Wakfs in the City of Bombay. In pursuance of that resolution, Government appointed a Committee for the purpose, and one of the terms of reference was whether section 13 of the Mussalman Wakf Act enabling local Governments to exempt wakfs from its operation should be retained or removed. On this point the Committee unanimously recommended that the section should be deleted. The Committee also recorded evidence in connection with the question of exemption granted to the Dawoodi Borah Community, and after full consideration of the evidence recorded, the Committee came to the conclusion that if any Mussalman Community needs the protection and aid of the Act, it is the Dawoodi Borah Community. After careful consideration of this recommendation and of the representations made by the two sections of the Dawoodi Borah Community, Government have come to the conclusion that there is no ground for the continuance of the exemption granted to that community, and they have accordingly decided to terminate it with effect from 1st October 1931. Government have further decided that the similar exemption granted to the Sunni Borah Panchayat of Rander in the Surat District should also be withdrawn from the same date.

BELGAUM JAIL : RAMZAN ID HOLIDAY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) why the Superintendent, Belgaum Central Prison, did not allow the Mussalman clerks in the prison to go on leave on the last Ramzan Id day ;

(b) why he most reluctantly allowed the Mussalman Warders to avail themselves of the leave after 10 a.m. ?

The Honourable Mr. G. A. THOMAS : (a) Neither of the two Mussalman clerks asked for leave that day.

(b) There were 36 Mussalman Head Warders and warders on the establishment on that day—12 on the armed guard and 24 on the Inside Warder staff. All the former were on leave for the day and of the latter seven who were on night duty the previous night were relieved at 6 a.m. and seventeen went off duty at 8-45 a.m. immediately the congregational Id prayers of the Mussalman prisoners had concluded.

VICTORIAWALLAS' GRIEVANCES : BOMBAY CITY.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether they have received any representation from the Victoriawallas' Association, Bombay, urging that the branding of the horse on its hoof, at the time of licensing, should be done at some other prominent part of its body in view of the fact that the branding on the hoof becomes imperceptible as a consequence of shoeing the horse ;

(b) whether it is a fact that the rule that the Victoria driver should not "wander for hire at any place except the place and stand fixed" under the Public Conveyances Act, is working a great hardship in those cases where victorias without passengers are driven from the stables to the stands ;

(c) whether Government intend to suitably amend the Act or the rules thereunder ?

The Honourable Mr. G. A. THOMAS : (a) A representation was received urging the repeal of section 9 of the Bombay Public Conveyances Act, 1920, which provides for the branding of a horse on the hoof at the time of granting a licence.

(b) No.

(c) Government do not consider any amendment necessary.

Mr. SYED MUNAWAR : With reference to answer to part (a) of the question, may I know whether Government have any objection to branding the horse in any other place than its hoof ?

The Honourable Mr. G. A. THOMAS : Yes.

Mr. SYED MUNAWAR : What is the reason for it ?

The Honourable Mr. G. A. THOMAS : Branding a horse on its hoof hurts it less than branding it anywhere else.

LARKANA MUNICIPALITY : DRAINAGE.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that Cholera broke out in the town of Larkana in July 1929 and that it spread to other parts of Sind ;

(b) whether it is a fact that this outbreak in Larkana is attributed mainly to want of proper drainage in the town ;

(c) whether they have received any representations from the Larkana Municipality for grant-in-aid for the drainage project ;

(d) if the reply to (c) be in the affirmative since when the matter is pending before Government ;

(e) whether Government have arrived at any final decision in the matter ;

(f) what action they proposed to take in the matter now ;

(g) whether it is the policy of Government to introduce drainage schemes of modern type in towns and cities in the interests of the public ;

(h) if the reply to (g) be in the affirmative, why this policy has not been followed in the case of Larkana town ;

(i) whether Government are aware that the Larkana Municipality requested permission to meet the demand by the sale of certain property (Kafila sarah) ;

(j) if so, why permission to do so has not been given ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : (a) Yes.

(b) The outbreak of the epidemic was reported to be due to inadequate drainage and water supply arrangements.

(c), (d), (e), (f), (h), (i) and (j) A drainage scheme was drawn up in 1923, but as the Municipality had no funds to undertake the whole scheme at once, it was divided into two stages costing Rs. 1,92,000 and Rs. 83,200. In December 1924, the Sanitary Engineer to Government revised the scheme and put the cost of the two stages at Rs. 1,65,000 and Rs. 2,15,000, respectively. The Municipality being unable to provide the necessary funds resolved in 1926 that Government should either provide the entire amount or permit them to dispose of the site known as "Kafila Serai," a Government property, the revenue-free value of which is Rs. 1,37,666, to defray half the cost of the scheme. In 1928 Government granted the site known as "Kafila Serai" to the Municipality as a revenue-free holding for housing the poorer classes

on certain conditions one of which is that the profits of the scheme, if any, should be placed in a Town Improvement Fund and should not be merged in the municipal general revenues. The Municipality afterwards requested the Collector of Larkana to recommend to Government to pay half the cost of the scheme as a grant-in-aid and the other half as a loan payable in 30 years. Thereupon the Sanitary Sub-Divisional Officer prepared a revised rough project of the first stage, and sent it to the Municipality for approval in November 1930. Nothing further has been heard from that body.

(g) Government encourage local bodies as far as possible to introduce sanitary schemes of modern type in cities and towns.

ASSISTANT ENGINEERS : QUALIFICATIONS AND APPOINTMENTS.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state —

(a) whether permanent Assistant Engineers in the Public Works Department are required to possess theoretical knowledge of engineering science to design works and projects ;

(b) whether there are instances in the Sind Public Works Department in which unqualified subordinates, having no academic qualifications have been promoted to permanent Provincial Service in preference to qualified men from colleges ;

(c) if the reply to (b) be in the affirmative, the reasons for promoting such subordinates, giving names and the period of their service ;

(d) whether it is a fact that any temporary men in subordinate or provincial service in the Public Works Department have been made permanent in Sind with a reduction of 16 per cent. of their pay, thus superseding certain old permanent subordinates ;

(e) whether it is a fact that they propose to take temporary Assistant Engineers, Supervisors and Overseers from the Lloyd Barrage as permanent Assistant Engineers and Overseers ;

(f) if the reply to (e) be in the affirmative what will be the total number of such persons to be taken up ;

(g) on what conditions such men will be brought on the permanent cadre ;

(h) whether their being taken up on the permanent cadre will affect those that have been on permanent service in the Public Works Department and drawn comparatively lower salary ;

(i) whether before the subordinate engineering service was brought into effect, qualified persons from colleges serving as permanent First Grade Sub-Overseers had a chance of becoming Overseers after some period of service ;

(j) if the reply to (i) be in the affirmative, whether persons serving at that time as First Grade Sub-Overseers have suffered materially in their chances of promotion ;

(k) what action Government propose to take in the matter ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) Yes.

(c) Rao Saheb D. C. Advani and Khan Saheb Mahomed Din Mahkum Din have been so promoted in consideration of their merit

and experience. Prior to their appointment to the Bombay Service of Engineers, Rao Saheb Advani had served Government for 20 years, 5 months and 27 days and Khan Saheb Mahomed Din for 10 years, 8 months and 13 days.

(d) Yes, so far as the Bombay Subordinate Engineering Service is concerned.

(e), (f), (g) and (h) The question regarding the post-Barrage organization of the Sind Public Works Department is still under the consideration of Government.

(i) Yes.

(j) Government do not think so, as all such Sub-Overseers were brought into the new Service, the Bombay Subordinate Engineering Service, with improved pay and prospects.

(k) Does not arise.

SUKKUR RIOTS : MUSLIM PAMPHLET.

Mr. S. S. TOLANI (Western Sind): (a) Has the attention of the Government been drawn to the pamphlet dated the 29th August 1930, issued by the Secretary, Muslim Defence Committee, Sukkur, regarding the Sukkur riot?

(b) Is it a fact that it is stated in the pamphlet that the Mahomedans were instigated and misleading news were given stating that more than one thousand Mahomedans had been challaned in the courts in connection with the Sukkur riot?

(c) What steps, if any, did Government take in the matter?

(d) If no steps were taken, what were the reasons therefor?

The Honourable Mr. G. A. THOMAS: (a) and (b) Government are informed that no such pamphlet was printed or published.

(c) and (d) Do not arise.

DIVISIONAL ACCOUNTANTS : PUBLIC WORKS DEPARTMENT.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state whether a gradation list of divisional accountants is maintained?

(b) If the reply to (a) be, in the affirmative, is the list for divisional accountants in the regular Public Works Department and in the Lloyd Barrage one and the same?

(c) Is it a fact that the senior persons in the Public Works Department have been reverted and juniors in the Lloyd Barrage made to continue?

(d) If the answer to (c) be in the affirmative, why has this policy been adopted?

(e) Are persons who have not passed the Divisional Test working as accountants and additional accountants in the Lloyd Barrage?

(f) Is it a fact that qualified men from the Public Works Department with good experience and fine record have been made to revert as clerks?

(g) If the reply to (e) and (f) be in the affirmative what are the reasons for this differential treatment?

(h) Are there any special qualifications required for the posts of Divisional Accountants in the Lloyd Barrage which Divisional Accountants in the Public Works Department do not possess ?

(i) Have any accountants from the Public Works Department been taken up in the Barrage ?

(j) If the answer to (i) be in the affirmative, have they proved efficient ?

(k) Has the Audit Officer of the Lloyd Barrage refused to take up as auditors, clerks of the Public Works Department who have passed the Divisional Test ?

(l) Have persons from outside with no accounts qualification been taken up as auditors ?

(m) What are the special reasons which have prompted the Audit Officer to reject people from the Public Works Department ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Yes, so far as men definitely accepted by the Accountant General, Bombay, are concerned.

(c) Yes.

(d) In order to meet exigencies of the public service.

(e) and (f) Yes.

(g) In order to meet the best interests of the Public Service.

(h) Yes. The work on the Lloyd Barrage and Canals Construction requires a certain amount of specialised training which the staff of the Accountant General does not ordinarily possess.

(i) Yes.

(j) Some of them.

(k) There has been no deliberate refusal to accept qualified men. Vacancies have not always been available at the time of their application.

(l) Yes.

(m) *Vide* reply to clause (k) above.

BILL No. VIII OF 1931 (A BILL TO PROVIDE FOR A SUCCESSION DUTY AND TO ENCOURAGE A MORE EXTENDED USE OF PROBATES AND LETTERS OF ADMINISTRATION IN THE PRESIDENCY OF BOMBAY).

The Honourable Sir GOVINDRAO PRADHAN : Sir, I am not moving Bill No. VIII of 1931 (A Bill to provide for a succession duty and to encourage a more extended use of probates and letters of administration in the Presidency of Bombay) at this session.

BILL No. XXIX OF 1931 (A BILL FURTHER TO AMEND THE COURT-FEES ACT, 1870, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY).

The Honourable Mr. G. A. THOMAS : Sir, I rise to introduce Bill No. XXIX of 1931 (A Bill further to amend the Court-fees Act, 1870, in its application to the Presidency of Bombay).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Mr. G. A. THOMAS : Sir, I rise to move the first reading of Bill No. XXIX of 1931 (A Bill further

First reading.

to amend the Court-fees Act, 1870, in its application to the Presidency of Bombay). The statement of objects and reasons gives briefly, but I think clearly, the motive which has induced Government to introduce this Bill to amend the Court-fees Act. The honourable House will not be forgetful that this is a part of a Bill which was introduced at the budget session by the Honourable the Finance Member as Bill No. I of 1931 and which Bill was rejected by this honourable House. That Bill was of a much more general and comprehensive character than the Bill which I now move the first reading of. This is not a finance Bill. If it were, it would not be moved by the Home Member, but by the Honourable the Finance Member. This Bill aims simply, as the statement of objects and reasons shows, at rectifying a defect in the Court-fees Act of 1870. That defect has been already rectified in Madras by the Court-fees (Amendment) Act of 1922. The defect in the Act was brought prominently to the notice of Government in an order passed by Mr. Rupchand Bilaram, Additional Judicial Commissioner in Sind; last year, and in that order he suggested that, as the point at issue, namely, the method of valuation in a certain type of cases was a debatable one, it would be better for Government to insert an amending clause in the Court-fees Act to amend section 7 (iv) (c) of the Act, an amendment which has already been made by the Madras Government in 1922. As the matter has been put very clearly by the Additional Judicial Commissioner, I propose, with the permission of the House, to read a few extracts from the order, which will explain to this honourable House the difficulties which were met with by the Additional Judicial Commissioner, his views on the point, and the reasons why Government have now brought forward this amending Bill. In the opening two paragraphs of his order Mr. Rupchand says :

"The plaintiff has instituted this suit for a declaration that the decree passed against him by this Court in favour of the defendants in suit No. 818 of 1925 is a nullity and not enforceable against him, and for an injunction restraining the defendants from enforcing it. He has valued the suit for purposes of jurisdiction and court-fees in respect of the declaration at Rs. 15 and in respect of the injunction at Rs. 10.

"The defendants have demurred to this valuation on two grounds: first, that the value of the injunction is the monetary value of the decree which is sought to be declared a nullity, and, secondly, that as a part of the decree has been realised in execution proceedings, the value of the injunction should in no case be less than the part realised unless the plaintiff relinquishes his claim to its restriction.

"It is contended on behalf of the plaintiffs that the suit falls within the purview of section 7, clause (iv) (c) of the Court-Fees Act and that the Court-fee is payable on such value as the plaintiff may put upon the injunction."

Section 7, clause (iv) (c) of the Court-fees Act runs as follows :

"The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :

In suits to obtain a declaratory decree or order where consequential relief is prayed, according to the amount at which the relief sought is valued in the plaint or memorandum of appeal."

Now, in Madras, it had been held prior to 1922 that the contention of the plaintiffs, namely, that the suit fell within the purview of section 7

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(iv) (c) of the Court-fees Act was correct, and in consequence of that it was decided to make the matter clear by an amendment of the Court-fees Act, which was accordingly done. In Calcutta, however, the opposite view seems to be taken, and I would refer to the other extract from Mr. Rupchand's order, as follows :

" His Lordship (that is to say, Justice Mukerji) with the concurrence of Mr. Justice Holmwood therefore held that in a suit for declaration that a decree passed against the plaintiff is fraudulent and for an injunction restraining the defendant from enforcing the decree, the injunction should be valued according to the extent of the amount of the decree by which the plaintiff expects to benefit and that although the Court will be slow to question the propriety of the valuation put by the plaintiff on the relief sought it will revise such valuation and compel the plaintiff to pay proper court-fee on pain of his plaint being rejected under Order 7, Rule 11 of the Civil Procedure Code, if it is conclusively proved that the plaintiff has valued his relief arbitrarily or improperly. This view has been consistently adhered to by the Calcutta High Court."

He goes on to say :

" It is no doubt true that in certain cases the benefit which the plaintiff expects to derive by his suit cannot either be easily measured in money or that such benefit is not co-extensive with the amount of the decree which is sought to be set aside. In the former case it is open to the plaintiff to put his own value upon the relief sought, and in the latter case to limit his value to the amount by which he stands to gain, for as pointed out by the Privy Council in *Phul Kumari vs. Ghanshyam Misra* ' the value of an action must mean value to the plaintiff '."

Finally, in summing up, Mr. Rupchand says :

" In the present case the plaintiff seeks an injunction restraining the defendants from enforcing a pure and simple money decree passed against him personally, and there is no difficulty whatever in ascertaining the benefit which he expects to derive from the injunction sought which is equivalent to the decretal amount. He cannot therefore put an arbitrary value upon the injunction as he has purported to do. This is the more so when a part of the decretal debt has actually been satisfied by attachment of another decree passed in his favour against the defendants and by appropriation of the amount due under that decree towards payment of the amount due under the decree which is sought to be set aside.

" For these reasons, I hold that the injunction is not properly valued."

I have quoted these extracts from the order of Mr. Rupchand Bilaram and not put them in my own words, because in a question like this legal opinion is of more value than lay opinion. But it will be seen by the honourable House that there is some doubt, some difference of opinion, as to the interpretation to be placed upon this section 7 of the Court-fees Act, and it is in order to remove these doubts and set the matter finally at rest, following the precedent of the Madras Government, that it is sought to amend the Act in the manner proposed in this Bill, of which I now move the first reading.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, there is some difficulty in the matter of determining the question as to whether this is a Finance Bill or not. The Honourable the Home Member has explained the object of the Bill and said that it is not a financial measure, and that, therefore, it has not been brought forward by the Honourable the Finance Member. That is true, but as the honourable mover has told us, this very Bill, as part of another Bill which sought to increase the court fees in regard to various other matters also, was brought forward by the Honourable the Finance Member before this Council during the

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February session this year. This is what he then said (I am reading from page 214 of the Proceedings of the February-March session) :

“ The main change which has been made is as regards suits for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value, according to the value of the subject-matter of the suit. It was noticed that such suits, though they really affected property which is considerable in value, were valued at the fancy of the person who chose to appear as plaintiff. So representation was made to Government, not only by High Court Judges, but by other Judges, that this was an anomaly which should be amended. This change is intended to bring the Act in conformity with the spirit of the law. The spirit of the law is that every suit should be valued according to the relief which is sought to be got from that suit. The result of these changes will be that documentary suits, or injunction suits or suits for cancellation of decree, etc., cannot be valued fancifully, but a minimum fee of Rs. 15 will have to be paid and the latter will have to be valued according to the amount of the decree which is sought to be cancelled.”

So, there is no doubt that the present Bill is a part of the amendment of the Act which was sought by the Honourable the Finance Member in Budget session, and it cannot be gainsaid that the result of the Bill will be to enhance the court fees. That is one aspect of the case. After the contention that was raised on behalf of this side of the House that the Court-fees Act should not have a permanent life and that there should be no further increase than the increase that had already been made, the Honourable the Finance Member decided to continue the old Act as it stood for one or two years more. That Bill was passed. I know that the Bill which has now been brought before the House is technically in order and it may not be very objectionable, because such suits, as I know as belonging to the lawyer class, are few and far between—suits seeking relief by way of cancellation of decrees are very few indeed. Now, the life of the present Act is extended by one year, but I think this measure is intended to be permanent. I wish merely to ask, when there is no necessity for this particular change, why should Government not allow the present clauses to remain as they are and bring this change along with other changes, which are intended to increase the finances? We are very nearly in the latter part of the year and so it seems to me that we can take up this question next year. It seems to me it is not quite necessary to move this amendment now. Though it has been brought forward by the Honourable the Home Member to effect a change in the law as a result of a judicial officer's recommendation, I do submit that this has every connection with finance. Therefore, if there is not much to be gained by Government and, on the contrary, if there is reason to apprehend from the public that it is sought to introduce a portion of the Bill which was rejected by the House in order to enhance the Court-fees, I think the matter might be left over. The court-fees is another form of succession duty which the Honourable the Finance Member wants to bring later on. We are actually having succession duty in the form of court-fees. Court-fees have to be paid for succession certificates, probates, letters of administration, and so on. It seems to me, therefore, that perhaps it would be well if this matter is left over, because it is not an urgent one at all. I should like to know the views of honourable members on this side also, because I am quite open to conviction, if a large number of honourable members arguing on this side consider this as an urgent

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matter. I am speaking merely from the point of view that it is not urgent and I do not think that this should be carried in this session.

Mr. L. R. GOKHALE (Poona City): Sir, I rise to oppose this Bill. One of the reasons advanced in favour of this Bill is that in cases where certain money has been recovered under a decree there is a loss to Government of court-fee, as there is no provision for the recovery of the sum. I think this argument is not sound.

The Honourable Mr. G. A. THOMAS: What was the argument advanced by Government?

Mr. L. R. GOKHALE: Government say if a decree is executed in the execution proceedings and some amount is recovered, to cover that case this amendment is intended. To that the answer is that when some amount is recovered, mere injunction or declaration will not lie. The party will have to ask for a refund of that money, which has been recovered from that decree. Once that demand is made, necessarily the court-fee for that amount will have to be paid. It is only in a case where an injunction is sought this provision applies. In cases where the party seeks refund of the amount, for that, court-fee has to be paid. The decision that was read out to us does not appear to me to be sound.

As regards the general principle, where a declaration or an injunction is sought, the case is that there is no further remedy that is available or necessary. Suppose a party does not desire possession to be transferred, in that case mere injunction or declaration is properly sought. By this particular amendment, it will be necessary in all these cases to pay a court-fee on the value of the property to which this particular suit refers. Perhaps another suit will be necessary afterwards for recovering the possession of property and a second time court-fee will have to be paid. If the party seeks remedy of possession, then court-fee has to be paid again upon the value of the property, provided that suit is open. In this case, what we are doing now is to ask the litigant to pay over again. Of course, I would like to be corrected. So far as I can see, there is nothing wrong in what I say. Suppose a certain man wants a declaration that he is the next reversioner to a man who has died. In that case he wants a declaration. When the declaration is made, the property is handed over to him. If the property is not handed over to him, he files another suit. Is it not, then that he pays a double stamp fee for the same relief? The section says:

In section 7 of the Court-fees Act, 1870, in its application to the Presidency of Bombay, after paragraph (iv) the following paragraph shall be inserted, namely:—

“(IV.A) In suits for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value,—

according to the value of the subject-matter of the suit. Such value shall be deemed to be—

if the whole decree or other document is sought to be cancelled,—the amount or the value of the property for which the decree was passed or the other document executed;

if a part of the decree or other document is sought to be cancelled,—such part of the amount or value of the property:”

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These decrees have also reference to arbitration proceedings. If arbitration proceedings are referred to courts, it becomes a decree. One of the parties may file a suit for quashing the proceedings. In fact arbitration is often between two parties who are prepared to abide by the decision of a certain private person. That is done. When that is done, if either party has any grievance it goes to court. Then that party has to pay the full court-fees again. So, the object of arbitration is frustrated and difficulty is put in the way of the litigant by compelling him to pay larger court-fees again. It is thus in certain cases denying to him a remedy which was granted to him by the arbitration proceedings. What is meant by setting aside an award? "Suits for cancellation of a decree for money" covers both arbitration awards and decrees obtained from the court. "Suits for cancellation of a decree for other property having a money value:" in this case if we allow the general principle to be accepted, the result is in all arbitration proceedings, when the party is dissatisfied, he shall have to pay the full stamp duty.

Secondly, I endorse the views expressed by Rao Bahadur Kale that, although the mover of this Bill is not the Honourable the Finance Member, it does not make any difference as regards the purpose of the Bill. It is in fact the thin end of the wedge. To-day we may have one measure for increase of court fees, to-morrow a second measure the day after a third measure; and, in this way, what the House has once declared itself to be against, may be carried piecemeal. That is also a view that ought to commend itself to the honourable House.

Thirdly, the general principle in declaratory suits and injunctions is that it is left to the party's choice to fix the valuation. The section lays it down clearly that the party will have the right to fix the valuation. This amendment, by taking out from this category a large number of suits which refer to cancellation of decrees for money or other property, is trying to snatch away from the litigant a great right which has become vested in him for a long time. This is being done for purposes among others of revenue. I do not think it is fair to the general principle of law. In such suits no other remedy is sought than the declaration of a right. No property is transferred or handed over by one person to another. Sometimes it so happens that the parties have honest *bona fide* doubts about their rights. A person dies, leaving only distant kindred to inherit his property. A question arises among three or four of his kindred as to who is the person entitled to the property? In that case the courts have to study the law and declare who is the nearest heir to the deceased—if he is a Mahomedan, under the Mahomedan law, and if he is a Hindu, under the Hindu law. In these circumstances, there is not much of litigation: what is required, is only the declaration of the principle of the law. Under the present law, the courts will never ask the party to pay the fees according to the full value of the property in dispute.

For these reasons, payment of full court fees should not be insisted on in cases where the remedy is only a declaration or injunction.

The Honourable Sir GOVINDRAO PRADHAN : Mr. President, there are only two or three arguments that have been brought forward against this Bill. The main argument is that this was a provision that I had inserted in a measure by which court-fees were sought to be revised in several other cases. At the time when I brought forward that Bill, I made it perfectly clear why this correction was sought as regards suits for the cancellation of a decree. What is the basis of the Court-fees Act? The Court-fees Act is based on the principle that *ad valorem* fees shall be paid. I do not suppose any lawyer present in this House will deny that that is the underlying principle of the Court-fees Act. In suits for injunction or declaration for consequential relief, it is stated that the plaintiff shall value the suit, and on whatever value he puts the court-fees shall be paid. In Article 17 of Schedule II it is stated, "any other suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for in this Act—Rs. 10". That is, wherever it is not possible to value the claim, let the duty be a fixed one. This is the basic principle of the Court-fees Act. The amendment which we seek to introduce merely says that the fees payable shall be according to the value of the subject matter of the suit when the suit is for cancellation of a decree for money or other property having a money value. Here, you know the value of the decree. In the suit which was heard by Mr. Rupchand Bilaram, the plaintiff sued for cancellation of a decree and sought for an injunction against the execution of the decree pending the court's decision. Now, what is the benefit which the plaintiff wanted the court to give him? The plaintiff wanted that a claim in the decree, which may be for Rs. 5,000, should be cancelled and that during the pendency of the suit the decree should not be executed. What is the value of the claim? The value of the claim is Rs. 5,000. Now, the object of the law is that there should be no lacuna. The Calcutta High Court says that this section of the Court-fees Act does not exonerate the plaintiff from paying the full fee according to the value fixed by the court. The Calcutta High Court has consistently held this view. The Madras High Court held a different view and ultimately there was a full bench decision. As a result of that decision the Madras legislature amended the Court-fees Act in 1922. Is it right that there should be a lacuna in the statute book? One High Court has come to one decision and another to quite a different one. The basic principle of the Court-fees Act is that the value of a claim shall be its money value and that court-fees shall be paid according to that value. Here, you seek the cancellation of a decree for a particular sum, Rs. 5,000. Are you justified in engaging the attention of the court and keeping it busy by asking for a revision by paying only Rs. 5 or six annas for the matter of that? Is that right? I say most emphatically that this is not a finance Bill. This is a Bill brought forward by the Honourable the Home Member to remove a lacuna, to remove an ambiguity, arising out of the fact that different High Courts have held different views. It is always a principle of legislation that the wording of the law must be absolutely clear. In order to make it clear and in order to bring it in conformity with the Madras law, the Government of Bombay seek to amend the law in such a way that there

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shall be no room for doubt. Mr. Rupchand Bilaram, a very clever judge, says that in spite of the wording of the Act "claim" the court-fees paid should be on the money value. The other judge says that Mr. Rupchand Bilaram is wrong. Is that a desirable state of things?

My honourable friend Rao Bahadur Kale said that there were very few such suits. If there are very few such suits, then where does the question of revenue come in? How much is it going to bring to the Government treasury? There are very few suits of this nature, so very few rupees will come to Government. In that case, why should the House oppose a Bill which has been brought forward to remove a lacuna in the existing law?

I could not understand the argument of my honourable friend from Poona (Mr. Gokhale). His argument is this: suppose there is a decree and a suit is filed for the cancellation of that decree. Then another suit has to be filed for possession of the property. Why? As honourable members who belong to the legal profession are aware, if there is an award, one party goes to court and asks the court to pass a decree, and in conformity with his request notice is given to the other side. If the other side does not appear and the decree is passed in his absence, whose fault is it? Now, assuming the decree is passed, what is it that you seek? If the decree is for the possession of property, two suits are not filed for that purpose. Everybody knows that. If the party who files the suit says, "Please cancel this decree for the possession of this house and give me possession", "Give me possession" is a consequential relief. I could not understand a legal luminary like the honourable member from Poona saying that there will be a suit for the cancellation of the decree and there will be another suit for the possession of the property. He also forgot that there is such a thing as a notice given to the other party before a decree is passed. Supposing there is an award and that award has not been converted into a decree, if a person is aggrieved by that award, then, under Article 17 of Schedule II to the Court-fees Act, he has to pay a fixed court-fee of Rs. 10 to set aside the award. When that award is converted into a decree and a cancellation of that decree is sought, then you have to pay according to the value of the decree. That is the distinction. I request honourable members not to allow themselves to be misled by what the honourable member from Poona said. I repeat again that if there is an award and that award has not been filed, and if the party aggrieved by it wants it to be set aside, then the party goes to the court and files a suit, and has to pay a fixed fee of Rs. 10. If the award is filed in the court and the party seeks to get a decree passed on that award, a notice is issued to the other side. If the decree is passed in the presence of that party, then that party has no grievance. If the party does not appear and the decree is passed in the absence of the party, then if the aggrieved party wants to get the decree cancelled and consequential relief, then he has got to pay stamp according to the valuation of the suit. What is wrong in that procedure? If there are very few such suits, why are honourable members afraid? What is the reason that has led Government to bring

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forward this Bill? The reason is only to remove an ambiguity, so that there should be no difference of opinion. That is the only reason which has prompted the Honourable the Home Member to bring forward this Bill, and I hope that this House will pass it without opposition.

Dr. M. K. DIXIT: May I know the date of the Judicial Commissioner's decision?

The Honourable Mr. G. A. THOMAS: It was in 1930.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, the matter is not so simple as has been made out by both sides. There is no doubt in my mind that this measure aims at bringing in more revenue, if possible. In our present depleted finances, the measure is no doubt welcome. Apart from that, may I point out that this section was amended as recently as in 1926? There was a long discussion about the amendment. The section has been there since 1870—since the Court-fees Act was passed. I am afraid that, when the Honourable the Finance Member mentioned the Calcutta and Madras High Courts, he forgot that there were other High Courts in India. There are High Courts at Allahabad, Bombay and so many other places.

The point is one of principle. There may be a lacuna, but my point is whether that lacuna was retained in the Act as a matter of principle, in order to cheapen the administration of justice. If you admit that the administration of justice must be made dearer and dearer in proportion to the slenderness of the purse, then my argument has no force. If, on the contrary, the principles that have been enunciated in regard to the administration of justice since 1870, namely, that the administration of justice should be as cheap as possible, then I say that at least in some cases where poor people are concerned, that principle should be adhered to. The principle, if you will allow, is the levy of *ad valorem* fees. The suits for injunction or other consequential relief are made an exception to the general rule.

I will give a concrete case. In suits in which poor people are involved, especially first class suits of amounts over Rs. 5,000, decrees are sometimes passed without proper attention being paid to questions of law. This happens, as I say, in the case of poor litigants. Suppose a claim is valued at Rs. 20,000 in the case of a rich man who has now become poor and a decree is passed on that basis. Everybody feels that an injustice has been done. Either the decree is *ex parte* or he is not able to bring in proper evidence which was in his possession, and so on. In such a case, I ask, is it not permissible that justice should be given to him though he does not pay court-fees on the basis of Rs. 20,000?

The Honourable Sir GOVINDRAO PRADHAN: Though he pays only one-fourth court-fees?

Rao Bahadur G. K. CHITALE: My honourable friend, who is now the Finance Member, has worked at the Bar for a considerable number of years, and is, I know, capable of conceiving such cases as I have in mind. But I have stated the case from my own experience. [Interruption.]

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The principle enunciated so recently has been so far accepted by all the courts. Well, some courts may take one view; others may differ. We cannot say that that view was wrong. The amendment of the Court-fees Act was made as recently as in 1926. I was really surprised when the amendment to obtain injunction and other consequential relief was introduced.

Then the following words are added by Bombay III of 1926, section 2 (a) :

“The plaintiff shall state the amount at which he values the relief sought.”

To my mind, these cases were not taken into account. If, as a matter of fact, Government feels satisfied that this section is being abused and that people are taking undue advantage of it, then I should think perhaps that there might be a good convincing case. But, so far as we have been able to see from the speech of my honourable friend the Home Member, only one judge has thought fit to refer the question to Government to remove a doubt, which perhaps is merely a doubt. But, so far as he was concerned, his mind was absolutely made up and, so far as he was asked to speak on it, he has correctly held in the same way as the Government now thinks fit. But as I say, it would be much better if the judges were to give their decisions on the merits of each case, and surely we have sufficient confidence in the judges' discretion and in the manner in which they, as a matter of fact, have used that discretion. Let us not do anything by which the poor litigant may not be able to get the relief which he seeks and which may be necessary in the interests of justice itself. The Honourable the Finance Member says (there I do not agree with him) that even the questions of awards will be treated on a different basis. There I am not quite sure.

The Honourable Sir GOVINDRAO PRADHAN : No, no.

Rao Bahadur G. K. CHITALE : What was suggested to the House was “every document or decree.” An award becomes a decree soon after. There are the words “other document.” Now the words put in are, “decree for money or other property having a money value, or other document securing money or other property having such value.” That is to say, everything is sought to be brought in, and I am not quite sure, if this section is amended, whether there will be any conflict between this section as amended and the particular section which provides for setting aside an award and the particular fee that is prescribed there. No doubt, there is a particular fee prescribed for setting aside an award, but that is because these words appear generally and discretion is given to the plaintiffs to have the relief which they think proper. If that discretion is taken away, I am not quite sure whether in that particular case the provision of setting aside the award will be enforceable. This is a point which will also have to be thought of in more detail. I am not at present inclined to say so, but it strikes me, as the section is now worded, that it takes into account a decree for money or other property, or for the cancellation of other documents also. I am not quite sure whether it applies both ways, because an

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award may be called a document and also a decree. Under those circumstances, if the Government is willing to show to us that there have been about a thousand cases in which this section has been abused, then there would perhaps be a case which might commend itself to this part of the House. But, if there are only a few cases, I should think the House will be well advised in keeping in view the aim of cheapening the administration of justice and not denying, for the want of a payment of a court-fees stamp, justice to poor people.

Mr. A. N. SURVE (Bombay City, North): Sir, when I read the statement of objects and reasons I thought that the amending Bill would earn for the Honourable the Home Member the gratitude of the litigating public, but when he was followed by the Honourable the Finance Member who gave us an explanation about the conflict between the rulings of the Calcutta and Madras High Courts, I became very doubtful whether the Bill was in the real interests of the litigating parties or whether it was in the interests of the revenues of the State.

Now, coming, first of all, to the conflict between the different High Courts, the Honourable the Finance Member has told us that the Calcutta High Court had put a stricter interpretation upon this part of the section which brought in more money to the Government treasury, whereas the Madras High Court policy had been more liberal to the public, therefore the Madras Government, in order to safeguard the revenues of the State, brought the amending Bill and got it passed into an Act. In this connection, I may only just say this, that the rulings of the other High Courts are not binding upon our High Court and there is another point also, viz. that our own High Court has its own traditions, its own rulings and, though no provision has been made in the Act itself, as the Honourable the Finance Member has said, all these matters are covered by the rulings of our own High Court, and on this particular point there are several rulings of the Bombay High Court. Therefore, I think that the bringing in of the rulings of the various High Courts which are not binding upon our High Court in the debate, is rather uncalled for.

Another point is that this Bill is to apply to the whole of the Presidency, but the demand for amending the present law is not based upon any ruling of the Bombay High Court, which does not find fault with the wording of the Act as it stands—

The Honourable Mr. G. A. THOMAS: The High Court is in favour of the proposal.

Mr. A. N. SURVE: The statement of objects and reasons contains a reference to the Judicial Commissioner in Sind as recommending this amendment. I do not know, Sir, what is the state of affairs in Sind; so far as Sind is concerned, the recommendation made by the Judicial Commissioner may be very sound, but if it is sought to extend the Act to the Presidency proper also, where the conditions differ, then I for one would hesitate to give my support to the first reading of this Bill for the reason stated.

[Mr. A. N. Surve]

Another point which strikes me is the suggestion made here that we have a very good precedent in the Madras Act. In that case, if the Bombay Government thinks that the Madras precedent should be followed, may I only ask why Government was not so very active as it appears to be now? You see, Sir, that the amendment on which this Bill is based, is the Madras Act V of 1922, and it is now nine years since then. Why has so much time been wasted if this Bill is really for the benefit of the State revenues or even for the interests of the litigating parties? If it really had been a beneficial measure, I think this amending Bill should have been produced earlier. As a matter of fact, I have an open mind, but I think no case has been made out for the passing of the first reading of this Bill.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I am a layman and I do not think I am competent enough to discuss with lawyers. But at the same time, as a layman, I have got to be convinced that the measure that is intended to be passed by Government is not going to throw any hardship on the poor people.

Looking to the statement of objects and reasons, I find that the court-fee is sought to be recovered for the cancellation of decrees, as well as for the documents securing money value. When the decree is passed, it is to be assumed that the Court has already recovered its fee, and if the basic principle of recovering court-fee stamps is there, it has already been fulfilled once. The party who comes forward for the cancellation of the decree is more or less an aggrieved party and the poorer of the two, and if a concession was made in his favour to bring the suit on a nominal court-fee stamp, the object of the legislature was that he should be protected from the machinations of the party who sought to get the decree against him. And then, supposing that that decree was cancelled or quashed, what would happen? Another suit would have to be brought and Government would not be losing their money so far as the court-fees stamp is concerned. Now, as regards the cancellation of a document, supposing a man has been prevailed upon, under fraud, to pass a sale-deed of his land and he wants the cancellation of such a document through the Court, do you mean to say that a man who has been thus induced by a sowkar to pass the sale-deed of his land under persuasion, or threat or fraud, should be called upon to bear the court-fee stamp in order to seek redress through the Court? Under the circumstances, I think justice should not be made prohibitive for the poor man who comes forward to take the protection of the Court in cases of grave urgency.

Mr. J. G. MORE (Sholapur District): Sir, I rise to oppose the first reading of this Bill. I am very sorry to remark that the Honourable the Finance Member has rather tried to mislead this side of the House. I shall place a concrete case before him and ask his opinion thereon. Suppose there are two brothers, A and B. The property is divided, A dies and A's share goes to his widow. A third man C, a sowkar, fraudulently, in collusion with the widow, executes a certain document—

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say a mortgage for Rs. 5,000 encumbering the property. The property, after the death of the widow, will go to *B*, the deceased husband's brother. So long as that widow lives, that brother has got no right to claim possession through any civil court. What he will have to do is that he will have to go to court to seek cancellation of the document which *C* has executed in collusion with the deceased husband's widow. The case is clear. He will not claim possession, because he cannot claim possession so long as the widow lives. The property is with the widow. In bringing suit for cancellation in such a case, he will have to value the suit according to the money value of the document that *C* has executed in collusion with the widow. From an anomaly of this nature, the position is very clear, and I hope the Honourable the Finance Member will not expect the Bill to be accepted by this side of the House.

Rao Bahadur G. V. PRADHAN (Nasik District) : Sir, the proposition that is placed before us is not only a proposition which seeks to increase the court-fees for cancellation of decrees, but it seeks also to increase the court-fees for cancellation of any document whatever against which some redress is sought. I put a very simple and concrete case before the members of this House. Suppose a promissory note for Rs. 40 is passed, and by some mischief the sowkar changes it into one for Rs. 4,000. Suppose I want to cancel that promissory note ; I will have to pay under the new Bill court-fees on Rs. 4,000 which come to something like Rs. 300 and odd. If, instead of Rs. 40, under a fraud Rs. 4,000 are mentioned by the creditor, I will have to pay four times, five times, or six times the court-fee on Rs. 40, which is the original amount of the loan. If that is to be the cost of the remedy, then I would rather have to go without that remedy than seek redress in the court. My submission is that, if this amendment had been restricted only to the cancellation of decrees, then the question would have been different. Then, there would have been, as the Honourable the Finance Member has said, the issue of notice, the court's order, and so on. But in the cancellation of a document, there would be nothing like this, and the cancellation would have to be sought on the ground that there is fraud on the part of the creditor. Even the poorest man can be dragged into Court in this way and put to unnecessary expense. So I think that the cancellation of a document should require no more than a ten or five-rupee court-fee stamp.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, everybody will admit that the administration of justice should be as cheap as possible. When a man wants any redress in a court of law, he must pay some court-fees. About that there is no question. But the point is that, if in a suit for cancellation of a decree for money or other property having money value *ad valorem* court-fee has to be paid, I submit there would be a double duty in this way. I will explain. If a man has filed a suit in a court of law for Rs. 10,000, he has to pay certain court-fee. Suppose the defendant is absent on account of the fraud of the plaintiff and the decree is passed *ex parte*. Subsequently the defendant comes to know about the passing of the decree. Then he has to come back to the court of law. Then, according to the proposed amendment of section 7,

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he will have to pay *ad valorem* court-fees. That is, for getting redress in respect of one and the same matter, double duty will have to be paid. That will be the result if this Act is put on the statute book. As I have said, Sir, any litigant who wants any particular redress will have to pay particular court-fees. But when once the court-fee has been paid,—no doubt there are different rulings on the point,—I think it would be a real hardship that a similar court-fee should be levied again in respect of the same subject matter. Again, taking the case of a document, I submit that it would be a great hardship if the proposed amendment is passed. I will illustrate what I have said. Suppose *A* takes undue advantage of the illiteracy of *B*, and *B* passes a document in favour of *A* under fraudulent circumstances. *B* files a suit in a Court of law; *B* is in actual possession of the property; he comes to the Court and says: "Well, the property is in my possession; I do not want back possession of my property, but I want a mere declaration that the document is a nullity as it has been executed under fraudulent circumstances." Under such circumstances, if that is the redress sought, I do not think it will be justifiable to compel *B*, who has been duped by *A*, to pay *ad valorem* court-fee. Under these circumstances, I have no other alternative but to oppose the first reading of the Bill.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, with due deference to what has fallen from the lips of the Honourable the Finance Member, I should like to say that in the courts, in the matter of *ex parte* decrees, very often it is the agriculturist defendant that comes forward for cancellation of the decree passed against him. The circumstances in which the agriculturist finds himself, the fraud and the ingenuity of the plaintiff, all these things have to be taken into consideration. We cannot lay the blame on the shoulders of the agriculturist, because, through insidious methods, the plaintiff manages to see that the defendant does not get proper notice or information of the suit; and when such suit comes for hearing in the Court, the plaintiff says that it is on account of his indifference that the defendant does not come forward and defend himself before the Court, and therefore, *ex parte* decree be passed in his favour. But we ought to take the actual, real position of the agriculturist in the mofussil into consideration, and there is no cogent reason advanced for taking away the protection which the law allows him. It is only when the decree is executed, when his property is attached, that he comes to know something about the suit, and he comes to the Court and wants to know why his property is being attached, what the decree is about, and he comes forward to get the decree set aside having been passed without his getting any opportunity to be heard. In such a case, if he makes an application to the court to set aside the decree, the agriculturist will have to pay twice the court-fees for the cancellation of the decree which has been passed against him on account of the fraud of the other party. He will certainly have to pay twice if his prayer to set aside the *ex parte* decree is rejected and he is called upon to pay the costs of the original suit. In these circumstances, I think it will be hard and detrimental to the interests of the ignorant masses, who very often

[Syed Miran Mahomed Shah]

find themselves in the position of defendants, to pass this Bill and impose additional burdens on them, when they cannot bear even the burden which is placed upon them at present.

Khan Bahadur A. E. PATEL (Northern Division): Sir, after listening to the remarks of my honourable friends, I am reminded of a case in which I myself appeared for the cancellation of an *ex parte* decree against a party. It was the case of an agriculturist. Sir, one of the agriculturists was sued in a case which was for a very big amount. It was a special jurisdiction case and the parties actually came to the court. But the plaintiff's man persuaded the defendant to go away, telling him that the case would be compromised and he would personally request his master to see to it that the case was postponed to another day. The poor agriculturist, believing in the words of that man, simply went away. The next day an *ex parte* order was passed. But, fortunately for him, it was a special jurisdiction case, and therefore no decree could be passed, but only an *ex parte* order was passed and, therefore, that man had to come forward and ask the court to cancel the *ex parte* order. What I mean to say is that in that particular case the difficulty would have been augmented if the case were not of a special nature. If it was a case of an ordinary nature, the poor agriculturist would have been compelled to pay additional court-fees. As we all know, the court-fees ultimately fall on the judgment-debtor. So, the judgment-debtor, when he comes to the court for cancelling the decree passed against him, would have to pay double fees if this Bill is passed. As a matter of fact, this Bill will be a great hardship to the poor agriculturists, especially those who are ignorant, and special provisions have been included in the Deccan Agriculturists' Relief Act to protect the ignorant and backward among the agricultural classes. As the honourable member who preceded me just now stated, there are ways and ways in which the plaintiffs manage to get the absence of the agriculturist defendant somehow or other, and when he comes to know that a decree has been already passed, without any chance of the case being taken to promised arbitration or a private settlement, he is greatly aggrieved. Therefore, Sir, I would request the honourable mover of the Bill to withdraw it altogether, particularly because it will be a great hardship on the poor agriculturists. It is only the agriculturist classes that are generally the debtors, and the plaintiffs are very often not the parties who actually pay the court-fees. It is always the debtors, who are mainly agriculturists, that have ultimately to bear the burden of the court-fees, and the same class of people will have to pay such fees twice over under the present Bill. So I would ask this side of the House to oppose this Bill as strongly as they can.

Mr. M. H. MEHTA (Panch Mahals District): Sir, I would oppose this Bill and point out to the House an anomaly that would arise if this Bill is passed. According to the Court-fees Act, in some cases in which agricultural lands are concerned, when suits are to be filed for possession, we have to value the claim at five times or ten times the assessment, according to the tenure of the land. Now, when suits

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are filed, we have to pay court-fee on this valuation, but if a decree passed under these circumstances is to be cancelled or some document that has been executed in respect of agricultural land has to be cancelled, we have to pay *ad valorem* court-fees, i.e. according to the market price of the property or for the whole amount of the money claim. My submission is that the concession that has already been given by the Act will be taken away by the proposed amendment, which will be a great hardship, particularly to the agriculturist. Therefore, I also oppose the proposed amendment of the Act.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I rise to oppose the Bill. When increased court-fees were charged by an amendment of the Court-fees Act it imposed a burden of Rs. 22,00,000 to Rs. 23,00,000 additional burden on the population, and the present proposal is in fact to double the court-fees in respect of certain suits. If anybody will really suffer by the imposition of this additional burden, it is the agriculturist. It is really the agriculturist who is the backbone of the nation, and it is really hard that he should be made to pay double court-fees in cases where he asks for the cancellation of a decree or a document. If Government think that there will be peace in the country by the imposition of such burdens, then they are mistaken. Taxation is like rubber. You can go on stretching rubber, but there is a limit beyond which, if you try to stretch, it will break. I think the limit has now been reached, and as this Bill has the effect of imposing additional burdens on the agriculturists, I strongly oppose it.

The Honourable Mr. G. A. THOMAS: Sir, little did I suspect when I moved the first reading of this innocent Bill, that it would let loose such a flood of forensic eloquence. However, in spite of every possible attempt to make the position clear, the lawyers in this House—according to the habit of lawyers—led by the Leader of the Opposition (Rao Bahadur Kale) have raised legal obstacles. The first objection turned upon the question of finance, and I was accused by the second speaker (Mr. Gokhale) in so many words—and I resent the accusation—that I was deliberately bringing in a Finance Bill under the guise of something else; and I think on consideration the honourable member Mr. Gokhale would withdraw that charge. I also must take some exception to the remarks, not made intentionally I think, of the Honourable the Leader of the Opposition, who says that the object of the Bill is to enhance the fees. I think he probably meant that the result of the Bill would be to enhance fees. I am quite sure he would not charge me with an attempt to usurp the function of my honourable colleague. It is a fact that, if this Bill is passed, there will be an enhancement of court-fees. How much money the enhanced fees will bring we do not know, because it is impossible to anticipate. The honourable member Rao Bahadur Kale has already pointed out that such suits are far and few between. I do not think, therefore, that this measure will affect the poor agriculturists or that they will suffer by this change.

[Mr. G. A. Thomas]

As regards the legal arguments against the Bill, I am not sufficiently conversant with the phraseology of legal argument to traverse the maze of all the objections raised. My colleague the Honourable the Finance Member has, however, answered the arguments advanced by the first speaker who opposed the Bill on legal grounds (Mr. Gokhale).

The honourable member Rao Bahadur Chitale appreciated the measure from a financial point of view, but opposed it on the ground that the administration of justice should be as cheap as possible. I quite agree with him in the view that the administration of justice should not be beyond the reach of the poor. But at the same time we have to consider that we must get money to pay for the administration of justice, and see that the poor and the rich are placed on a common level in obtaining justice.

The honourable member Rao Bahadur Chitale said that there was no evidence that the section had been abused. The point, however, is that there has been difficulty in the interpretation of the section; and it is most undesirable that there should be any difficulty with regard to the interpretation of a particular clause in a statute. I have already read the extracts relating to it and my honourable colleague has also dealt with the point. It is most desirable to remove all possibility for any ambiguity by amending the section and make it clear as to how it should be interpreted.

As regards the argument about payment of double fees, it has been carried to an absurdity. Any suit in the lower court must involve some fee. Then there is appeal and appeal, till it is decided by the Privy Council. And it is obvious that additional fees must be paid at each stage.

As regards the latter part of the Bill, in clause 3, some honourable members took objection to the words "or other document securing money or other property having such value." I am prepared to omit these words in the second and third paragraph and bring an amendment to that effect at the time of second reading, if the first reading is carried.

Question, "That the Bill be read a first time," put, and negatived.

BILL No. XXX OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY VILLAGE SANITATION ACT, 1889).

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL; Sir, I introduce Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889).*

The Honourable the PRESIDENT: The Bill No. XXX of 1931 is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,
First reading. I move that Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889) be read a first time. Honourable members must have gathered from

* Appendix 2.

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a perusal of the statement of objects and reasons of this Bill that it proposes to make far-reaching changes in the constitution, powers, responsibility and functions of the Village Sanitary Committees and Village Sanitary Boards ; and I hope that this useful measure will receive the sympathy and support of this honourable House. The demand from the public of late is manifest that village institutions should be further democratised by being given larger powers so far as the administration of their parochial affairs is concerned. It is in response to that general feeling that I am endeavouring to introduce this Bill in the most suitable form according to my ideas. I must, however, confess that Government have been at a loss yet to discover a system of village administration which has up till now worked perfectly satisfactorily. The failure to evolve a type of machinery which would prove a real source of blessing to the rural population, has made it necessary, in this case particularly, to try experiments. This Bill may be regarded in the light of an experiment and I hope that we shall not be making any mistake in trying this experiment.

The chief difficulty in dealing not only with this problem, but all rural problems, is the infinite variety of conditions as regards population, resources of the village, the occupations and also the situation of the villages, all of which have to be taken into account. The Village Panchayats may succeed in certain villages, but this form has not been found to be suitable, in my opinion, so far as backward villages are concerned. I suppose most of the honourable members are aware of the rather enlarged powers which are given to village panchayats, which powers and responsibilities the backward villages will not be in a position to shoulder all at once. Section 18 of the Village Panchayats Act lays down that it shall be the duty of the panchayat to make reasonable provision for carrying out the requirements of the village in respect of the following matters: the supply of water for domestic purposes, the cleansing of public roads, drains, tanks and wells used exclusively for irrigation and other public places or works in the village; the construction, maintenance and repair of minor roads, drains and bridges, provided that such works shall not be undertaken without the permission of the person or authority in whom or in which the road, drain or bridge vests; sanitation, conservancy and the prevention and abatement of nuisances; the preservation and improvement of the public health; the maintenance and the regulation of the use of public buildings vesting in the panchayat and so on. This will give the House an idea that these wide powers will be rather too much for the backward villages. For this reason a very modest and elastic Bill has been proposed. Some may be inclined to press for wider powers and greater relaxation of control even in the case of the backward villages also, but I am of opinion that it would be more advisable to go slowly. I think that the villagers should not be compelled to run, before they are able to walk.

I shall now, Sir, deal with some progressive features of this new Bill. The village committees and boards will now be able effectively to administer and control the property. Under the existing provisions, no

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property vests in the committee. Even funds raised voluntarily have to be handed over to the mamlatdar or any other officer specially appointed by the Collector under section 28, for being spent.

In conformity with the principles which I have enunciated, an attempt is made to provide in this Bill for all such powers and responsibilities as the inhabitants of the village can safely be entrusted with, consistent with their best interests. I shall now indicate these main progressive features.

(1) The Village Committees and Boards will now be enabled to hold, administer and transfer property.

Under the existing provisions, no property vests in the Committees. Even funds raised voluntarily have to be handed over to the mamlatdar or any other officer specially appointed by the Collector under section 28, for being spent.

Under the new section 30B, Government and the District Local Boards are authorised to transfer to the Boards all public property situated within the limits of the village except such as they may wish to reserve for themselves for special reasons. The property contemplated to be transferred includes markets, slaughter-houses, manure and night soil depots, places for stalls and generally for any trade or business and all public buildings of every description, streams, springs, tanks, wells, aqueducts, pipes, pumps and all water works and bridges, engines, sewers, drains, cess-pools, water-courses, bathing ghats, recreation grounds, lamps and lamp posts, streets, pavements, trees and all public property acquired by gift, purchase or otherwise.

In this respect they will be almost equal to municipalities. They will also have power to transfer, lease and sell up to a certain limit. Beyond that limit the Collector's sanction would be required, just as Commissioner's sanction is required in the case of municipalities, by way of safeguard.

(2) Powers to raise funds and keep accounts have been incorporated.

Under the present law, any money raised voluntarily or by a rate specially sanctioned by the Collector is under the control of the mamlatdar.

It is now proposed in the new section 30D to credit their money to a Sanitary Committee or Board Fund which shall be held by them as trustees.

(3) They are made bodies corporate.

New section 30A gives them the status of a corporate body, with perpetual succession and a common seal.

(4) They are authorised to enter into contracts.

Under the present section 26, a Sanitary Board can only enter into a contract, with the previous approval of the Collector, and that too for two specific purposes only, viz. daily cleansing of streets and removal of sweepings.

Now this section is repealed and new section 30C gives them the power to enter into contract for all the purposes of this Act. This is a valuable and important right.

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(5) In the case of Sanitary Boards, the elective principle has been introduced, with no less than half the number of members to be elected.

Hitherto all members of Village Committees and Boards were appointed by the Collector.

Now not only provision has been made for election, but not less than one-half will be elected in the case of Sanitary Boards by new section 19. A new principle very well suited to villages has also been introduced, viz. that every householder, male or female, should have a vote, as the first step and training towards complete adult franchise.

(6) The Boards will have a term of office of 3 years.

Under present section 19 (3), the members and President hold office for the period prescribed by the Collector:

Now the term of office will be definitely 3 years, thus giving them more security and opportunities for executing schemes to the finish.

(7) The Chairman has to be elected annually.

Side by side with these enlarged powers, it will be clear that this will be a training ground for the rural population who can by stages advance from village sanitary committees to village sanitary boards and from village sanitary boards to village panchayats. Then, again, this elective principle which has been introduced will teach them to elect representatives for higher councils like the taluka local boards and district local boards, and even the Provincial Council, representatives who would be alive to their sense of responsibility as people representing very large rural constituencies.

I hope, Sir, that my brief remarks will convince this honourable House that this is a step in advance so far as the rural population is concerned. I should certainly be very glad, indeed, even to recommend larger powers were I convinced that the people themselves will either be able to wield them or themselves willingly like to shoulder them. In view of what I have said, I hope the honourable House will support the Bill.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University) : Sir, I was interested to hear the Honourable Minister speaking of this Bill as an attempt to make some advance on the state of rural administration. We are, Sir, on the threshold of important constitutional changes, and the question of village reconstruction has been engaging the attention of the public very keenly. As a matter of fact, there has been a persistent demand that the village, which is really the unit of self-government, should be developed as a self-contained unit of administration. Now, Sir, the Act which is sought to be amended, was passed so long ago as 1889. In the Review of Local Self-Government issued this year, Government themselves have admitted that the constitution of village sanitary boards and committees in 1889 was the first attempt in this Presidency to resuscitate the village as a local self-governing unit. Thus, they recognise that before the introduction of British rule in this Presidency, there were village organisations in this Presidency. When Lord Elphinstone took charge as head of the administration of this Presidency he tried to investigate the question of village panchayats. He consulted

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a number of administrators in the Presidency, and his object was to keep on or put life into these village organisations which at that time were not working in a satisfactory manner owing to political changes or the atmosphere of conquest which was pervading the country at the time. One of the Collectors, Mr. Briggs, who was the Collector of Khandesh in the year 1823, put his opinion on paper that the village boards or village panchayats were ancient institutions, and although they had suffered or deteriorated under the invasions and later misrule, still they were holding their own and were alive, and although they might not be functioning as they ought to, he was convinced that the British Government should acquaint themselves with the real nature of those institutions and utilise them in the spirit in which they had been doing their work in days of old. That was the opinion recorded so long ago as the year 1823. However, owing to the centralised form of administration which was then introduced the advice was forgotten. As admitted by Government themselves, the first attempt made to resuscitate the village as a local self-government unit was in 1889 by the institution of village sanitary boards—a hundred years after the introduction of British rule. In making that first attempt, the Honourable Sir Raymond West said in his speech on the Bill of 1889 that they were then beginning to lay the foundations of some institutions by which the villagers would be taught to learn the art of doing something for themselves in their own villages. At the same time, he even then expressed the opinion that instead of having a separate Act for such paltry or trifling purposes as sanitation in the village they could, as time went on, amend the Acts relating to district local boards and municipalities so as to bring village sanitation under them. With the addition of those provisions in those Acts he hoped that it would not be necessary to have a separate Act in the statute at all.

We are now living in the twentieth century and not in the latter half of the nineteenth century, and we have made an immense advance. The British Government made their famous declaration about the goal of their policy in India on August 20th, 1917, and after various attempts at a correct interpretation of their policy, it has now been made clear that this goal is to lead this country on to the status of a Dominion, a status similar to that enjoyed by other self-governing dominions under the British Empire. His Excellency the Viceroy speaking on that declaration in the Assembly in September 1917 stated that the first step towards attaining that goal should be the improvement of the village institutions. Following that, in the year 1918, the Government of India issued their famous resolution stressing the necessity of making an improvement in these rural administrative institutions. In this Presidency, a small Bill, the Village Panchayats Bill, was introduced and passed by this Council in 1920. Its provisions have been found to be inadequate to encourage the formation of village administrative bodies. In Government Review of Local Self-Government, to which I have referred, it has been stated that the number of sanitary committees that existed in the Presidency in 1920-21 was a little over 700, while it

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is now only about 350. It is the same tale of woe in regard to village panchayats. It is stated that the number is dwindling and that the institution is not progressing and is a failure. In 1926—when I know you, Mr. President, were a member of this Council, then the Government appointed a committee to investigate into the root causes of the failure of the panchayats. The root cause is, I think, unless the economic condition of the village is improved, unless facilities are provided for the villagers in their own villages to do something, like cottage industries, construction of water-courses, facilities for improvement of forest areas, their cattle, and powers are vested in the panchayats to decide disputes arising in the village, there will be no interest taken by the villagers in the village sanitary committees or Village Panchayats which are nothing more than what Mr. Franks in his book "Panchayats under the Peshwas" calls *chhota* municipalities. Mr. Franks has written this book based on the Poona Daftar. He says that the old panchayats were not mere *chhota* municipalities, but courts.

Mr. R. B. EWBANK: May I say that he has stated that they were not *chhota* municipalities, but courts?

Rao Bahadur R. R. KALE: He has stated that there were two forms of these village boards at the time of the Peshwas. The surviving portion was the Village Panchayats or courts for settling disputes. But originally there were two kinds of powers exercised by the panchayats: they were both administrative units and courts for settlement of disputes. However, what I was pointing out was, unless you investigate and find out the root causes which prevented the Village Sanitation Act from achieving the results that were expected, it is no use trying to patch up the defects here and there. I was just dealing with the committee which was appointed and which consisted of honourable members of this very House in 1926. That committee made a report. It is stated in the Review that that report is under consideration. What that report is, the public are not in a position to know. The Local Self-Government Institute, of which I think the Honourable Minister is President, asked, I am told, for a copy of the report in order to find out the result of the investigations made by the committee. The Secretary told me, when I enquired for it, that Government had refused to supply a copy to the Institute. No member of the public is in a position to know what that report is. I do not know why the report should be kept from the public. I hope the Honourable Minister will kindly explain this.

At the last conference on local self-government which was held in this very city a couple of months ago (just on the eve of the last Council session), the Honourable Minister presided, although he could not find time to remain there throughout the proceedings: and I brought it to his notice that the country had much advanced and in fact a resolution was passed that the Village Sanitation Act should be abolished. It is an obsolete measure. It is of no use. It is completely out of date. It is therefore no use trying to revise this Act. I find from the Government publication that 42 years have passed since the passing of the Act and only once has it been amended. And, as I said, considerable advance has been made

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since then. And now, in 1931, the Honourable Minister comes forward with a measure and says, "We are giving more powers to the people and teaching them the art of local self-government." About this argument, Sir, the less said the better. What about the Village Panchayats Acts? What about the committee which was set up to investigate the causes which led to the failure of the Act? I should have thought that the Honourable Minister would bring a measure which would enlarge the original Village Panchayats Act in order to meet the needs of the present advanced times, and would help the growth of that ancient institution. It is the unit of all self-government and villagers should be trained in self-government first. The Honourable Minister went on to say that we are going to train them in the art of election. Certainly, I admit that we should start training in such matters from the bottom. The villagers should know whom to elect and whom not to elect. That is no doubt a laudable object. But at the same time we must see that their political condition advances along with their educational, sanitary and other conditions. What is the condition of the villager today? He has no food to eat; no clothes to cover his bare body. What is the use of teaching him sanitary principles. Is it possible for these people to do anything when there is absolutely nothing to attract them, nothing to teach them how they can earn their bread? What to do to remedy this state of things was the function of the Presidency conference which assembled under the presidentship of the Honourable Minister. Though he was not able to attend the whole session, I suppose he has seen the resolution passed by the conference under the presidentship of Rao Bahadur Mulay. One of the resolutions urged upon Government to take more drastic steps in order to put new life into the village organisations. I do not object to the proposed provisions; but I say there should be some drastic reform which may include these provisions, which would uplift and reconstruct the villages. A resolution was passed urging this, both at the divisional and the Presidency conferences, and this resolution has I believe reached the hands of Government by this time. In fact, the Local Self-Government Institute had drafted a Bill—a duty which falls on the shoulders of the Government members and not on non-official members—and forwarded it to Government and it is stated in the Review that it is receiving the consideration of Government. His Excellency the Governor in his speech at one time referred to the Bill and said that it would be introduced in the July session of 1930. The July 1930 session passed; July 1931 session also passed; and now we are in the September session of 1931. I do not object to Government taking reasonable time to consider it. But where is the need for bringing in an amendment of an old Act when you have the Village Panchayats Act under your consideration? You are thinking of enlarging powers under the Act—doing something in the way of village autonomy. The villagers are going to be trained in the art of self-government. It was stated the other day in the *Times of India* that England had had compulsory education for the last 50 years, implying that in this country it is hardly

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begun and so any talk of democracy is out of question. In this country people are crying for compulsory education for years and Government has done almost nothing in that direction. Now you come forward and try to give villages training to work a democratic institution. I should have thought that the Government would try its best and expedite the passing of a revised Village Panchayats Act long ago and make sincere attempt to train the villagers in the art of self-government. There has been criticism in various quarters about the attitude of Government servants on this question, but I am not going to deal with that criticism. My suggestion is that if the Government servants encourage the working of village panchayats in such a way as to make people begin to take an interest in their local affairs, it would go a long way towards the attainment of the object we all have in view.

My present point is that we are unable to accept such a measure as this. It may be a tentative measure. What we now want is a self-contained measure to suit the modern conditions. Unless we make a frank statement and give expression to our views and say what we want, it is no use expressing willingness to support the Bill which is before the House. I admit that there is nothing bad in the Act, but it is out of date.

The Honourable Minister says that he wants to train the villagers in the art of self-government. Agreed. But what he has brought forward is an antiquated measure. There would be no further necessity for a separate Village Sanitation Act if a Bill on the lines recommended by the Local Self-Government Institute and embodying the provisions in the present Bill was brought forward. There is no point in proceeding to amend an Act passed in 1889.

I therefore think that Government will be well-advised not to proceed with such measures. I hope the Honourable Minister will consult other honourable members before proceeding to deal with such measures; and we shall be very glad to give what assistance we can and co-operate with Government. We are here to co-operate with Government in enacting measures and bringing in legislation which will satisfy the people and which will remove the root causes of the existing discontent. I have myself expressed my willingness to help Government in drafting a Bill, but I have not yet received any intimation. Instead Government are bringing in such measures which do not go as far as the present conditions require. Every person not less than 18 years of age and having property in the village is to be qualified as a voter. But where is the property possessed by everyone? Why is the property qualification necessary? I ask the Honourable Minister kindly to lay the report of the Committee on the table. Let us examine what the causes are. How can we, without these causes of poverty etc., being removed, give extensive education, sanitation and other amenities? Where is the property to be possessed by the Village Board? Where is the money to come from?

An Honourable MEMBER : Borrow.

Rao Bahadur R. R. KALE: I have been somewhat strong in my remarks. I may be excused. But I do feel very strongly that this measure is utterly out of date. I am reminded of what some of the

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reactionaries say in England. They may not know what advance has taken place 5,000 miles away. Near at home we at least must know what advance has taken place here. Are we going to attempt to bring in measures to-day which would have sufficed 50 years ago? Will it satisfy the aspirations of the people? I put it to the Honourable Minister whether he really thinks this measure adequate. With these remarks, I oppose the Bill.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I fully agree with what my honourable friend Rao Bahadur Kale said just now. I fail to understand the necessity of bringing in such an amendment at this stage. The Village Panchayats Act was found defective and the Local Self-Government Institute and other Local Bodies represented to Government that certain amendments were necessary. What is sought to be done by this Bill can be done by the Village Panchayats Act, the amendment of which is under the consideration of Government. The Honourable Minister has not stated what is the difference between the two. The duties laid down in the Village Sanitation Act are embodied in the Village Panchayats Act. Under the Village Panchayats Act, as soon as a village panchayat is introduced in a village, the Sanitary Committee is to cease; in other words village panchayats have to take the place of sanitary committees in the matter of sanitation. I again say that there is nothing in the Village Sanitation Act which is not embodied in the Village Panchayats Act, and so the amendment of it is not necessary. Sanitary Committees might have served the purpose when there was no Village Panchayats Act, but in these days these committees will not do. It is true that the present Village Panchayats Act is not popular and many districts have not as yet introduced the panchayats, but that is due to the compulsory provision of House Tax and some other defects. As soon as it is amended according to the wishes of those who are concerned, I believe there will not be any difficulty in its application. Under the Village Panchayats Act, all village panchayats are to be constituted by election. I am surprised to hear the Honourable Minister saying that provision has been made in the amending Bill under discussion for recognising the principle of election and that not less than one-half shall be elected members of the Sanitary Board. In the Village Panchayats Act there is no mention at all of the principle of nomination, and the entire village panchayat is to be elected, except the *ex-officio* revenue patel.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The honourable member is obviously misunderstanding me. I never said that there is no election in the village panchayats.

Rao Bahadur B. R. NAIK: The Village Panchayats Act was passed by this House, which laid down that the whole panchayat was to be constituted by election, except the revenue patel who was to be *ex-officio* member. There is no mention of nomination at all there. If it is considered that the Village Panchayats Act is defective,—which is no doubt the case,—and needs to be amended, let the Honourable Minister bring another Bill to amend it. We understood all the while that the

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Honourable Minister was going to bring in a Bill to amend the Village Panchayats Act to remove the defects and to give wider powers to the village panchayats. All this time the whole Presidency has been expecting a great deal from the Honourable Minister's attempt to bring in a Village Panchayats Act Amendment Bill. Instead of that, we see the present Bill before this House seeking to introduce the principle of nomination into village institutions. The Village Panchayats Act is to be shortly revised and amended; so there is no necessity to pass the present Bill into law. I am not quite satisfied with the proposed amendments of the Bill and I am not prepared to give my approval to the provisions of the present Bill as they are drafted. A Sanitary Committee is more or less an official body. What is contained in the Village Sanitation Act has been embodied in the Village Panchayats Act, and therefore I see no necessity for the measure before this House. I therefore oppose the first reading of this Bill, on the ground that there is no necessity for it and Government will do well to bring a Bill amending the Village Panchayats Act. If Government are not prepared to do that, then let the Honourable Minister come forward and say plainly that it is not the intention or desire of Government to bring in a Bill amending the Village Panchayats Act in the near future. In that case, I may reconsider my decision. But if the Honourable Minister is going to bring a measure to amend the Village Panchayats Act as he has led us to believe, I say there is no necessity for the revision of the Bombay Village Sanitation Act.

Dr. M. K. DIXIT (Surat District): Sir, when I listened to the speech of the Honourable Minister while moving the first reading of the Bill, I was inclined to believe that it was really an advance on the old Village Sanitation Act. But, when I heard my honourable colleague from the Surat district, Rao Bahadur Bhimbhai Naik, saying that the duties and functions which are sought to be given to the people by the new Bill are already contained in the Village Panchayats Act, I am sorry I am going to revise my decision. I find that the Village Panchayats Act gives power to hold elections for the village panchayats and the element of nomination is restricted only to the revenue patel, otherwise the whole body is elected by the villagers. We find that the present Bill is really a setback, going backwards, as it contains clauses seeking to give power of election only to the extent of 50 per cent. The sanitary boards proposed to be created under the present Bill are to be created half by nomination by the Collector and half by the villagers by means of election. That means that it is setting the hands of the clock backwards as compared with the Village Panchayats Act. Under these circumstances, a Bill which *prima facie*, on its very look, appears to be an advance will lose the support of some of the honourable members who do not consider it to be a real advance. While the honourable member Rao Bahadur Kale was speaking on this Bill, he asked what is it going to do? And my honourable friend Rao Bahadur D. R. Patil said, "It will lead to quarrels" and I am afraid it will do that where there is peace and unity. I do not subscribe to the view that it will be the

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only cause of village quarrels, but I do admit that it may be one of the causes for setting up quarrels in a village; but further I find that this measure will also lead to further taxation on the already impoverished, poor, hungry, starving people in the villages. When we are discussing the annual budget, we lay great emphasis on the importance of village sanitation. Rural sanitation, we know, is in a very deplorable condition in our country, particularly on this side. I do not know about the conditions obtaining in other presidencies, but on our side it is really in a very deplorable condition. Sanitation is very poor, our roads are in a hopeless condition, drainage, road-cleaning, street-lighting are in an awful mess, with nothing to be said in their favour. Without exception, village sanitation is in a deplorable condition. Under these conditions, we have been annually pressing on the attention of Government that rural sanitation must form a definite subject for development by Government and we have been asking them to set apart large sums of money for rural and village sanitation. After all, we wish to bring about improvement from the bottom rather than go on decorating our cities and towns only, and under those conditions we have been asking Government to set apart large sums of money for the improvement of the village community. Village sanitation could only be improved by Government grants and not by funds raised by levy of a rate or tax. The Village Panchayats Act attempted to do something of the kind, but we have found that the Village Panchayats system has been a failure, and that many of the village panchayats which were created have had to be closed and those that continue to exist do so more or less as moribund or dead institutions. Now it would be much better on the part of Government—and I am making a particular request to the Honourable Minister for Local Self-Government who has been at great pains about developing village sanitation—to look to the Village Panchayats Act with a view to seeing whether it can be improved upon and made more suitable and acceptable to the people of the villages.

The present Bill intends to give power to raise sanitary funds by levying further cess or a further rate. We know that the villagers are already overtaxed. The cess has been increased in certain quarters. When we have been crying for primary education to be made compulsory or increased to a certain extent, we find that we have been told to double the cess. But we have not been able to do that, and yet we are face to face with another Bill which seeks to give power to the sanitary boards to inflict a further 50 per cent. increase on the revenue cess. I think that, if this Bill is at all to see the life of an Act, Government should come forward with certain help. I know that Government is not now in a position to render this help, but if they wish to establish sanitary boards and if they wish these boards to do some useful work for the villages, I think this clause giving power to levy a cess should be removed altogether and should only be fed with Government or District Local Board grants or subscriptions of a voluntary nature. Otherwise this will be more or less like a dead letter, like the dhobi question that we

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discussed in the last session of the Council. There are various sections to which one could refer, but I am afraid the House does not seem in a mood to favour this sort of half-hearted, inadequate measure—a measure that really sets the hands of the clock backwards.

I see that property and other clauses are mentioned. A pertinent remark was made that the right to property consists in the right to quarrel; there was no other property to be vested in the boards to be established under this Bill. I am afraid there will be no property in the villages for the sanitary boards to take possession of and mortgage or sell or buy. Under these circumstances, though a measure of this type passes through our House, it will not be an advance but a retrograde motion. Let us, therefore, first improve the Village Panchayats Act before attempting to amend the Village Sanitation Act in the manner suggested by the present Bill. With these words, I submit to the House that the Honourable Minister be requested to withdraw this Bill and bring forward another measure amending the Village Panchayats Act.

(After recess.)

Mr. L. R. GOKHALE (Poona City): Sir, before I make any comments upon this Bill, I must express one view. The good intentions of the Government, as expressed through the Honourable Minister in charge of this Bill, we must admit. The idea of having democratic principles brought into practice is certainly a noble idea, and it is a very good sign of the times that the Honourable Minister in charge has expressed himself that democracy ought to be allowed a free hand. Furthermore, I must also admit that the Act as amended by this Bill would certainly make an advance over the Act as it stands. But, having said so much, I do not think that the Bill as it is can be accepted.

The original Act, which consists of 46 sections, has been dealt with as follows. Out of these 46 sections, 6 important sections, viz., sections 17, 18, 19, 21, 28 and 30 have been substituted. Then 7 new sections, 30A, 30B, 30C, 30D, 30E, 30F and 30G have been added. Old sections 26, 39 and 40 (2) have been repealed, and the sections amended are 12, 16, 26, 31 and 41. In fact, the whole Act has been more or less materially changed. If this is necessary, is it not reasonable that a new piece of legislation embodying all the present amendments should be brought before the House, instead of having this patched up work as it were. One more remark has to be made, and it is this, that in the amendments the powers of the Collector have not been in any way dealt with. It will be seen that in the Act, section 6 says:

“Subject to the control of the Commissioner and of Government, the Collector may at any time extend Part II to any village in his district.....”

Section 7 gives the powers to the Commissioner. It says:

“The Commissioner may at any time extend Part III to any village in any part of the Presidency to which this Act is applicable.....”

These two sections empower the Collector and the Commissioner to put into operation the present Act, and those sections have been kept

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intact. Further, in Part II, section 8 is an important section, and that also has been kept intact. It says :

"There shall be a Sanitary Committee in every village to which this Part is extended. The said committee shall consist of three or more adult householders, residents of the village, chosen, with their own consent, by the Collector....."

No doubt special powers are proposed to be given in the Bill, but the section 8, so far as I can see, is not touched by the amending Bill. Thus, the Collector's power is there. Then section 10, which is also an important section, is left untouched. It says :

"Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates, shall for this purpose be deemed to be a member and President of the Committee for the occasion."

Now, section 10 gives full powers to the official president to control the proceedings of the committee. Is this really democratic in principle and also in practice ? That is the drawback of the present Act, and the present Bill does not deal with these drawbacks. As remarked by my honourable friend Rao Bahadur Kale, this Act was passed about 40 years ago. The country has gone through material changes during this period, and the people are better prepared for the administration of the village area. Education has made some progress ; the patriotic ideas of the people have certainly taken the right direction. Notwithstanding all this, we have retained in the Bill all the powers of the Commissioner and the Collector, which certainly ought not to continue with them. If real progress is intended, at any rate these powers should have been taken out of the hands of these officers. The Village Sanitation Act is an Act which was framed at a time when people were taken not to be competent enough to administer even sanitary measures in their village areas. I do not think that any one in this honourable House at present will say that the same incapacity continues with the villagers to-day.

An Honourable MEMBER : Why not ?

Mr. L. R. GOKHALE : Well, I am a villager myself. The simple answer is that my personal experience is that it is not so. I cannot give any other reason. My experience, I think, counts for something, and that experience tells me that the people are better able to exercise these responsibilities to-day. I would further say, if after forty years rule by an enlightened Government the people have not made any progress, that shows that there is something wrong with the rule or something wrong with the people. That is my view, and according to my experience the people are better able now to manage their own affairs, and that ought to be recognised in any amending Bill that is before the House. I really appreciate the good intentions of the Honourable Minister in charge, but good intentions are not all in all. I should certainly say, if the Honourable Minister had studied with some care the resolutions and the work done at the conference held very recently, he certainly would not have brought forth this Bill. He would have been able to appreciate and to know what the public point of view was on these questions. I think he was connected with that conference, as its president or in some such capacity, and he ought to have tried his best

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to make himself acquainted with what was being said by the people there, and if after that he has brought forward this Bill, I believe he has not done exactly what should be expected from such a Minister with sympathies for democracy, as he puts it.

Then, Sir, after section 10, it will be seen that in the Act there are many other objectionable sections which have been retained. Section 19 has been changed. As proposed in the Bill, it reads :

“ There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct ”

I believe there are in the villages people who do know better the conditions of the village, the requirements of the village, than a Collector who occasionally happens to visit it. Should not this be recognised ? In this Bill no notice is taken of the changed conditions. I should say they have almost been neglected. Only some principles have been put forth with the view that some sort of advance may be seen, but the advance that is shown in the Bill is very insignificant, and the central power that vests in the Government has been retained as far as possible. That is an objectionable feature of the Bill. Of course, if the Bill goes to a select committee, there amendments will have to be moved, and all these features will have to be changed.

Now, Sir, there is the Village Panchayats Act. That Act was intended to give the inhabitants of certain small areas opportunities of providing for the requirements of such areas in respect of water supply, sanitation and other works of public utility, with the object that they may be encouraged to take an interest in local self-government. That is the preamble of the Act IX of 1920, the Village Panchayats Act. Now, what difference is there between the preamble of the Village Panchayats Act and that of the present Bill that is before the House ? I for one see none. The same objects which the Village Panchayats Act has in view are also kept before us by this Bill. What is the necessity, then, of having a new Bill, if at all ? What is necessary is that the Village Panchayats Act should be made operative as far as possible in all the villages which may be able to work under that Act. That would be the right way of making further progress in local self-government. I quite appreciate what has been said by the Honourable Minister in charge of the Bill, viz., that there is first the village sanitary committee, then there is the village sanitary board, then there is the village panchayat, and lastly of course there are the municipalities. It will be seen that this gradation has underlying it one simple fact, viz., the interest which the people ought to be made to take in village sanitation, and I do not think in these times we want all this gradation from sanitary committees to village panchayats and further on to municipalities. I do not mean to say that all these areas should be brought into the municipal areas. But I mean to say that there should be two main divisions—village sanitation and village panchayats on the one hand and municipal areas on the other. These two ought to be the most important divisions, and the areas should be divided into these two groups, and the necessary enactment should be made from this point of view. I see further that in this Bill

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an attempt is made to put in these new sections—I mean sections 30A to 30G. Of course the old numbers of the sections have to be kept in view, and as they could not be changed, the Honourable Minister in charge has added a long list of sections, from 30A to 30G. If he wanted the old sections to be kept in tact, he might as well have increased the number of sections in the Act, and changed the numbers of the sections which is necessitated by the addition of these new sections. Of course, we are now to consider only the principles of the Bill, and therefore I am not going into details. What I find is that even this way of codification of putting in all the sections in one is not only not reasonable but not a very happy one as my honourable friend suggests.

Then, Sir, of course, we have been told that the markets, manure depots, public buildings and watering places are now to be administered by the village committees. I do not see the great point of this argument. In every village, whether you call it village panchayat, or village board or village committee, they have to deal with all these things. This is what has been stated in that Act. Of course, I would say one more thing—the power to keep funds has been added here. In the old Act the funds or the power to create funds and power to administer funds are not to be found. But then, as my honourable friends have been saying, where are the funds to come from? They say to the people that in the new Act you will have power to administer your sanitary arrangements and at the same time they say in a low tone that people should have to pay for it. I do not see whether it is really a fair treatment to ask them to find funds and then tell them that they will have power to administer their funds. It may not be very difficult to tax citizens, but taxing the villager is very difficult. Those who have some knowledge of the working of the Village Panchayats Act must be in a position to know how difficult it is to get even the house tax in villages. I also believe that the village panchayat funds have not been scrupulously administered. Apart from that, the difficulty experienced by the panchayat officers in collecting the revenue is well known. If that is the difficulty with the village panchayats, what would be the difficulty in villages where the people are more illiterate and less competent? I know that Government will say that if you do not provide the sinews of war, how can there be improvement in the sanitation of the villages? What I ask Government is not to proceed first with the collection of revenue. But when once people become habituated to these improvements, you can tell them to pay for it. Even this idea of taxing the people is not very happy and cannot be accepted; much less will it be considered favourably when there is now an all round depression. This addition to the already existing liabilities of the villagers will be resented. It will touch their pockets and they will not be able to bear it. Of course, the condition of the village ought to be improved. But it does not mean that you should do this by taxing them. There ought to be found a method more acceptable to them which will make them realise their proper duties.

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Then, it will be found that the village panchayats have not been successful in many places. Many villages, where there are village panchayats, have complained and Government also know that there are many irregularities in the conduct of the proceedings of the village panchayats. If the village panchayats are not successful, what possibility is there that the village committees will be successful with the management of these funds? I think there should be some amendment in the Village Panchayats Act and that Act should be made such as to be acceptable to villagers where they are going to introduce sanitary committees. The Village Panchayats Act should be so amended as to include all these provisions and a fresh Bill ought to be brought before the House. Therefore, I think that Government should drop this Bill and bring another comprehensive one in the near future, applicable to the village panchayats as well as to village committees and village boards, after taking into consideration the views of the representatives of the people as expressed in various conferences. If the House accepts the first reading of this Bill, and if the Bill goes to the select committee, there are so many amendments which have to be made. My view is that this Bill should not be placed before the House.

The Honourable Sir GHULAM HUSSAIN: Sir, I listened to the debate with great attention. We have at present the Village Sanitation Act of 1889. The present Bill proposes an amendment. In 1920 we had the Village Panchayats Act which was hailed all over the Presidency. What has been the fate of that Act? The Village Panchayats Act, about which we heard so much in this House, provides for wholly elected bodies. No doubt, in the beginning some panchayats were formed, but the result has been that the original object of the Act that every village should have a panchayat has been frustrated, and I know some of the reasons for it. Compulsory house-tax is disliked and, as the trend of to-day's debate shows, they want all the local amenities without paying the local rate. The next reason is that they have not got adequate powers to attract the people to work the panchayats. No doubt, all these are defects which Government have been trying to remove and have remedied for the most part. As far as I understand, a Bill is under preparation and will soon be placed before the Council. When the Act of 1920 was passed, the honourable members on that side of the House, as well as on this side, expected that these sanitary committees and boards would disappear. But subsequently realising that people were not taking to village panchayats for the reasons I have enumerated just now, Government are bringing a new Village Panchayats Bill, which will be a great improvement on the existing Act. But we do not know what the fate of that will be. As I have stated, everybody wants to call the tune without paying the piper. They may not even then work these panchayats. Not knowing the fate of the Village Panchayats Bill that is to be brought, whether every village will establish a panchayat or not, the Honourable Minister has brought this Bill. It is for the House to decide whether they are prepared to go on with the antiquated Act of 1889, about which the Leader of the Opposition complained. Does

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he want that Act or the advanced Bill that has been brought by the Honourable the Minister for Local Self-Government? It is now a question of making a choice between the two.

No doubt, certain defects have been found out in the present Bill. These are matters of details which can be removed in the select committee. My honourable friend Mr. Gokhale has struck the right note in suggesting that the Bill should be referred to a select committee and that amendments may be made there to the Bill. Honourable members must realise that they have to make a choice between the two--the present improved Bill which they can improve still further in the select committee or the old antiquated Act of 1889. They can even remove official control if they choose to do so, or they may wait for the new Village Panchayats Act the fate of which we do not know. Nor do we know how long it will take to establish village panchayats in every village. When the present Village Panchayats Act was passed, we anticipated that every village would have a panchayat, but our anticipation has not been fulfilled. It is for this honourable House to decide whether they want to go on with the old Act or whether they want this new Bill. I may say that the Honourable Minister will try to bring in the new Village Panchayats Bill as soon as possible; and if panchayats are established in every village, the sanitary committees will disappear automatically. But when Government found that panchayats were not formed in every village, they continued these sanitary committees and sanitary boards.

Rao Bahadur B. R. NAIK: Under this Act, how many committees are there?

The Honourable Sir GHULAM HUSSAIN: Whatever their number, they are for better sanitation.

Rao Bahadur B. R. NAIK: How many are there? About 300 to 350 in the whole Presidency?

The Honourable Sir GHULAM HUSSAIN: They are not a small number.

Mr. B. S. KAMAT: Sir, I listened very carefully to the remarks of the honourable mover of this Bill and also to what fell from my honourable friend the Leader of the House, whose zeal for the progress of Local Self-Government is well known to this House. I must confess that this double-barrelled attempt to convince this side of the House has had very little effect, at any rate so far as I am concerned. The honourable mover of the Bill, in the course of his speech, said that he was at a loss to understand what was the suitable machinery for tackling the question of the village. I think there lies the whole secret why Government have failed for years together to understand the problem of village uplift. The Village Panchayats Act was passed in 1920, but the Honourable the Leader of the House is surprised that it is not a success. Sir, I am not surprised at the failure. He thinks that the two or three causes which he mentioned are really the causes of the failure of the Act. I am really constrained to say that after all these years passed in the attempt to solve the problem, neither Government nor the popular

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Ministers have understood the problem. In the first place, what they fail to understand is that the problem of the village cannot be tackled in compartments. It is a problem of bettering the village as a whole, and you cannot tackle the activities of the villager piece by piece, by one Bill at one time and by another Bill at another time, without a co-ordinating agency to look after his welfare as a whole. For instance, in this particular Bill the Honourable Minister for Local Self-Government wants to look only to the sanitation of the village, its streets and manure pits. The Honourable Minister who sits next to him, and is in charge of agriculture and co-operation, is possibly thinking that the peasants' health is no concern to him. Now, there is a great deal of inter-connection between one activity and another. If the village health suffers, agriculture will suffer; if the roads are not well kept, the movement of agricultural produce will be hampered; if the school master's sympathies are not enlisted, co-operation will suffer. The problem ought to be tackled not piecemeal in this manner, but as a whole. There lies the whole fault of this Bill. The very fact that the Honourable Minister failed to take the House into his confidence as to what the provisions of the proposed Village Panchayats Act are going to be, is evidence that he thinks that the Village Panchayats Act should have nothing to do with the sanitary provisions to be provided by this Bill. I really feel, however, that they have inter-connection and inter-relation, and if this point is overlooked by the department or by the Minister concerned, surely both the Village Panchayats Act and this Sanitation Act will fail. Then again, Sir, the problem is not merely executive, it is an educative one.

Now, we have been told that this Bill is an advance on the old state of things. That is evidence of the lack of imagination of the department and of the Minister. In the first place, we are told that this is an advance on the old state of things, because Government have introduced the elective principle. I maintain the elective principle is nothing new at all. The elective principle was already in the Panchayats Act. The elective principle is there even now. Under our present constitution, as it stands to-day, every member of the Legislative Council and the Legislative Assembly has to go and seek the vote of the villager, and that vote has been exercised by the villagers in all the divisions of the Presidency during the last ten years. There is nothing new, therefore, in their having to elect a man on the sanitary committee. There is no progress there.

Then, we are told that one of the new features of this Bill is that it gives power to the Boards to make contracts. But all these powers are checked by safeguards almost in every direction. Take, for instance, the proviso that no contract involving an expenditure exceeding one hundred rupees shall be made without the previous sanction of the Collector. Now, this is no progress. In all these matters the real principle of self-government, the principle of responsibility, ought to be introduced, and then and then only village administration will improve.

The Honourable the Leader of the House felt nervous whether this side of the House would accept the proposed Bill for the amendment

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of the Village Panchayats Act. I do not see where the cause for nervousness comes in. The only point he made out was whether this side of the House would be prepared to accept the principle of having compulsory taxation in the villages. Now, there again, I must say Government have failed to visualise the position. Members on this side of the House are not so unreasonable as to think that improvement can be made without taxation. What Government have——

The Honourable Sir GHULAM HUSSAIN : May I correct the honourable member ? The trend of the speeches was that they cannot pay anything.

Mr. B. S. KAMAT : What Government have failed to visualise is that the principle of compulsory taxation will be approved if the villagers are assured that the benefits will accrue to them. I know villagers respond if you show the benefits. Government, however, have made no attempt to create model villages in any districts by their own efforts or by the co-operation of non-officials. Here, I come to a point which is lost sight of in these days. If you really think that you can reconstruct the village, that there would be uplift of people, by mere force of taxation, by giving them power to levy house taxes of one or two rupees a year, and by administrative methods only, such as appointing sanitary staff, I am afraid that your proposal is doomed to failure. I say educative propaganda about sanitation is a preliminary. The whole point is that the non-official is ignored, his co-operation is not sought. In the matter of village reconstruction, the Collector or the Mamlatdar alone cannot give the guidance or the lead which the villagers require. Until you seek the co-operation of the non-officials——

The Honourable Sir GHULAM HUSSAIN : May I again correct the honodorable member ? The panchayats will be wholly elected. You will have non-official control over them.

Mr. B. S. KAMAT : In theory it is so ; but that is not my point. But the man who will be elected by the village has not the intelligence to know hygiene and to reconstruct the village by persuasion ; he cannot have an idea of what a really model village is, as an Englishman knows it. I may say in this connection that a real attempt has been made in the Punjab, in the village of Gurgaon, by the Collector, Mr. Brayne. The Collector and the Mamlatdar there descended to the level of the ordinary citizen, sought the help of the non-officials living in the towns near-by, and sat with the village people and guided them. By non-officials, I do not mean the elected people of the village ; I mean those people in the nearer towns. The Collector and the Mamlatdar, and the non-officials of the towns near-by, mixed with the villagers, rubbed shoulders with them and tried to find a solution of the problem as a whole. Now, compare the compartmental work here. The forest panchayats are there ; they do not know what your sanitary committees are doing. The irrigation panchayats, if there be any, do not know what the forest panchayats are doing. Those in charge of co-operation do not know what the irrigation panchayats are doing. Thus multiple agencies are created.

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without any co-ordinating agency. What will be the fate of these Sanitary Boards? Firstly, you have to visualise the problem as a whole and not think of sanitation alone; and, secondly, the co-operation of non-officials in propaganda, in guiding and leading the people is necessary. There lies the solution of the whole problem. This point has been emphasized in various books and literature on the subject, and I am surprised that neither the Honourable Minister nor the Honourable the Leader of the House has looked at the question from the right angle. A consolidated Bill for problems beyond sanitation would have been better.

Mr. A. N. SURVE (Bombay City, North): Sir, the trend of the debate, so far as I understand it, has raised the question whether to make an advance or to maintain the *status quo*. Now, as regards this Bill, one must remember that we are not going to consider the provisions of any new Act: the Act is there already, viz. the Act of 1889. It may not be the best of its kind; it may have its own defects and disadvantages, therefore if by rejecting this Bill we are removing the old Act, then of course by all means throw out the Bill—which of course prudence would dictate. But here, we on this side of the House have been asked to maintain the *status quo*. The Bill of 1889 is not removed from the statute book though it is admitted to be defective. That is one point.

The present Bill is not a piece of perfection, and in this world everything does not become perfect at one jump. There is the law of development. It takes time before a thing can attain perfection. There is at least one thing in this Bill, which is an improvement on the old Act. What is that advance? That advance is this, that the people are getting the privilege of electing their own members. Those members at present are only about half the number. Now, if we want more, let us ask for more. Let there be a wholly elected sanitary committee or sanitary board. To say that we do not want it means only that we are perpetuating the old order of things, and I think that is not quite a reasonable way of looking at this Bill and losing what we are gaining by its passing.

Another point, Sir. Here, we are making a beginning of adult suffrage. It may be only in a small unit, but all our Presidency is made up of these small units. I think there is a germ of adult suffrage in this measure. Every person who lives in a particular area has the right of electing his own candidate. Even Mahatma Gandhi favours adult suffrage. [Interruption.] No doubt we are only making a beginning. We are not living in a world of perfection; that I have already said, and repeat now. The very fact that the property qualification is there, is a guarantee that agitators will not come in and upset the peace of the village. It is in the interests of the villagers themselves. If you insist on literacy qualifications, there is a chance of very bright and intellectual people coming to the village and swamping the residents themselves who have a stake in the village. So, I think the property qualification is really a safeguard in the present state of affairs. I think my honourable friend to my left (Mr. Kamat) instead of opposing it, should welcome it, having regard to Chirner and Sholapur incidents which are still fresh in our minds.

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Now, Sir, I want to refer to another point, which is a very small point indeed, but in which I am vitally interested. When the portfolio of Local Self-Government was in charge of the present Honourable the Leader of the House, he will remember that when the Municipal and District Local Boards Acts came up for amendment, I was the person who moved amendments that 18 years should be the qualifying age. At that time I was laughed at by benches opposite and also by some of my colleagues on this side of the House. But now I see, and they see also, that very proposition is coming forward from the Government benches.

I have said all that is to be said in favour of the Bill. But how far the Bill will achieve the object in view is rather doubtful. [*Laughter.*] I am dealing with its good as well as bad points. It cannot be condemned *in toto*. Take the sanitary inspector's appointment, for instance. In a small village if you get the work done through a sanitary inspector, I am afraid that the Bill will fail in its object, because the greater part of the revenue will go to defray the salary of the sanitary inspector. And the sanitary inspector himself cannot do much because in a small village sufficient water supply is not available. For instance, if you entrust the sewers, etc., which the Bill hands over to the Sanitary Board, where is the water to flush them? There are thus various difficulties and personally I am very doubtful whether the machinery suggested is in the right direction. But I think we could devise various methods to overcome these difficulties. I am quite sure there are several model villages in our Presidency. Take, for instance, the model village of Khed-Shivapur in the Poona District. [*Interruption.*]

The Honourable the PRESIDENT: Order, order.

Mr. A. N. SURVE: I am only mentioning the model villages that are being conducted by private agencies. My honourable friends must have the patience to hear me. These model villages lay great emphasis upon voluntary association on the part of villagers. The difficulty here is that instead of drawing on the spontaneity of the people, we are trying to bind them by statutory Acts. The best way, therefore, is to offer some sort of inducement by setting up competitions whereby the villagers may try to improve the sanitary condition of their villages. How far that could be achieved is a matter for consideration. I am perfectly justified, I think, in saying that simply by laughing and smiling we cannot find a way out of the difficulty. The sanitary condition of the villages in our Presidency is a very great reproach to us. No one who is interested in welfare work will laugh or smile when a proposition of such importance is being considered on the floor of the House. Sir, villagers are dying in large numbers on account of lack of sanitation arising out of deficient water supply, drainage and so on. And when an attempt is made to tackle the root cause of this, we are adopting a non-possumus attitude, namely, of throwing out this Bill, or laugh or smile at a person who is speaking in favour of it. I am sorry, Sir, to see that senior members are indulging in such acts, which is not praiseworthy or good to themselves.

[Mr. A. N. Surve]

I must say that it was a great mistake on the part of the honourable the mover of this Bill to say that all the three readings would be carried at this sitting. If he does not indulge in that kind of fatuity, he will get more support and sympathy for his measure. There are very good proposals in it, and if he consents to give us an opportunity, we might like to enlarge some of the proposals. If, on the other hand, he ties us down to one of the two alternatives, namely, either to accept it in its present form or to reject it, our only course would be to reject the Bill.

Rao Bahadur R. R. KALE: The Honourable Minister did not say that he would carry all the three readings at one sitting.

Mr. J. S. KADRI (Northern Division): Sir, the debate on this important question has been very amusing. I think instead of resuscitating the old dead Act of 1889, it will be better to have the present Village Panchayats Act recast and reformed in such a way as to meet the real needs and requirements of the present times. In fact, the multiplication of such Acts has led to confusion of thought and misunderstanding of their aims among the rural population. It is, therefore, better to have one solid and comprehensive Act which will safeguard the various interests of the rural communities—educational, economic, sanitary, medical, and so on. I agree with my honourable friend Mr. Kamat that instead of tackling this question piecemeal, we should try to tackle it as a whole. Those who are familiar with rural tracts can realise very well the vast difference in conditions prevailing in urban and rural areas. If we bear in mind the rural conditions, I am sure we would say that there is no need for such a Bill at all. The people in villages are living from hand to mouth. Their resources are slender and they cannot bear any further strain of taxation. The poor peasants, when they hear of fresh taxation in new forms, will be panic-stricken and taken aback. What they do really want is proper education, so that they may learn to understand their own interests and appreciate the benefits of sanitation, hygiene, and other matters. I am a small landholder and own a house just in the midst of my village. When I exhort the people to be more clean and careful about their sanitary conditions, they retort, "How are we to do that? We have got our cattle; we cannot keep them in our fields. They are our assets, and we have to look after them and keep them by our side." You will find in rural areas that people reserve a part of their house for residential purposes and the other half for their cattle. Their life is simple and it should not be encumbered by cumbrous and costly legislation. If sanitary boards were to enforce their regulations in villages, I think the villagers will have to leave their hamlets and go to the fields.

The Honourable Sir GHULAM HUSSAIN: Therefore, the Bill is necessary.

Mr. J. S. KADRI: What I mean to urge is that we should not be theoretical but we should be practical in our outlook. In my opinion,

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of piecemeal legislation would not conduce to the welfare and improvement of local amenities of the villagers. Let us have a well-framed Bill of a comprehensive nature. Let it contain all such regulations. Then there will be no need for tinkering with such old and dead Acts, and we shall be in a better position to provide a piece of legislation which will do good to the village people and agriculturists at large. My point is that this Bill does not supply the real want of the rural areas and it can wait till the new full-fledged Village Panchayats Bill comes before this House. With these words, I oppose the first reading of the Bill.

Khan Bahadur ALLAHBAKSH (Sukkur District) : Sir, I have heard with great interest the previous speakers, but none of them has so far said that it is a bad Bill. Everybody has suggested that we should have the Panchayats Act amended on fresh lines. That is true, but it does not necessarily mean that until that Act is passed we should not overhaul the present Sanitation Act. Sir, up to this time, in the whole of Sind, not a single district local board has taken advantage of the Village Panchayats Act—

Honourable MEMBERS : Why not ?

Khan Bahadur ALLAHBAKSH : Because the people are not prepared to pay fresh taxes. That is the real reason of it. My honourable friend Mr. Kamat says that the people will be prepared to pay taxes. If people were prepared to pay taxes in the villages, they would have done so ; but on account of their poverty they have not been able to take advantage of the Village Panchayats Act. Because they are not in a position to pay, they have not taken advantage of the Village Panchayats Act. As many honourable members have pointed out, they have not been even supplied with a copy of the Act. They do not know what is in that Act. It would be much better if we were to wait until that Act came before this House. In the meantime, we should accept the amendments of the present Act and refer the Bill to a select committee, so that the powers proposed to be vested in the Collector and other clauses could be improved and made more suitable to the present conditions. With these words, I support the first reading of the Bill.

Rao Saheb B. G. DESAI (Kara District) : Sir, I rise to support the first reading of this Bill No. XXX of 1931. It really goes a great way in improving the present state of affairs in the sanitary administration of the villages and invests them with larger independence, and wider powers and scope of action. It aims at enabling them to acquire and hold property, and raise voluntary contributions and funds, and to hold and administer them. And, further, it confers upon them increased powers to enter into all sorts of contracts and introduce an extensive elective franchise in the formation of sanitary boards which were hitherto only nominated bodies functioning under the control of the mamlatdars and other revenue officers and magistrates. It further enables them to raise funds by taxation subject only to reasonable conditions. Thus the Bill is undoubtedly a clear advance over the old Act of 1889 and deserves support and acceptance by this honourable House.

[Rao Saheb B. G. Desai]

As far as the Village Panchayats Act is concerned, its working has been given sufficient trial and has been found to be a failure in a very great measure. It has led to the establishment of a very few village panchayats, at least in Gujarat, and I know that in the Kaira district the Collector had consulted and invited several villages to establish village panchayats in their jurisdictions, but the village people absolutely refused to touch the Act. There was only one village panchayat established at Mowdha in the Nadiad taluka, which is also in a very dwindling condition, and has not been able to function efficiently and fulfil the requirements of the various provisions of the Village Panchayats Act. I do not know how these village panchayats have worked in other divisions, but, as far as the Northern Division is concerned, I am aware that they have been a deplorable failure. Even several village panchayats that had been established in the Surat district had to be abolished, and they were hardly popular in other districts, where also they have almost met a similar fate. In spite of all these bitter and past experiences on record, the honourable House is asked to wait till the new and amended Village Panchayats Act is enacted and passed by the honourable House and actually comes into operation. But one cannot say when such a Bill is likely to be introduced and when it will emerge as an Act and come into operation after passing through the various stages. We are further told that the people are not prepared to pay taxes. In that case, it is difficult to imagine as to how this new Village Panchayats Act is going to be worked. For, under the said Act the village panchayats are bound to levy certain taxes compulsorily as one of their obligatory duties under the Act. Therefore, it would be quite inadvisable to wait till a new Village Panchayats Act is enacted and comes into operation, especially when the same has proved to be of doubtful utility in the past and when we are not sure as to what is going to be the nature and extent of the contemplated new Village Panchayats Act, and what will be the final fate of the proposed legislation and how far the same will receive acceptance by this honourable House as well as by the public.

Besides, as my honourable friend from Sind has just pointed out, none of the numerous honourable members have adduced any weighty or convincing arguments against the various amendments proposed herein, in the present Bill, nor have they thrown important light on the matter. On the contrary, the Honourable the Leader of the House, who was in charge of the Local Self-Government portfolio for many years, as well as the Honourable the Minister of Local Self-Government, have made out a strong case in favour of the Bill and have carried conviction with the House to a great extent.

In the circumstances, it is essentially necessary that sanitary boards which are comparatively less complicated and simpler bodies than the so-called village panchayats, should be continued and developed in a large proportion in villages which do not want or welcome the village panchayats in their areas, and are absolutely necessary to replace the village panchayats in such villages. With this end in view, the necessity

[Rao Sahab B. G. Desai]

for the continuance and development of sanitary boards in villages cannot be in the least underrated or ignored in these days of democracy and all-round progress when the development of these rural units, namely the villages, has been recognised with one voice by persons of all shades of views and opinions to be the most desirable and necessary step in the progress of Local Self-Government in this Presidency.

With these remarks, I support the first reading of the Bill and hope it will meet with the general support of this House also.

Rev. R. S. MODAK : Sir, I feel that this Bill has come forward none too soon. The subject of rural construction is such a wide one that with the best of intentions people are apt to differ, and I wonder whether a small group like that which is included in a village panchayat should not be the only group for dealing with village problems of sanitation, health and hygiene. If we are to take interest in the betterment of the village, such sanitary boards are quite necessary and will lead to the welfare of the country at large. I am very glad that a measure like this, though incomplete in many details, has been introduced in this House. I feel sure that our villagers, who have proved worthier than they appear to be and who have proved more able than they seem to be from outside to take the initiative, will come up to the mark and acquit themselves creditably if invested with the powers which are proposed to be entrusted to the sanitary boards. As stated by my honourable friend from Sind, we need not wait until the Village Panchayats Act is amended, and I do not see why a measure like the present one should be held over pending an amendment of that Act. I hope the House will pass wholeheartedly the Bill before it.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, I oppose the first reading of the Bill. In March last the Honourable the Leader of the House told the House that the Village Panchayats Act would be soon amended, but instead of bringing an amending Bill, we find this new Bill placed before the House for its acceptance. The Nation as a whole says that it is fit to protect its interests and Government says that the Nation is not able to do that. This is the fight that is now going on in the Round Table Conference also. The present Bill appears to have been brought more or less to confirm that attitude of the Government. In this Bill Government says that only one-third of the members of the sanitary boards should be elected and that two-thirds should be nominated by Government. In this way Government even in this small matter tries to prove to the world that we, Indians, are not fit to control our village sanitation and village health without the assistance and help of two-thirds which will be nominated by Government. Why should we have Local Self-Government if we cannot do without the tutelage and influence of the mamlatdar, the Collector and even the Commissioner? Better do away with this kind of mock Local Self-Government altogether. So long as Government try to influence the working of the sanitary boards through the agency of the nominated element which will be put on the boards by Government, we need not expect those boards to do anything except

[Mr. V. A. Surve]

along the lines laid down by Government through the Commissioner, the Collector and the mamlatdar. Is it not a shame that according to this Bill the villagers are not fit even to take care of the village sanitation and public health? What has the present Public Health Department been doing and has it taken steps to bring about a real improvement of the village health and sanitation? The only result of the establishment of the village sanitation boards will be that Government will be seen interfering even in such matters as maternity, marriages, taxes, etc., etc. I am sure that at least the people's representatives on this side of the House will vote against the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, a complaint has been made by the honourable member Rao Bahadur Kale that the report of the committee appointed by Government in 1925 was not made available for inspection by the public. So far as I am aware, I have not been approached by the Secretary of the Local Self-Government Institute—

Rao Bahadur R. R. KALE: I did not mean in the Honourable Minister's time. The Secretary of the Local Bodies Conference said that they had written to Government for a copy of the report, but that they were not supplied with it.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I thought the honourable member was referring to me personally. Anyway, it appears there is some sort of a misunderstanding, because I have in my hand now the Village Panchayats Bill prepared and approved by the sub-committee of the Provincial Council of the Local Self-Government Institute, in which in the preamble it is stated:

"Most of the new provisions can be traced to the Bombay Local Boards Act of 1923 or to the recommendations of the Village Panchayats Committee appointed by the Government of Bombay in 1925."

From this it appears that the report of the committee must have been in possession of the Local Self-Government Institute themselves.

Now, Sir, there is a suspicion on the part of some of the honourable members here that the amendment of the Village Sanitation Act has been brought forward at this stage with a view that the amendment of the Panchayats Act may not be necessary. I can assure the honourable House that the Village Panchayats Act has been amended, it was almost complete, but I missed it by only two or three weeks, and I hope to introduce the amended Bill at the earliest possible opportunity.

Instead of going over the same ground again, I shall just sum up my appreciation of the position in one minute. It seems there is a hopeless confusion of thought so far as the amendment of the Village Sanitation Act is concerned. Even if the Village Panchayats Act had been brought into being today, I maintain that the amending of this Act, in other words, the existence of the sanitary committees and the sanitary boards, would be absolutely necessary in the interest of the villages themselves—

Sardar BHASAHEB RAISINGHI (THAKOR of KERWADA) : I think the Honourable the Leader of the House distinctly told the House that, as soon as the Village Panchayats Act was amended, this would automatically go.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I will explain. Every possible attention has been paid, in drafting this Bill, to the varying conditions of different villages. I am glad that it has not been disputed that this Bill is a distinct improvement upon the old Act.

In reply to the honourable member the Thakor Sahab of Kerwada, I may explain that it is open to Government to extend the Village Panchayats Act to any village that is ready for it. Similarly, the Village Sanitation Act also can be applied to any village where it is wanted ; and the Collector being the best man, the man on the spot, to recommend it, it is stated that it should be done on the recommendation of the Collector. That is quite clear. As soon as the Village Panchayats Act is applied to a certain area where the Village Sanitation Act may be in force, the latter automatically disappears, because the Village Panchayats Act is a larger Act. That is what was meant by the Honourable the Leader of the House. Therefore, I do not think it is right to say that this Bill is a retrograde measure.

Though the honourable member Mr. Kadri actually got up to oppose the Bill, the way in which he spoke has strengthened my case considerably, and I must thank him for it. He said that the poor villagers are likely to be panic stricken by this amending Bill, and that a consolidated Bill or, in other words, the Village Panchayats Act might, with advantage, be applied. I do not see the consistency of the position which he has chosen to take up. If a small and a harmless Bill like the Village Sanitation Bill is going to frighten the poor villagers, I do not know what the Village Panchayats Act, which I have now in my hands and which consists of 103 sections, will do so far as these poor peasants are concerned.

An Honourable MEMBER : It will frighten them more.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I cannot understand why it is persisted that the Village Panchayats Act should be extended wholesale to almost all the villages of the Presidency in preference to the Village Sanitation Act, which is at present being applied very cautiously and only in such areas where it is wanted. The Village Panchayats Act has very much heavier responsibilities placed upon it, and it imposes also heavier penalties. I therefore say that, before the rural population is ready to accept and carry out the provisions of this huge and voluminous Act in all its implications, it would be most advisable to let them start with the Village Sanitation Act as it is sought to be amended now, and if this honourable House is good enough to pass the

[Sirdar Sir Rustom Jehangir Vakil]

first reading of this Bill, I am perfectly agreeable to refer it to a select committee.

Question put, "That the Bill be read a first time."

Bill read a first time. The House divided: Ayes, 42; Noes, 27.

Division No. 1.

Ayes

ALLAHBAKSH, Khan Bahadur
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOLE, Rao Bahadur S. K.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
DESAI, Rao Saheb B. G.
DESAI, Mr. S. B.
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
HUDSON, the Honourable Mr. W. F.
KAMBALI, the Honourable Dewan
Bahadur S. T.
KHUHHO, Khan Bahadur M. A.
MACKLIN, Mr. A. S. R.
MIRZA, SAHEBZADA M. A.
MODAK, Rev. R. S.
MODI, Sardar Davar T. K.

OWEN, Mr. A. C.
PATEL, Khan Bahadur A. E.
PRADHAN, the Honourable Sir GOVIND-
RAO.
RAFIUDDIN AHMAD, the Honourable
MOULVI
SHAIKH ABDUL AZIZ, Mr.
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHA-
SAHEB RAISINGHI
THOMAS, the Honourable Mr. G. A.
TOLANI, Mr. S. S.
TURNER, Mr. C. W. A.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sirdar Sir
RUSTOM JEHangIR
WILES, Mr. G.

Tellers for the Ayes: Rev. R. S. MODAK and Dr. J. A. COLLACO.

Noes

BAKHALE, Mr. R. R.
CHITALE, Rao Bahadur G. K.
COOPER, Khan Bahadur D. B.
DESAI, Mr. H. R.
DIXIT, Dr. M. K.
GOKHALE, Mr. L. R.
GOVER ROBA, Mr.
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KARBHARI, Mr. M. M.
KULKARNI, Rao Saheb P. D.
MEHTA, Mr. M. H.

MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.
NAVLE, Mr. N. E.
PARULEKAR, Rao Bahadur L. V.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
SHANKARRAO JAYARAMRAO ZUNZAR-
RAO, Mr.
SHINDE, Mr. R. B.
SURVE, Mr. V. A.
VAISHAMPAYAN, Dr. V. G.
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.

Tellers for the Noes: Dr. V. G. VAISHAMPAYAN and Mr. J. G. MORE.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,
I move that the Bill be referred to a select committee consisting of the
following honourable members:

Mr. J. H. Garrett,
Rao Bahadur B. R. Naik,
Mr. H. B. Clayton,
Khan Bahadur Allahbaksh,

[Sirdar Sir Rustom Jehangir Vakil]

Rao Bahadur R. R. Kale,
Khan Bahadur M. A. Khuhro,
Dr. P. G. Solanki,
Rao Bahadur S. N. Angadi,
Mr. A. S. R. Macklin,
Mr. R. B. Ewbank,
Mr. A. N. Surve, and
Myself ;

with five to form the quorum and the report to be submitted within seven days from to-morrow.

Question proposed.

Rao Bahadur R. R. KALE : I do not think I shall be in a position to do anything in the select committee. You may propose some other name.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I propose the name of the honourable member Rao Bahadur Chitale in place of the honourable member Rao Bahadur Kale.

The Honourable the PRESIDENT : I shall put the motion as amended, substituting the name of the honourable member Rao Bahadur Chitale for that of the honourable member Rao Bahadur Kale, who has withdrawn.

Bill referred to select committee. Question put, and agreed to.

BUSINESS OF THE HOUSE.

The Honourable Sir GHULAM HUSSAIN : From to-morrow for three days we shall proceed with non-official business.

The Honourable the PRESIDENT : The House is now adjourned to 2 p.m., to-morrow, Tuesday, the 29th September 1931.

Tuesday, the 29th September 1931

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 29th September 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAN MAHOMED KHAN, Khan Bahadur
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.

KARBHARI, Mr. M. N.
 KHUHRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MEHTA, Mr. M. H.
 MIRZA, Sahebzada M. A.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 TALPUR, Mir BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

QUESTIONS AND ANSWERS.

ABDUR (ADUR ?) TAKIO BUND : BREACH.

Khan Bahadur ALLAHBAKSH (Sukkur District): (1) Will Government be pleased to state when the Abdur (Adur ?) Takio Bund in the Sukkur District was breached ?

(2) Was it sudden or had the Government anticipated its breach ?

(3) For how many days did the breach flow and what was the approximate discharge passing through it ?

(4) How many villages were submerged by such discharge ?

(5) What was the total area submerged and what was the total area under cultivation submerged ; of the latter how much was of rice crop and how much of dry crop ?

(6) What was the loss of (a) human life and (b) live-stock ?

(7) What was the approximate value of the building that tumbled down and of moveable property which could not be removed ?

(8) What was the total number of the population that had to evacuate the place owing to the breach ?

(9) If the breach was anticipated, were the zamindars of the affected area warned of this previously ?

(10) If so, on what date and how many days previously ?

(11) Will Government be pleased to place on the Council Table a copy of such notification ?

The Honourable Sir GHULAM HUSSAIN : (1) The Adurtakio Bund breached on the night of July 21st, 1930.

(2) The breaches were not anticipated but took place suddenly.

(3) The breaches flowed from July 21st till September 4th when the eroded portion of the front bund was closed.

The maximum discharge of the breaches was estimated at 60,000 cusecs.

(4) and (5) Since the water from the breaches joined flood water from other breaches in the Larkana District the number of villages submerged, the total area submerged and the area of cultivation submerged etc. by the breaches in question cannot be ascertained.

(6) (a) One human life ; (b) Cattle to the estimated value of Rs. 7,500.

(7) and (8) It is not possible to supply the information required for the reason given in the reply to clauses (4) and (5) above.

(9), (10) and (11) Do not arise.

FLOATING PLANT.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased, with reference to paragraph 48, page 26, of the report by Sir Visvesvaraya on the Lloyd Barrage and Canals Construction—

(1) to give a complete list of the floating plant for the Barrage works ;

(2) to state whether the total cost of the suction dredgers and of all the plant was Rs. 65 lakhs ;

(3) to state whether it is a fact that the purchase cost of dredgers is twice that provided in the original sanctioned estimates ;

(4) to state when the estimates were framed and when the dredgers were purchased ;

(5) to state whether it is a fact that when those estimates were before the Council for sanction in 1923, Mr. Lalji Naranji had pointed out that since the framing of the estimates the cost of machinery had gone down and that there should be savings and whether this point was accepted by Government then ;

(6) to state the names of the expert dredger engineers whose advice was sought by Government before specifying the conditions of construction and working for the dredgers ;

(7) if none were consulted, to state the reasons therefor ;

(8) to state whether the cost of dredging is Rs. 34 per 1,000 cft. against Rs. 8 provided in the original estimates ;

(9) to state whether most of the work intended to be done by this floating plant is being done by manual labour, at a cost of Rs. 40 to Rs. 60 ;

(10) to state the names of the officers who were responsible for advising the purchase of the floating plant ?

The Honourable Sir GHULAM HUSSAIN : (1) The list required is placed on the Council Table.

(2) No, it is Rs. 69½ lakhs.

(3) No.

(4) In 1918 and 1924 respectively.

(5) Yes. Government neither affirmed nor denied Mr. Lalji's point.

(6) Sir John Biles, Consulting Naval Architect to the India Office.

(7) Does not arise.

(8) No.

(9) No.

(10) Mr. A. A. Musto, Superintending Engineer, Lloyd Barrage Circle ; Mr. C. S. C. Harrison, Chief Engineer, Lloyd Barrage and Canals Construction ; Mr. J. S. Pitkeathly, Chief Controller of Stores ; Sir John Biles, Consulting Naval Architect to the India Office and the Director General of Stores, London.

List of all Floating Plant purchased for the Lloyd Barrage Work.

7 New Motor launches.

2 New Suction Dredgers complete with pipe line and accessories.

2 New Paddle Tugs.

1 Second hand Paddle Tug.

1 Second hand Twin Screw Tug.

40 New 100-ton steel barges.

4 New 10-ton electric floating cranes.

2 New 25-ton electric floating cranes.

15 New Floating pile drivers and cranes.

11 New Floating pumping plants.

2 New Heave up boats.

Sundry country boats and jolly boats.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : The Honourable the General Member has replied to part (5) that a warning was given to Government that the cost of machinery had gone down.

The Honourable the PRESIDENT : What is the question ?

Mr. HAJI MIR MAHOMED BALOCH : The estimate has been exceeded by $4\frac{1}{2}$ lakhs, from 65 to $69\frac{1}{2}$ lakhs.

The Honourable Sir GHULAM HUSSAIN : We never stated that the estimate was 65 lakhs. The question was whether the total cost was 65 lakhs ; we have replied that it is $69\frac{1}{2}$ lakhs.

The Honourable the PRESIDENT : That is the actual expenditure. What was the estimate ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Mr. HAJI MIR MAHOMED BALOCH : Is the total cost within the estimates ?

The Honourable Sir GHULAM HUSSAIN : I am speaking from memory ; it is in the neighbourhood of the estimate sanctioned by the Government of India.

Mr. HAJI MIR MAHOMED BALOCH : With reference to part (8), will Government state what the actual cost is per 1,000 cubic feet ?

The Honourable Sir GHULAM HUSSAIN : I want notice. The honourable member put a definite question and we have replied to that. He has assumed a certain figure and we deny that.

The Honourable the PRESIDENT : The Honourable the Leader should admit one thing. The honourable member has relied on the figure "34" and when the Honourable the Leader was able to say "No" to that, he must have seen the actual figure. What is that ?

The Honourable Sir GHULAM HUSSAIN : Up to date the average cost of dredging throughout the work has been Rs. 31·36 per thousand cft. for both. The cost of dredging varies widely according to the condition under which the dredging is done. The rate varies from Rs 6·4 to Rs. 96 per thousand cft. according as the conditions have been very favourable or extremely difficult. Similarly, the cost of hand excavation in the cofferdam for work which owing to time and other conditions could not be done by the dredgers, has varied from Rs. 2 to Rs. 50.

Mr. HAJI MIR MAHOMED BALOCH : What is the rate given to the contractor ?

The Honourable Sir GHULAM HUSSAIN : This is not fair to us. The honourable member has assumed certain figures, and we have come forward with our replies. Why did he not put a straight question ? If he had done so, we would have supplied him the figures.

Mr. HAJI MIR MAHOMED BALOCH : Was it not given on contract ?

The Honourable Sir GHULAM HUSSAIN : That does not arise ; he assumes certain things and we say that it is not so.

Mr. HAJI MIR MAHOMED BALOCH : What was the rate given to the contractor ?

The Honourable the PRESIDENT: Was it done under contract?

The Honourable Sir GHULAM HUSSAIN: A certain amount of it must have been done under contract.

The Honourable the PRESIDENT: The question is, what is the rate?

The Honourable Sir GHULAM HUSSAIN: I cannot carry the figures in my pocket. I have already given some figures.

Khan Bahadur ALLAHBAKSH: In reply to the supplementary question the Honourable the General Member stated that the average cost was Rs. 31·36. Is it against Rs. 8 provided in the estimates?

The Honourable Sir GHULAM HUSSAIN: Rs. 8 provided in the original estimate was not for manual work. For dredger work it was Rs. 8, I think. I am speaking from memory.

Khan Bahadur ALLAHBAKSH: Now it is exceeded.

The Honourable Sir GHULAM HUSSAIN: But we have done it also by hand.

The Honourable the PRESIDENT: Why has it exceeded?

The Honourable Sir GHULAM HUSSAIN: It is impossible to be quite exact in one's estimates. It all depends on whether we get materials, labour etc. at the estimated rates or not.

Mr. HAJI MIR MAHOMED BALOCH: Does not this difference show that the officers are inefficient?

The Honourable the PRESIDENT: That is no question. Next question.

ROHRI CANAL CIRCLE: WORK OF STAFF.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (1) Will Government be pleased to state the date on which Mr. T. S. Mirchandani took charge of III Division, Rohri Canal Circle, for the first time?

(2) When did he recommend Mr. C. G. Wadhvani to be made temporary Assistant Engineer?

(3) Is it a fact that Mr. T. S. Mirchandani refused to give a report on Mr. Khan's work in the same division at the same time, on the ground that he did not have sufficient experience of his work?

(4) If so, why were the two cases treated indifferently?

(5) What is the relationship between Mr. T. S. Mirchandani and Mr. C. G. Wadhvani?

The Honourable Sir GHULAM HUSSAIN: (1) 27th October 1928.

(2) On 4th February 1929.

(3) No.

(4) Does not arise.

(5) There was none at the time the recommendation was made. Mr. C. G. Wadhvani has since married a niece of Mr. T. S. Mirchandani.

Khan Bahadur M. A. KHUHRO: With regard to the reply to (5), were negotiations about the prospective marriage going on at the time the recommendation was made?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

SYED MIRAN MAHOMED SHAH : Was a report ever submitted to the superior authorities or not ?

The Honourable Sir GHULAM HUSSAIN : I cannot say.

SYED MIRAN MAHOMED SHAH : Will the Honourable Member say definitely whether it had been submitted to the higher authorities or not ?

The Honourable Sir GHULAM HUSSAIN : By whom ?

SYED MIRAN MAHOMED SHAH : By Mr. Mirchandani.

The Honourable Sir GHULAM HUSSAIN : I do not know.

SYED MIRAN MAHOMED SHAH : Question No. (3) is: Is it a fact that Mr. T. S. Mirchandani refused to give a report on Mr. Khan's work in the same division at the same time on the ground that he did not have sufficient experience of his work ? And the reply to that question is "No".

The Honourable Sir GHULAM HUSSAIN : The ground was not as stated in the question.

SYED MIRAN MAHOMED SHAH : Could Mr. Mirchandani have gained sufficient experience in 3 months, when he took over in October, in order to have been able to make any recommendation ?

The Honourable Sir GHULAM HUSSAIN : No report was sent ; but it was not because he had not sufficient time to judge of Mr. Khan's work.

SYED MIRAN MAHOMED SHAH : Apparently that was the reason.

The Honourable the PRESIDENT : The question is : Is it a fact that Mr. T. S. Mirchandani refused to give a report on Mr. Khan's work in the same division at the same time on the ground that he did not have sufficient experience of his work ? The reply to that is "No."

The Honourable Sir GHULAM HUSSAIN : The reason for not submitting the report was not as alleged. Honourable members should not confuse the question and answer. The question and the answer are very clear.

SYED MIRAN MAHOMED SHAH : Why was the report on Mr. Khan not sent ?

The Honourable Sir GHULAM HUSSAIN : I do not know ; I want notice.

Khan Bahadur ALLAHBAKSH : The reports were due on the 4th February.

The Honourable Sir GHULAM HUSSAIN : I did not say that the reports were due on the 4th February ; Mr. Wadhvani's report was received on the 4th February.

Khan Bahadur ALLAHBAKSH : When was the report due ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member gives me notice, I will find out.

Khan Bahadur M. A. KHUHRO : Why did he make a report for one and not for the other ?

The Honourable Sir GHULAM HUSSAIN : I do not know.

The Honourable the PRESIDENT : Next question.

PESHWA DAFTAR : PERSIAN PAPERS.

Mr. A. J. BANGI (Southern Division) : (a) Will Government be pleased to state the amount of expenditure incurred by them in the examination and publication of the Marathi papers of historical importance in the Peshwa Daftar ?

(b) Are there any Persian papers of general historical importance in that Daftar ?

(c) If so, have Government taken any steps to get them examined and published ?

(d) If not, do they intend doing so ?

The Honourable Mr. W. F. HUDSON : (a) Rs. 11,350 in the year 1929-30, Rs. 10,000 in the year 1930-31 and Rs. 10,000 sanctioned for the current year.

(b) Yes.

(c) No.

(d) Not at present.

Mr. J. S. KADRI : Do Government intend to undertake this work in future ?

The Honourable Mr. W. F. HUDSON : We shall be very glad to do so, if we get the necessary amount of money for the continuation of this examination.

Mr. J. S. KADRI : Cannot the present staff undertake this work ?

The Honourable Mr. W. F. HUDSON : The present staff is quite competent to undertake the work, but they are at present engaged with papers which they should finish first, as being probably of greater historical interest.

POLICE OFFICERS IN KARNATAK : MUSLIMS.

Mr. A. J. BANGI (Southern Division) : (a) Will Government be pleased to state the total number of Deputy Superintendents, Inspectors and Sub-Inspectors of Police in the four districts of the Karnatak ?

(b) How many of them are Muhammadans, how many Hindus and how many of other communities ?

(c) How far have Government given effect to the Resolution of 1925, since its issue, so far as Muhammadans are concerned ?

The Honourable Mr. G. A. THOMAS : (a) and (b) So far as Deputy Superintendents of Police and Inspectors of Police serving in the Karnatak districts are concerned, a reference is requested to the lists of Deputy Superintendents of Police and Inspectors of Police printed at pages 285-289A and 293-297C, respectively, of the Bombay Civil List

for July 1931, a copy of which is placed on the Council Table. The information relating to Sub-Inspectors of Police is as follows :

	Muhammadans.	Hindus.	Christians.
Substantive Sub-Inspectors of Police	18	58	5
Officiating Sub-Inspectors of Police .	6	17	Nil
	<hr/>	<hr/>	<hr/>
Total Sub-Inspectors of Police ..	24	75	5

(c) The orders of 1925 to which the Honourable Member refers apply to clerical appointments only. No definite percentage has been laid down for the recruitment of Muhammadans to executive posts in the Police Department, but Government endeavour to secure a due admixture of all castes in filling posts in the Police Department, and their officers are familiar with this policy.

Rao Bahadur S. N. ANGADI : May I know whether the Honourable Member has information as regards the proportion of Lingayats to the total population in Karnatak and also the respective populations of other minor communities, such as Reddis, etc.?

The Honourable Mr. G. A. THOMAS : I must ask for notice.

SYDENHAM COLLEGE : PROFESSOR OF GEOGRAPHY.

Dr. M. K. DIXIT (Surat City) : (a) Will the Honourable Minister for Education state whether it is a fact that in the Sydenham College of Commerce a man with Mathematics in his B.A. and M.A. examinations has been made the Professor of Geography ?

(b) If so, will he state the reasons therefor ?

(c) Has he any other qualifications ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b) and (c) The officer referred to had a uniformly good academic career. He took his University degrees as follows :—B.A. (Optional Math. with Economics also), Class II, 1904 ; M.A. (History and Political Economy), Class II, 1905 ; B.Sc. (Math. and Botany), 1907. He was awarded Fulton Law Prize (First LL.B.) and Telang Gold Medal (M.A.). He was senior Daxina Fellow, 1904.

Before his first appointment in the Sydenham College the officer had acquired considerable teaching experience in other institutions and had specialised in Geography.

He has acted as Examiner in Geography at 3 Universities besides Bombay and is the President of the Bombay Geographical Society.

BOMBAY EDUCATIONAL SERVICE : SELECTION POSTS.

Dr. M. K. DIXIT (Surat District) : Will Government be pleased to state—

(a) the principles on which selection grade posts were recently given to Messrs. Noor Mahomed A. Khalique and Mahomed Hidayatulla in the Bombay Educational Service ;

(b) whether it is a fact that they have put in only 13 and 19 years' service respectively and that the claims of many senior incumbents in the service have been passed over in making their appointments ;

(c) if so, the names of the officers whose claims have been passed over with the pay and the length of service put in by them ;

(d) the special qualifications and merits possessed by the persons appointed to the selection grade posts in supersession of many senior officers who were allowed to pass the efficiency bar much earlier than they ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The Honourable Member is referred to the answer given to a similar question asked by Mr. J. C. Swaminarayan published in Volume XXVIII, page 778, of the Bombay Legislative Council Debates.

(b) The length of service of the two officers is correctly stated. But they have not superseded any senior officers except one.

(c) Mr. K. S. Dikshit. Total service on 1st January 1931 was 30 years and pay was Rs. 570.

(d) The work of the senior officer who was superseded was not considered high enough for a selection grade.

Dr. M. K. DIXIT : May I invite the attention of the Honourable Minister to pages 310 and 311 of the Civil List, which show that there are several officers senior to Mr. Khalique of whom two or three are Mahomedans ?

The Honourable MOULVI RAFIUDDIN AHMAD : The seniority is not properly shown in the Civil List. The question of seniority is settled by the Director of Public Instruction and my answer is based on his information.

Dr. M. K. DIXIT : Do I understand that the Civil List is incorrect, and does the Honourable Minister propose to correct it ?

The Honourable MOULVI RAFIUDDIN AHMAD : I shall endeavour to do so.

HIGH SCHOOL, MIRPURKHAS.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) whether it is a fact that the Government Madressah and High School, Mirpurkhas, is the only high school in Sind working without its own buildings ;

(b) whether the school is accommodated in hired and scattered buildings and that the University Commission have made adverse remarks from time to time in regard to this ;

(c) whether it is a fact that Mr. P. R. Cadell, former Commissioner in Sind, remarked in the Visitors' Book of the Madressah that a doctor who accompanied him at that time was of opinion that keeping boys in such dark rooms was nothing short of wasting their lives ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) Yes.

(c) No.

SYED MIRAN MAHOMED SHAH : With regard to the reply to (c), did Mr. Cadell make any such remark in the visitors' book ?

The Honourable MOULVI RAFIUDDIN AHMAD : The answer is "No".

Khan Bahadur M. A. KHUHRO : May I know whether Government propose to construct a building for the high school ?

The Honourable MOULVI RAFIUDDIN AHMAD : The matter is under consideration.

Khan Bahadur M. A. KHUHRO : Is it not a fact that the proposal has been under consideration for the last two years ?

The Honourable MOULVI RAFIUDDIN AHMAD : Owing to financial stringency, many things have had to be postponed.

URDU TRAINED TEACHERS, RATNAGIRI DISTRICT.

Mr. J. S. KADRI (Northern Division) : (a) Will Government be pleased to state whether it is a fact that they have recognized the paucity of Muhammadan Urdu Trained Teachers in the Ratnagiri District and whether to remove it, they had agreed that in June 1930 a larger number of candidates would be admitted to the Training School ?

(b) Is it a fact that the Director of Public Instruction has this year selected only 5 candidates for the 1st year class and 4 for the 2nd year ?

(c) Are Government aware that the Ratnagiri School Board recommended to the Educational Inspector, Bombay Division, 10 Muhammadan teachers for the 1st year class and 8 for the 2nd year class ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes ; but the paucity has since been removed.

(b) Yes.

(c) The number recommended by the Board was 11 and 7 respectively.

Mr. J. S. KADRI : What is the percentage of Muslim trained teachers at present ?

The Honourable MOULVI RAFIUDDIN AHMAD : It is more than the required 50 per cent.

WAKF COMMITTEE REPORT : TRANSLATIONS.

Mr. J. S. KADRI (Northern Division) : (a) Are Government aware that there is a keen demand by the Muslims of the Bombay Presidency for the translation of the Report of the Mussalman Wakf Committee, Bombay, published by Government into the various vernaculars of the Presidency ?

(b) Do Government intend to take any steps in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) The matter is being considered. It may be mentioned, however, that an application was received from the editor of a Gujarati Weekly, *The Insaf*, for permission to publish Gujarati and Urdu translations of the report which was granted under certain specified conditions.

Mr. J. S. KADRI : Are Government aware that the Editor of the "Insaf" has not yet published the Gujarati or Urdu translation of the report ?

The Honourable MOULVI RAFIUDDIN AHMAD : He has written to say that he would shortly do so.

SPECIAL IRRIGATION DEPARTMENT : TOTAL EXPENDITURE.

Mr. G. M. KALBHOR (Poona District) : Will Government be pleased to state the total expenditure incurred on the Special Irrigation Department ?

The Honourable Sir GHULAM HUSSAIN : The figures of total annual expenditure on the Special Irrigation Division and the Irrigation Development and Research Circle are given below :—

				Rs.
1916-17	..	..	..	63,425
1917-18	..	..	..	46,764
1918-19	..	..	..	99,792
1919-20	..	..	..	90,472
1920-21	..	..	..	1,30,235
1921-22	..	..	..	1,22,238
1922-23	..	..	..	1,39,113
1923-24	..	..	..	2,20,850
1924-25	..	..	..	1,96,151
1925-26	..	..	..	2,78,591
1926-27	..	..	..	2,78,996
1927-28	..	..	..	2,37,551
1928-29	..	..	..	3,20,605
1929-30	..	..	..	3,01,065
1930-31	..	..	..	3,14,027

Total .. 28,39,875

GOVERNMENT COLLEGES : VERNACULARS.

Rao Bahadur R. R. KALE (Bombay University) : (i) Are Government aware—

(a) that the University is contemplating the extension of the scope of vernacular teaching in colleges ;

(b) that the Academic Council of the University has approved of the introduction of vernaculars for the first two years of the College and approved also of the institution of Honours Courses for B.A. in Gujarati, Marathi, Kanarese and Urdu ;

(c) that the relevant Boards of Studies have been requested to prepare syllabi for the courses mentioned above in (b) ;

(d) that the University has made it obligatory for M.A. candidates to put in terms in colleges for two years :

(e) that Government colleges have been collecting fees from M.A. students ?

(ii) If so, what arrangements have they made for instruction in the vernaculars in the M.A. classes of Government colleges ?

The Honourable MOULVI RAFIUDDIN AHMAD : (i) (a) Yes.

(b) Yes.

(c) Yes.

(d) The Ordinance under reference states that all candidates for post-graduate degrees must work in a recognised institution or under a University Professor or a Teacher except in special cases approved by the Syndicate.

(e) Yes.

(ii) There are part-time Lecturers in vernaculars in Government colleges as under :

(1) Deccan College, Poona	.. Marathi.
(2) Karnatak College, Dharwar	.. Kanarese.
(3) Elphinstone College, Bombay	.. Gujarati.
(4) Gujarat College, Ahmedabad	.. Gujarati.

Rao Bahadur R. R. KALE : In view of the answers given to clauses (a), (b), (c), (d) and the last clause, may I know whether Government intend to replace these part-time lecturers in view of the facts admitted in the answers ?

The Honourable MOULVI RAFIUDDIN AHMAD : Not at present.

Mr. J. S. KADRI : May I know whether any provision is made for Urdu for the M. A. ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is no provision for Urdu for M. A.

Mr. J. S. KADRI : Will Government be pleased to consider the question of making provision for Urdu for M. A. ?

The Honourable MOULVI RAFIUDDIN AHMAD : Oh, yes.

Rao Bahadur R. R. KALE : [*Inaudible.*]

The Honourable MOULVI RAFIUDDIN AHMAD : They do not suffer at present.

CRIMINAL CASES, SECTION 110, CRIMINAL PROCEDURE CODE :
LARKANA DIVISION.

Khan Bahadur M. A. KHUHRO (Larkana District) : Will Government be pleased to state—

(a) the number of persons proceeded against under section 110 of the Code of Criminal Procedure, in the Larkana Division, during the period of the following Sub-Divisional Magistrates, respectively :

Mr. R. W. H. Davies,
Mr. A. D. Gorwalla,
Mr. H. T. Lambrick, and
Mr. Chainrai Kishindas ;

(b) the number of persons convicted by each of the above magistrates in cases under section 110, Criminal Procedure Code ;

(c) the number of persons acquitted or discharged by each of the above magistrates in cases under section 110, Criminal Procedure Code ;

(d) the number of persons convicted by each of the above magistrates in cases under section 110, Criminal Procedure Code, but released on security ;

(e) the number of persons convicted by each of the above magistrates under section 110, Criminal Procedure Code, but were refused a release on security ;

(f) the number of persons tried by each of the magistrates under the said section, but were refused temporary bail during the pendency of the cases ;

(g) the number of cases under section 110, Criminal Procedure Code, in which the Sessions Court reversed the conviction orders passed by each of the above magistrates ?

The Honourable Mr. G. A. THOMAS : A statement giving the information asked for is placed on the Council Table :

Name of the Sub-Divisional Magistrate.	No. of persons proceeded against under section 110, Criminal Procedure Code.	No. of persons convicted.	No. of persons discharged or acquitted.	No. of persons convicted but released on security.
Mr. R. W. H. Davies—January 1925—March 1927 ..	216	162	54	17
Mr. A. D. Gorwalla—April 1927—April 1928 ; September 1928—February 1929 ..	225	199	26	23
Mr. H. T. Lambrick—March 1929—August 1930 ..	71	41	30	5
Mr. Chainrai Kishindas—September 1930—30th June 1931.	117	101	16	6

Name of the Sub-Divisional Magistrate.	No. of convicted persons who offered security which was refused.	No. of persons who offered temporary bail during the pendency of the case		No. of cases in which the Sessions Court reversed the conviction
		Accepted	Refused	
Mr. R. W. H. Davies—January 1925–March 1927 ..	25	44	4	4
Mr. A. D. Gorwalla—April 1927–April 1928; September 1928–February 1929 ..	4	27	9	12
Mr. H. T. Lambrick—March 1929–August 1930 ..	....	42	9	1
Mr. Chainrai Kishindas—September 1930–30th June 1931.	8	20	....	....

LAW OFFICERS : SUKKUR DISTRICT.

Khan Bahadur M. A. KHUHRO (Larkana District): Will Government be pleased to state—

(a) how many posts of Government Pleaders, Assistant Public Prosecutors and Subordinate Government Pleaders there are in Sind;

(b) the number of Mussalmans and Hindus amongst them;

(c) the number of Government Pleaders, Assistant Public Prosecutors and Subordinate Government Pleaders in Sukkur Sessions District up to October 1930;

(d) whether it is a fact that out of 6 such appointments only that of Assistant Public Prosecutor was held by a Mussalman;

(e) whether it is a fact that a new appointment of an Assistant Public Prosecutor for 6 months was created on the representation of the Government Pleader that there was an urgent need of an Assistant Public Prosecutor to deal with civil work;

(f) whether it is a fact that the Government Pleader is a near relative of one of the Assistant Public Prosecutors and the new appointment was also conferred upon a brother of the Government Pleader;

(g) how many civil cases were pending at the time of the creation of the new appointment and how many of them have been dealt with by the new Assistant Public Prosecutor;

(h) whether he was given mostly criminal work to attend to during the period;

(i) the total amount of fees he has drawn from the Government on account of (i) criminal work, (ii) civil work;

(j) the total amount of fees drawn by (i) the Public Prosecutor, (ii) the Assistant Public Prosecutor related to him and (iii) the Additional Assistant Public Prosecutor, his brother, since October 1930;

(k) the total amount of fees drawn by the remaining Assistant Public Prosecutor ;

(l) what the policy of Government is with regard to the appointments of several members of the same family to the important posts of the Public Prosecutors and Assistant Public Prosecutors in the same district ;

(m) whether Government are aware of the feelings of resentment among the members of the Bar of Sukkur and of the existence of grave apprehension in the mind of the public owing to such appointments being held by the members of one family ?

The Honourable Mr. G. A. THOMAS :

(a) District Government Pleaders and Public Prosecutors. .	7
Assistant Government Pleaders and Assistant Public Prosecutors	14
Honorary Assistants to the District Government Pleaders	3
Subordinate Government Pleaders	8
	<hr/>
	32
(b) Hindus	23
Mahomedans	7
(c) District Government Pleader and Public Prosecutor ..	1
Assistant Government Pleaders and Assistant Public Prosecutors	2
Honorary Assistant to the District Government Pleader	1
Subordinate Government Pleaders	2
	<hr/>
	6

(d) No. The post of Honorary Assistant to the District Government Pleader is also held by a Mahomedan (Mr. Rahimbux Purbux Munshi).

(e) Yes, but he was to help him on both civil and criminal sides according as his help was needed.

(f) Mr. Hassanand Hemraj, Additional Assistant Public Prosecutor and Assistant Government Pleader, is father-in-law of the deceased brother of the District Government Pleader. The temporary appointment of 2nd Additional Assistant Government Pleader and Assistant Public Prosecutor was conferred upon Mr. Holaram, who is the brother of the Government Pleader, but separate from him.

(g) There were 62 civil cases including miscellaneous civil and execution applications, out of which 6 were dealt with by Mr. Holaram, the 2nd Additional Assistant Government Pleader and Assistant Public Prosecutor. Two of them have been finally disposed of by him but no fees have yet been collected.

(h) Yes.

(i) In civil cases—Nil.

	Ra.	a.	p.
In criminal cases	2,855	10	0
(j) District Public Prosecutor	9,237	12	0
Additional Assistant Public Prosecutor and Assistant Government Pleader	3,453	12	0
Second Additional Assistant Public Prosecutor and Assistant Government Pleader	2,855	10	0
(k) Assistant Government Pleader and Assistant Public Prosecutor (Mr. Agha)	483	0	0
Do. (Mr. Pirzada)	1,855	6	0

(l) The appointments of District Government Pleaders and Public Prosecutors and their Assistants are generally made from amongst the best men available and in accordance with the recommendations of the local authorities who are well aware of the local situation.

(m) No.

Khan Bahadur M. A. KHUHRO: The answer to (i) is "In civil cases—Nil." Is it not a fact that he was appointed for civil work, and why then has he not been given any civil work at all?

The Honourable Mr. G. A. THOMAS: If the honourable member will read the answer to (g), he will see that six cases have been entrusted to him.

Khan Bahadur M. A. KHUHRO: Why is it that the two Mussalman Assistant Public Prosecutors have got much less work although one of them was appointed over three years back, and why was he given less work than this gentleman who was appointed only recently?

The Honourable Mr. G. A. THOMAS: I do not know.

Khan Bahadur M. A. KHUHRO: I wish to know the reasons why less work was given to him.

The Honourable Mr. G. A. THOMAS: If the honourable member gives me notice, I will enquire and let him know.

SYED MIRAN MAHOMED SHAH: Does the Honourable the Home Member know that the Public Prosecutors assign the work to paid subordinates in preference to Assistant Public Prosecutors?

The Honourable Mr. G. A. THOMAS: I do not know.

EDUCATIONAL DEPARTMENT: ENFORCEMENT OF SENIORITY RULE.

Mr. J. G. MORE (Sholapur District): Will Government be pleased to state (a) whether it is the function of the Educational Department of Government to see that local authorities duly observe the rule of seniority as laid down in Government Resolution No. S. 72, dated 17th March 1930;

(b) if the answer to (a) is in the affirmative, whether any cases were reported to the department by the Senior Assistant Deputy Educational Inspector, Sholapur, regarding the breaches of the rule by the Pandharpur Municipality;

(c) if so, in how many cases;

(d) what steps have been or are being taken by the department?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The principle laid down by Government is not mandatory.

(b), (c) and (d) Do not arise.

Mr. J. G. MORE : With reference to (a), may I ask why this rule of seniority is laid down by Government ?

The Honourable MOULVI RAFIUDDIN AHMAD : It is a recommendation for the guidance of local bodies.

ENGINEERING SERVICE : SELECTIONS FROM SUBORDINATE SERVICE.

Rao Bahadur L. V. PARULEKAR (Ratnagiri District) :

(a) Are Government aware of the fact that selections from the overseers alone from the Bombay Subordinate Service of Engineers have been made successively for the last five years ?

(b) If so, have similar selections been made from the supervisors who are also included in the cadre of the Bombay Subordinate Service of Engineers ?

(c) If not, what are the reasons for withholding selections from among the supervisors since 1928 ?

(d) Does Government Resolution No. 2375/27, dated 11th December 1928, provide that only two appointments to the Bombay Service of Engineers are to be made from both the permanent supervisors and temporary engineers ?

(e) If so, did Government Resolution No. 604, dated 12th October 1922, provide that three appointments to the Bombay Service of Engineers were to be reserved for the existing Supervisor (then called Upper Subordinate) Establishment for some time from the year 1926 onwards ?

(f) What are the reasons for changing to the orders contained in the 1928 Resolution ?

(g) Will Government be pleased to state whether they intend to select for the two appointments in the Bombay Service of Engineers mentioned in (d) from both the permanent Supervisors and Temporary Engineers, or whether they intend to offer a greater number of appointments to the latter than to the former ? If so, what are the reasons therefor ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) Yes ; the cases of deserving Supervisors have been considered separately when recommended by the local officers. Twenty Supervisors were selected in 1926 ; 14 in 1927 and the cases of 11 others for the years 1928-30 are under consideration.

(c) Does not arise.

(d) Yes.

(e) Yes.

(f) Government Resolution No. 604, dated the 12th October 1922, was amplified in effect by another Government Resolution No. 604, dated the 27th February 1925, which authorised further promotions to the extent of 20 from the Supervisors for each of the years 1926 and 1927. Under this authority 34 Supervisors were promoted to the

Bombay Service of Engineers during those two years as stated in the reply to clause (b) above, the residue in the Supervisor Establishment being thus considerably reduced. It was therefore decided in 1928 to consider the cases of deserving Temporary Engineers also together with those of Supervisors and the number of appointments to be made every year from these two classes was reduced to 2.

(g) Yes, jointly from both. As these appointments are made by selection on merit, experience, etc., they may either go to one class or the other, or may be divided among the two, and hence no definite proportion has been, or can be, fixed.

EDUCATIONAL DEPARTMENT: ACTING CLERKS.

Khan Bahadur A. E. PATEL (Northern Division): (a) Will Government kindly state the number of acting clerks in the Educational Department in each division (1) of more than 10 years' service, (2) of more than 2 years' service?

(b) Is it a fact that acting clerks do not get the benefit of leave with allowances, joining time and preparation time in case of transfer?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) The statement below gives the information required:

Name of Division.	Total number of acting clerks of more than ten years' service on 1st July 1931.	Total number of acting clerks of more than two years' service on 1st July 1931.
(1) Bombay Division ..	..	..
(2) Central Division ..	..	..
(3) Northern Division ..	5	7
(4) Southern Division ..	..	..
(5) Sind .. ..	..	3
	5	10

(b) No.

Khan Bahadur A. E. PATEL: Why have not the five clerks serving for 10 years in the Northern Division yet been confirmed and made permanent?

The Honourable MOULVI RAFI UDDIN AHMAD: If the honourable member will give me notice, I shall find it out.

TEXT BOOK COMMITTEES.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether the vernacular text book committees are merely advisory;

(b) whether the chairman of that committee is bound to communicate to the Director of Public Instruction the decision arrived at in the committee by the majority of the votes of the members;

(c) whether there are any instances when the books recommended for sanction by the majority of votes of the members of that committee have not been sanctioned by Government ;

(d) if so, whether they will state those instances ;

(e) whether they are aware that the chairman and the three members of the Gujarati Book Committee do not sufficiently know the Gujarati language to be able to understand and express their opinions on the books that come for sanction before the Committee ;

(f) whether any literary and educational institutions and local authorities under the Primary Education Act are consulted when the Educational Inspector, N. D., nominates members for the Committee ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) Yes.

(b) Yes, when the President differs from the verdict of the majority of the Committee.

(c) and (d) Yes. One, "*Apna Deshno Itihas*" by Mr. B. J. Akkad.

(e) No.

(f) The nominations to the Committee are made by the Director of Public Instruction after due consideration of all claims.

LIQUOR SHOPS, SURAT AND BROACH DISTRICTS : PURCHASE BY MUSSALMANS.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) whether it is a fact that the Mussalmans of Surat and Broach districts have purchased country liquor shops in public auction, and if so, their names and the number of shops purchased ;

(b) whether it is a fact that the Mussalmans of these districts were induced by Government to purchase these shops ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No country liquor shops have been taken by Mussalmans in the Surat District. In the Broach District three out of 30 country liquor shops have been taken by Mahomedans. Government do not consider it desirable in public interests to publish the names of the licensees.

(b) No.

Mr. A. K. RESALDAR : May I know whether Government have taken full security from the licensees of the liquor shops in question ?

The Honourable MOULVI RAFI UDDIN AHMAD : I want notice.

Mr. A. K. RESALDAR : Will the Honourable Minister for Excise, as a Mussalman himself, take any steps personally to see that the evil of liquor drinking does not spread among the Muslim community ?

The Honourable MOULVI RAFI UDDIN AHMAD : It is not for me to give my personal wishes in reply.

PROSECUTIONS OF GOVERNMENT SERVANTS IN SIND.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) how many Government servants have been prosecuted in Sind during the last five years;

(b) their names, the offences with which they were charged and the departments in which they worked;

(c) how many of them were convicted and the nature of punishment inflicted upon them?

The Honourable Mr. G. A. THOMAS: (a), (b) and (c) 282. Of these, 92 were convicted and 180 were acquitted or discharged. In the remaining 10 cases the proceedings are pending. The collection of more detailed information would involve an amount of labour disproportionate to the value of the results. In particular Government consider that a statement containing the information asked for in clause (b) would not be to the public interest.

Mr. SHAIKH ABDUL MAJID: With reference to the last two lines of the answer to (b) and (c), namely, that in particular Government consider that a statement containing the information asked for in clause (b) would not be to the public interest, may I know whether it would not be to the public interest or to the official interest?

The Honourable Mr. G. A. THOMAS: I have already replied to the question.

Mr. SHAIKH ABDUL MAJID: I want to know, Sir, whether I am entitled to any reply?

The Honourable the PRESIDENT: The reply is there,—public interest.

Mr. SHAIKH ABDUL MAJID: I want to know whether it would not be to the public interest or whether it would not be to the official interest.

The Honourable the PRESIDENT: According to Government, it would not be to the interest of the public.

Mr. SHAIKH ABDUL MAJID: I want to understand how it is not to the public interest.

The Honourable Mr. G. A. THOMAS: That is an entirely different matter. The Government servants concerned have been already punished, and it would not be to the public interest to publish their names after so many years and thus punish them again.

N. J. HIGH SCHOOL, KARACHI: TEACHERS.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether it is a fact that out of 29 assistant masters in the N. J. High School, Karachi, 23 are Hindus and 4 Muslims (one being recently deputed to the Training College) and 2 Parsis;

(b) whether they are aware that some Sindhi knowing teachers have been working in the above school continually for more than five years, some for more than seven years, some for more than ten years, and some for more than fifteen years ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The actual number of Assistant masters is 30, of whom 25 are Hindus, 3 Muhammadans and 2 Parsis.

(b) Yes.

JUDICIAL COMMISSIONER'S COURT, SIND : INDEBTEDNESS
OF A CLERK.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the statement of Mr. Awatrai Sahibrai, a clerk in the Judicial Commissioner's Court, Karachi, made by him before Mr. Aston, Additional Judicial Commissioner in Sind, in Foreign Court Decree No. 80 of 1921 ;

(b) if the reply to (a) is in the affirmative, whether Government have held that the retention of a man of the clerk's type in Government service is in accordance with the Government Servants' Conduct Rules ;

(c) whether it is a fact that there are several decrees pending against the above clerk in the Small Cause Court and the Judicial Commissioner's Court ;

(d) whether Government will place on the Council Table a copy of the deposition referred to in (a) ?

The Honourable Mr. G. A. THOMAS : (a) Not until the honourable member asked this question.

(b) and (d) Government do not propose to enquire into a matter connected with the clerk's conduct outside his official duties after a lapse of nearly ten years. For the same reason they consider that nothing will be gained by placing a copy of the deposition on the Council table.

(c) Yes.

SCHOLARSHIPS FOR URDU TEACHERS' TRAINING : RATNAGIRI DISTRICT.

Mr. J. S. KADRI for Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that they, through the District Local Board, Ratnagiri, pay the amount of 10 scholarships at Rs. 10 per month each to the students of the Central Urdu School at Ratnagiri ;

(b) whether it is a fact that in the recent audit of the District Local Board a suggestion was made that since Government already paid direct 40 scholarships at Rs. 10 per mensem each for the Central Urdu School, the amount of the said 10 scholarships should be utilised for the benefit of other communities ;

(c) whether these 10 scholarships are being paid by Government through the District Local Board, since the very opening of the Central Urdu School, Ratnagiri, and the accounts of the District Local Board

have been audited every year but at no time in the past such a suggestion was offered ;

(d) whether they will give the reason for the necessity of the above suggestion now ;

(e) whether the above scholarships are paid under Government orders ;

(f) whether it is a fact that the Ratnagiri School Board has resolved to stop the above scholarships to the Central Urdu School with effect from 1st April 1931 ;

(g) if so, whether Government intend to continue the above 10 scholarships to the Central Urdu School as before ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) While auditing the accounts of the District School Board for the year 1926-27 it was noticed that a sum of Rs. 1,133-13-0 was spent on scholarships to Muhammadans in the local Central Urdu School. The President of the District Local Board was asked to state why 10 scholarships from Local Funds were paid when 40 scholarships from the Provincial Revenues were sanctioned by Government for the School. The Department did not suggest to the Local Authority that the scholarships sanctioned for Muhammadan pupils should be utilized for the benefit of other communities.

(c) Yes. No reference on the subject was made to the Local Board in the past as a regular audit showing expenditure separately under detailed heads was begun from the accounts of 1926-27, when only the anomaly was brought to notice.

(d) Does not arise.

(e) No. They were sanctioned by the District Local Board in 1923.

(f) Yes.

(g) Government have issued orders that the datum line grant of the Board should be reduced by the amount paid on account of these scholarships as the service in respect of which the payment was made has been discontinued. The question whether the payment of 10 additional scholarships for Muhammadans from provincial revenues should be sanctioned will be considered by Government.

Mr. J. S. KADRI : Will these ten scholarships be transferred to the Ratnagiri Central Urdu School in order to provide facilities for more Muslim lads desirous of going up for the Urdu V. F. Examination ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have answered the question that the matter is under consideration.

Mr. N. N. PATIL : May I know on what ground the Board stopped the payment of scholarships to the Central Urdu School ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not quite sure about the Board, but the reason is given in the reply.

PRIMARY TEACHERS, RATNAGIRI : TRAINING.

Mr. J. S. KADRI for Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that recognising the paucity of Mussalman Urdu trained teachers in Ratnagiri District, the Government issued orders for the admission of a larger number in the Ratnagiri Training School in June 1930 ;

(b) whether it is a fact that only 9 were admitted in 1929 and that in June 1930 there were 14 in the I and II year classes put together ;

(c) whether only an increase of 5 in the number was meant by the Government order ;

(d) whether it is a fact that the Director of Public Instruction has selected 5 for the I year and 4 for the II year classes ;

(e) whether Government are aware that the Ratnagiri School Board has recommended to the Educational Inspector, B. D., 10 Mussalman teachers for the I year's and 8 for the II year's training ;

(f) if so, whether the recommended number has been approved by Government ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) The Ratnagiri Training School was closed in 1927. Government, however, issued orders in 1930 for the admission of a larger number of students from the Ratnagiri District to the Urdu Training School, Poona.

(b) 8 were admitted in 1929 and 14 in 1930.

(c) No specific number was fixed, but as a matter of fact the increase was six.

(d) Yes.

(e) The number recommended by the Board was 11 and 7 respectively.

(f) No.

SCHOOL BOARD AND LOCAL AUTHORITY : LARKANA.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether they have framed any rules under the Primary Education Act, 1923, regarding the relations of the Local Authorities and the School Boards ;

(b) whether Government are aware of the fact that the President of the Local Authority Larkana Municipality, on his own initiative stopped the School Board money including Government grant, since December 1930 with the result that the pay of the School Board's administrative and teaching staff was delayed for full one month ;

(c) whether it is a fact that when a representation from the town reported this action of the President to the Collector of Larkana, he justified it saying that, although it was illegal, it was a practical step on the part of the President ;

(d) whether it is a fact that, even after the Commissioner in Sind asked the President by wire to pay the School Board money, the latter obeyed the order by handing over only the Government grant received by the Local Authority but continued not paying the School Board sufficient funds ;

(e) whether it is a fact that on account of the President's action the staff of one school under the direct control of the School Board remains unpaid for January 1931 ;

(f) what action do the Government propose to take in the matter ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) No.

(b) Yes.

(c) No.

(d) Yes.

(e) No.

(f) A full report on the subject is called for from the Director of Public Instruction and is not yet received.

Mr. S. S. TOLANI : May I know when the report of the Director of Public Instruction is expected ?

The Honourable MOULVI RAFI UDDIN AHMAD : I shall ask him to expedite the matter.

Mr. S. S. TOLANI : Will the report be placed on the Council table when it is received by the Honourable Minister ?

The Honourable MOULVI RAFI UDDIN AHMAD : I must examine the report first.

PRISONERS CONVICTED OF OFFENCES CONNECTED WITH THE CIVIL DISOBEDIENCE MOVEMENT, SIND.

Mr. S. S. TOLANI (Western India) : Will Government be pleased to state—

(a) how many persons in Sind have been put on trial and convicted during the Civil Disobedience movement ;

(b) how many such persons have been put in A, B and C classes respectively ;

(c) is it a fact that there has been a general complaint in both the English and Vernacular papers of Sind that the classification has been unfair ;

(d) how many recommendations of Magistrates have been revised by the Government and what are the details of such revision ;

(e) did the Government issue any instructions for proper classification ; if not, what are the reasons therefor ;

(f) how many political prisoners in Sind have suffered from acute illness in jails ;

(g) how many such persons have been let off on grounds of health before the expiry of their sentences and how many such persons are still detained in jails ?

The Honourable Mr. G. A. THOMAS: (a) If the Honourable Member means the number of persons placed on trial and convicted for participation in the movement, the numbers are, respectively, 680 and 642.

(b) 4 in class A, 62 in class B and the rest in class C.

(c) Government noticed some such allegations.

(d) The classification was revised in 23 cases.

(e) Yes. The instructions have been summarised in a press note of 17th April 1930, a copy of which was laid on the Council table in answer to clause (a) of the Honourable Member's question printed at pages 122-124 of the Bombay Legislative Council Debates, Volume XXXI, Part II.

(f) If by political prisoners the Honourable Member means the persons referred to in clause (a) of this question, the answer is 21.

(g) 3. None are still detained in jails.

PRIMARY EDUCATION IN LARKANA.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) whether it is a fact that Larkana City has a population of about 20,000 and that there are only 3 primary boys' schools under the control of the Local Authority Municipality—Two having 4 standards and the third having only three standards ;

(b) whether there is any city with such population in the Presidency including Sind which has only 3 boys' primary schools owned by its Municipality ;

(c) if the reply to (b) be in the affirmative, the names of such municipalities ;

(d) whether it is a fact that the Larkana Municipality had submitted a proposal in the year 1927 for opening a new Boys' School in Nawa Tak Quarter ;

(e) whether it is a fact that the Educational Inspector in Sind, the Commissioner in Sind and the Director of Public Instruction had recommended the proposal for Government's approval ;

(f) whether it is a fact that many schemes of compulsory education submitted by several Local Authorities from the Presidency and Sind have been pending before the Government on account of their financial stringency ;

(g) whether it is a fact that the rule No. 32 (ii) of the Bombay Primary Education Rules, 1924, permits the School Boards to prepare schemes for the expansion of primary education on Voluntary basis side by side with the introduction of compulsion ;

(h) if the reply to (f) and (g) be in the affirmative, what is the policy adopted by the Government, in regard to voluntary basis schemes ;

(i) whether it is a fact that the proposal for the opening of the New Boys' School in the Nawa Tak Quarter of Larkana, was to cost Government only Rs. 600 per annum ;

(j) whether Government are aware of the fact that the Larkana newspapers have been crying hoarse for years and that the Panchait of Nawa Tak Quarter has been sending representations to the Municipality, for opening a school in the Nawa Tak Quarter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) No.

(c) Does not arise.

(d) Yes.

(e) The Educational Inspector in Sind and the Director of Public Instruction had recommended the proposal. The Commissioner in Sind's opinion was not received.

(f) Yes.

(g) Yes ; but the rule applicable is No. 33 (a) (ii).

(h) The policy laid down by Government in 1928 is—

(1) All schemes for the expansion of primary education submitted by District Local Boards before the 1st April 1927 should be considered on their merits even if they do not contain any provision for the introduction of compulsory elementary education.

(2) Schemes for the expansion of primary education submitted by District Local Boards on or after the 1st April 1927 should be considered only if they contain provision for introduction of compulsory elementary education equal to at least one-third of the total cost of each scheme.

(3) As regards schemes of expansion of primary education submitted by Municipalities treated as local authorities, such schemes should not be considered unless they are for the introduction of compulsory elementary education.

The above policy was subject to the further condition that the consideration of the schemes for expansion of primary education is to be taken up by Government only to the extent that funds available for the purpose permit.

(i) Yes.

(j) No. The Larkana newspapers of the current and two preceding years do not indicate any such agitation. It may be added that a new school has been opened in Nawa Tak Quarter.

Mr. S. S. TOLANI : Is it a fact that Government have refused to give the grant to the Nawa Tak school ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not quite sure ; but if the honourable member will give me notice, I will find it out.

Mr. S. S. TOLANI : I have given notice.

HIGH SCHOOLS, SIND : ASSISTANT MASTERS.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) the names of those Sindhi assistant masters in each high school of Sind who are working outside the district of their birth;

(b) the names of the districts to which they belong and the high schools in which they serve;

(c) the reasons in each case why they are not posted in the high schools of their own districts?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) and (b) The accompanying statement gives the required information as matters stood in July 1931.

(c) Administrative exigencies and educational requirements.

List of Assistant Masters in High Schools in Sind who are working outside the district of their birth.

Serial No.	Name.	Place of birth.	Name of High School in which serving.
1	Mr. N. S. Hingorani ..	Bhiria ..	Karachi.
2	" V. K. Mirchandani ..	Hyderabad ..	Do.
3	" D. J. Wadhvani ..	Do. ..	Do.
4	" P. B. Shahani ..	Do. ..	Do.
5	" B. S. Shahani ..	Larkana ..	Do.
6	" D. J. Hingorani ..	Tharushah (Nawabshah)	Do.
7	" L. H. Virwani ..	Halani (Nawabshah) ..	Do.
8	" M. G. Mani ..	Hyderabad ..	Do.
9	" M. M. Serai ..	Do. ..	Do.
10	" C. N. Motwani ..	Bhutra (Larkana) ..	Hyderabad.
11	" M. S. Kureshi ..	Karachi ..	Do.
12	" T. G. Butani ..	Sehwan ..	Do.
13	" C. K. Adwani ..	Hyderabad ..	Shikarpur.
14	" P. K. Malkani ..	Do. ..	Do.
15	" N. H. Ramchandani ..	Khairpur Mirs ..	Larkana.
16	" R. N. Ramchandani ..	Do. ..	Do.
17	" S. D. Bhavnani ..	Rohri (Sukkur) ..	Do.
18	" R. H. Mirchandani ..	Hyderabad ..	Do.
19	" R. D. Gandhi ..	Shikarpur ..	Do.
20	" H. M. Java ..	Do. ..	Do.
21	" H. M. Bhatia ..	Rohri (Sukkur) ..	Mirpurkhas.
22	" F. P. Mirchandani ..	Hyderabad ..	Do.
23	" T. D. Lala ..	Shikarpur ..	Do.
24	" J. A. Jafferi ..	Larkana ..	Do.
25	" K. P. Mangi ..	Naushahro ..	Do.
26	" V. L. Sheikh ..	Rohri (Sukkur) ..	Do.
27	" Abdul Hakim Mulla Mahomed ..	Naushahro ..	Do.
28	" J a l a l d i n s h a h Imamalishah ..	Moro (Nawabshah) ..	Do.
29	" Hotchand N. Gidvani ..	Hyderabad ..	Do.
30	" A. H. Sidiki ..	Karachi ..	Naushahro (Nawabshah).

Mr. S. S. TOLANI: Will Assistant Masters be allowed to exchange with one another, if they forgo their travelling allowance?

The Honourable MOULVI RAFIUDDIN AHMAD: That is a suggestion for action.

POLICE SUB-INSPECTORS: SIND.

Mr. S. S. TOLANI (Western Sind): Will Government be pleased to state—

(a) the number of (i) Hindu and (ii) Muhammadan candidates selected in Sind for the Police Training School during the last ten years;

(b) when the next selection will take place in Sind;

(c) whether the right of Hindus, who are in a minority in Sind, will be duly considered;

(d) the names of talukas in Sind in charge of Muslim Sub-Inspectors;

(e) the names of talukas in Sind in charge of Hindu Sub-Inspectors?

The Honourable Mr. G. A. THOMAS: (a) 42 Hindus and 61 Muhammadans.

(b) November 1931.

(c) Yes.

(d) and (e) A statement showing the number of Muslim and Hindu Sub-Inspectors in charge of Police Stations in each taluka in Sind is placed on the Council Table:—

Name of Taluka.	Number of Muhammadan Sub-Inspectors in charge of Police Stations in each taluka.	Number of Hindu Sub-Inspectors in charge of Police Stations in each taluka.	Remarks.
<i>Karachi District</i>			
Karachi	2	<i>Nil</i>	*One of the Police Stations is in charge of a Muhammadan Head Constable.
Kotri	1	1	
Manjhand Mahal	1	<i>Nil</i>	
Kohistan Mahal	1*	1	
Tatta	<i>Nil</i>	1	
Mirpur Sakro	1	<i>Nil</i>	
Ghorabari	1	<i>Nil</i>	
Keti Bunder	1	<i>Nil</i>	
Jati	1	<i>Nil</i>	
Shah Bunder	<i>Nil</i>	1	
Sujawal	1	<i>Nil</i>	
Mirpur Bathoro	1	<i>Nil</i>	
<i>Hyderabad District.</i>			
Hyderabad	5	2	
Hala	4	<i>Nil</i>	
Tando Allayar	1	1	
Guni	2	<i>Nil</i>	
Matli	1	<i>Nil</i>	
Tando Bago	1	<i>Nil</i>	
Badin	1	<i>Nil</i>	

Name of Taluka.	Number of Muhammadan Sub-Inspectors in charge of Police Stations in each taluka.	Number of Hindu Sub-Inspectors in charge of Police Stations in each taluka.	Remarks.
<i>Sukkur District.</i>			
Sukkur	5	2	
Shikarpur	4	1	
Garhi Yasin	2	Nil	
Rohri	2	1	
Pano Akil	Nil	1	
Ghotki	1	Nil	
Mirpur Mathelo	1	Nil	
Ubauro	1	Nil	
<i>Larkana District.</i>			
Larkana	2	1	
Kambar	2	Nil	
Mirokhan	1	Nil	
Ratodero	1	Nil	
Dokri	1	Nil	
Dadu	1	Nil	
Sehwan	1	Nil	
Johi	2	Nil	
Kakar	2	Nil	
Meher	2	Nil	
Warah	Nil	1	
<i>Thar Parkar District.</i>			
Mirpurkhas	1	1	
Jamesabad	2	2	
Umarkot	1	Nil	
Sumro	1	Nil	
Shadipali	Nil	1	
Khipro	1	Nil	
Sanghar	2	Nil	
Diplo	1	Nil	
Mithi	Nil	1	
Chachro	1	Nil	
Nangar Parkar	Nil	1	
<i>Nawabshah District.</i>			
Nawabshah	1	1	
Shahdadpur	2	1	
Naushahro	2	Nil	
Kandiario	1	Nil	
Moro	2	Nil	
Sakrand	1	1	
<i>Upper Sind Frontier District.</i>			
Jacobabad	2	1	
Shahdadkot	1	Nil	
Thul	1	Nil	
Kandhkot	1	1	
Kashmor	Nil	1	
Grand Total ..	81	26	

PRIVATE BILLS.

BILL No. XII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY MUNICIPAL BOROUGHES ACT, 1925).

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I do not want to move the first reading of this Bill in this session.

BILL No. XIII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890).

Rao Bahadur D. R. PATIL: Sir, I beg to move that Bill No. XIII of 1931,* a Bill further to amend the Bombay District Police Act, No. IV of 1890, be read a first time.

First reading.

The object of this Bill is to effect a change in section 61 of the Bombay District Police Act. The change which I want to effect is as follows: In section 61, after the words "shall be punished with fine which may extend to fifty rupees" at the end of clause (r), the words "or may be released after due admonition" shall be added. It will be seen, Sir, that under section 562 of the Criminal Procedure Code, magistrates are empowered to award the punishment of admonition in the case of accused persons who have committed certain offences under the Indian Penal Code. When that is the state of things, I do not understand for a moment why the same powers should not be given to magistrates when they deal with cases under section 61 of the District Police Act, which section deals with trifling offences. So, my object is that the magistrates trying cases under section 61 of the District Police Act should be allowed the power of admonition. Section 53 (3) of the District Police Act reads as follows:

"A police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a magistrate or, in trivial cases, may release him when the occasion is past."

This shows that in trifling cases that come under section 61 of the District Police Act, even the police officer can release an accused after an offence is committed. When the power is given to a police officer to allow an accused person to go unpunished, much more then should the discretion be given to a magistrate to let off after due admonition a person who is convicted of any of the trifling offences contemplated by section 61 of the District Police Act.

Under the Act as it stands, no power of admonition is allowed to a magistrate. My object in bringing this Bill is to invest magistrates with such power. With these few words, I move the first reading of the Bill.

Question proposed.

The Honourable Mr. G. A. THOMAS: Sir, I notice that the passion of the honourable member Rao Bahadur Patil for benevolent legislation remains unabated. I should like to say one or two words as regards general principles. Yesterday, when I moved the first reading of the

[Mr. G. A. Thomas]

Court-fees Act Amendment Bill, an honourable member on the opposite benches—I think it was Rao Bahadur Chitale—said, “Why should you want to set right a small defect in the Act after it has been on the statute book for over 50 years? Having discovered this defect that has not made itself felt for 50 years, why should you suddenly want to rectify it?” I think I might put the same question to the honourable member Rao Bahadur Patil and say, “This Act has been on the statute book for over 40 years. This is the first time that this little defect has been discovered. Why should you want to put it right at this date?”

Sir, I cannot help thinking that we have too many of these small amending Bills. Every official Bill that comes before the House has been prepared with very great care. Very much thought has been devoted to it. It is duly debated on the first reading. Then it goes to a select committee, and it is carefully examined there. It is again returned to this House, when it is discussed further and passed. So that, it leaves this House finally in as perfect a condition as the majority of the members of this House can make it. I think there are one or two tests which ought to be applied to every such amending Bill. The first test is: Is there any serious defect in the Act sought to be amended? If so, it becomes apparent within the first few months after it has been put into operation. But if the defect is discovered after a number of years, is it likely to be of sufficient importance to bring in an amending Bill? The second test which, I think, ought to be applied to an amending Bill is: Have circumstances so changed since the Bill passed into law as to necessitate an alteration? Very often a Bill is introduced at times when the provisions of that Bill are necessary. But the times may have changed and perhaps the Bill no longer becomes necessary, or has to be increased in its scope. Section 61 of the District Police Act refers chiefly to small misdemeanours and street nuisances. If that is so, has the necessity of controlling those misdemeanours grown less of recent years? In that section there are several clauses dealing with traffic nuisances. There has been a great change in the traffic conditions during the last 40 years. Traffic has become more congested, traffic has increased, traffic has become more rapid on account of the increase in the number of motor cars, and it has become more dangerous to limb and property. Therefore, it appears to me that it is possible to argue that, if any change in this section of the Police Act is necessary, it should be in the direction of stopping these misdemeanours which are a danger to the public rather than to increase them. If there is to be any debate on this Bill, I hope honourable members will take this point into consideration.

One other point, to which I wish to call the attention of the House, is that the honourable mover goes very much further than section 562 (1)-A of the Criminal Procedure Code. The concession that is allowed under section 562 (1)-A applies to first offenders under certain extenuating circumstances; whereas, under the amendment he has proposed, he has not given any such concession whatsoever. The main point is that these misdemeanours constitute a source of danger to the public.

[Mr. G. A. Thomas]

Government have carefully considered whether they should oppose this Bill and decided that the matter may be left to the House for its decision. Government will not take any further part in this Bill.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I quite agree with the Honourable the Home Member in the view he expressed that the section should be made applicable to first offenders. I fully appreciate the force of his argument. He said something in connection with the honourable member Rao Bahadur Chitale. May I tell the Honourable the Home Member that A should not be hanged for the fault of B? Suppose certain beggars are dragged before a magistrate under section 61 of the District Police Act. If my Bill is passed into law, then and then alone a magistrate can let them off with a warning after they are convicted. As the law stands, a magistrate has to fine persons convicted under section 61. In case the fine is not paid, beggars have to be sent to jail. This is the circumstance that has to be taken into consideration. I thank Government that they are not going to vote against my Bill, but I do not see any reason why they should not support it. A discretion is allowed to a magistrate under section 562 of the Criminal Procedure Code to use the power of admonition. Why should not the same discretion be allowed to a magistrate under section 61 of the Police Act?

With these remarks I hope honourable members will support the first reading of this Bill. I am prepared to refer my Bill to a select committee if any one makes a suggestion to that effect, but I consider that to send this Bill to a select committee is a waste of time. I hope, Sir, as I have already said, that honourable members will heartily support the first reading of the Bill.

Bill read a first time. Question put, and agreed to.

Rao Bahadur D. R. PATIL: Mr. President, I beg to move that Bill No. XIII of 1931 (A Bill further to amend the Bombay District Police Act, 1890) be read a second time.

Second reading.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I thank the honourable member (Rao Bahadur Patil) who defended me on the principle I enunciated, but I do not understand why he gave up the fight. Perhaps he was not prepared. The Honourable the Home Member was not right in his statement that this section which is sought to be amended, has stood on the statute book for the last 40 years. He has forgotten that many amendments have been moved, and the very last was moved in 1930. Many offences of a very trivial nature, as mentioned by the honourable mover, are punished with imprisonment or fine under this section. It will be seen by honourable members that this section was amended in 1912, 1913 and 1919, and many more offences have been brought under this section. I may also remind the House that section 562 of the Criminal Procedure Code is also a new section. The old section was there, but it did not

[Rao Bahadur G. K. Chitale]

bring in all the offences at that time. Therefore, the argument or statement that this particular section has remained on the statute book for 40 years does not hold good.

Another matter is that during the last civil disobedience movement certain offences which were considered to be very trivial, were sought to be brought under this section of the Police Act, such as picketing and so on. I may also remind the House of the latest decision of our High Court that any punishment given under any special Act should not be brought under section 562. All special Acts under which punishments are provided, do not come under the purview of section 562 and the leniency shown there cannot be shown by the trying court. That is the recent ruling by the High Court. Therefore, there is a greater necessity of amending this section. The amendment does not take away the discretion of the court to inflict punishment in proper cases. I therefore think that the House will be well advised in accepting the amendment as it is, without any further amendment, because it provides relief where necessary. I therefore support the second reading.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of section 61 of Bom. IV of 1890*) ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

Rao Bahadur D. R. PATIL: Sir, I beg your permission to move that
Third reading. the Bill be read a third time.

Question proposed.

Rao Bahadur D. R. PATIL: Sir, I beg to move two verbal amendments to the Bill:

In clause 1, add the figure "1" after the figures "193".

In clause 1, add the word "Second" before the word "Amendment".

Question put, and agreed to.

Question, "That the Bill be read a third time," put, and agreed to.
Bill read a third time. to.

The Honourable the PRESIDENT: The Bill is read a third time and passed into law.

**BILL No. XIV OF 1931 (A BILL FURTHER TO AMEND
BOMBAY ACT No. XVII OF 1920).**

Rao Bahadur D. R. PATIL: Mr. President, I beg to move that Bill No. XIV of 1931 (A Bill further to amend the Bombay Act No. XVII of 1920)* be read a first time. The object of my Bill is to cut down the pleaders' fees from 5 per cent. to 4 per cent. when the claim is up to Rs. 2,000. I propose to effect it in this manner. In (1) of Schedule III the words "at 4 per cent." shall be substituted for the words "at 5 per

*Appendix 4.

[Rao Bahadur D. R. Patil]

cent." appearing in "if the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at 5 per cent."

I beg to submit that all the honourable members of this House who belong to the legal profession know that the cost of litigation is going very high. They themselves will admit this. On the other hand, owing to the overcrowding of the Bar a situation has arisen under which the majority of junior pleaders have to charge their clients less than the sanctioned rate. Even though the law allows them 5 per cent., yet on account of a private arrangement between the pleader and his plaintiff client, as a matter of fact, in many cases he charges 1 per cent. or 2 per cent. and the rest of the fees goes to the plaintiff who is generally a sowcar. The result of this is that the pleader does not get the fee prescribed for him by law, but the sowcar who engages the pleader gets an opportunity to recover the maximum fee from the poor defendants, who in the majority of cases are agriculturists or labourers. In these circumstances, is it not fair that this honourable House should put matters right? Is it the desire of any honourable member of this House that the sowcar should be allowed to fill his pocket by trading on the fees payable to the pleader at the cost of the poor agriculturists? I do not think for a moment that there is a single member who would like that position. As I have already stated, the cost of litigation is going higher and higher. From that point of view also the fees ought to be reduced. I know that some years ago it was three per cent. when the value of the subject matter in dispute was up to Rs. 2,000. But it was subsequently raised, I suppose for the same reasons for which the salaries of officers were raised. But now things have changed and there is sufficient justification for us to reduce the fees of pleaders. From this point of view my case is very strong. Apart from that, however, I am deadly against allowing the sowcar, a person belonging to the Shylock class, to gain at the cost of the poor agriculturists.

I hope, in these circumstances, that the members of this House, without a single exception, will support the first reading of the Bill. It is brought forward to give relief to the poor agriculturists and labourers who are suffering on account of the present state of things. With these remarks I move the first reading of the Bill.

Question proposed.

The Honourable Mr. G. A. THOMAS: Sir, I congratulate the honourable Rao Bahadur on having been able to move two pieces of benevolent legislation within half an hour. But I do not share his optimism that every section of the House will support this Bill as warmly as they did the first one. I rise at this stage to say that the attitude of Government will be neutral as it was on the last Bill. This appears to Government to be a question mainly between the pleader and his client. If the honourable mover can convince the House that the cost of litigation should be decreased at the expense of the pleader, he may succeed in carrying this Bill through the House. Government are only indirectly interested in this question as being protectors of the poor, including the poor pleader.

Khan Bahadur M. A. KHUHRO (Larkana District): Sir, I wish to move an amendment that "3 per cent." be substituted for "4 per cent."

The Honourable the PRESIDENT: The amendment is not in time. It should have been tabled seven days before the commencement of the session. The honourable member may, however, speak on the motion without moving an amendment.

Khan Bahadur M. A. KHUHRO: The honourable mover of the Bill may be willing to accept my amendment.

The Honourable the PRESIDENT: No amendment can be allowed. The honourable member may speak on the Bill if he likes.

Rao Bahadur S. N. ANGADI (Belgaum District): I rise, Sir, to support this Bill, because it is a Bill which is long overdue.

Rao Bahadur R. R. KALE (Bombay University): Sir, the honourable mover of this Bill has stated that hardship is caused because certain sowcars make a profit out of the provision made for pleaders. His implication was that the pleaders charge 3 per cent. or 2 per cent., but the sowcar gets 5 per cent. on the claim. That is what I understood to be his argument. There may be such cases within his knowledge, but the scope of the Bill is not limited to sowcars or money-lenders. There are cases relating to immoveable property which it will be very difficult for pleaders to conduct on smaller fees, cases which involve intricate questions of law. In money suits, of course, the matter is comparatively very simple. When the subject matter is a promissory note or a bond, the case will be simple and the pleader will not lose if he does not get a large fee. I am at one with the honourable mover in saying that in such cases the fees may be reduced irrespective of the gains which the sowcar makes. Where does the profits of the sowcar come in? If the pleader takes a smaller fee and gets a decree for the sowcar for a larger fee, that is a case of professional misconduct.

An Honourable MEMBER: But that is the practice.

Rao Bahadur R. R. KALE: That is a practice that ought to be brought to the notice of the Bar Council. I do not know if it exists on a large scale. It will certainly be professional misconduct on the part of a lawyer to allow that thing to be done. He may forego his fees, or take less; but if he allows his client to get a decree for a larger fee, it will certainly amount to professional misconduct. That is, however, by the way. My point is that the Bill should be confined to money suits. In the case of promissory notes, the contest is all the same whether the amount is Rs. 200 or Rs. 1,500. In those cases the fees may be reduced. But, so far as claims relating to immoveable property are concerned, it will work hardship on the pleaders. Then, Sir, it is not always the defendant who pays the fees; if the defendant succeeds, he can claim the fee from the plaintiff. The ultimate cost will fall on the losing party. Certainly there ought to be a sufficient fee for avoiding litigation. Litigation ought not to be indulged in too summarily or too easily. They must realise that litigation will cost much and is not an easy matter. If

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suits relating to immoveable property are removed from the scope of the Bill, then perhaps there will be no objection to the Bill.

Rao Bahadur D. R. PATIL : What do you suggest ?

Rao Bahadur R. R. KALE : The Bill should be limited to money claims and should not apply to claims relating to immoveable property. That is the attitude which I should like to adopt.

Dr. J. A. COLLACO (Bombay City, South) : Sir, I rise to support the Bill. There are many things on the statute book which are out of date and ought to be scrapped, and this is one of them. In this particular instance, things have considerably changed. Pleadors can be engaged for very little nowadays. The plaintiff or money lender generally makes a private arrangement with his lawyer and comes to a certain understanding, and pays him a fixed amount. But under the existing law the defendant has to pay 5 per cent. It is thus a great hardship on the poor ryot who is generally the borrower, and the sowcar profits at his cost. For this reason I support the Bill before the House.

Rao Bahadur B. R. NAIK (Surat District) : Mr. President, I rise to support the Bill. It has been admitted that the amount of litigation has gone up considerably. And in these times of depression, it is necessary that litigation should be as cheap as possible. I do not know whether the cost taxed by the court goes to the pocket of the pleader in full, or in the proportion of half or one-third. But I do know that these costs tell very heavily on the poor agriculturists of the Presidency.

Sir, everybody is talking of sacrifice. Even the benches opposite have to make sacrifices. Why should not pleaders also make some sacrifice in these days of depression ? It is but fair and proper that the pleaders should come forward and try to make litigation as cheap as possible. I for one, who do some money-lending, should be very glad if litigation becomes as cheap as possible. I know the hardships to which the debtors are put. When they are unable to meet their obligations, the sowcars drag them to the courts and they have ultimately to bear the costs of litigation. I therefore think that my honourable friend's Bill has come at the proper moment. Only it does not go far enough. I hope a way will be found to substitute the figure "3" for the figure "4". It ought to have been proposed by the honourable the mover of the Bill. With these words, I support the Bill.

Rao Saheb P. D. KULKARNI (Poona District) : Sir, I rise to support the Bill. The Bill has been moved by a member of the Retrenchment Committee, and the proposed measure, in my opinion, is one of the retrenchments suggested in the right direction. This retrenchment in pleaders' fees is to the benefit of the agriculturists. My reasons justifying the reduction are that, in these days of depression, the prices of agricultural produce are going down and down. And, secondly, side by side the value of landed property is going down day by day. Taking into consideration all these factors, I certainly think that there will be no two opinions on the point of reducing the fees. There is every

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justification to adopt the measure of reducing the fees of pleaders at this right time. They were increased when the commodity prices were very high and lands brought very lucrative prices. I do not agree with the conclusions drawn by my honourable friend from Bhusaval, the mover of this Bill, in the speech which he made in defence of the measure. I have stated my own reasons why a cut is necessary in the pleaders' fees at this critical moment. For these reasons I give my support to the Bill and appeal to my honourable colleagues to accord theirs.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, anything that will bring relief to the poor will have my hearty support. But, at the same time, it must be clear that the Bill which is sought to be introduced, is going to bring relief to the poor litigants.

According to the honourable mover of the Bill, there are certain causes which have led to this Bill. The disease, as has been pointed out by the honourable mover, is that the pleaders' profession has been overcrowded and consequently the pleaders are charging less fees than stipulated. Sometimes they go to the extent of charging 1 per cent. or $1\frac{1}{2}$ per cent. and, therefore, the wily sowcar gets the full benefit through the dishonest pleader. If that is so, then the suggested reduction to 4 per cent. will not cure the disease. The real remedy is that the court should ask for a certificate from every pleader as to what exactly is the amount he has recovered from his client, and the expenses should be recovered accordingly. If the pleader is found to be dishonest, he should be dealt with by his own brothers in the profession, or by the Bar or by the authorities who sit over him. If, as the mover says, the pleaders accept fees as low as 1 per cent. or $1\frac{1}{2}$ per cent., I do not see why he should suggest 4 per cent. Why should he not suggest 1 per cent. instead? I would say that no per cent. should be charged. My opinion is that the disease cannot be cured by the suggestion made in the Bill that has been brought forward.

Rao Bahadur D. R. PATIL: Will your brother, who is a pleader, agree to 1 per cent.?

Mr. M. M. KARBHARI: For the benefit of the honourable member I may say that my brother charges his fees per day, and not on a commission basis. Perhaps the honourable member knows it to his own cost, as he has engaged him several times, and I would like him to challenge my statement.

After having said this, I think it would be very dangerous for us to give our full support to this reduction to 4 per cent. If the honourable member had made the suggestion that the fees should be based on the certificate submitted by the pleader, I would have agreed to it.

Mr. L. R. GOKHALE (Poona City): Sir, the intentions of my honourable friend Rao Bahadur Patil are certainly very laudable. If, in any case, there is a possibility of the creditor making money out of the debtor through the agency of the pleader, that must be stopped. I do not think there will be any two opinions about it even from the members of

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the Bar. We have to consider here whether the amendment proposed is proper or not. I will first bring to the notice of the honourable the mover the provision in clause VI of Schedule III to the Bombay Pleadings Act, 1920, which reads :

" In no case, whether specifically provided for in this Schedule or otherwise, shall the pleader's fee payable in any civil suit, appeal, application or proceeding other than execution proceedings be less than—

(a) Rs. 30 in the High Court.

(b) Rs. 15 in the District Court or in the Court of a Subordinate Judge.

(c) Rs. 5 in any Court in suits of the nature cognizable by a Court of Small Causes....." etc.

So, in these cases the present rule will continue. If the amendment is not extended to this clause,—and it is not extended,—certainly the present provision which I have quoted will be there.

My other point is that there are a certain number of cases in which a suit is filed and the defendant comes in and admits the claim. I think in justice to the defendant it is absolutely necessary that full fees should not be then allowed. [*An Honourable Member* : One-fourth]. I appreciate that, but one-fourth of the fees is not charged in all cases.

As my honourable friend from Satara (Rao Bahadur Kale) has pointed out, these valuations made for court fees are only nominal except in money suits. In suits for the possession of property, the valuation of the land for court-fee purposes is generally 10 times the assessment of the land. Suppose a land is worth Rs. 10,000. The assessment will be Rs. 20, or Rs. 30 or Rs. 50. Ten times that assessment will be Rs. 500 and the vakil's fee will be charged at Rs. 25, whereas the property is worth Rs. 10,000 or more. There are similar cases of injunctions, declaration, restitution of conjugal rights, and so on, where the fee laid down will be very small. If there is to be a change, it ought, therefore, to be only in the case of money suits and when they are not contested.

I will give instances regarding money suits under the Deccan Agriculturists Relief Act. No creditor or debtor comes into the court with clean hands. If the creditor is guilty of 10 frauds, the debtor is guilty of 25. The difficulty is that it is not possible for the judge to distinguish between right and wrong unless assisted by lawyers. If there is any work of great difficulty for a practising lawyer, it is the case of the agriculturist. If the creditor says that the debtor owes him Rs. 100, the debtor says he has repaid him Rs. 200—principal and interest. That is the position. If the claim is for Rs. 200, the vakil is to get Rs. 8. What help can in such a case the vakil render to the court? And there are generally half a dozen witnesses on either side and, of course, they get witnesses sometimes at very cheap rates nowadays. It is not my business nor my purpose to say why it is so. If the judge has to examine in a case ten witnesses for a couple of days and if the vakil, according to the honourable the mover, is to get not even ten rupees, I think the vakil will be worse off than the ordinary skilled worker in a mill.

Rao Bahadur D. R. PATIL : As a matter of fact, he gets Rs. 2.

Mr. L. R. GOKHALE : Experiences differ. Whether one gets Rs. 2 or Rs. 4, we have to look at the things as they exist. What would you say to a pleader being engaged for 4 days and paid Rs. 8 or Rs. 4 ? If it is your intention to give relief to the poor litigants, then the proper course is for Government to make provision whereby vakils will be admitted at the cost of Government to defend poor litigants, or a big fund can be raised by those who feel for the poor litigants—I am one of those who feel for them—and let that fund be utilised towards the payment of vakils' fees, so that the peasant may get the right sort of vakil to handle his case.

In the first place, you will see that 50 per cent. or more of the litigation is not governed by this Act. This Act governs only civil cases ; criminal and revenue cases are not governed by this Act at all. I think the honourable the mover should care more for the poor people who are involved in criminal cases and who are likely to be fleeced by their pleaders, as these people have the sword hanging over their necks there. That is not, however, remedied. That is one point.

Secondly, there is a provision in the Act whereby a pleader can agree to work for a client by a special agreement, and instead of taking Rs. 50 he can take Rs. 5 or instead of taking Rs. 50 he can charge Rs. 500. I know in criminal cases sometimes hundreds and sometimes thousands are charged. So, instead of remedying all these evils, the honourable mover has only selected the minutest part where there is the least necessity of such a change.

Another point is this, that if there is such a provision made that in every plaint or in every defence it should be laid down in writing that the pleader has charged so much, that may remedy the evil complained of to some extent. I believe there are certain districts in the Bombay Presidency where this practice prevails, that in the plaint there is a statement made by the pleader to the effect " I have charged, instead of Rs. 5, Rs. 2 " or Re. 1 or whatever that may be. If that statement is made compulsory in all civil suits and in all written statements, that should be enough to do away with the evil to a considerable extent. But to reduce the 5 per cent. to 4 per cent. is not really the remedy to remove or cure the evil. I am aware that my arguments are perhaps very likely to be misinterpreted. I am one of the practitioners and it may be said, " Here is a gentleman who speaks about peasants and their poverty, but when the question comes to touch his pockets, he throws overboard all his principles." To that my answer is that it is nothing of the kind. To those honourable members who are the members of the House, this 5 per cent. or 4 per cent. hardly matters. They have their own price, and unless the law prevents them, they can lay down their own figures. But I speak in the interests of those practitioners in the mofussil who are just budding or who are just rising in their profession. They may get one case in a week, or four or five cases in a month, and out of that income, the honourable mover is going to remove a part of what little remuneration they get. This will tell very much upon the junior members of the bar. To them it will be said, " You are a young man. The law allows Rs. 5, you were taking Rs. 4 " or " Now the law allows

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Rs. 4, you should take Rs. 2." If really you want people to be honest, this is not the method to achieve that object. Let some sort of provision be made in the circulars of the High Court or for some disciplinary measures in civil courts or district courts. The remedy suggested by the honourable mover will increase the evil and make people more dishonest. It will come most in the way of the new young man. To tell him to charge so much is certainly to stop his progress. There may be some certain cases where a particular Marwari or a money-lender, or a Gujarati or a Brahmin, may be making money out of the agency of the vakil; but such cases are few and far between. No doubt, there may be professional touts; but that also is a rare occurrence. But because there exists an evil in certain cases, it does not mean that there should be such a remedy as is proposed by the honourable mover which may adversely affect innocent men. I object to this Bill on these three or four grounds, namely, first, the important section, part 6 of the third schedule, remains unaffected; secondly, this amendment covers not only money suits, but all suits; thirdly, this amendment includes not only cases of compromise, but cases which may be fought out to the bitter end, and in fact this will be a sort of an instrument put in the hands of the creditors or Shylocks, as the honourable mover says, though I do not say they are Shylocks, who will be pointing out to the vakil to reduce his charges further. I see that my honourable friend from Bombay city says, "Why not make it 3?" And my honourable friend from Sholapur says, "I would like to make it 2;" but I do not know what the effect will be if those reductions are made. If legally the charge is Rs. 2 or Rs. 3, the result will be that the vakil will be asked to accept Re. 1 or even eight annas. Do you really think that good honest service of a law graduate of a university having spent 10 or 15 years in receiving education should be available at such a cheap rate? I do not really see the force of it. The number of graduates in law is increasing. In each district there are 200 to 300 of them. In Bombay they may be counted by thousands. If that is so, and if an individual has spent so much money for acquiring some education, is it reasonable, or will it be in the interest of morality and justice, that these fees should be reduced? I am going to say further that, if the question goes to voting, I am not going to vote one way or the other. I have put forth my views clearly. It should not be understood that I have done so in order to serve my own personal interest; but I do really and honestly believe that by this measure a wrong will be perpetrated without giving any remedy to the vakil or to the general litigant public. That is my humble view and I put it before this honourable House. They may take it for what it is worth.

Mr. M. H. MEHTA (Panch Mahals District): Sir, I rise to support this Bill. As regards the arguments advanced by the honourable member Mr. Gokhale, I would say that this Bill is to compensate the winning party. If the plaintiff wins the suit, the defendant has to pay the costs to compensate him. We do not say what should be paid to

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the pleader, but the reasonably incurred costs will have to be paid to the plaintiff. Very often you will find that even though the law prescribes 5 per cent., the parties offer less than that. The remedy that was asked for by the honourable member Mr. Karbhari is already in section 17 of the Pleaders' Act which allows pleaders to have the fees fixed by agreement, and section 18 of the said Act says that when a pleader accepts fees by agreement less than the prescribed fees, he has to certify that and the court will not give a decree for costs for more than what he has actually received. Therefore, that provision is already there. Section 3 of Act XXI of 1926 of the Government of India is also exactly the same as section 17 of Act VII of 1920. Under section 18 of the Pleaders' Act, the court is not authorised to give costs according to the prescribed rate if less fees are charged by agreement. In the latter case it awards costs according to what has to be paid under the agreement under section 3 of Act XXI of 1926. Unfortunately, very often we find that pleaders do not certify correctly. They dislike saying that they have accepted fees less than the prescribed amount. They merely say, "Fees accepted according to scale." They do not write the exact amount. Very often I have found that when the pleaders get the amount that is deposited by the other side in the court, quarrels arise between the litigants and the pleader. The litigant says, "Give me the whole amount that you have received including the costs of the suit," and the pleader says, "I have not been paid sufficiently, even according to the legal scale. So, you pay me the full amount of fees awarded by the court and I will give you the whole amount." The litigants do not agree and very often this leads to unpleasant scenes in courts. My experience of the High Court, however, is that there is no practice of certifying the fees that have been received and yet the appellant is compensated according to amount prescribed by the Act. The object of this Bill is this, that the compensation that is to be given by the defendant ought to be reasonable or ought to be the amount that the plaintiff has had to spend.

As regards the argument advanced by the honourable member Mr. Gokhale that there are so many law graduates, and that their value ought not to be decreased and that they will starve. That is not the point here. We know that litigants do not confine themselves to 5 per cent. Very often in important cases they engage senior pleaders and counsel, and they thus incur very heavy expenditure and yet the court does not award them the higher cost. If the defendant or the plaintiff can afford to pay higher fees, the law does not debar the plaintiff or the defendant from paying such higher fees. He is at liberty to engage a senior pleader or a counsel and pay them higher fees. The Act does not prohibit pleaders accepting larger fees. The Act prescribes that the plaintiff cannot get more than a certain percentage from the defendant, and therefore my submission is that this Bill is reasonable. At present the prices have gone down, as a rule people do not pay more than 4 per cent. and therefore it is not necessary that 5 per cent. should be allowed to be awarded. And if we know, from actual facts, that the pleaders are not charging 5 per cent., that they are charging less than 4 per cent..

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I do not understand why it should not be reduced to 4 per cent. I therefore support this Bill.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I am not opposing the first reading of this Bill, but I may warn the honourable mover that there are rocks ahead. I may say that though the Bill looks very innocent and very small, it will be found later on that it is not so and that the existing Act is a much better one than the proposed amendment. I may point out that under section 31 of the Pleaders' Act, the High Court has a right to tax costs between party and party, to provide for the allowance and taxation of costs between pleader and client, whether in litigious or non-litigious business, and to prescribe the manner in which the pleader's fee shall be computed and the amount of the pleader's fee, and so on and so on. It is just possible that because this Act was amended so lately as the year 1920 when the fees were considered small, the High Court may not accept the view put forward by the honourable mover.

Rao Bahadur D. R. PATIL: The future will take care of itself.

Rao Bahadur G. K. CHITALE: I am told that the future will take care of itself, but I say that we must not proclaim our ignorance of the effects of such a legislation. I am only anxious about that. The present Bill is not going to do away with the evil but is likely to increase it. If the honourable member is really anxious, as he should be, to remedy the evil, he should set about doing it in the right manner. I do not feel the slightest hesitation in saying that the lowering of the percentage from 5 to 4 will not lessen the evil even a bit. In his own district, the honourable mover knows that his Bill will not remove the evil. As far as my district of Ahmednagar goes, we have a system mostly of cash payments. But in Khandesh, usually cash is not paid but an account is kept and the annual balances, perhaps with interest, are settled possibly at the Divali at which time certain deductions are asked for by the clients and given by the pleaders themselves. I am not sure whether the remedy suggested by the honourable mover, namely, reduction from 5 to 4 per cent., will have the desired result of eliminating the evil of which he unnecessarily complains so bitterly. By all means, the House will be completely at one with him in his efforts to reduce the cost of litigation; but when we talk like that, the other problem must be faced, that by the lowering of the percentage the senior pleaders will not be affected a bit. I am myself a senior pleader of 35 years' standing, and a senior pleader would take up the side which would pay more than the percentage which my honourable friend has put down. It should further be remembered that even the lowering of fees means retaining a junior, and that does not always mean the best service. As a matter of fact, it is perfectly possible to argue that even in the case of the poor litigant, the agriculturist, it is necessary that the best talent should be brought to bear upon his case. My honourable friend forgets this also that, even though the term "agriculturist" is used simply because they are poor, if he were to bring his own experience to bear upon this question, he will find that there are litigants

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other than agriculturists who want to put forward the defence that they are agriculturists in suits for money or other suits in the districts to which the Deccan Agriculturists' Relief Act applies. The first line of defence is that he is an agriculturist. That issue has first to be fought out, because, as the House knows, even if a decree is passed, his land and other immoveable property is not liable to be attached, and neither is he liable to be imprisoned for the decree. For these two privileges, therefore, the first thing is to fight out that issue, and for this the pleader will get nothing. Then there are the usual other lines of defence, viz. that he has not received the full consideration of the pro. note or bond, or that the pro. note or bond represents half or one-third of the value. That also will have to be fought out. Therefore, I should think that there are many complications in this matter. Moreover, if he is really anxious to put an end to the evil, then there must be some system started under the regulations by which the Bar Councils operate in having a particular fee certified by the pleader. That does not matter. Of course, even then there might be false certificates, but then it is possible that he might be run in for unprofessional conduct. The mere lowering of the fee would not be advantageous to the litigant. I do not know how it is going to lessen the cost. In a suit for Rs. 2,000 the cost will be lessened by one per cent., that is, Rs. 20 at the most. I ask him in all earnestness whether he has considered that the process and other fees, apart from the pleader's fees, usually come to 15 to 20 per cent.? If that is so, how is the poor man getting any benefit by lowering the pleader's fees from five to four per cent.? All that you can save him arithmetically is Rs. 20. How is he going to lessen the cost which, in the last ten years, has grown from 10 to 20 per cent., for process fees and all the rest of it? Therefore, this is straining at a gnat and swallowing a camel. All these points will have to be looked into. Therefore, if the honourable mover agrees to refer the Bill to a select committee, I may be inclined to support its first reading; but, on the whole, I should think that it should be circulated for eliciting public opinion.

Rao Bahadur S. K. BOLE : Sir, I rise to support the first reading of the Bill, and I congratulate the honourable mover, my honourable friend Rao Bahadur Patil, on the self-denial that he has shown on this occasion by introducing this measure. Though he is a pleader, he has introduced a Bill for cutting the fees of pleaders. That is very admirable, and I hope that his example would be followed by other pleaders of this honourable House.

Sir, it is a pity that by litigation our people are reduced to poverty. Mahatma Gandhi advised the people to resort to arbitration, and asked the pleaders to boycott the courts. In their first enthusiasm, during the non-co-operation days, the pleaders boycotted the courts in order to get cheap popularity; but when they began to feel the pinch, one after another they began to resume their practice, and now I do not see that any of them has remained back. Sir, this litigation has ruined the country. People say that the drink evil has ruined the country, but I would say that pleaders' fees have ruined the country. In the city of Bombay the

[Rao Bahadur S. K. Bole]

cost of litigation in the High Court has risen so high that the people who have to go there have to say "*Hai, Hai*" after coming home. That is the position. So, I would say that my honourable friend has done well to protect the poor agriculturist, and I would ask him to reduce the fee to Rs. 3 as suggested by some of the honourable members. That would go still further to protect the interests of the agriculturists. With these words, I support the first reading of the Bill.

Mr. A. N. SURVE (Bombay City, North): Sir, this Bill has given the members belonging to the legal profession an opportunity of showing their self-sacrifice. Sir, I think that in the days of ancient Greece and Rome, the lawyers did not charge any fees, but offered their services free, and following that tradition, Advocates on the Original Side of the High Court are exempted from filing their vakalatnamas, and from affixing stamps to the receipts of payments of fees. What I am driving at is that the lawyers' profession is principally and primarily a profession in which the persons are supposed to render their services free. Therefore, if the honourable mover of this Bill has tried to touch his own pocket, I think he is only following an ancient tradition; he has not done anything new. Still, he deserves all praise for the self-sacrifice he has shown.

Then, Sir, I do not think that it needs any special pleading to demonstrate that five per cent. is more than four per cent., or that four per cent. is less than five per cent., and if you lay down that four per cent. shall be charged, to the extent of one per cent. at least there will be a lessening of the costs of litigation. Therefore, I do not think that a special demonstration is required to prove that the cost of litigation will be reduced by at least one per cent. Many honourable members have just tried to avoid that point, but I think it must be taken a note of.

Then, Sir, special reference has been made to suits which are contentious. I quite see that certain suits are very contentious and may involve the sacrifice of a number of days. But if that argument holds, then may I just ask the honourable members who have raised that argument, if five per cent. is a sufficient remuneration for the days so spent? Their point is this: if a fee of five per cent. is provided, then if the suit is contentious and even if many days are taken for its disposal, they will say "Never mind," but if it is reduced to four per cent., then only this point of the suit taking many days for disposal would come in. Well, I for one do not think that there is much soundness in that argument.

Then, the second argument is about certificates. Well, Sir, if a pleader consents to accept less than what is sanctioned by law, I think he will not hesitate even to give an untrue certificate. I do not know how many members there are of that nature in the profession, but if there be any of that type, then the remedy suggested of obtaining certificate will certainly not safeguard the man who has not got the self-respect of accepting what the law permits him to take, and I do not think that he who accepts less can have the moral courage even to withstand the temptation of giving a false certificate. Therefore, this point about the certificate is also not a sound one.

[Mr. A. N. Surve]

Then, Sir, the honourable member for Poona City (Mr. Gokhale) has drawn the attention of this House to Schedule III, clause VI. He has read it out, but with great respect for his learning, I see nothing in that clause which conflicts with this Bill. He has read out that clause to show that there is some sort of conflict between the provisions of the Bill and the Act. But I submit that in spite of this Bill being passed there will be no conflict whatsoever, because clause VI in Schedule III only prescribes the minimum fee. Even if the pleader claims four per cent. or less than that, under this clause VI the pleader is entitled to the greater amount, because it is the minimum. For instance, let us suppose that on the valuation basis a pleader in a district court will be entitled to Rs. 10; then this clause VI will come into operation and he will get Rs. 15 and not Rs. 10 as provided in the schedule. Therefore, I think that clause VI in Schedule III, which is mentioned by the honourable member Mr. Gokhale, does not really conflict with the provision in this Bill.

Lastly, Sir, it is really a pity that many members of the profession are very badly off. This is not the case only in India, but it is so everywhere, even in England; and there they are thinking that some provision ought to be made to see that the juniors do not have to go to the wall. If a remedy for that is to be sought, it will be by amending clause VI of schedule III. What is the fee that is given in the district courts? Rs. 15 is the minimum and for that amount a pleader may have to attend the court on several days. Therefore, the real remedy is to amend this clause. I therefore think that there will be absolutely no conflict even if the present Bill is passed. With these remarks I support the first reading of this Bill.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I am very glad that the honourable member Mr. Gokhale put forth his views and promised not to vote on this Bill. I want to reply to some of the points that have been urged by him. He contended that if a pleader had to work for four or five days, was he to be satisfied with a small sum of 5 per cent.? My reply to that is that, if a pleader thinks that he has to work very hard and has to spend a large amount of time, he is not prevented from asking *Bayana* over and above the percentage allowed under the Act. Where is the harm caused to a pleader, whether he is a junior or a senior? If the pleader is a competent man, the client will pay according to his competence. Mr. Gokhale is a well-known lawyer and I am sure he will not be satisfied with the 5 per cent. prescribed by law in contested cases. He will demand much more by way of *Bayana*. If a junior is competent, he will charge more; and, if he is not, he will be satisfied with less. So, the fees depend upon the competence of an individual pleader.

I quite agree with the view expressed by the honourable member Rao Bahadur Kale that merely reducing pleader's fees is not the effective remedy. Certain honourable members suggested that Government should make a regulation that the pleaders should certify to the court

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the actual fees received by them. The suggestion is worth accepting. But all the same, if we reduce the fee from 5 per cent. to 4 per cent., I do not know how the heavens will fall on the juniors. It is an open secret that the juniors accept a lower fee. I do not want to blame them. What can those poor fellows do? The competition is going keen and they are bound to get less. So I do not blame them.

Then, the honourable member Rao Bahadur Chitale observed that if this Bill is passed, it will be a dead letter; and it will not be followed by the High Court. He referred to sub-clauses (f) and (g) of section 31. May I ask him whether the High Court will be inclined to disregard this measure if it is passed into law by this honourable House, which consists of the representatives of the people? I am quite sure the honourable Judges of the High Court will not flout the wishes of this House, if this Bill is passed into law. I am glad to observe that Government also have taken a right attitude that they are not going to vote on this matter.

Of course, the Honourable the Home Member took pity on the poor pleaders. Perhaps he does not care for the poor agriculturists. When we compare the poverty of the pleader with that of the agriculturists, for whom should we feel? I should say necessarily for the agriculturists. I submit again that, even if the fee is reduced to 4 per cent., the competent pleader will always get much more, irrespective of what is prescribed by law.

Bill read a first time. Question put, and agreed to.

Rao Bahadur D. R. PATIL: I beg your permission, Sir, to move
Second reading. that Bill No. XIV of 1931 be read a second time.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, I did not anticipate that after the debate in which certain honourable members had taken part, the honourable mover would at once ask the House to pass the second reading of the Bill. I know that Government are going to remain neutral. Perhaps that has encouraged the honourable mover of this Bill to have an easy walk over and think that the Bill will be easily carried through the House. I really had wished that one or two members on the Government side had spoken, even though they may not vote.

Mr. C. W. A. TURNER: The Front Bench will not vote; but other official members will vote as they like.

Rao Bahadur R. R. KALE: Members of Government will not vote, but official members will vote and are free to express their opinion, which is not bound down by any Government Whip. I am glad to hear this. As has been observed by the Honourable the Home Member, this is not like the previous Bill that has been passed by the House. This is really a serious matter; and it requires that all aspects of the question should be considered. It would not be proper to hurry this Bill thinking

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that this is a small matter, that it does not require any consideration and it can be easily passed through. I think that in that case we shall be exposing ourselves to the charge that we as legislators are making light of things which require serious consideration. When legislation is taken up concerning municipalities, we send it to municipalities for opinion. But, so far as this Bill is concerned, I know as a member of the Bar that I have not seen this Bill. [*An Honourable Member*: It has not been sent to any Bar Association.] So, my point is that as this is a matter concerning all the bar associations all over the Presidency, due consideration should be given to their views, before we make any amendments. Otherwise we shall be landing them in difficulties. It has been pointed out in the course of the debate that, if this section is amended, there are other sections which will be affected. In my opinion, the proper course for the honourable member would have been to send the Bill to the select committee. I would rather prefer the course to circulate the Bill for eliciting opinion after the first reading is passed. Therefore, I move that this Bill be published for the purpose of eliciting opinion thereon for a period of two months. This will give an opportunity to bodies and persons interested in the matter to express their opinion. There is no urgency in the matter and the honourable mover himself has admitted it. This is not an emergency measure so that something is going to happen to-morrow. We have had sufficient discussion that pleaders are at liberty to charge more or less. The passing of this measure will not affect the country at large. So, I think that honourable members on this side of the House will be well advised in having this Bill circulated for opinion. We know that under Regulation VIII of 1827, the fee was 3 per cent. and then by the Act of 1920 it was raised to 5 per cent.; after a great deal of deliberation the Pleaders Act was passed. Therefore, before proceeding with the second reading of this Bill, I certainly think that honourable members will be well advised in conceding to my motion to refer it for public opinion.

Question proposed.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the motion that has been moved by the honourable member Rao Bahadur Kale. What is there to be sent for eliciting public opinion? The public of this Presidency will be in favour of the Bill. There is only one association, and that is the Bar Association or the Pleaders' Association, which will always raise its objection to this Bill. Those of the pleaders in this Council who wanted to oppose the Bill have already shown their inclination to oppose it. They will only show their lip sympathy to the poorer classes; they are interested in driving them to litigation. Sir, no good purpose will be served by deferring this Bill. We, representatives of public opinion in this Presidency, and members representing Government are, I am quite sure, in favour of this Bill. I think no one who claims to represent the people will oppose the amending Bill brought forward by the honourable member Rao Bahadur Patil. Publishing it for eliciting public opinion will only have the effect of postponing it for two months more and nothing else. It has been most clearly

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stated that the reduction of the fees from 5 per cent. to 4 per cent. will not affect the pleader who is competent, because he does not always limit his demand to the rate prescribed in the Act. I know it for certain that in the City of Bombay pleaders charge double, or even treble or even sometimes less than the fee prescribed in the Act.

Rao Bahadur R. R. KALE : It is open to them to do so.

Rao Bahadur R. S. ASVALE : But they never show to the court that they are charging only so much to their clients. I say that no good purpose will be served by supporting the motion of the honourable mover Rao Bahadur Kale. Sir, mere lip sympathy shown to the poor will not do. I hope the House will accept the motion of my honourable friend Rao Bahadur Patil.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I also rise to oppose this motion of the honourable member Rao Bahadur Kale. The issue before the House is a very simple one. Speeches have been made describing the Bill as diabolical and objectionable in character. To my mind it is nothing of the kind. It is a very simple Bill and there should be no difficulty whatsoever for the Bill to be understood by my pleader friends. There is nothing in it to frighten them. All that the Bill seeks to do is to reduce the percentage by one. I do not see why my honourable friends should be fighting shy of it. After all, it is only going to show a little concession to the poor man. As has been admitted, the pleaders are quite free to charge any amount of fees in addition to the fees prescribed in the schedule. So long as this is the condition of things, I really do not see any reason or justification for sending the Bill for eliciting public opinion. Unless the House is serious about it, there is no meaning in wasting the time of the House. I say it is far better that we finish all the three readings in this session instead of wasting the valuable time of the House. It is a very simple thing ; I do not know why my honourable friends Rao Bahadur Kale and Rao Bahadur Chitale should describe it as diabolical and complex, and coming into conflict with this and that.

Rao Bahadur R. R. KALE : We did not say "diabolical".

Rao Bahadur S. N. ANGADI : That word may not have been actually used by them, but that was the sense. I never suggested that the word "diabolical" was used by the honourable members Rao Bahadur Kale and Rao Bahadur Chitale. What I want to say is that they seem to fight shy of the Bill for absolutely no reason whatsoever. They need not get frightened by the Bill at all. It is a simple thing : it reduces the percentage of fees by one. I do not think our pockets will be immediately emptied. After all, it is a question of sympathy with the poor man, and if we do not show this much sympathy, I think we are unfit to be leaders. Taking this into consideration, I hope the House will summarily reject the motion brought forward by the honourable member Rao Bahadur Kale.

Khan Bahadur M. A. KHUCHRO (Larkana District) : Sir, I rise to oppose the motion of Rao Bahadur Kale. The effect of the motion

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will be to postpone the Bill for another two months. There is nothing extraordinary in the amending Bill; it only seeks to reduce the fees from 5 per cent. to 4 per cent. As has been already stated, we find in actual practice that the fees paid are much less than 4 per cent. Therefore, the amendment should have been to reduce it to 3 per cent. or 2 per cent. As the Act stands, the court has to debit that cost to the defendant who is often a poor agriculturist. I think this a very reasonable amendment and no motion to delay it should be entertained. I strongly support the Bill and urge that the motion brought forward by the honourable member Rao Bahadur Kale should be rejected.

Mr. L. R. GOKHALE (Poona City): I think, Sir, it is my duty to express clearly what I have to say about this motion of my honourable friend Rao Bahadur Kale. I do think that the Bill should be circulated for public opinion. I do not see why this Bill should be passed as an urgent measure at one sitting of the House. I do not want to speak of lip sympathy or of attempts to catch sympathy. It is not necessary, because everyone who does a thing, is presumed to do it sincerely and honestly, remembering the duty that he owes to himself and to others. One may have sympathy with one motion, another may have sympathy with another motion. I will not use arguments like those urged by some honourable members. There are some members who say that they represent peasants and there are also other members who represent the Bar, as they say; but I think there is a larger body outside which is connected with the administration of justice. There are the district judges, the subordinate judges and there are public officers who have got experience of these matters, and their opinions ought to be ascertained. If I speak of Bar Associations, I know that phrases like "lip-sympathy," "self-interest" and "catch-sympathy" may be used. Therefore, I do not propose to mention the Bar Associations. For the matter of that, however, I do not know why those associations also should not be consulted along with other bodies. There are also many competent public bodies throughout the Presidency; there are agricultural associations and similar other associations.

Rao Bahadur D. R. PATIL: Agricultural associations?

Mr. L. R. GOKHALE: Yes; I do not know whether you belong to any agricultural association.

The Honourable the PRESIDENT: Please address the Chair.

Rao Bahadur D. R. PATIL: My reply to the honourable member is: Yes, I do belong to an agricultural association.

Mr. L. R. GOKHALE: One honourable member who may be an agriculturist, cannot represent the views of agricultural associations as such. Therefore, I submit that the opinions of such bodies ought to be taken. I would specially mention the members of the Bench that are concerned in the administration of justice, the civil judges and even the High Court Judges. They have their experience and they will be able to tell us exactly what they think. I should have been very glad to have the opinion of those who have been administering justice in the

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courts and who are members of the honourable House. I find that they have said nothing about the Bill. I do not know why. Is it that the advice of those gentlemen may be disliked? If so, that is no reason why they should not express their views. I do suggest that those who have been administering justice for years should be given an opportunity to express their opinion fully and fearlessly.

One more point. If there is to be an attempt to send this Bill to a select committee, that would be something. I do not see the purpose of the move to pass this Bill immediately. I do agree with the honourable member when he said that the heavens will not concern themselves with the doings of the members of this House and the deities controlling the heavens will not be put to the necessity of exerting themselves in an effort to save the heavens from falling. It is only a matter of common-sense and discretion. I think the suggestion of my honourable friend Rao Bahadur Kale, that the opinion of persons interested should be taken, is a very reasonable one. There are district judges and other civil judges, and there are also magistrates. They should know what should be the fees.

I do not want to reiterate my argument about 5 per cent. and 3 per cent. The best course perhaps would be to take away this particular provision altogether which prescribes the fee either at 5 per cent. or 4 per cent. The best amendment would be to provide that there shall be no scale prescribed for the fees which the pleader should charge to the client; the fees should be settled by agreement between the parties as is done now in 90 per cent. of the cases. I do not know exactly why we should not wait till opinions are collected.

An Honourable MEMBER: What do you lose?

Mr. L. R. GOKHALE: I find that one set of persons interested may say, "Make this change," and another set may say, "Do not change." Therefore, those who are independent of these two positions and who have sufficient experience should be given an opportunity to express their views. I do not think anything will be lost by putting this off for three months. It is absolutely open to us to do so and there would be nothing wrong in that. The reasonable course to my mind is either to have a select committee or to publish the Bill for eliciting opinion. As my honourable friend has put it, it should be circulated for opinion.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA)(Gujarat Sardars and Inamdars): Sir, I was not inclined to take part in this debate. The Bill has been brought forward by the honourable mover for the benefit of the poor agriculturists, and I think credit is due to him for that. I do not know why the honourable member Rao Bahadur Kale should bring forward a motion to circulate it for public opinion. If this Bill is circulated, will these people (the pleaders) come forward and say that the fees should be decreased? Public opinion would certainly be in favour of a decrease in the fees. I do not think there is any institution, except the pleaders' association, which would not favour a reduction such as is proposed in this Bill. For this reason, I oppose the motion for circulating

[Sardar Bhasaheb Raisinhji]

the Bill for eliciting public opinion. I do not think any useful purpose will be served by delaying the passing of this legislation any further.

As I said, this is for the benefit of the poor people. And no institution will advocate an increase in the fees and deprive the poor people of the benefit which this Bill seeks to confer. This Bill has been brought forward by a prominent pleader with a view to serve the interest of the poor. With these words, I oppose the motion moved by my friend for circulating the Bill.

Dr. M. K. DIXIT (Surat District) : Sir, I do not want to speak on the Bill as such, but I rise to oppose the motion brought forward by my friend Rao Bahadur Kale. The object of that motion can be two-fold, either really to elicit public opinion or to put off the consideration of this Bill. I think that the latter seems to be the object, because, if I remember well, this Bill was published early in February 1931—nearly six months ago—for public opinion, and those people who were conscious of their duties and responsibilities ought to have given their opinion by now. If they were indifferent, it means that they did not care whether the rate was reduced from 5 per cent. to 4 per cent., or 3 per cent. It means that they accepted the reduction, or at any rate did not want to protest against the reduction. So, I believe that the object of the motion is only to put off the consideration of the Bill. I submit that the consideration of this Bill should not be put off for eliciting public opinion.

The honourable member Mr. Gokhale said that the Bill is meant either for showing or catching sympathy.

Mr. L. R. GOKHALE : Lip sympathy.

Dr. M. K. DIXIT : I think the honourable member said for showing or catching the sympathy of the public. I can understand and accept the view that the honourable member for East Khandesh (Rao Bahadur Patil) wants to show sympathy and not catch sympathy. I could have accepted the latter view if the elections were drawing near; but the elections are far off. He wants to show that he sympathises with the poor litigants and does not want to catch the sympathy of his electors, as has been insinuated. I do not want to waste the time of the House and I oppose the motion to circulate the Bill for eliciting public opinion.

Mr. R. R. BAKHALE : May I move the closure, Sir ?

The Honourable the PRESIDENT : I accept it. I will first put the motion of the honourable member Rao Bahadur Kale to the House. It reads :

“ That the Bill be published for the purpose of eliciting public opinion for a period of two months.”

Question put, and negatived.

Bill read a second time. Question, “ That the Bill be read a second time,” put, and agreed to. ✓

The Honourable the PRESIDENT : Now I shall read the Bill clause by clause.

Rao Bahadur R. R. KALE : Before you do that, Sir, I should just like to point out one difficulty, namely, that I wish to move amendments and I find it difficult on the spur of the moment to draft them. We are asked to carry all the three readings without sufficient notice having been given to us to that effect. The principle of the Bill has been accepted and we have just passed the second reading. Now we would like to move some amendments. But, according to rules, 7 days' notice before the session of the Council is required. I would, therefore, request you to consider whether this is not a fit case in which to waive the rule. Of course, the Chair has got the power to waive the provision. The drafting of the amendments will take some time, and as it is a legal question, I cannot submit them on the spur of the moment.

The Honourable the PRESIDENT : It is now time for us to rise for tea and I will take up the clause by clause reading after the recess. The honourable member is perfectly right in his argument that the Bill was not notified for three readings. But as it is a small Bill and as the sense of the House was in favour of our proceeding with it further, I allowed the second reading. But I am equally prepared to allow amendments, if they are going to be proposed. The honourable member from Satara may consider the matter during the recess, and if he or any other member can table an amendment, I would consider it. I should certainly like to help the House if it does not want to hurry the Bill.

(After recess.)

The Honourable the PRESIDENT : Order, order. I think we may take up this Bill to-morrow and proceed with the next item.

Rao Bahadur R. R. KALE : Yes, Sir.

The Honourable the PRESIDENT : It is just possible that the amendments may not be well worded if hurried. I should like to know the feelings of the honourable mover.

Rao Bahadur D. R. PATIL : I am entirely in the hands of the Chair. I do not, however, see any necessity of taking it over to to-morrow. Of course, if my honourable friend Rao Bahadur Kale wishes to move an amendment or amendments, some time, say five or ten minutes, may be given to him now. The Bill is very simple. There are no complications at all.

The Honourable the PRESIDENT : I do not know whether the honourable member Rao Bahadur Kale is ready, but he wanted the amending clause to apply to money suits only. That is one of them. There were others also. The honourable member Rao Bahadur Chitale also said something, but instead of wasting time now in giving time, even 10 or 15 minutes, I think we might proceed with the next Bill and take this up to-morrow.

Rao Bahadur R. R. KALE : Yes, Sir.

Rao Bahadur D. R. PATIL : As you choose, Sir.

The Honourable the PRESIDENT : This Bill will be taken up to-morrow.

BILL No. XXII OF 1931 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888).

Rao Bahadur S. K. BOLE : Sir, I beg to move that Bill No. XXII of 1931 (A Bill further to amend the City of Bombay Municipal Act, No. III of 1888)* be read a first time. The system of co-option was introduced in the Bombay Municipal Corporation in the year 1922. Government proposed in the beginning four seats, but at the instance of some members like Sir Cowasji Jehangir (Jr.), who was a non-official member at that time, the number was increased from four to ten. The object was that experts and men of true ability and men who had rendered valuable service to the Corporation should be able to enter the Corporation if they do not succeed in getting elected in the ordinary way. The other object was that if after elections are over it is found that members of certain communities are not elected, then members of those communities or interests should enter the Corporation through co-option. But neither of these objects has been attained. Even men of proved merit and ability like the late Mr. Joseph Baptista could not succeed in election by co-option. So also men belonging to the minor communities and the backward and the depressed classes were not able to be elected by co-option, and it so happens that only those who are experts in the art of canvassing are able to get elected and also those who are willing to spend money and to buy votes get elected. In the co-option election the first vote has a real value and that vote, I am told, was sold at a premium. It brought to certain members money to the extent of even a thousand rupees.

The Honourable the PRESIDENT : I do not think it is advisable on the part of the honourable member to make these statements unless he is really fortified with very good reasons and proofs for them. To make a statement about public men and members of a public body is not right. The honourable member is making a statement, or rather an allegation, that votes were bought at a premium and brought so many thousands of rupees, etc. These allegations are not advisable to be made in this House and, moreover, they do not particularly support the motion made by the honourable member for the first reading of his Bill. His allegations refer to a body and public men as members of that body who are not present in this House. The honourable member should confine himself to other remarks.

Rao Bahadur S. K. BOLE : I bow to your ruling, Sir, but I may point out that you may find in the Council Debates, when my Bill for the five-rupee franchise was introduced in this House, that such remarks were made at that time.

The Honourable the PRESIDENT : Remarks like "liable to malpractices", etc., may be permissible.

Rao Bahadur S. K. BOLE : Allegations that a person received money to the extent of a thousand rupees were made at that time, Sir. However, I will drop that aspect of the question and try to show that the object of

*Appendix 5.

[Rao Bahadur S. K. Bole]

introducing the system of co-option was not achieved, and therefore the Corporation itself has passed a resolution in the month of April 1931 to do away with co-option. The Municipal Commissioner himself in his report to the Corporation, No. El./1116, dated the 26th June 1929, says :

"As far as I am aware, the main object of introducing the system of co-option in the Corporation was to enable individuals of proved merit, who for one reason or another, were unwilling to stand the worry and trouble of an election to enter the Corporation through the vote of the other members.....Under this system the first vote is all important and the man who can make sure of 8 or 9 first votes is certain of election. With a very limited electorate to canvas, this puts a premium on the assiduous canvasser and it is not the man of proved merit or of long and faithful service to the City who stands the best chance of being elected as was the intention of the originators of the system, but the man who is the most persistent or the most skilled canvasser."

That clearly shows that the object of introducing co-option is not served and therefore in their letter No. G.D.S./108-A, dated the 19th July 1931, to the Bombay Municipal Corporation, the Government of Bombay say :

"Government agree that these objects have not been fully attained and that the present system of election by co-option has not worked as satisfactorily as was expected."

All this is in support of my present Bill.

The other thing to which I may draw the attention of this honourable House is this, that my Bill proposes to do away with co-option. The effect of that, if the Bill is passed, would be that ten seats would be made available. I have also given notice of an amendment to this Bill, indicating how these seats released by the abolition of the system of co-option should be disposed of. May I move my amendment now ?

The Honourable the PRESIDENT : No. It had better be moved at the second reading.

Rao Bahadur S. K. BOLE : The wards that have not got an adequate number of seats are D, E, F and G. The Corporation in their resolution dated 11th March 1929 say, "That the Law and Procedure Committee be requested to consider whether it is not desirable to increase the number of members elected by the different wards, so as to give additional seats to F and G wards which are not proportionately represented, and make a representation to Government to amend the Act accordingly." It is these wards that have not got adequate representation. So, I have proposed that some of these wards be given more representation, at the rate of two for each. With these words, I move the first reading of the Bill and hope honourable members will support it.

Question proposed.

The Honourable the PRESIDENT : The principle of the Bill is to do away with the system of co-option, and as to how the ten members who are now co-opted and released by this Bill should be distributed would be the subject matter of the amendment which the honourable mover will move when the Bill is read clause by clause.

Rao Bahadur R. R. KALE : If the principle is accepted, the number would be diminished by 10.

The Honourable the PRESIDENT: Yes, but the amendment which will be moved afterwards proposes how those 10 seats should be distributed.

Rao Bahadur R. R. KALE: That amendment, as you say, is to be moved at the time the Bill is read clause by clause?

The Honourable the PRESIDENT: Yes.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I rise to support the first reading of this Bill. It is not necessary for me to explain still further the object of the Bill, as the matter has been explained fully by the honourable mover of the Bill, and he has been supported both by the Government and the Corporation of Bombay. Their Law Procedure and Election Committee, only last month, has passed a resolution, but unfortunately it was not carried in the Corporation on Monday last, only because, as we know well, the majority in the Corporation is of the capitalist view and of those who depend upon co-option to enter the Corporation. Still, the opinion of the Corporation and that of the Municipal Commissioner also is that we should do away with the principle of co-option. With these few remarks, I hope the House will accept the amendment of the Act moved by my honourable friend Rao Bahadur Bole.

Dr. J. A. COLLACO (Bombay City, South): Sir, I beg to support the first reading of the Bill. This question has been thoroughly gone through by the Corporation, and they have come to the unanimous conclusion that co-option should be done away with. Sir, only yesterday the Corporation reiterated this resolution of theirs. I have got an amendment to move, but I will do it at the time the Bill is read clause by clause.

Mr. L. R. GOKHALE (Poona City): Sir, I think the principle involved in this amending Bill is certainly such as should be accepted. The principle of co-option is not now necessary, considering the advance that has been made from time to time in the political or general wisdom of people of all classes. Co-option, though not quite the same as nomination, is something akin to it. Well, I do think co-option should not exist in the interests of the general taxpayer, and those who cannot compete in the general elections should not have this back door entrance, as I would call it, and considering all the circumstances, I think the principle is acceptable.

As regards the distribution of the seats, that may be discussed later on.

Rao Saheb P. D. KULKARNI (Poona District): Sir, there is one amendment to this Bill of which notice is already given by the honourable member Rao Bahadur Bole. It includes one new principle not appearing in the Bill, which is this, that instead of having 14 nominated members, the number should be increased to 18. This is rather against the present trend of public opinion. So many democratic bodies are passing resolutions after resolutions that there should not be any nomination at all in the representative bodies. Particularly the Poona

[Rao Saheb P. D. Kulkarni]

District Local Board had passed a resolution that there should not be even a single nominated member on their school board; and there are so many other instances of this sort, which indicate clearly what the public spirit is at present. Disregarding that right spirit of the public, the number of nominated members, which was formerly 16, and which was reduced only in 1928 to 14, is now proposed to be raised to 18 in the amendment of the Bill by its mover. It says, "and substitute 'eighteen' for 'fourteen' in line 5 of the section." That is given by Rao Bahadur Bole in his amendment to the present Bill. It is against the principle which is unanimously accepted by the educated public. Representation of the masses on an adequate scale must be provided for in the measures coming before the Council. Nomination is not the right way to have the voice of the public represented on a representative body like the Corporation. Therefore, on that democratic principle I am now opposing this Bill. If my argument will be taken into consideration by this honourable House impartially, I strongly hope at least this element of nomination on enhanced scale which is recommended by the mover of the Bill to be included in the present enactment, will be opposed with one voice and thrown out once for all.

Mr. B. S. KAMAT: Mr. President, I am afraid I have to oppose my honourable friend from Bombay (Rao Bahadur Bole) in his desire to knock on the head the system of co-option in the constitution of the Bombay Municipal Corporation. In these democratic days, I can quite understand that people must be against the principle of nomination; but I cannot understand why they should be against the principle of co-option, because I believe that principle is in the interest of the people themselves. The principle involved there is that a selection of certain individuals is made by the people returned to the Corporation by the popular vote, and if my honourable friend Rao Bahadur Bole is making out a case that such selection made by the elected representatives in the Corporation is vicious, it only means that even the elected members of the Corporation cannot be trusted to make a proper choice. If they succumb to the blandishments of candidates for co-option, it means the elected representatives cannot be trusted to vote properly.

The principle of co-option is not a new one. Perhaps it might be new to this country, but in England, in all the civic bodies there is the system of co-option, choosing the aldermen, the object of which is to secure people in the town who have specialised in certain subjects, or have public experience but who, for various reasons, are unable to come in by ordinary election, and whom it is very desirable to have on the body as its members. In order to provide for such people to come into that body and to take their legitimate part in the civic service of the country, this principle of co-option is now a well recognised one in the West. In my opinion, doing away with the system of co-option is a condemnation of democracy and therefore I am against such a step.

Then again, Sir, we have been told that these are days of democracy and therefore we must advance in that direction. I maintain, Sir, that

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people who have been returned to the Corporation by the popular vote and who have to make a selection of these 10 co-opted members are an intelligent electorate. These people are to be supposed to be a little bit more intelligent than the ordinary voters, and the members to be co-opted are supposed to seek the suffrage of the more intelligent of the members elected by the popular vote; I cannot see why this popular and intelligent electorate should be done away with in these days. Indeed, my honourable friend Rao Bahadur Bole is casting a slur upon these intelligent people who come into the Corporation and who otherwise are fit for doing all the duties of a corporator. If you want real democracy, this is another form of it. I for one would go so far as to say that the system of co-option ought to be extended even to city municipalities in the mofussil, in towns like Ahmedabad, Karachi, Poona, Dharwar and Belgaum. If there are certain people whom it is desirable to have on the municipality, but who for various reasons cannot come by the ordinary vote, there should be a door provided for them by the introduction of the system of co-option, which will enable these people to enter the municipality through the sufferance of the members who are themselves elected by the popular vote rather than by nomination. Frankly, I do not think the honourable member is supporting a sound principle by his Bill, and I therefore think it should be thrown out.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, I do not rise to oppose the first reading of the Bill. After all, if the Bombay Municipality, who are primarily concerned in this matter, desire a change in the direction suggested by the honourable mover, it is none of the business of this House to come in their way. They know where their shoe pinches, and if their experience tells them that the principle of co-option has not worked satisfactorily, and if their considered opinion is in favour of the abolition of this system, I think it is in the fitness of things that this House should accept their considered decision.

Now, Sir, my honourable friend Mr. Kamat says that this, i.e., co-option, is election, and not nomination. I am entirely in agreement with him. I should go a step further and call this process a double-distilled election, because the elected members on their own part elect other members. But there should be some reason for this indirect method of election, and I think the honourable mover is quite right that the object of the legislature must be to make provision for the entry of experts or some such thing as that. It cannot be, as stated by one honourable friend, that the legislature has merely kept the door open for the entry of those who cannot ordinarily afford to find entrance into public bodies through the ordinary channel of election. No. There must be a sounder reason for the principle of co-option; and I think that reason must be sought in the desire of the legislature for securing the representation of certain expert opinion or certain other people for whom it is impossible otherwise to get entry into the portals of municipalities and such like public bodies. I think the principle of co-option is not altogether to be condemned. In the Bombay Municipal Boroughs Act there is that principle extant and provision is made for the co-option of members on

[Mr. Pestanshah N. Vakil]

executive and other committees by the vote of not less than half the number of members of the corporation. I know that in some cases the Ahmedabad Municipality has exercised that right. It has, however, happened in certain rare cases. It is not invariably exercised. I am rather amused by the grounds adduced by different members in support of and in opposition to the motion, particularly the arguments adduced by the honourable member for Poona. How is co-option a mode of nomination? I fail to understand how my honourable friend calls it another method of nomination. It is not at all nomination; on the contrary, I should call it an indirect method of election. The tendency now-a-days is towards direct representation. Even at the Round Table Conference this question has either already been considered or is on the eve of being considered, i.e., whether elections should be direct or indirect. For instance, the Ahmedabad Millowners' Association had a seat on the Ahmedabad Municipal Corporation. When its constitution was revised some years ago, that seat was abolished on the ground that there should be direct representation of the rate-payers on the municipality. If the representatives of the people are in favour of direct representation, they would be perfectly justified in pleading for the abolition of the system of co-option.

But my honourable friend the mover of this Bill wants to add to the powers of Government. There are already 10 nominated members and he wants to have that number increased to 14. That amendment is not yet before the House and we shall cross that bridge when we come to it. The debate at any rate shows that different minds move in different directions.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (Addressed the House in Urdu): Sir, I support the Bill brought forward by the honourable member Rao Bahadur Bole. I listened with attention to the speech of the honourable member Mr. Kamat who said that it would not be better to do away with the principle of co-option. But I say that the ten co-opted members are elected only by 98 members of the Corporation, i.e. if 20 candidates stand for election, a member will be elected by the votes of 7 or 8 members. They really do not come as direct representatives of the public. They cannot be compared with the elected members who are elected by thousands of voters. The object of co-option is that we must have experienced people to help the administration of municipalities. But this object is not fulfilled by the Corporation at present and only those members are elected who have got a long purse and influence. This system of co-option is only in vogue in Bombay Corporation and nowhere else and hence it should be discontinued now as the Corporation itself is against that system.

Mr. A. N. SURVE (Bombay City, North): Sir, from the speeches I heard, I think that there is some misconception about the principle of co-option. Co-option in western countries may be working very well, but whether it works ill or well in the Bombay Municipal Corporation

[Mr. A. N. Surve]

is to be gauged not by what one thinks about it as a principle, but by the actual experience we have gained during the last 9 years. As a matter of fact this matter has a history. The present constitution was amended in 1922, and at that time the principle of co-option was included to a very limited extent and for a specific purpose in the Government Bill as it was presented to the House. At that time the electors' qualification was based on property and not rent. Because the rent qualification was to be brought to such a low figure as Rs. 20, the idea then was—not my idea—of the members of this House who were actually members of the Municipal Corporation—that the administration of the Corporation would be thrown into great disorder; therefore to avert that calamity ostensibly, but in reality to safeguard vested interests which may suffer as it was then feared, co-option was introduced. Therefore, all those honourable members who have supported co-option for the sake of co-option are labouring under a mistake. In the Bombay City Municipal Corporation the principle of co-option was not adopted for its merits, but as a matter of convenience, when there was a deadlock in this House on the Bill of 1922. In fact our experience of these nine years has shown that this provision is greatly abused. If my information is correct, even the Corporation is trying to recommend to Government to do away with co-option. If the body which is affected by the provision about co-option comes forward and says that it should be done away with, members who are advocating it and want to inflict it on the Corporation are doing a disservice to that body. I earnestly appeal to those members who want that the business of this House should go by practical experience, not to be led away by mere theory but to be guided by experience and to come forward and support this Bill.

This Bill is wanted for the following reasons. Firstly, the theory of co-option is based on indirect representation. Everybody is now coming forward for direct representation. Whether we have the capacity to use our discretion rightly or not, we want that we should be invested with responsibility. When all over the world the cry is for direct representation, if we try to perpetuate this indirect method of representation in the Bombay City Corporation, which is a model for the whole Presidency, then we are behind the times. Therefore, I request all members of this honourable House to put an end to the pernicious principle of co-option.

Some honourable members have taken exception to the fact that the power of Government in respect of nomination is going to be increased. It too has got a history: Let me tell you that. Because this extra power is given to Government, it has given room for members who cannot or will not get in by election into the Corporation. The figure 18 that is proposed by the honourable mover was partly there in the old Bill. I am referring to Act of 1922. Government surrendered a part of their right to nominate 16 members and gave 2 members out of that to represent labour. Up till then labour had no representation by election. Therefore, when 16 was reduced to 14, four members (2 out

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of nominations and 2 by new creation) were returned by the registered Trade unions.

The Honourable the PRESIDENT: It was 16.

Mr. A. N. SURVE: Yes Sir. My point is that Government had larger power formerly, and when they gave it up partly, they did so simply because labour was provided by election and not by nomination. Therefore, when 4 out of these co-opted seats are to be transferred to Government, I propose that they should be transferred to Government with the limitation that Government should reserve these seats for members of the Depressed and Backward communities which do not get adequate representation on the municipal board. It is with that idea that Government are going to be given the power. The honourable mover of this Bill does not intend to give any extra power to Government, but I understand that it is his intention to tie down the hands of Government and to indicate the way in which that extra power is to be used. Those interests which at present are not represented at all or adequately, should receive representation. Take, for instance, the depressed classes in the City of Bombay. There is not a single member who is elected by the voters of Bombay to the Municipal Corporation. Even if a member stands, he has not the ghost of a chance of getting in. That being the case, if you do not give power to Government to select capable men from among the depressed classes, they will have absolutely no representation. The backward classes stand in the same position. Although our premier municipality has been in existence for the last 60 or 70 years—I think the former municipal Board came into existence before 1860—it is still unrepresentative of all interests. That being the case, I think one should not stick too much to mere theories and be oblivious of the practical side of the question or of the real state of affairs in the City.

Then, Sir, about the distribution of seats. When the Bill of 1922 came before this House, the seats were allotted to the different wards in a haphazard manner. It was only ten minutes' work. At that time the number was 36 and the Honourable Member in charge had to find place for 76. What he did was, he doubled the number, he made 36 into 72, and automatically every ward in the City had its numbers doubled. But there were two other wards in the City, F and G wards, and they were in the process of development, and he had to give two seats to each of them. The allocation of seats to different wards then made was very unscientific. If we can find a scientific way whereby the representation will become more equitable and just, we should take the earliest opportunity to introduce it. With these remarks I support the first reading of this Bill.

Rao Bahadur R. R. KALE (Bombay University): Sir, I rise to a point of order. In my humble opinion, the Bill as it stands is not a complete one; it is only one half, the other half being the amendment which is tabled by him. What the honourable mover proposes to do by the Bill is to delete the clause and he wants to substitute for it some other by means of his amendment. Even the statement of objects and

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reasons shows that the two are but parts of one Bill. I am confirmed in this view by the concluding remarks of the honourable member to my right (Mr. A. N. Surve) who went into the question of the distribution of the seats also. I take it that you have not given a ruling on the point of order raised, but only indicated that the honourable mover may take up his amendment later on. I think we are rather handicapped in dealing with this question. There is a certain principle on which members are to be sent to the Corporation. The honourable mover wants to remove that principle and to substitute it by another principle. The Bill as it stands is only half; the other half is contained in the amendment. The amendment therefore is an amendment of principle. I do not know if it was tabled in time.

The Honourable the PRESIDENT: Yes.

Rao Bahadur R. R. KALE: In that case it is now for your consideration whether the two are not really parts of one and the same Bill, and also parts of the same principle.

The Honourable the PRESIDENT: I shall explain the situation as it came before me in my official capacity. When the honourable member sent in the amendment, my first impulse was to rule it out. I suppose the honourable member did not think of what was to be done when the figure "10" provided for co-option had gone. He thought of it after giving notice of the Bill. He therefore sent in this amendment as to how the ten seats so made available were to be distributed. My first impulse, as I said, was to rule it out of order. But then I thought of another question. Supposing the honourable member had stopped there and stuck to his Bill doing away with the co-option system and had not cared as to what became of the ten seats so made available, any other member in this House would have been in order to move an amendment to that Bill when the Bill was proceeded with, laying down how those ten seats should be distributed. No honourable member could be prevented from moving such an amendment. Then comes the question as to when that amendment should be moved, at the first reading or the second reading. The principle of the Bill I hold to be doing away with the system of co-option. The distribution of the extra number so released is a matter of detail. Some honourable members in this House may propose amendments that some of it should be given to nomination and some to election; others may propose that they should all be given to nomination; others, again, that they should all be given to election and distributed to wards A, B, C and D, or in any other way. I took that to be a matter of detail and allowed the amendment. As I thought that any member of this House would have been allowed to move that amendment, I allowed the honourable mover himself, as he desired, to move it. Then, he came and asked me only this morning when he should move his amendment, and I gave him to understand that as there might be various amendments affecting the method of distribution of the ten seats, he should move it at the second reading. I do not think that the House is in any way handicapped at

[The President]

all because of that procedure. Any honourable member would be perfectly entitled, as the last speaker has done, to allude in a passing way to the question as to whether the House should be guided by the consideration that nominations should not be increased or to any other detail. No honourable member is prevented from alluding to the method of distribution of the ten seats. But the question of distribution of the seats by actual numbers, in one way or another, is certainly a matter of detail and, therefore, better suited for the second reading.

Rao Bahadur R. R. KALE: May I ask for an explanation? Supposing there is no amendment—we must proceed on that assumption; we cannot anticipate amendments—and the Bill is passed without any amendment being moved, it will be incomplete.

The Honourable the PRESIDENT: To that my reply is: If the honourable mover stuck to his original Bill, in the course of the progress of the Bill, the honourable member the Legal Remembrancer would have found out the defect, as does the honourable member from Satara, and brought in consequential amendments at the third reading or even earlier. In doing away with the system of co-option, the distribution of the ten seats is not the only thing. The honourable mover ought to have thought of the original figure 76 at the top of section 5 and amended that also. He has not thought of it. It does not, however, prevent any honourable member in this House, particularly the honourable member the Legal Remembrancer, taking it up as a consequential amendment. Therefore, considering the matter carefully, I do not think that anything is illegally allowed.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I am supporting this Bill simply on fundamental grounds. When I read section 5 of the Municipal Act and the clause relating to co-option, I find that it militates against the fundamental principle of any popular election. My honourable friend Mr. Kamat said that it is the elected representatives of the people that co-opt the experts on the Corporation. I quite agree with him. But if he were to scrutinize the real procedure adopted, I think he will realise that the purpose intended by this clause is not being served. As opined by many honourable friends here, the fundamental principle of every popular election is closer contact between the elector and the elected. That is the essence of every popular election. Now, if the election is to be sought through a limited constituency, I think it militates fundamentally against the principle of election. It is on that ground alone that I am constrained to support this Bill.

Now, Sir, as regards the argument advanced by certain honourable members that it is the capitalists that come in and influence the people, I quite agree that it is the moneyed men who influence the members of the Corporation. In addition to his money, the rich man can use various other ways of influencing members, if he is an established man in the city. For instance, he may be a lawyer of repute or an engineer or doctor, and he may exercise his influence over certain members of the Corporation and get in. I think we have advanced very far and even

[Syed Miran Mahomed Shah]

experts should not shirk the duty of coming into contact with the small elector and gaining practical knowledge. By coming into contact with the electors the expert will be in a better position to know the real conditions of the city. In my opinion, therefore, he should not shirk election and try to get in by the back-door by co-option.

I would have given my opinion differently had this clause been worded in such a way as to have prescribed certain qualifications for the members who are to be brought in by co-option, just as is the case in the school boards where certain members with an expert knowledge of education are co-opted. Certain qualifications are prescribed for these candidates and we have to elect only from that particular class. Whether A comes in or B comes in, it makes no difference to us. We get experts, because they come from a limited constituency and possess the prescribed qualifications. If that provision had been made in the Act, I would have given my opinion on this Bill differently. But as the existing Act lacks that provision, I think we should support the Bill brought forward by my honourable friend Rao Bahadur Bole. If anybody is in favour of co-option, he might move an amendment at a later stage prescribing a qualification for members who want to come in by co-option. But any amendment which includes the principle of nomination I would not support because it is high time that we democratised our popular institutions as far as possible. We are on the eve of an era of self-government in this country. With these words, I support the Bill.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, there is a history behind this system of election, namely, of co-option. It may have degenerated; that is another matter. There are so many things which we consider workable, whereas as a matter of fact they are found impracticable in actual practice.

The last speaker stated that no qualifications have been prescribed in the Act and that, if those qualifications were prescribed, he would have supported the system of co-option. He cited the instance of district school boards where certain interests are represented by this system. Is he quite sure that though these qualifications are prescribed, the system is a success? You may take it from me that it has also degenerated.

The point at issue, Sir, is one of vital interest to the growth of self-governing institutions. The House knows that when we talk of democratising popular institutions, every member is in favour of democracy. But is that system of democracy always a blessing? Sometimes democracy runs amok. There is likely to be some mistake in a democratic assembly of a city which controls crores of money. I would not be surprised if in such a case democracy runs amok if there are not certain vested interests—interests in the sense that they have a stake in the city.

This system is not of our own creation; it is borrowed from England. There the system has been in vogue for a long time and has worked well in practice. The system of co-option is intended to bring in experienced

[Rao Bahadur G. K. Chitale]

people who do not want to face the trouble of election or are not prepared to incur the expenses of elections, and all the abuses which are connected therewith. In order that we may get the benefit of the experience of such people, therefore, this system of co-option is necessary. If that system is abused, it lies in our power to remedy it. As soon as some abuse is brought to light, we say "Discontinue the system altogether." That is not the proper mode of attacking it. May I ask one question to my honourable friends who are in favour of democratising an institution of this kind? I will give an instance. The Governor possesses the power of nominating two experts on this Council in order to meet certain contingencies, namely, if the Governor thinks proper that their presence is necessary for giving their advice upon certain matters. And our experience has been that their advice is very wholesome and welcome to this House. The strength of the Corporation is, I think, 87 elected members. I believe 10 are asked to be co-opted. The principle enunciated was to give the Corporation the benefit of the experience of persons who have grown old in civic service and who can give valuable disinterested advice on important matters and bring the less experienced members to reason. Suppose Sir Pherozeshah Mehta was living to-day and suppose he did not like the present corrupt mode of election and electioneering campaign. Do you not think that a man of his experience would be an asset to the Corporation? Do you not think also that the assistance of past presidents would be necessary in the actual everyday administration? What is going to be lost by giving them a seat in the Corporation? I should think their presence would add weight to the deliberations of the Corporation.

The fault is, as I say, in the system itself. Some of the experienced people may not like the corrupt mode of election. May I ask whether it is only the moneyed man who resorts to corrupt practices in elections? Corruption takes various forms. [Interruption.] The proper remedy is not doing away with the system. This system is meant only to ensure the election of a particular kind of persons. For instance, if co-option is restricted to those people who have done administrative work in the Corporation such as past presidents or vice-presidents, or those who have served in the Corporation in an administrative capacity for a period of years, then I should think that is one of the remedies. But if you do away with this system of co-option and distribute the seats, I do not think you will improve the Corporation. You will simply increase the number of elected members. I am an old guard and I say that the previous Corporation, consisting as it did of men who did more solid work than the present councillors, was more efficient than the present Corporation. I have not the slightest doubt that this democracy will lead more to corrupt motives which will be multiplied in a thousand ways sooner or later; and then my honourable friends will have to devise means to induce proper men to come into the Corporation.

I see that the seats are to be distributed on communal lines. This will result, as it has in this Council, in the Brahmin group opposing the non-Brahmin group, Muhammadan group opposing the non-Muhammadan

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group, and so on. No doubt, the last two or three elections have shown that the co-option system has not been properly worked. I can go to the length of saying that it has been abused. It has been abused by the corporators themselves who have secured the confidence of the electors. They combine to bring in these people. What is not done for coming by the back door of nomination? That system is also there. Can anybody say that nomination can be defended for a moment? The Honourable Ministers who have worked before and who are working now, know it to their cost what bother and trouble it causes them when there is a scramble for nomination for a few seats. If you are able to tolerate that system for a moment, I should be surprised—

Rao Bahadur R. S. ASAVALE: Did you ever try for nomination?

Rao Bahadur G. K. CHITALE: I may tell the honourable member Rao Bahadur Asavale that I have never tried it myself. I have stood on my own legs. I have sprung up from the lowest rung of the ladder to the highest rung. I have set you all an example which you may try to follow, instead of treating me like this.

Rao Bahadur S. K. BOLE: Not in every case.

Rao Bahadur G. K. CHITALE: The honourable member has been nominated times out of number, but I do not know whether he has been nominated on his own merits.

The Honourable the PRESIDENT: The honourable member should address the Chair and not make personal remarks. I notice the honourable member is gradually losing his temper.

Rao Bahadur G. K. CHITALE: When I am on the right track, they want to throw me on the wrong track. However, Sir, I was on this point, namely, the principle of nomination, the principle of co-option and the principle of election. Naturally, the Act has given preference in a majority of cases to election. And in order that certain experts of administrative experience could be brought in, co-option is introduced to the extent of one-tenth or a little more. This is so, and in order to see that justice is done to the representation of all kinds of people, the power of nomination to the Corporation is kept by Government itself. Now, the honourable mover is asking the House to do away with the principle of co-option and to lose the services of good experienced people. I am entirely opposed to the abolition of co-option altogether and it is not inconceivable to conceive such safeguards in order that the proper stamp of people might come in by the process of co-option and do away with the abuses which we all condemn. I hope, therefore, that the House would rise to the occasion and not do away with the principle of co-option.

Mr. R. R. BAKHALE: Sir, I had expected that no special pleading would be necessary to support a measure of this kind; but I was surprised to find that my honourable friend, Rao Bahadur Chitale—

The Honourable the PRESIDENT: Not referring to the honourable member speaking, I may here interpose and state that all honourable members must try strictly to avoid any personal remarks. Otherwise,

[The President]

a very bad spirit would step into this House. Particularly, old members who have had experience of several years deserve every respect and attention from members who are junior to them. By all means they can criticise each other's arguments by way of right. Otherwise, respect is due at any stage and in every society and on every occasion.

Mr. R. R. BAKHALE : I shall try to follow the instructions that you have just laid down, Sir, though they were not meant for me. I was surprised, as I was just telling you, that my esteemed friend, Rao Bahadur Chitale, put forward his arguments in a very excited manner. I do not know whether he thought that it would strengthen his case if he put more heat into the debate than if he had argued it on its merits. The Corporation itself, the Municipal Commissioner and even the Government are at one in saying that the system of co-option has not worked well and therefore a suitable alternative must be found to take its place. So far as the principle of co-option is concerned, I am entirely at one with my honourable friend, Mr. Kamat, that it is really a sound principle. It has worked very well, as he has pointed out, in England. But I should like to look at this question not so much from the point of view of theory as from the point of view of practice. We have had this system in Bombay for a number of years, at least, I think, from 1922 onwards. We adopted that system because we thought at that time that it was a good one and might bring about better results. We have gone through that system for about 8 years and now we have found that the system has not worked well, and the results are not as they should have been. This is the opinion not of people like myself or the honourable member Rao Bahadur Bole, but this is the opinion of the Corporation itself, of the Municipal Commissioner and even of Government. I thought that the combination of these three should have been a sufficient justification for the condemnation of the manner in which the system has been worked in Bombay, and I was therefore all the more surprised that those who do not belong to Bombay should come forward and oppose the first reading of the Bill in a manner which hardly does credit to those who opposed it. I am certainly in favour of co-option in theory ; but when I find that it has not yielded good results, I do not think I should stick to the theory and disregard practice altogether ; and it is on this ground, if not on any other, that I support the first reading of this Bill.

The honourable member Mr. Kamat referred to the working of the system of co-option in England, but I should like to know from him when this system was introduced in England, the conditions under which it was introduced, the conditions under which the system has been working and the results actually accrued from the working of that system. It is no use taking an analogy without considering it in all its aspects. My own feeling is that the conditions in England, which are largely responsible for the splendid growth of the system of co-option, do not obtain in India and in Bombay particularly. Public life, I do not think, is so organized in Bombay as it is in England or the Continent, and the system of co-option perhaps may be another method in democracy which can be practised with better results if the public life is more organised than it is

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to-day. Therefore, after having got the necessary experience of the system of co-option, if it is found that the system has not yielded the results expected of it, it is time that we changed it with all the courage with which we adopted it about eight years ago. I do not think that in changing that system we condemn democracy as the honourable member Mr. Kamat put it. Do we really condemn it? Co-option in my opinion is another way of nomination by the elected and appointed people or an indirect election by the elected and appointed members of the Corporation. I think the honourable member Mr. Kamat was one of those people who stood for direct election to the central legislature when the Government of India Act was being changed in 1919. We had at that time indirect elections to the central legislature. Now we have got direct election to the central legislature. He was one of those people who stood for direct election. This Bill is demanding direct election instead of the present indirect election. Does it mean a condemnation of democracy? I do not think so. You cannot say that the demand for the removal of co-option is also a condemnation of the principle of democracy.

I agree with my honourable friend Rao Bahadur Chitale that the principle of nomination is bad. I am not in favour of nomination, although I am myself a nominated member in this House. Time has now come when nomination should give place to election. If Rao Bahadur Chitale was vehement against nomination by Government, he should be equally vehement against nomination by elected people themselves who, it must be remembered, have condemned, through the Corporation, the system of co-option by a resolution passed in the Bombay Municipal Corporation. I want the ten seats to be distributed in the different wards of the city instead of being distributed in the manner proposed by my honourable friend Rao Bahadur Bole.

Another point raised by my honourable friend Rao Bahadur Chitale was that co-option would be the machinery through which people like the late Sir Pherozeshah Mehta could be brought in to serve on the Corporation. I entirely agree with him. But if Sir Pherozeshah Mehta had been living to-day, would there have been any chance of his being returned to the Corporation by the 76 members who occupy the seats in the Corporation to-day? Leave aside Sir Pherozeshah Mehta for the moment. There are other people still living who have done notable service to the Municipal Corporation of Bombay. Have they got any chance, under the present circumstances, of being returned to that body? Take Sir Chunilal Mehta, for example. I am afraid he will be defeated if he stands for co-option, and he is a man who has done yeoman service to the Municipal Corporation. The Corporation themselves have found the defects of co-option and now want an abolition of that system. I hope this Council will pass the first reading of this Bill and let it proceed to the next stages.

Rao Bahadur S. K. BOLE: Sir, may I know the views of the Honourable Minister in charge?

The Honourable the PRESIDENT: Possibly the Honourable Minister wishes to have the last word.

Rao Bahadur S. K. BOLE: My honourable friend Rao Bahadur Chitale has asked us to follow his example, but I am not going to do that; and I am not, therefore, going to introduce any unnecessary heat into this debate.

My Bill is a simple one. The speech made by my honourable friend Mr. Bakhale has sufficiently answered the arguments advanced both by my honourable friend Mr. Kamat and by my honourable friend Rao Bahadur Chitale. So, there is very little left for me to reply to the arguments made by the opposition. I would say only this, that if the seats are distributed in different wards, they would give no chance to Government to appoint some experts or some members who may not be successful in election. I have, therefore, proposed to give some seats to Government for appointing such persons and I am surprised to see that that proposal of mine is opposed by some honourable members. But, Sir, some of those persons who preach sermons on the evils of nomination themselves at times had approached the Honourable Minister in charge of Municipalities and Local Boards for nomination when they were thrown out in the elections. That I know for certain. Then, what is the use of demanding that nomination should be done away with? It is just like saying, "The grapes are sour." Because they are not nominated, they condemn the system of nomination.

With these words, I move the first reading of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I do not propose to address the House at this stage.

Bill read a first time. Question put, and agreed to.

Rao Bahadur S. K. BOLE: Sir, with your permission, I move that the second reading. Bill be now read a second time.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of section 5 of Bom. III of 1888*).

In sub-section (1) of section 5 delete the following:—

"and ten co-opted councillors elected by transferable vote by the councillors elected and appointed under the preceding clauses of this section."

Rao Bahadur S. K. BOLE: I beg to move the following amendment:

Add after clause 2 the following at the end:—

"and substitute 'eighteen' for 'fourteen' in line 5 of the section, and substitute in Schedule B 'twelve' for 'ten,' 'eight' for 'six,' and 'eight' for 'six' in consecutive Nos. 5, 6 and 7 respectively in the last column."

Sir, I have proposed in my amendment to distribute these seats in the manner proposed in the amendment—in this way: four seats to be given for nomination to Government; two seats each to E, F and G wards. Those wards are from the beginning inadequately represented. They have grown in population, the rateable value of the houses in those wards has increased, and the population has also increased, but the number

[Rao Bahadur S. K. Bole]

of seats allotted to them in the beginning has remained the same. So these six seats should be given to these wards.

Question proposed.

The Honourable the PRESIDENT: To this amendment there are amendments handed in to me a little while ago, one by the honourable members Mr. Wadke, Dr. Solanki and Dr. Collaco, and the other by the Honourable Minister.

Mr. R. R. BAKHALE: Sir, there is another Bill by my honourable friend Rao Bahadur Bole, namely, Bill No. XXV of 1931, which deals with the distribution of seats in the different wards. In view of the complications that are likely to be created now by a number of amendments at the eleventh hour, would it not be better for these amendments which deal with the distribution of seats to be taken up when Bill No. XXV of 1931 comes to be considered?

The Honourable the PRESIDENT: That Bill would follow the fate of this Bill.

Dr. P. G. SOLANKI: Sir, I rise to move an amendment to the amendment of my honourable friend Rao Bahadur Bole. It is as follows:

"In Rao Bahadur Bole's amendment substitute 'sixteen' for 'eighteen' in line 1; in line 2, after the words 'Schedule B' add the words 'twelve' for 'ten'; and in line 3, after the word 'Nos.' add the figure '4'."

Sir, I have not many words to add in support of this amendment, but I have to say this much, that the system of co-option was found very defective, and it had degenerated. So my honourable friend Rao Bahadur Bole thought it necessary that it should be done away with. It was the united desire of many of the Corporation members, as well as a majority of the members of the Law and Procedure Committee, and of the Government, that this system should be done away with, and the number of seats released thereby should be distributed in such a way that Government may have some of them and also the wards may benefit. With this object, I propose that instead of 18 seats, Government should have 16 seats for nomination, and the D ward should have 12 seats instead of 10, so that the D ward also may be benefited. My honourable friend Rao Bahadur Bole has pleaded the cause of wards Nos. 5, 6 and 7. Sir, ward No. 4 also has increased in population, and in order that there may not be any grievance on the part of the inhabitants of that ward, these two seats may be given to them. There is no doubt that these wards are clamouring for more adequate representation on the Corporation, and with that view, Sir, I have come forward with this amendment to the amendment of the honourable member Rao Bahadur Bole.

Question proposed.

Dr. J. A. COLLACO (Bombay City, South): Sir, I have tabled an identical amendment and so I want to support the amendment moved by the honourable member Dr. Solanki. Before supporting it, I want to make my position clear, lest I should be misunderstood by the

[Dr. J. A. Collaco]

Bombay Municipal Corporation. I am against co-option and nomination in the manner they are now carried on, but I support the amendment as a sort of *via media* and a *modus vivendi* between Government and ourselves. Government want four seats. This amendment gives them two. Government by the votes of their nominated members could bring in only two co-opted members. Therefore, I am not unfair to Government. This amendment solves a great difficulty of the Corporation.

Mr. PESTANSHAH N. VAKIL: The honourable member says that Government want four seats, but they seem to be under a vow of silence. Unless there is a secret bargain between the two parties—

The Honourable the PRESIDENT: As a matter of fact, I have an amendment from Government, as I said before.

Dr. J. A. COLLACO: They should get only two. They will be able to get two co-opted members by mobilising the votes of all their nominated members.

Rao Bahadur R. R. KALE: I rise to a point of order. Unless we have all the amendments before us, we are unable to follow. We are absolutely in the dark. Therefore, my submission is that all the amendments must be known to us.

The Honourable the PRESIDENT: I have received them in this order: the honourable member Mr. Wadke, the honourable member Dr. Solanki and then the honourable member Dr. Collaco. About a little while ago I have received one amendment from Government—from the Honourable Minister in charge. I am having all these amendments placed before the honourable House, one after another, as they come to me. That will facilitate discussion.

Dr. J. A. COLLACO: This also solves a great difficulty of the Corporation which will have to divide six seats between four wards. By giving the Corporation eight seats we can equally divide them between the D, E, F and G wards.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, before I move my amendment, I may be permitted to make my position clear.

Rao Bahadur R. R. KALE: He has not spoken on the main motion—

The Honourable the PRESIDENT: He is within his rights. He can speak on the amendment and he can speak on the second reading also.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: I am prepared to admit that the re-distribution of seats in the Bombay Municipal Corporation may be one of the matters satisfying those wards which are at present inadequately represented. But there has been, I understand, a great discussion on this question and the consideration of the question had to be postponed for want of unanimity. Now, I find that there is one suggestion that the seats in the municipal wards

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of the City of Bombay may be re-distributed, so that D ward may get four more seats and E, F and G two each.

Rao Bahadur R. R. KALE: In the schedule it is given as 1, 2, 3 and so on—

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: They are familiarly known as A, B, C and so on—

The Honourable the PRESIDENT: The Honourable Minister may call them 1, 2, 3 and so on.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: One suggestion is that four more seats should be added to ward No. 4 and two each to Wards 5, 6 and 7. That makes ten additional seats; and these seats may be made available by retrenching the wards 1, 2 and 3 in the following proportion: 2 from ward 1, 6 from ward 2, and 2 from Ward 3. That is one proposal. I understand that a committee of the Corporation known as the Law and Procedure Committee seems to be in favour of that. The second proposal, that of the mover of the amendment, is that co-option may be done away with and that out of the ten seats which may be made available, two seats may be assigned to each of the wards 5, 6 and 7 and four seats may be added to the nominated seats, which are at present 14 and which the amendment seeks to increase to 18. This is the second proposal.

The amendment moved by Dr. Solanki seeks to add two more seats instead of four seats to the nominated seats and two only should be added to ward No. 4. By the acceptance of any one of these suggestions, the necessity of redistribution will remain all the same, because D ward will be wanting two more seats which will have to be taken away from Nos. 1, 2 and 3. I understand that Nos. 1, 2 and 3 wards have been enjoying the right of representation in the proportion in which they have been enjoying for the last so many years, and I am certain that there is going to be a great heart-burning, if any of these three wards is required to relinquish any number of the seats, however small the number may be. With a view to avoid this and with a view that there will not be any necessity to disturb the present arrangement, I propose that out of the ten seats which are at present given to co-option four more seats as proposed by the honourable the mover may be given to nomination and the number increased to 18 from 14. This leaves six seats for distribution. We want ten seats. My amendment seeks to make four more seats available by increasing the total number of seats from 108 to 112. The municipality at present consists of 108 members of whom 76 are elected, 10 are by co-option, 14 appointed by Government, and then 1 by the Bombay Chamber of Commerce, 1 by the Indian Merchants—

The Honourable the PRESIDENT: Eight by special interests.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Eight by special interests. It must be remembered that whatever the re-distribution may be, it will be only short-lived, because I anticipate that when the new Reforms are brought into being there will be

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a franchise committee appointed and probably what we are doing now will be revised again. Therefore, in order that there may be no heart-burning and the peaceful atmosphere in which the Bombay Municipal Corporation has been working now may not be disturbed, I am moving the amendment as under :

I. For clause 2 of Bill No. XXII of 1931, substitute the following :—

" 2. In sub-section (1) of section 5 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act—

(a) for the words 'one hundred and eight' the words 'one hundred and twelve' shall be substituted;

(b) for the word 'seventy-six' the word 'eighty-six' shall be substituted;

(c) for the word 'fourteen' the word 'eighteen' shall be substituted; and

(d) the words 'and ten co-opted councillors elected by transferable vote by the councillors elected and appointed under the preceding clauses of this section' shall be repealed."

II. Add the following clauses to the Bill :—

" 3. Sections 15A and 31A of the said Act shall be repealed.

4. In sub-section (1) of section 16 of the said Act the words 'or co-opted' shall be repealed.

5. In sub-section (1) of section 22 of the said Act the words 'other than co-opted councillors' shall be repealed.

6. In section 23 of the said Act the words, figures and letter 'Except as provided in section 31A' shall be repealed.

7. In section 52 of the said Act the words 'or co-option' shall be repealed.

8. In column 7 of Schedule B to the said Act, for the words 'ten', 'ten', 'six' and 'six' against entries Nos. 4, 5, 6 and 7, the words 'fourteen', 'twelve', 'eight' and 'eight', respectively, shall be substituted."

Now, I think I should explain why—

Rao Bahadur R. R. KALE: Is it an amendment to the amendment of the honourable member Rao Bahadur Bole?

The Honourable the PRESIDENT: In effect it is.

Rao Bahadur R. R. KALE: There are so many other clauses.

The Honourable the PRESIDENT: They are consequential.

Rao Bahadur R. R. KALE: The number of seats is, I understand, being increased.

The Honourable the PRESIDENT: As a result. Supposing the honourable member had said "substitute '14' for '10' in schedule B against item 4", he would have been within his rights.

Rao Bahadur R. R. KALE: We are in the dark. If the total number is increased beyond 10, it is out of order. We can adjust anything within ten. If we want to increase it from 10 to 12, it goes beyond the scope of the Bill.

The Honourable the PRESIDENT: Unfortunately, the whole difficulty has arisen because the honourable mover of the Bill had forgotten to consider in his Bill the question of the redistribution of the 10 seats. Had he not brought this amendment now, I presume the honourable member the Legal Remembrancer would have got up and said, "Reduce the total number of seats from 108 to 98", and that would have

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been the end of the Bill. But the honourable member has brought an amendment distributing the 10 seats in the manner he proposes. To that there are amendments; and one of them is this: The Honourable Minister has while moving his amendment put the whole thing in proper form from the beginning to the end. That is why the amendment has the appearance of an independent amendment.

Rao Bahadur R. R. KALE: My point is—I may be wrong—that the number 10 is exceeded.

The Honourable the PRESIDENT: When a certain section is brought before the House by a Bill, certainly an amendment can come in to tackle the whole section.

Rao Bahadur R. R. KALE: There were 10 seats by co-option. The Bill says, "Do away with that." You may do away with that and distribute those ten seats in any way. But if you want to increase the total number of seats in the Corporation by adding 4 more seats to 10, you will be going beyond the scope of the Bill.

The Honourable the PRESIDENT: It is an old principle—the honourable member knows that—that when a section is brought before the House by an amending Bill, then the House is in possession of that section and the House can deal with it in any way it likes.

Rao Bahadur R. R. KALE: But the amendment of the section should be within the scope of the original Bill. There may be other sections which may be inter-related and which may be open. The question is whether it does not go beyond the principle of the Bill. You can lay down the method by which those ten seats can be distributed, but the number 10 should not be altered. You may say what was done by co-option should be effected by nomination or election. It may be open to Government to propose the distribution of the ten seats in any way, but they should not be allowed now to propose any addition to that number 10. In 1922, when the Bill was introduced, there were only 4 co-options; in the second reading, by an amendment six were added. That is my impression. The number of nominations was also fixed. Now we are going beyond the scope of the original Bill.

The Honourable the PRESIDENT: The Bill is aiming at the alteration of section 5; is it not so?

Rao Bahadur R. R. KALE: As I said, the whole section may be recast, but not so as to increase the total number of councillors mentioned in the section.

The Honourable the PRESIDENT: The section allows so many councillors as the total number. When that section is before the House, the House is at liberty to deal with it as it likes.

Mr. L. R. GOKHALE: Sir, the House was told at the first reading that the principle involved was that of doing away with the system of co-option; that was the only principle involved. Now, the second principle that is brought before us is to have an increase in the number

[Mr. L. R. Gokhale]

of councillors from 108 to 112. If the House had before it the question of the increase in the number of councillors, probably the House would not have agreed to that. So, I think the point of order is correct.

Rao Bahadur S. K. BOLE : Sir, is discussion allowed after you have given your ruling ?

The Honourable the PRESIDENT : I have not given my ruling on the point raised just now.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, with regard to this, I beg to draw your attention to section 5 of the City of Bombay Municipal Act, which it is proposed to alter. It may be that the change in the total number of seats has not been mentioned in the Bill ; but I understand—though I cannot put my hand on that particular ruling at the moment—that one of your illustrious predecessors also has ruled that whenever a sub-section of a section is dealt with, the principal section is open to revision.

The Honourable the PRESIDENT : That is a little beside the point. There is another point added to that. As it is getting late now, I should like honourable members to follow the point of order raised and meet it, if it can be met, to-morrow. The point raised is that the principle of the Bill in the first reading was the omission of co-option. Then an amendment was allowed dealing with the distribution of the seats reserved for co-option. The Honourable Minister has tabled an amendment to that amendment which, while changing the order of distribution, also increases the total number of councillors in the Corporation. The point raised is that that affects the whole structure of the Municipal Act and goes beyond the scope of the Bill. The Bill never came with any idea of increasing the number of councillors in the Corporation. The section is certainly before the House. That is the ruling to be accepted by all. When a section, or a sub-section or part of a section is before the House, the whole section can be dealt with, reorganised or recast as the House likes. The point now raised is that the amendment of the Honourable Minister interferes with the principle and the scope of the Bill. That is a point for the honourable members to consider. It can be discussed to-morrow and decided.

Mr. L. R. GOKHALE : Sir, shall I give my amendment now or to-morrow ?

The Honourable the PRESIDENT : To-morrow. I would allow every one to give notice of amendments.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, I beg to bring to your notice the fact that I am in possession of the House ; I have not finished my speech.

The Honourable the PRESIDENT : I know that.

The House is now adjourned to 2 p.m., to-morrow, Wednesday, the 30th September 1931.

Wednesday, the 30th September 1931

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 30th September 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ACHREKAR, Mr. A. B.
 ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir,
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.

KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MIRZA, SAHEBZADA M. A.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAKIL, Mr. PESTANSHAH-N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR }
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

QUESTIONS AND ANSWERS.

COURT OF THE DISTRICT MAGISTRATE, SATARA.

Mr. A. B. ACHREKAR (Satara District): Will Government be pleased to state—

(a) whether Government have provided any sitting or waiting accommodation in the compound or in the court and the office of the District Magistrate and the Collector of Satara, for the use of the visitors, pleaders and the applicants;

(b) if the answer to the above question be in the negative, do Government intend to take any action in the matter?

The Honourable Mr. G. A. THOMAS: (a) There is no waiting room provided. They sit in the verandah of the Collector's bungalow or in the sheds in the compound of the Collector's office.

(b) In view of the existing financial stringency, Government do not propose to take any action. No complaints have been received that the existing arrangements are inconvenient.

SUKKUR RIOTS—AUGUST 1930 : DEATHS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (1) Will Government be pleased to state the total number of Muhammadans killed during the Sukkur riots of August 1930—

(a) by non-official Hindus;

(b) by the officials?

(2) (a) What were the circumstances in each case under which Muhammadans were killed by the officials?

(b) Has any enquiry been held against those responsible for these deaths? If not what are the reasons therefor?

(3) (a) Is it a fact that some direct complaints have been made against the officials and that preliminary enquiries have been ordered in those cases?

(b) Why have those cases not been taken up yet?

The Honourable Mr. G. A. THOMAS: (1) Two.

(a) Two.

(b) Nil.

(2) (a) and (b) Do not arise.

(3) (a) No.

(b) Does not arise.

Mr. SHAIKH ABDUL MAJID: With regard to the reply to (b), may I know whether there was any firing by the military during the riots in the Sukkur District?

The Honourable Mr. G. A. THOMAS: There were no riots in the Sukkur district, only in the Sukkur city.

Mr. SHAIKH ABDUL MAJID: The so-called dacoities have also been considered as part of the riots, have they not?

The Honourable Mr. G. A. THOMAS: If the honourable member had put a specific question on that point, I should have been very glad to answer it. He only mentions riots in Sukkur city.

Khan Bahadur M. A. KHUHRO : Is it not a fact that the Commissioner in Sind was complained to about the serious action and high-handed atrocities of the investigating officers ?

The Honourable Mr. G. A. THOMAS : Not to my knowledge.

Khan Bahadur M. A. KHUHRO : Were no complaints made by the representatives of the people to the Commissioner in Sind ?

The Honourable Mr. G. A. THOMAS : Is the honourable member referring to the Sukkur riots or to Sukkur dacoities ?

Khan Bahadur M. A. KHUHRO : Both.

The Honourable Mr. G. A. THOMAS : The question of Sukkur dacoities does not arise here.

DEPUTY COLLECTORS : APPOINTMENTS IN KARNATAK.

Mr. A. J. BANGI (Southern Division) : Will Government be pleased to state the number of Deputy Collectors of the various communities appointed in the four districts of the Karnatak since the passing of the Resolution of 1925—

(a) by direct recruitment ;

(b) by promotion from the grade of Mamlatdars ?

The Honourable Mr. W. F. HUDSON : (a) Nil.

(b) Ten officers holding substantive posts of Mamlatdars in the Belgaum, Bijapur, Dharwar and Kanara districts were promoted to be Deputy Collectors since 1925, viz.,

Brahmins	..	..	7
Christians	..	..	2
Raddi	..	..	1

REVENUE OFFICERS, KARNATAK : MUHAMMADANS.

Mr. A. J. BANGI (Southern Division) : (a) Will Government be pleased to state whether there are any Muhammadan Deputy Collectors, Mamlatdars and Chitnisis in the Karnatak ;

(b) if there be any, what has been the length of service of each ;

(c) has there been any instance in the history of the British Government in the Karnatak, of a Muhammadan Mamlatdar having been appointed as Deputy Collector ;

(d) if not, what are the reasons therefor ?

The Honourable Mr. W. F. HUDSON : (a) One Muhammadan Deputy Collector, three Muhammadan Mamlatdars and one Muhammadan Chitnis are serving at present in the Karnatak.

(b) The information is available in the last issues of the Bombay Civil List and History of Services, copies of which are in the Council Library.

(c) No case can be traced where a Muhammadan Mamlatdar serving in the Southern Division was appointed to the grade of Deputy Collector.

(d) Lack of suitable Muhammadan candidates in the senior ranks of the Mamlatdars' service.

CUSTOMS CLERK, TIWARI BUNDER : DHARMASHALA.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether the Dharmashala built by the Ratnagiri District Local Board at the Tiwari Bunder is occupied by the Customs clerk and peons ;

(b) whether passengers are required to stay in the open ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : (a) The dharmashala at Tiwari Bunder was not built by the Ratnagiri District Local Board. The dharmashala built by the Board is about half a mile from the sea-shore and is not used by the Customs staff.

(b) The dharmashala built by the Wharfage Committee is available for passengers, except one small room.

LOCAL BOARD, KOLABA : CLERKS.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) the number of clerks in the service of the Kolaba District Local Board and of the School Board respectively ;

(b) how many of them are Brahmins and how many are non-Brahmins belonging to the backward classes ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : (a) and (b)

District Local Board, Kolaba.

Total number of clerks	Brahmins	Non-Brahmins belonging to backward classes
14	14	None

School Board, Kolaba.

Total number of clerks.	Brahmins	Non-Brahmins belonging to backward classes
6	5	1

AGRICULTURAL IMPLEMENTS : SALES BY CO-OPERATIVE SOCIETIES.

Khan Bahadur D. B. COOPER (Satara District) : (a) How many co-operative credit societies in the Presidency are dealing in the sale of agricultural implements ?

(b) Where are they ?

(c) What were the total sales of imported and Indian manufactured implements effected by each of these societies during 1929-30 ?

The Honourable Dewan Bahadur S. T. KAMBLI : The sale of agricultural implements is outside the scope of Co-operative Credit Societies. Taluka Development Associations, Implement Societies and Agricultural Requisites Supply Societies, which are all Non-Credit Societies, as well as some Branches of the Bombay Provincial Co-operative Bank, do deal in agricultural implements. Some of them do not sell, but merely *hire out* implements to their members. All the available information about these is given in the accompanying statement.

Statement.

Name of Society 1	District 2	Transactions in implements during 1929-30 3	Remarks 4
Hyderabad Taluka Development Association.	Hyderabad	.. 17	Sold.
Tando Allahyar Taluka Development Association.	Do.	.. 10	Do.
Matli Taluka Development Association.	Do.	.. 39	Do.
Shahdadpur Taluka Development Association.	Hyderabad	.. 25	Do.
Ghotki Taluka Development Association.	Sukkur	.. 8	Do.
Mirpur Mathelo Taluka Development Association.	Do.	.. 40	Do.
Sukkur Taluka Development Association.	Do.	.. 54	Do.
Shikarpur Taluka Development Association.	Do.	.. 31	Do.
Digri Taluka Development Association.	Thar Parkar	.. 16	Do.
Bhusawal Taluka Development Association.	East Khandesh	.. 5	Do.
Chalisgaon Taluka Development Association.	Do.	.. 13	Do.
Erandol Taluka Development Association.	Do.	.. 5	Do.
Jalgaon Taluka Development Association.	Do.	.. 14	Do.
Raver Taluka Development Association.	Do.	.. 12	Do.
Parola Branch of the Provincial Bank.	Do.	.. ..
Dhulia Taluka Development Association.	West Khandesh	.. 2	Sold.
Nandurbar Taluka Development Association.	Do.	.. 11	Do.
Shirpur Taluka Development Association.	Do.	.. 5	Do.
Sakri Taluka Development Association.	Do.	.. 24	Do.
Shahada Branch of the Provincial Bank.	Do.	.. 2	Do.
Nandurbar Branch of the Provincial Bank.	Do.	.. 9	Do.
Dhulia Branch of the Provincial Bank.	Do.	.. 6	Do.
Pimpalner Implement Society	Do.	.. ..	Hires out.
Dabhadi Implement Supply Society.	Nasik	.. ..	Do.
Total ..	....	348	

Note.—Majority of the implements sold or hired out by the various institutions are of Indian make.

LAND REVENUE REALISATIONS : THAR PARKAR.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District): Will Government be pleased to state—

(a) in how many cases precautionary measures under section 141(b) of the Bombay Land Revenue Code have been adopted in Mirpurkhas and Nara Valley sub-divisions of the Thar Parkar District, and in how many cases the whole zamindari share has been taken by Government in realisation of the land revenue and other arrears;

(b) whether Government have considered from what sources the zamindars would find money for seed, maintenance of themselves and their Haris, and other expenses incurred in cultivation;

(c) whether Government have considered how the zamindars would be able to discharge their liabilities to Government in shape of taccavi and land revenue running into lakhs?

The Honourable Mr. W. F. HUDSON: (a) During the year 1930-31 precautionary measures under section 141 (b) of the Land Revenue Code were taken against contumacious defaulters in 292 cases. Out of these, the whole zamindari share was taken in 83 cases for realisation of current demand. No precautionary measures were adopted for realisation of arrears of land revenue or other Government dues.

(b) and (c) Yes. Government are quite aware of the economic position of zamindars.

Khan Bahadur M. A. KHUHRO: With regard to the answers to (b) and (c), may I know what steps have been taken by Government to ensure the supply of seeds and other requirements of cultivation?

The Honourable Mr. W. F. HUDSON: The honourable member has not asked that, but I presume that the usual steps have been taken and that taccavi has been placed at the disposal of the Collector.

Khan Bahadur M. A. KHUHRO: That question is implied in parts (b) and (c) of the question in which the honourable member Khan Bahadur Ghulam Nabi Shah has asked what steps Government have taken to remedy the difficulties that may arise on account of the selling of the entire produce.

The Honourable Mr. W. F. HUDSON: I see nothing about steps.

Khan Bahadur M. A. KHUHRO: Have any definite instructions been sent that those zamindars who are in difficulties should receive proper assistance?

The Honourable Mr. W. F. HUDSON: Government have no reason to suppose that the Commissioner in Sind and the Collector, Thar Parkar, are not perfectly prepared to do what is necessary in the matter.

Mr. SHAIKH ABDUL MAJID: In 83 cases, the answer says, the whole zamindari share has been taken for realisation of current demand. May I request Government to draw the attention of the Collector that in future some sort of consideration should be shown and that the whole share should not be realised?

The Honourable Mr. W. F. HUDSON: In reply to that I can only say that more consideration has been shown to the Thar Parkar District

in the last year than any district in the Presidency or in Sind, and I have no doubt that in those 83 cases the Collector took into consideration all the facts of the situation. The honourable member assumes, I think, in his supplementary question that in those 83 cases the zamindari share was the only means of subsistence. That is a presumption which is probably incorrect.

SUBORDINATE ENGINEERING SERVICE : RECRUITMENT.

Mr. L. R. GOKHALE (Poona City) : Will Government be pleased to state—

(a) the total number of vacancies in the Bombay Subordinate Engineering Service filled up during the last three years in each of the circles ;

(b) how many of these posts have gone to persons who are not *bona fide* residents of the Presidency including Sind ;

(c) why they thought it fit to admit outsiders when Rule No. 6 of the " Bombay Civil Service Recruitment Rules " lays down that as far as possible no outsiders should be taken on the service ;

(d) how many of these posts have gone to persons who are not qualified according to the standard test laid down in Government Resolution, Public Works Department, No. 1712/27, dated 15th August 1929 ;

(e) why they thought it fit to admit non-qualified people, if any, against such express conditions ?

The Honourable Sir GHULAM HUSSAIN : (a) The number of vacancies filled in the Bombay Subordinate Engineering Service during the last three years is as under :

Sind	10
Northern Circle	6
Central Circle	13
Deccan Irrigation Circle	5
Irrigation Development and Research Circle ..	5
Superintending Engineer, Public Health, Bombay	1
Southern Circle	8
	—
	48

(b) The number of posts which have been filled by persons who are not *bona fide* residents of the Presidency including Sind is as under :

Central Circle	1
Deccan Irrigation Circle	3
Irrigation Development and Research Circle ..	5
Southern Circle	3
	—
	12

(c) The persons appointed were in Government service prior to the promulgation of Bombay Civil Service Recruitment Rules and they had proved themselves fit for permanent posts.

(d) None.

(e) Does not arise.

DEPUTY SUPERINTENDENTS OF POLICE, SIND : EUROPEANS
AND INDIANS.

Mr. GOVER RORA (Karachi City): (a) Will Government be pleased to state whether it is a fact that the appointment of a European Deputy Superintendent of Police in Sind was increased to 2 by Government orders issued in 1928 and that by these orders senior Indian Inspectors were passed over by European juniors ?

(b) Is it a fact that a third European has recently been appointed in Sind as Deputy Superintendent of Police ?

(c) If so, why have the Government orders been disregarded ?

(d) Is it a fact that the third European Deputy Superintendent of Police has been appointed in the vacancy of an Assistant Superintendent of Police ?

(e) If so, why was not an Indian Deputy Superintendent of Police appointed in the same charge ?

The Honourable Mr. G. A. THOMAS: (a), (b) and (d) Yes.

(c) and (e) No orders have been disregarded. The officer concerned was next on the list of candidates fit to be appointed as a Deputy Superintendent of Police.

Mr. S. S. TOLANI: Is the gradation list of Deputy Superintendents of Police in Sind and the Presidency one and the same ?

The Honourable Mr. G. A. THOMAS: Yes.

Mr. S. S. TOLANI: Are some of those appointments in the Presidency reserved in the Presidency also as in Sind ?

The Honourable the PRESIDENT: How does that arise ?

Mr. S. S. TOLANI: There have been some appointments reserved for Europeans in Sind. I want to know whether a certain number of posts are reserved for Europeans in the Presidency also.

The Honourable the PRESIDENT: There is no question of reserving appointments for Europeans at all. The next best man has taken the place. That is all.

Khan Bahadur M. A. KHUHRO: The honourable member probably has in mind part (a) of the question in which it is stated that the number of appointments of European Deputy Superintendents of Police has been increased from one to two.

The Honourable the PRESIDENT: Circumstances have increased the number.

STEAM BOILER AND SMOKE NUISANCE : CHIEF INSPECTOR.

Mr. H. R. DESAI for Mr. V. N. JOG (Dharwar District): (a) Will Government be pleased to state the special qualifications possessed by the present Chief Inspector of Steam Boilers and Smoke Nuisance, Bombay, who is still on probation ?

(b) What administrative experience did he have when his appointment on probation was made ?

(c) What was his last appointment and on what pay? On what pay was his appointment as Chief Inspector made and what is his present pay?

(d) Are there ten Inspectors—6 on Rs. 400—30—900 and 4 on Rs. 400—20—600?

(e) What are the duties of the Chief Inspector?

(f) Is it a fact that the seniormost Inspector is kept in the office to assist the Chief Inspector and that the duties assigned to him are to check all calculations of new boilers submitted to the Chief Inspector for approval?

(g) Is it a fact that the main duty of the Chief Inspector is to check the calculations of the new boilers?

(h) Was this duty of the checking of the calculation done at the time of Mr. Mackintosh by a clerk?

(i) Is it a fact that the Chief Inspector of the United Provinces was an ordinary Inspector in Bombay before he was taken by the United Provinces Government?

(j) What are the grounds for always appointing a candidate from England as the Chief Inspector of Boilers and Smoke Nuisance?

(k) Are Chief Inspectors of other provinces appointed from men selected in India?

(l) Will there be a saving if the appointment to the Chief Inspector's post be made from the Senior Indian Inspectors?

(m) Under whom is this department for administrative purposes? Is it under the Collector of Bombay?

(n) Was this department under the Director of Industries when Mr. Bell was the Director of Industries in this province?

(o) Is this department under the Director of Industries in other provinces?

The Honourable Sir GHULAM HUSSAIN: The question was fully answered except with regard to part (j). The essential qualifications prescribed by Government for a candidate for the post of Chief Inspector of Steam Boilers, Bombay, are the following:

(1) He must possess an Extra 1st Class Board of Trade Certificate;

(2) He must have had good experience in design and construction of land boilers and up-to-date knowledge of steel works and boiler works practice;

(3) He must have had experience of boiler insurance work or of consulting engineering work in connection with the inspection of boilers.

The qualifications and experience mentioned above cannot be obtained in India, except that knowledge of steel works can presumably be acquired at Tata's Steel Works. In the United Kingdom a candidate, whether he be an Indian or not, can obtain an Extra 1st Class Board of Trade Certificate after the necessary service in charge of engines and boilers in steamships and subsequently serve for some years in any of

the Boiler Insurance Companies where his duties would include the testing of material at steel works and the examination of different types of boilers under construction at the various large boiler works in the country. There are no boiler works in India.

POPULATION OF SIRSI AND SIDDAPUR TALUKAS.

Mr. H. R. DESAI for Mr. V. N. JOG (Dharwar District): (1) Will Government be pleased to state what the population of Sirsi and Siddapur talukas is according to the latest census?

(2) What is the percentage of decline when compared with the population in those talukas in 1891?

(3) Have Government tried to ascertain the cause or causes of the decline?

(4) Has the attention of Government been drawn to the causes of decline and deterioration of population in those talukas indicated by the revision settlement report of 1925-26?

The Honourable Sir GHULAM HUSSAIN:

(1) Sirsi	..	..	39,955
Siddapur	..	..	33,379
(2) Sirsi	..	..	37 per cent.
Siddapur	..	..	14 per cent.
(3) Yes.			
(4) Yes.			

ASSISTANT POLICE PROSECUTORS: SIND.

Khan Bahadur M. A. KHUHRO (Larkana District): (a) Are Government aware that there were three vacancies of Assistant Police Prosecutors in Sind in the current year?

(b) Are Government aware that no Moslem candidate got any of the three appointments?

(c) Will Government please state the number of Moslem applicants for these appointments and their respective qualifications?

(d) Why was none of them selected?

The Honourable Mr. G. A. THOMAS: (a) There were three vacancies of Police Prosecutors in Sind in the current year.

(b) Yes.

(c) Three; one of them had no legal qualifications, another was a middle-aged Barrister, and the third was an LL.B. who had less than one and a half year's experience.

(d) None of the applicants was considered suitable.

Khan Bahadur M. A. KHUHRO: Are middle-aged Barristers debarred from entering Government service?

The Honourable Mr. G. A. THOMAS: No.

Khan Bahadur M. A. KHUHRO: Would the Honourable the Home Member kindly enlighten the House as regards what exactly is meant by "middle-aged"?

The Honourable Mr. G. A. THOMAS : The honourable member's age. [*Laughter*].

Khan Bahadur M. A. KHUHRO : Has any age limit been specified by Government for recruitment in this line too ?

The Honourable Mr. G. A. THOMAS : No. ,

Khan Bahadur M. A. KHUHRO : Why was the middle-aged Barrister rejected ?

The Honourable Mr. G. A. THOMAS : Because he was considered to be too old.

Khan Bahadur M. A. KHUHRO : The answer says that one candidate was an LL.B. who had less than one and a half year's experience. Is any limitation of sufficient or large practice laid down for these appointments ? If so, what is that limitation ?

The Honourable Mr. G. A. THOMAS : There is no such limitation laid down, but a man of experience is required for so important a post.

Khan Bahadur M. A. KHUHRO : Is it not a fact that there is not a single Mahomedan in this line and that no extra facilities are being given to them ?

The Honourable Mr. G. A. THOMAS : I do not know. I ask for notice.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) : Regarding (c), the answer is that the junior man has too little experience, while on the other hand, in the case of the middle-aged candidate, it is said that he is too old for the job. How are these conflicting answers to be reconciled ?

The Honourable the PRESIDENT : Next question.

LAND GRANTS, SATARA DISTRICT.

Rao Saheb P. D. KULKARNI (Poona District) : Will Government be pleased to place on the Council table a list of the subordinates in the Revenue Department who secured lands as a present for their services to Government in Satara District during the regime of Mr. Aminuddinkhan, the then Collector of Satara District, indicating therein the designation of each donee, his caste, the nature of the service he rendered to Government and for what period ?

The Honourable Mr. W. F. HUDSON : There have been no cases of the nature referred to.

Rao Saheb P. D. KULKARNI : Are there any instances in which the grants were first made in the name of some non-officials who afterwards transferred them on to the names of the real grantees ?

The Honourable Mr. W. F. HUDSON : I shall require notice of that question. If the honourable member will put down a question, I will make enquiries.

COURT HOUSES, BROACH : FANS.

Khan Bahadur A. E. PATEL (Northern Division) : (1) Are Government aware that there are no electric fans provided in any of the Court-houses and Government offices at Broach ?

(2) Is it a fact that the District Judge at Broach had moved Government for the provision of electric fans in the civil courts at Broach ?

(3) If so, what has been done in the matter ?

(4) Do Government intend to make a provision for the same ?

(5) If not, what are the reasons therefor ?

(6) Why is Broach not accorded the same ordinary facilities as Surat and Ahmedabad in this respect ?

(7) Is it a fact that a servant is usually employed for pulling the punkhas in each of the court-houses and Government offices, and that the difference in costs in installing electric fans will only be trivial ?

(8) What would be the difference of estimated costs between these two forms of fans ?

The Honourable Mr. G. A. THOMAS : (1) Yes.

(2) No.

(3) Does not arise.

(4) No.

(5) and (6) The Honourable Member is aware that it is not practicable to undertake a work of this description during the present financial stringency.

(7) The work of pulling punkhas is done by peons and menials by turns in addition to their other duties.

(8) Does not arise.

SPECIAL COUNSEL IN CROWN CASES.

Rao Bahadur D. R. PATIL (East Khandesh District) : Will Government be pleased to state in a tabular form the names of pleaders or counsel specially engaged by Government to conduct Crown cases for the last five years, the remuneration paid to them for every case, and the section or sections of the law under which the case was launched ?

The Honourable Mr. G. A. THOMAS : It is presumed that the information asked for relates to the cases of special counsel engaged at more than the usual fees. A statement containing the requisite information so far as it is readily available is placed on the Council Table.*

CANAL WATER, SIND : FINES FOR WASTAGE.

Mr. SHAIKH ABDUL MAJID (Karachi District) : (a) Will Government be pleased to state whether it is a fact that fines are imposed upon the zamindars in Sind for wastage of water, i.e. افراط پانی ؟

(b) What is the amount of fines recovered from zamindars during the last five years for such wastage of water in respect of each canal in Sind ?

(c) Is it a fact that when surplus water over and above what is required for the purposes of cultivation is utilised for the growing of grass for the cattle, then this also constitutes wastage of water and the zamindar is fined for so doing ?

(d) Is it a fact that very often water percolates into land bordering the karias ?

* Kept in the Secretary's Office.

(e) If the reply to (d) is in the affirmative, is it a fact that zamindars are fined for such percolation also ?

(f) Are Government aware that some complaints are made every year that the fines have been imposed for such percolation ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes.

(b) A statement containing the information required is placed on the Council Table.

(c) No ; if water is used for cultivating grass, the zamindar is charged a low rate of assessment for the same.

(d) In rare cases where the banks are weak or ground level is very low.

(e) Yes, if water is wasted due to percolation on account of weak karia banks, as zamindars are responsible for keeping their water-courses in order.

(f) No such complaints have been received.

Statement showing the amounts of fines imposed on account of wastage of water during the last 5 years in the various districts in the Province of Sind

Name of District	Name of Canal	Amount of fines imposed		Remarks
		Rs.	a. p.	
Karachi	Pinyari	1,153	1 0	
	Gungro	903	1 0	
	Mirza	329	15 0	
	Tango	267	2 0	
	Malliawah.ex Indus.	25	2 0	
	Nasirwah (Shah Bunder Division).	87	6 0	
	Sattahwah	436	3 0	
	Karowah	26	8 0	
	Nasirwah (Tatta Division).	75	0 0	
	Sianwah	21	10 0	
	Bagharwah	18	10 0	
		Total	3,343	10 0
Hyderabad	Fuleli	722	3 0	
	Sangrawah	133	14 0	
	Nasirwah	181	10 0	
	Sarfrazwah	4	0 0	
	Guni	307	15 0	
	Khairwah	194	7 0	
	Hassanahly	125	2 0	
	Nasirwah	222	3 0	
	Shadiwah	25	3 0	
	Shadiwah small	59	0 0	
	Imamwah Janoobi	4	11 0	
	Nasir Diversion	194	12 0	
	Mirwah	246	13 0	
	Bagwah	82	14 0	
	Ahsanwah	104	3 0	
	Mulchandwah	10	11 0	
Manikwah	52	0 0		
Lundowah	33	0 0		

Name of District	Name of Canal	Amount of fines imposed	Remarks
Hyderabad— <i>contd.</i>		Rs. a. p.	
	Ali Bahar ..	31 13 0	
	Bahadurwah ..	14 1 0	
	Ghari Mandhar ..	151 6 0	
	Mirwah Talhar ..	95 0 0	
	Kaziawah ..	1,680 9 0	
	Mahrabwah ..	29 6 0	
	Rajwah ..	165 8 0	
	Sherwah ..	119 7 0	
	Aliwah Large ..	311 0 0	
Jamsherwah ..	0 8 0		
	Total ..	5,303 3 0	
Sukkur	Shikarpur (Division) ..	930 13 0	Figures by canals not available. *The figure includes fines for both wastage of water and change of peach, as no separate figures are available.
	Rohri (Division) ..	*3,476 12 0	
	Ubauro (Division) ..	333 0 0	
	Total ..	4,740 9 0	
Nawabshah	Nasrat ..	3,969 13 0	
	Dad ..	4,387 8 0	
	Naulakhi ..	138 4 0	
	Dambhro ..	48 0 0	
	Great Marakh ..	4,841 1 0	
	Jamrao ..	14,640 15 0	
	Total ..	28,025 9 0	
Thar Parkar	Mithrao Canal ..	127 12 0	
	Dhoro Naro ..	32 0 0	
	Jamrao ..	17,389 15 3	
	Morwah Wado Canal ..	576 2 0	
	Total ..	18,125 13 3	
Upper Sind Frontier..	Begari ..	1,887 7 0	
	Ghar ..	21 7 0	
	Unhar Wah ..	288 15 0	
	Desert Canal ..	1,278 9 0	
	Total ..	3,476 6 0	
Larkana	.....	9,192 7 3†	† Figures for each canal separately not available.
	Grand total ..	72,207 9 6	

Mr. SHAIKH ABDUL MAJID : As regards the answer to (e), may I know whether any officials have been taken to task in respect of the many breaches which have taken place in the canals, just as the zamindars are fined if water is wasted due to percolation on account of weak karia banks ?

The Honourable Sir GHULAM HUSSAIN : That does not arise.

Mr. SHAIKH ABDUL MAJID : If the zamindars are punished for weak karia banks, are the Government officials punished when whole villages are submerged and when thousands of acres of cultivated lands are submerged ?

The Honourable Sir GHULAM HUSSAIN : That does not arise.

PEACH BADAL : MEANING.

Mr. SHAIKH ABDUL MAJID (Karachi District) : (a) Will Government explain what Peach Badal (change of water-course) actually means ?

(b) Does it mean a change of water-course for a survey number from one Government canal to another, or does it also mean a change of water-course for a survey number from one Zamindari Karia to another where both karias take off water from the same Government canal and the owner of both the Zamindari Karias, specially in a case where a Zamindar has one pucca sluice and the other katcha, is one and the same ?

The Honourable Sir GHULAM HUSSAIN : (a) "Peach Badal" literally means change of source of supply. "Peach" means source and "Badal" means change.

(b) It means any change of source of water supply of a survey number from that shown in the Settlement Register or Register of Records of Rights to some other source, whether it be from one Government canal, minor or distributary to another, or from one zamindari karia to another, even if both the karias take off from the same Government canal, minor or distributary.

DACOITIES IN SUKKUR : ALLEGATIONS AGAINST INVESTIGATING OFFICERS.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Will Government be pleased to state—

(a) whether their attention has been drawn to several articles that were published in several local papers in Sind, including *Alwahid*, *Zemindar* and *Mussulman*, after the riots and dacoities committed in the district of Sukkur in August last, regarding the atrocities of various kinds alleged to have been perpetrated by the officers engaged on duty to investigate the matter ;

(b) whether it is a fact that several petitions, letters and wires were sent to the Government and to local officials to restrain the Investigating Officers from perpetrating the atrocities ;

(c) whether it is a fact that several responsible individuals and deputations waited on the local officials in this connection ;

(d) whether it was urged on the Government, the Commissioner in Sind and the local officials to appoint an Inquiry Committee to investigate the truth of these allegations on the spot ;

(e) if so, whether any such Inquiry Committee was appointed ; if not, the reasons therefor ;

(f) if no Inquiry Committee was sent up, whether Government made any official inquiries into the truth of those allegations ;

(g) if so, who was the Officer or Officers appointed for the purpose of inquiry and with what result ;

(h) whether Government will place the Report of such Inquiry Officer or Officers on the Council table ?

The Honourable Mr. G. A. THOMAS : (a) Yes.

(b) Representations were made to the District Magistrate.

(c) Yes.

(d) Yes.

(e) No ; the complainants were informed by the District Magistrate that any complaints which were made direct to the authorities would be investigated.

(f) The Additional District Magistrate was instructed by the District Magistrate to inquire into certain of the allegations.

(g) These allegations were found to be false.

(h) No.

SYED MIRAN MAHOMED SHAH : Were any allegations made that women were made naked and assaulted in such a way that in the case of one woman there was premature delivery ?

The Honourable Mr. G. A. THOMAS : I am afraid that I cannot remember in my head exactly what allegations were made. Many of them were of such an absurd kind that they were not even investigated. I believe there was one allegation made about a woman, which was found to be untrue.

Mr. SHAIKH ABDUL MAJID : There were actual complaints filed in the Court about abortion having taken place.

Khan Bahadur M. A. KHUHRO : Is it not a fact that statements were actually published in the vernacular papers like the *Alwahid* and the *Zamindar*, and was any action taken by the Commissioner in Sind on these statements made by the aggrieved persons ?

The Honourable Mr. G. A. THOMAS : The reply is as printed.

Khan Bahadur M. A. KHUHRO : Was not this fact brought to the notice of the Commissioner in Sind independently by the representatives of the people, and did he make any enquiry ?

The Honourable Mr. G. A. THOMAS : The reply is as printed.

SYED MIRAN MAHOMED SHAH : In reply to (e) it is stated that the complainants were informed by the District Magistrate that any complaints which were made direct to the authorities would be investigated. Were these complaints regularly filed in Court, or were departmental enquiries made ?

The Honourable Mr. G. A. THOMAS : Complaints have been filed in Court and investigated by the Court.

Khan Bahadur M. A. KHUHRO : What happened to the complaints which were made in the Courts and also made to the officials, the Commissioner in Sind and the Collector ?

The Honourable Mr. G. A. THOMAS : I wish the honourable member would take the trouble to read the reply to this question. Part (e) of the question asks, " if so, whether any such inquiry committee was appointed ; if not, the reasons therefor. " The answer is, no inquiry committee was appointed.

SYED MIRAN MAHOMED SHAH : I want to know why, even when the appointment of an enquiry committee was urged upon the authorities, no enquiry committee was appointed.

The Honourable Mr. G. A. THOMAS : The authorities did not consider it necessary.

Khan Bahadur M. A. KHUHRO : Is it not a fact that a request was made to appoint such a committee by both the communities ?

The Honourable Mr. G. A. THOMAS : It is not a fact.

Mr. SHAIKH ABDUL MAJID : Is it a fact that in regard to the enquiries made by the District Magistrate, the report of the District Magistrate is that some of the allegations are correct ?

The Honourable Mr. G. A. THOMAS : No.

Khan Bahadur M. A. KHUHRO : Is it not a fact that on behalf of the Hindus Mr. Shahani and prominent Mahomedans applied to the Commissioner in Sind for appointing an enquiry committee ?

The Honourable Mr. G. A. THOMAS : If the honourable member will again refer to the reply to the question, he will find that the answer to part (c) is " Yes. "

BOMBAY BOILERS ACT : BOARD OF EXAMINERS.

Mr. SYED MUNAWAR : Will Government be pleased to state—

- (a) the composition of the Board of Examiners under the Bombay Boiler Act who issue first and second class Engineer Certificates ;
- (b) the qualifications of each individual examiner ;
- (c) whether there is any difficulty in securing highly qualified men for these responsible places ?

The Honourable Sir GHULAM HUSSAIN : (a) The Engineers' examinations are held at Bombay alone. The Board of Examiners at Bombay is composed of 18 members—12 Europeans and 6 Indians. From this board 6 examiners are selected—4 for the Boiler Attendants' examination and 2 for the Engineers' examination—whenever they are held. Highly technical officers such as Engineer and Manager, R. I. M. Dockyard, Shipwright Surveyor, Mercantile Marine Department, are generally selected for the Engineers' examination.

- (b) There are no qualifications laid down for each individual examiner.

Appointments to the Board of Examiners are made by Government upon the recommendations of the Chief Inspector of Steam Boilers and the Collector of Bombay.

(c) There is no difficulty whatever in securing highly qualified men for these responsible places.

Mr. SYED MUNAWAR: From the answer to (b) do I understand that some members serving on the Board of Examiners are without any engineering qualifications?

The Honourable Sir GHULAM HUSSAIN: The question is whether any qualifications have been laid down by Government for the appointment, and the reply is, no qualifications are laid down for each individual examiner. It does not mean that the examiners are without qualifications.

Mr. SYED MUNAWAR: Do they possess engineering qualifications?

The Honourable Sir GHULAM HUSSAIN: Yes. It is so stated in the reply.

Mr. SYED MUNAWAR: Do they all possess engineering qualifications, or are there any exceptions?

The Honourable Sir GHULAM HUSSAIN: Will the honourable member read the reply to (a)? It is very clearly stated there that they are highly technical men.

Mr. SYED MUNAWAR: But there are no qualifications laid down?

The Honourable Sir GHULAM HUSSAIN: The examiners are all qualified men. The honourable member asked the question whether Government have laid down any particular qualifications, and the reply is, no.

PUBLIC WORKS DEPARTMENT, SIND: SINDHI OFFICERS AND SUBORDINATES.

Mr. S. S. TOLANI (Western Sind): (a) Will Government be pleased to state when a general amalgamation of the Barrage Divisions with the running divisions is likely to be made?

(b) What is the present strength under each of the following classes of appointments, viz. Temporary Executive Engineers, Assistant Executive Engineers, Assistant Engineers, Upper Subordinates, and Overseers, and how many of them are (i) Sind Muslims, (ii) Sind Hindus, (iii) Bombay Presidency Muslims, (iv) Bombay Presidency Hindus, (v) other Muslims and (vi) other Hindus?

(c) How many of these are likely to be retained after the amalgamation?

(d) Will preference be given to Sind Muslims and Sind Hindus in selecting the officers and subordinates who are to be retained? If not, will Government be pleased to give reasons therefor?

(e) Are Government aware that in other presidencies Sindhis are not given any chances of any appointments?

The Honourable Sir GHULAM HUSSAIN: (a) Between 1st November and 31st December 1931.

(b) It is presumed that the Honourable Member for Western Sind requires information only regarding temporary staff employed in Sind. On this understanding, the present strength under each of the various classes of appointments mentioned in the question is as under:—

Temporary Executive Engineers	..	3
Temporary Assistant Executive Engineers	..	10
Temporary Assistant Engineers	..	50
Temporary Supervisors	..	125 (excluding permanent Overseers working as temporary Supervisors).
Temporary Overseers	..	275

The number of Hindus, Muslims and others in the above appointments are given in the accompanying statement.

(c) No proposals have yet been received by Government from the local officers in the matter.

(d) Yes, after giving due consideration to the merits and qualifications etc. of non-Sindhis at present in temporary service.

(e) No.

Statement showing the number of Temporary Executive Engineers, Assistant Executive Engineers, Assistant Engineers, Supervisors and Overseers employed on the Lloyd Barrage and Canals Construction and Sind Public Works Department

Class of Establishment	No. of Sind Muslims	No. of Sind Hindus	No. of Bombay Presidency Muslims	No. of Bombay Presidency Hindus	No. of other Muslims	No. of other Hindus	Others	Total	
Executive Engineers.	3	3	
Assistant Executive Engineers.	..	1	..	..	2	..	7	10
Assistant Engineers.	4	27	..	5	2	4	8	50	
Supervisors	..	2	50	1	19	15	30	8	125
Overseers	..	16	149	1	10	27	70	2	275

Mr. S. S. TOLANI: With regard to (e), I want to know whether "No" is the reply to the first part of the question or the second part of the question, whether Government are aware that in other presidencies Sindhis are not given any chances of appointments.

The Honourable Sir GHULAM HUSSAIN: Government are not so aware.

Mr. S. S. TOLANI: Will Government make enquiries?

The Honourable Sir GHULAM HUSSAIN: If the honourable member gives me notice, I will enquire. As far as I know, some Sindhis are

employed in other presidencies. Professor Chablani is in Delhi, and there are others in other presidencies.

NEW TALUKA : GARHI KHAIRO.

Mr. S. S. TOLANI (Western Sind) : Will Government be pleased to state—

(a) whether it is a fact that certain portions from Jacobabad and Shahdadkot talukas are being separated to form Garhi Khairo Taluka ;

(b) how many dehs in all from various talukas are being transferred to the new proposed Garhi Khairo Taluka ;

(c) the area of land from each deh proposed to be transferred to the new Garhi Khairo Taluka which is cultivable and how much of it is being cultivated now ;

(d) whether it is a fact that the maximum area of cultivable land is being cultivated in those dehs now and that there will be no increased cultivation in these dehs after the working of the Barrage ;

(e) how long has the portion of Jacobabad Taluka which is being transferred to the new Garhi Khairo Taluka formed part and parcel of Jacobabad Taluka ;

(f) whether the Mukhtiarkar of Jacobabad Taluka is able to attend properly to the portion of Jacobabad Taluka which is now being transferred to the Garhi Khairo Taluka ;

(g) if the answer to (f) be in the affirmative, what are the reasons for creating the new Garhi Khairo Taluka ;

(h) what the occupied area and the number of holdings will be in the three talukas after the creation of the Garhi Khairo Taluka and the extent of the occupied area and the number of holdings in the adjoining Thul and Kandhkot talukas ;

(i) whether they have considered the proposal of creating a Mahalkari instead of Mukhtiarkari at Garhi Khairo ;

(j) what will be the annual savings if the new taluka is not created ;

(k) what action they propose to take in the matter now ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) 60 dehs.

(c) A statement is placed on the Table.

(d) No. It is certain that more land in these dehs will be brought under cultivation after the opening of the Barrage.

(e) Since 1852-53.

(f) No. The Mukhtiarkar of Jacobabad is overworked.

(g) Does not arise.

(h)

	Occupied area Acres	Number of holdings
Taluka Jacobabad ..	111,912-31	747
Taluka Shahdadkot ..	*369,294-26	2,054
Taluka Garhi Khairo ..	121,448-21	1,341
Taluka Thul ..	240,745	1,230
Taluka Kandhkot ..	210,314	703

* This includes 141,975 acres of Ghaibiderao Jagir and Kohistan.

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- (i) The importance of the new taluka ruled out of consideration its being placed in charge of a Mahalkari.
- (j) On an average about Rs. 10,000.
- (k) To create a new taluka with headquarters at Garhi Khairo.

G. I. P. RAILWAY III CLASS BOOKING OFFICE, POONA.

Mr. B. P. WADKE (Bombay City, South): (a) Are Government aware of the hardships caused to the third class passengers at the ticket office of the Poona railway station?

(b) Is it a fact that the third class ticket office is far from the regular railway station building and that the passengers have to enter into something like a trap to buy tickets and have to wait there for a considerable time for buying tickets with the result that oftentimes they miss the trains?

The Honourable Mr. W. F. HUDSON: (a) and (b) It is suggested to the Honourable Member that he should bring the matter to the notice of the representative of the Legislative Council on the Local Advisory Committee of the Great Indian Peninsula Railway with a view to its being brought up before that body, which has been specially constituted for the purpose of dealing with questions of this nature.

Mr. B. P. WADKE: Is this not sufficient notice that I have given to the honourable member?

The Honourable Mr. W. F. HUDSON: I am afraid I do not understand the question.

Mr. B. P. WADKE: Is this not sufficient notice to the honourable member who is on the advisory committee?

The Honourable Mr. W. F. HUDSON: That is for him to decide.

Mr. B. P. WADKE: Has not money been wasted over the printing of this question if this was the answer?

The Honourable Mr. W. F. HUDSON: I agree that it is a waste, but I would suggest to the honourable member that the fault lies with him. He has asked a question on a matter which this Government is not competent to deal with. He should have had the question put in the Legislative Assembly and not here. If I have given this answer,—although I realise that in itself it is a very inadequate answer,—it is only because this question should be asked in the Legislative Assembly.

Mr. B. P. WADKE: Will there be anything wrong if the Government draw the attention of the honourable member on the advisory committee to this question?

The Honourable Mr. W. F. HUDSON: I am not in a position to issue instructions to that honourable member; but, if my honourable friend likes it, I will certainly send him a copy of this reply.

BUSINESS OF THE HOUSE.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I had informed the honourable House two days ago that we had allotted three days, that is Tuesday, Wednesday and Thursday, for non-official business. But now we find that it will be more convenient for both sides if we proceed with non-official work for the next three days, finishing it on Monday, and then take up official work.

BILL No. XXII OF 1931 [A BILL FURTHER TO AMEND (SECTION 5 OF) THE CITY OF BOMBAY MUNICIPAL ACT, 1888].

(Discussion resumed.)

The Honourable the PRESIDENT : The Honourable Minister was in possession of the House when the point of order was raised. Has he anything to say on the point of order ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : Sir, with regard to the point of order, I wish to say that the original Bill of the honourable member Rao Bahadur Bole contemplated a reduction of 10 seats in the total number of seats, viz. 108, because, if that Bill were passed into law, the result would have been that instead of 108 members in the Bombay Municipal Corporation there would be 98. That meant that the Bill referred to a reduction of the total number of seats, and if that were the case, I submit that it is open to any honourable member here to propose an amendment which would increase the total number of seats, and as the amendment purports to increase 4 seats, I submit that my contention may be taken into consideration.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts) : Sir, I rise to a point of order with regard to the amendment to the amendment. The Bill has passed through two stages, the first reading and the second reading. The Bill is now being read clause by clause. I concede that it might have been possible for the Honourable Minister to move his amendment, to the amendment at the stage when the Bill was being read the first time. But the Bill having been read a first time and a second time, two principles have been accepted by the House. Therefore, at the time when the Bill is being read clause by clause, this amendment to the amendment, which introduces a new principle, is out of order. I concede that the amendment to the amendment would have been in order if it was moved when the motion for the first reading of the Bill was being considered. But that was not done, and the Bill has been read a first time. As a result of that, the principle that has been accepted by this House is that co-option should be done away with. But, as you, Sir, suggested, as the section stood, the number of the corporators could not be interfered with, and an amendment was allowed to be moved at the time the Bill was being read clause by clause that these 10 seats should be distributed in a particular manner. So, two principles have already been accepted. The first principle is that co-option should be done away with, and the second principle is that if co-option is done away with, these ten seats shall be distributed in a particular way. Now, when the Bill is being read clause by clause, there is a new principle which is being introduced by the amendment to the amendment moved by the Honourable Minister, and that is with regard to changing the total number

[Mr. M. M. Karbhari]

of corporators. That is my first point. As regards my second point, I take my stand on section 24 of the City of Bombay Municipal Act. So far as the method of election for filling up the seats in the Corporation is concerned, the amendment is quite in order; but so far as the apportionment of the seats is concerned, the only competent body that can come before this honourable House is the Corporation.

Section 24 says :

“(1) For the purposes of elections, the city shall be divided into wards, and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

“(2) The Corporation may, with the sanction of Government, from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.”

Lastly, the ground on which I wish to take my stand is clause 3. Unless and until they are so altered and re-apportioned, the number of representatives of the wards and the number of councillors to be elected for each ward shall be as specified in schedule B. That is to say, unless and until the Corporation comes forward to make their own apportionments, I think we shall not be justified in apportioning the seat at our pleasure. These are the points of order.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I requested you, Sir, yesterday whether the amendment could be taken up at the time of the first reading of the Bill. You expressed a desire that I and other honourable members who wanted to propose amendments would be quite in order if they did so at the time of the second reading.

The Honourable the PRESIDENT : As to the last point of order raised by the honourable member Mr. Karbhari, I think that it is hardly a point of order. Half of what he said is correct, but the other half is very much what is not correct. He is perfectly right that the first reading was passed and the principle of the Bill has been accepted by the House. I allowed, as the Honourable Minister has stated, these amendments to be taken up at the second reading, holding them as amendments of details and consequential to the House having accepted the principle of the Bill.

As to the second point with regard to section 24, that does not interfere with the jurisdiction of this Council at all. The Council is the body which passed the Act and the Council has the right to amend the Act. That is really the process that it is undergoing at present, namely, whether any of these alterations should or should not be made. The question is how the 10 seats that have been made available should be apportioned. Therefore, there is no point of order raised by Mr. Karbhari.

Coming to the point of order raised by the honourable member Rao Bahadur Kale, I understand he said that the Honourable Minister while apportioning the number of seats for each ward has increased the number to 112 and that, therefore, he has gone beyond the scope of the Bill.

Rao Bahadur R. R. KALE : I only want to know whether it is consequential as you put it. That is the only point.

The Honourable the PRESIDENT : If that is the point, then it was ruled at the first reading when the honourable member raised the point whether the amendment should be considered as an amendment of principle or an amendment of detail, or rather as a consequential amendment. I ruled that it should be taken at the second reading when the Bill is taken clause by clause. If that is the only point of order the honourable member wishes to raise, that point of order is out of place now.

Rao Bahadur R. R. KALE : I do not know whether the Chair had the amendment of the Honourable Minister in its hands. We did not get any copy of the amendment. Of course, so far as the amendment is concerned, if it is ruled as a consequential one, there would be no objection to its being taken up at the second reading, according to the Chair. The only question is whether the amendment which seeks to raise the number of seats is consequential. The question only is whether the redistribution of the ten seats taken away from co-option is or is not beyond the scope of the Bill.

The Honourable the PRESIDENT : I explained to the honourable member yesterday evening that there were 3 or 4 amendments—one by the honourable member Mr. Wadke, one by the honourable member Dr. Solanki and a third, placed in my hands at a later stage during the day, by the Honourable Minister. I therefore called upon those honourable members to move their respective amendments one after another. The three amendments did not differ in their nature and from the principle accepted by the House, but differed only in their methods as regards the distribution of seats. Those amendments are consequential in this sense, that ten seats having been created by the omission of co-option, how were they to be distributed under section 5? That section 5 is before the House and it is open to the House to amend it. It is an old principle enunciated in this House and elsewhere that, if a section is before the House for being amended or any part of it is so before the House, the House can amend it or any other part of it in any way it likes. There have been instances of this kind. The instance in point is the one in which the honourable member himself (Rao Bahadur Kale), who has raised the point of order, was concerned. A Bill was brought to amend section 13 of the University Act in order to bring it in consonance with section 48. That was mentioned as a reason for amending the Bill. In the statement of objects and reasons it was mentioned that in order to bring certain section intended to be amended in conformity with section 48, that Bill was brought by the Honourable Minister. The honourable member was allowed to amend section 48, because that section was referred to in the statement of objects and reasons. He was allowed to bring an amendment to section 48.

Therefore, the principle to be followed in this House is plain : When a particular section of an Act is before the House under an amending Bill, any portion of it can be amended by any member in any way he likes. He can amend any part of it. Co-option having fallen through at the first reading,—we do not know whether that can be taken as a settled

[The President]

question until we get through the three readings,—the mover of the Bill himself brought in an amendment to re-distribute those 10 seats. There are more than two or three amendments, of which one is by the honourable member Rao Bahadur Kale himself. But these amendments are to section 5, which is under consideration. This House is rightly privileged to tackle that section, and I think that this privilege of the House should be adhered to, so that the House may exercise its right to amend any part of any section before the House, if it chose to do, to suit any circumstance. Having created ten seats by abolishing the principle of co-option, all amendments to clause 5 are consequential, because these ten seats will have to be apportioned. That is entirely relevant to and within the scope of the Bill. I therefore hold that the point of order does not stand.

I may inform the House that it is open to the House to accept any one of these amendments that will come before them for consideration or not to accept them. In that case the original Bill will stand, and the total number of councillors would be reduced by 10. Some consequential amendment, verbal it may be, will again have to be moved to section 5 reducing the number from 108 to 98. In short, if the House chooses to accept any one of the amendments, the number accepted will have to be adjusted accordingly.

Mr. B. S. KAMAT: Would it be open under your ruling, Sir, for any honourable member to increase the strength of the constitution of the Corporation from 108 to, say, 150?

The Honourable the PRESIDENT: While amending that section, certainly.

Mr. A. N. SURVE: I would like to have a little more light thrown on the question: Whether the scope of the Bill can be extended at the stage of second reading. Because a section is under amendment, can any amendment to the section be brought in? Here there are two questions: The first is about taking away co-option. That was the scope and principle of the first Bill.

The Honourable the PRESIDENT: I differ from the honourable member. I think he is re-opening the point of order which I am not going to allow. The principle of the Bill, as I have held, is the question of doing away of the system of co-option, and the scope of the Bill is the consideration and amendment of section 5.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: For want of time, I did not have an opportunity of placing before the House the reasons which actuated me to place my amendment for the consideration of this House. This honourable House has already acquiesced in the abolition of the system of co-option as a result of which 10 seats have been released and made available for re-allocation. According to the various amendments which are before this honourable House, it would be apparent that 4 seats in the case of one and 2 seats in the other cases are still found wanting to meet the deficit which, according to the Corporation themselves, would amount to 10. Now, according to the honourable member Rao Bahadur Bole's amendment, 6 seats

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are made available. If we allow that Bill to pass into law, the Corporation will be placed in the very embarrassing position of having to reshuffle the seats by retrenching the wards 1, 2, and 3. According to the scheme of re-distribution, which has been supplied to me, I find four seats are to be given to ward No. 4, 2 seats to ward No. 5, 2 to wards Nos. 6 and 7. These ten seats are to be made up by retrenching from the wards A, B and C which areas are supposed to be over-represented according to the idea of certain people. But this allegation of over-representation of these wards has been very stoutly denied by the wards concerned. They maintain that they are by no means over-represented. Therefore, any scheme of re-distribution which came before the Corporation would really disturb the peace and harmony of the Corporation. And I understand that the Corporation themselves have postponed the consideration of this question, more or less with the idea that the peace and harmony of the Corporation may be maintained unimpaired. By my amendment, I submit that this difficulty is very easily obviated. I want to add four more seats to the total number of 108, which would result in making exactly ten seats available to be distributed over the wards 4, 5, 6 and 7.

Some honourable members in this House may probably be inclined to suggest that an easy solution of this difficulty would lie in the Government themselves relinquishing the four seats which this amendment seeks to add to the number of fourteen which already exists. But I may inform this honourable House that it is not with any other than a very good object that Government want these four seats to be added to the fourteen seats. Nominations are made with three objects: One is to enable Government to keep a few expert officers to explain the Government's point of view to the board with a view to help the board in appreciating the correct position. The second object is to rectify the anomalies of election, so that important communities and important interests may not be left out unrepresented. And the third object is to make room for experts, as well as such people of outstanding merit and long experience of municipal administration who do not wish or who do not have an inclination or time to come into the Corporation through the door of election. These are the objects, and in order that Government may be in a position to satisfy these objects, we desire four more seats to be added.

There is another reason. My honourable friends Rao Bahadur Chitale and Mr. Kamat very rightly said yesterday that in spite of certain drawbacks attached to the system of co-option, it is a system which has been found to be working very satisfactorily outside India and which had been working satisfactorily even in Bombay for some time. And Government had no intention whatever to disturb the present arrangement at all. Government's hands are forced by the honourable member Rao Bahadur Bole's Bill having been introduced at such a time. It may be that the system of co-option has failed to produce the results which were anticipated from it, but it is not because the system itself is bad; it may be that the method by which the election takes place is defective or faulty. Now, I must admit that by this system of co-option almost the same object which Government have in view in regard

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to nomination was being achieved. It was not that persons from whose experience the municipality would benefit did never come in. That was not the case. But, of course, the results, I must admit, were not very satisfactory. But all the same, I do maintain that nearly 50 per cent. of the men who were returned through co-option were very much of the same qualifications and same claims as those whom Government put in through nomination. Consequently, Government, by this abolition of co-option, have lost at least five seats. Instead, we are seeking four.

There is another point, Sir. When this system of co-option was introduced in July 1922, it was originally proposed to have twenty nominated seats and four co-opted seats, the total number being twenty-four. It was subsequently reduced to fourteen nominated seats and ten co-opted seats. [*An Honourable Member* : "Nominated, sixteen."] It shows that the object of nomination and co-option is almost identical. Now that co-option has been abolished, instead of twenty-four, Government would be left with only fourteen, there being a deficit of nearly ten. If I am asking this honourable House to give us four more seats, I do not think that I am asking too much of them. I can assure this honourable House that there is a very large section of the community in Bombay which is in favour of the system of nomination being maintained, and their voice also must be heard. I can also inform the House—I do not wish to give the names—that many very important persons have expressed a desire to enter the Bombay Municipal Corporation by nomination. [*An Honourable Member* : "Hear, hear."] And I can assure this House that their entry into the Municipal Corporation will be of the utmost advantage, not only to the Corporation themselves, but to the whole City of Bombay. [*An Honourable Member* : "Doubtful."]

Now, Sir, before I resume my seat, I want to say only one word, and I have done. I consider it very unfortunate that, at this juncture, when every stable element in the country is trying to maintain or preserve peace and good feeling, Bills of this nature are being introduced into this Council. There is another Bill which will be shortly coming, and it is also, I am afraid, of a very contentious nature. And I would appeal to my honourable friends that they can very well wait for the introduction of such measures for a more favourable time.

Question proposed.

The Honourable the PRESIDENT : The amendment proposed puts the alteration made in the proper order. The amendment is tantamount to this—In schedule B substitute "fourteen" for the figure "10" against No. 4. The amendment of the honourable member Rao Bahadur Bole did not include No. 4 of the Schedule and only affected Nos. 5, 6 and 7.

Rao Bahadur R. R. KALE : Sir, I shall begin where the Honourable Minister ended.

The Honourable the PRESIDENT : If the honourable member wishes to move his amendment, he can do so.

Rao Bahadur R. R. KALE : I shall do that at the end of the speech. The Honourable Minister made an appeal to this House not to bring in

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amending Bills of this nature at such a time in this House. Sir, if that attitude had been taken up by the Honourable Minister at the outset, he would have found sufficient support for it. The honourable member Rao Bahadur Bole sought to do away with the system of co-option. This system has been in existence, and from the speech of the Honourable Minister I have reason to believe that it is a good system though it may not have worked very well in all its aspects. But anyway it has worked satisfactorily to some extent; there have been a number of co-options and perhaps the ex-Municipal Commissioner, who is now one of our honourable colleagues in this House—I mean Mr. Clayton—could have enlightened us on the point and given us the benefit of his long and valuable experience of the working of this system in the Corporation, if the Government had felt that the time was not ripe or even opportune for undertaking any change of that system. But, Sir, to our great surprise, I must say that not only the Honourable Minister, but also the ex-Municipal Commissioner of the City of Bombay, sat mute and gave us no inkling whatever as to the actual working of this system of co-option. There were two very excellent speeches made on the non-official side in defence of the system, and I therefore think that the Honourable Minister is rather inconsistent in now saying that we should have another system. There is yet time for him. He can oppose and join us in throwing out this Bill at the second reading. Why should he accept the amendment of the honourable member Rao Bahadur Bole? Leave the matter as it is. As a matter of fact, Sir, if we look to the debates of 1922, Government were never anxious to have any more nominations at all. On page 155 of the debates for July 1922, the Honourable the Leader of the House, who was then in charge of the Bill as the Minister for Local Self-Government, stated:

"The original bill reserved the power of nomination to Government to the extent of twenty members. The bill was sent to the select committee. The select committee out of twenty gave five to be elected by associations or bodies. Out of those five, the select committee determined or specified three associations. Those are the Bombay Chamber of Commerce, the Indian Merchants' Chamber and Bureau, and the Ecmlay Millowners' Association, and two were left to be determined by Government. By my amendment (which will follow hereafter) I propose that one place out of the two to be determined by Government should be given to the Fellows of the University. And one we are going to keep for nomination. That is, instead of fifteen, there will be sixteen nominations, and four will be given to the various important associations."

It is clear, therefore, that the number of seats for nomination was 16 under the old Act. I do not know exactly, but the number was something like 15 if I am correct; but when the constitution was enlarged, 20 were claimed for nomination. In the select committee, four were taken as being given to the associations, then 16 were left, one was given to the University, and therefore one was left. Quite right. That is to say, the number for nomination was 16. If the principle of co-option is not liked by the honourable member Rao Bahadur Bole as well as by the Corporation, as I read in this morning's paper, very well, let that be so. The Corporation does not claim any more nominations instead, but the Honourable Minister says that because co-option is done away with, there will be need for more nominations. That is not the wish of the Corporation itself

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which has passed a resolution to the effect that co-option should be done away with and the seats distributed in the order of 4 to one ward, and 2 each to three other wards. Therefore, let us not proceed further with any amendments in this House. Let us stop here with the first reading of the Bill, by which the co-opted seats have gone. As the Corporation does not wish for any more nominations, the House also should not wish to extend the number of nominations. In the original Bill also, Government were satisfied to remain content with these nominations. No doubt, they had the principle of co-option of 4, then an amendment was brought which added 6 more, and that made it 10. Silence is consent. Government by their silence have consented to do away with co-option. That was the natural inference that was drawn by members on this side. Then my submission is that the best possible course to adopt now would be to leave the matter as it is. Co-option is gone, the Corporation says it does not want it, the House has now carried the first reading of the Bill sponsored by the honourable member Rao Bahadur Bole and also the second reading without an amendment. But it is yet open to Government to rectify any error they committed at the time of the first reading, and throw out the Bill at the present stage. They can yet mend matters, and I would ask even now, at the second reading, the honourable member, especially the ex-Municipal Commissioner of Bombay, if he is in a position to enlighten us on this matter, namely, whether co-option is really good. We can even now throw out the Bill at the second reading and rectify matters if we only want to do so. We can throw it out even at the third reading, as the Honourable Minister knows, and his wish will then be fulfilled. He wanted no member in the House to bring in a legislation to disturb the existing state of things in view of the constitutional changes which we are going to have, and so on. Very well. I therefore say that, if they did not act on the first reading, it is not yet too late, they can mend matters by opposing the clause at the second reading and also by throwing out the Bill altogether. That course is still open to them, and I would appeal not only to the Honourable Minister, but to all sides of the House, to reconsider the question. I mean there is nothing wrong in that. They were not quite alive to the consequences, but now they have become alive to the situation and it is in their hands to rectify the evil by throwing out the Bill at the second reading, so that the *status quo ante* will be established. No trouble whatever will arise if they do so. I submit that is the wisest course open to them. If not, the second best would be not to do anything; let the ten seats go away; the Corporation itself says that it does not want any more seats, it does not want co-option; these seats that will be released by co-option should be distributed in a certain manner and spread over the other wards.

I now come to that amendment of mine which I have tabled just now. I have tabled two amendments, but they are in the alternative. The distribution of seats as intended by the Corporation is 4 for one ward, 2 for another, 2 for a third and 2 for a fourth. We are now here confronted with a complex situation and I have mentioned the best way of relieving ourselves from that situation, and therefore I would simply plead

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by saying that the simplest course now would be to see whether really we should do away with co-option. It is still in our hands to repair it if we only reject the Bill, and that is the wisest course. If really the method has been tried and found to work successfully, though not quite successfully, there is no fault in the method. I mean to say the fault is not with the law; we are here to consider whether the law is faulty, whether the system is faulty. Then, if it is agreed that the system is not faulty but that in practice the right was not properly exercised, Sir, that is a risk which again will be inherent in the very principle of nominations. Is there any guarantee that the right of nomination will be exercised all along, for all time, very wisely and in consonance with public opinion? It all depends upon individuals, upon the circumstances. And therefore, if you have to choose between the two, I put it to Government and the Honourable Minister in particular, to make the right choice. I can see from the way in which he spoke and it appears to me, that he still considers co-option to be the better method, the proper method. So I leave it to him to choose and not to insist upon having these four nominated seats in order to make up the deficiency which is now going to occur, because he is sorry as he is losing co-option. Certainly it is still in his hands and in our hands to correct matters, because he and we all are here, both officials and non-officials, to find out what is most desirable and what is most expedient in such cases. And, therefore, I do think that we would and should have some expression of opinion from the honourable member the ex-Municipal Commissioner of the City of Bombay, Mr. Clayton, on this point, and I am sure his advice will be very beneficial and therefore followed by this honourable House.

Mr. L. R. GOKHALE (Poona City): Sir, I move the following amendment:

In clause (2) of the Bill:—

(1) In sub-section 1 of section 5, for the word "seventy-six," substitute the word "eighty-six."

(2) In Schedule B, the following words should be substituted as shown below:—

In the consecutive number 4, for the word "ten," substitute the word "fourteen."

In the consecutive number 5, for the word "ten," substitute the word "twelve."

In the consecutive number 6, for the word "six," substitute the word "eight."

In the consecutive number 7, for the word "six," substitute the word "eight."

The result of this change is that the ten seats, which have now become available on account of the abolition of co-option, I propose, should be distributed in the last four groups or wards. The increased numbers which I have shown here have been taken from the expression of opinion by the Corporation of Bombay. They are the numbers suggested by that body and so I thought it best to adopt those very numbers.

The first and the most important point that has been raised in this debate is election *versus* co-option *cum* nomination. That is the question that we have to consider. I believe it is high time now that we should again be thinking of co-option or nomination as against election. Co-option perhaps, as the Honourable Minister put it, is another form of nomination and I quite appreciate it. In the case of co-option, we

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have to seek election at the hands of about 60 or 70 members while in the case of nomination we have to seek election at the hands of a smaller number. No doubt, as we were told yesterday, we have to ask for a favour and get nominated, and so that is an election at the hands of a very special and limited number of individuals. "Is that to be preferred to election?" is the question. Co-option, by our yesterday's proceedings, we have declared to be not acceptable to us, and if co-option is not acceptable to us, are we going to accept nomination? It will be found, if we consider the numbers that are allotted for nomination in the Bombay Municipality or in the other municipalities of the Presidency that the number of nominations has been decreasing from time to time. That is the case also in the case of the Bombay City Municipality. Two years before, they had reduced the number of nominations by two. After the lapse of three years, it appears that we are being made wiser by adding four more nominations. Is that progress towards democracy, of which we have been speaking so much in this debate at least? My submission, therefore, to the House is that they should once for all make up their mind, as far as possible, to abolish not only co-option, but nomination also. If an amendment were brought before this House that in clause 5 the words "fourteen councillors appointed by Government" should be deleted, I think it will be in order, as we understand it will be a consequential amendment, and it will certainly be right in principle. I mean to suggest thereby that, really speaking, if there was any amendment necessary, it should have been for the total abolition of nominations on the Corporation. We want the President of the Corporation to be styled a Mayor. We want the President to have so many other powers. Is it reasonable then to suppose that the Mayor should be also accompanied by certain members whose only qualification perhaps is that they are liked by certain high Government officials? The Honourable Minister has given us two or three reasons why he thinks nomination is better. Firstly, he says that experts can be appointed by Government, as they are not selected by election, or they do not care to stand for election. But really speaking, if these experts are so careless about the interests of the city, and do not care to educate the electorate by moving among them, by telling them their duty, is it proper in the nature of things that such persons should be nominated by Government at all? Is it not one of the qualifications of a person seeking entrance to the Corporation that he should move among the electorates, know what their wants are, what their feelings are? The Honourable Minister thinks that that need not be done. The other reason he gives is that there are certain anomalies in the election. I do not understand what he means by anomalies. If he really means to say that an anomaly means that people whom the Government want to come in do not come in, then I can understand it. Otherwise, I do not see any anomaly. There is a regular election; he who tops the list or those who are within the list are elected. They are in the Corporation, and they represent the people, and I do not know why that should be called anomalous. No doubt, the interests of the Government and the interests of the people on more

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occasions than one are not identical. I believe it is the people's choice as to who should represent them, and it is not the choice of the Government as to who should represent the people. On principle, I think the idea of nomination is most unacceptable, and if we are to abolish co-option and get nomination, then the remedy appears to me to be worse than the disease. I do not know what the feelings of the honourable mover and of the members of the Corporation who are members of this Council, are on this matter. But I am sure from the sympathy which they have shown for the people and their democratic spirit, that one and all of them will certainly oppose this idea of nomination, or at any rate the increase in the number of nominated members. I do not think it likely that any one of them will countenance such a proposal with any favour. I know there are difficulties in the way of some members who are being nominated to the Corporation to come before the electorates and thus get themselves elected. But the remedy lies not in perpetuating nomination, but by preparing themselves to understand the people's wants, their desires and wishes, and in this way get themselves elected. I do not see why this retrograde step should be taken for the purpose of getting an entrance into the Corporation, because they cannot come by the front door, as I said yesterday.

Now, Sir, I find in this question of the amendment of the City of Bombay Municipal Act, a peculiar position has been created. There are three Bills by the honourable member Rao Bahadur Bole. One is for the abolition of co-option; that we are now considering. The second Bill is about the redistribution of the seats, and the third Bill is about the franchise. Suppose the franchise is widened and a larger number of people are allowed the franchise, then I believe all this trouble that we are taking to allocate the seats in the Schedule will be a waste of time. Of course, as has been stated with regard to the other Bill which may come before the House later on, it is very wrong that a lakh and a half of people should control and govern eleven lakhs of people. That may or may not be right. I do not wish to say anything about it now, as that Bill is not before us. But, really speaking, is it not necessary first to settle what the number of the electors should be? After having settled that principle, then certainly we should settle what should be the strength of each ward, and after having settled that we should come, in sequence, to settle how that number should be fixed, whether by nomination or otherwise. I submit with great deference that the order in which we are considering these three Bills appears to me, at least, somewhat difficult to understand. If the franchise is to be widened, I believe that is the first thing that we should do. I for one certainly would be always glad to see that the franchise is widened, and instead of a lakh and a half of people governing eleven lakhs, three lakhs, or four lakhs, or ten lakhs may govern the rest. But it is the duty of this honourable House first to decide that question, and after that is done, we should fix the seats, and then tackle the other questions. Of course, I do not, at this stage, want to say anything about the allocation of seats that is proposed in Bill No. XXV of 1931. But I only say this, that in the allocation of seats that I have proposed, I have taken

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into consideration the strength of the electorates, the capacity of the electorates and generally the interest which the electorate has in the Corporation and in the city of Bombay. Considering these points, I have given the numbers which I have allocated in my amendment.

Sir, I might also say here that the original Bill itself was put before us certainly with a very high ideal, namely, absolute control by the public or, at any rate, the removal of the control from Government and vesting it in the public. That was the chief object of the amendment. Of course, the honourable mover yesterday began by saying that there was some sort of unfair dealing in electing these members by co-option. I for one do not want to attach any importance to that statement. Whether it is a fact or not, I do not know. If there has been some unfair dealing in co-option, is there not a good deal of unfair dealing—I do not mean in regard only to money—in nomination also? Can the Government always say that they nominate the best men, not according to their standards of course, but the best men, looking to the interests of the Corporation? If we scan the history of these nominations or the names of the nominated members on the Bombay Corporation for the last fifteen years, we will certainly know what sort of material the Government were trying to father upon the Corporation; and if we really study the proceedings in the Corporation and the expressions of opinion especially of the nominated gentlemen, I think we can see what this nomination means. That is exactly how we have to look at the question. I may also ask, is there not unfair dealing in electioneering campaigns, and would that be a sufficient reason to do away with election? Therefore, Sir, I say that these are not valid reasons for saying that there should be nomination. The only reason why there should be no nomination is that it is the people's right to choose who should represent them, and not the right of the Government. Of course, if certain questions of importance, requiring technical knowledge, are coming up before the Corporation, then provision may be made in the Act for the time being to co-opt certain expert persons. I believe this honourable House also has that privilege, and the Government nominate certain persons for the time being, and the same procedure may be followed with advantage in the case of the Bombay Corporation also. Just because, for a certain occasion, an expert may be necessary, for that reason to have a large number of members of Government's choice on the Corporation is not equitable, is not desirable and, I think, is not certainly democratic.

The Honourable Minister said that people of outstanding merit sometimes do not come into the Corporation. I do not know what is understood by the Honourable Minister by the words "outstanding merit." Does he mean to say that they should be all Knights, or does he mean to say that they should be those who attend Government parties without any omission, or does he mean to say that they should be persons who have got special favours from certain high individuals? What is "outstanding merit"? In my view, "persons of outstanding merit" means those who are most acceptable to the electorate, and in

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whom the electorate has sufficient confidence. [*An Honourable Member*: "Question".] Naturally, some people may not be aware of it. I say that outstanding merit is to be judged by a different standard, and not by the standard of the Government always. [*Interruption.*] Of course, I do not want to mention names. My honourable friend on the other side is suggesting names, but I do not think that is fair or desirable. [*An Honourable Member*: "What about the honourable mover himself"?] I do not want to say anything about it. Of course, I know that the honourable mover is a great asset to the Bombay Municipal Corporation. He has been espousing the cause of the depressed and backward classes, and his sympathies for them are genuine and cannot be questioned; and as far as his work in the Corporation is concerned, I do not know very much about it, but I can say one thing, that even he would certainly oppose tooth and nail any idea of nomination or co-option. He certainly, in his heart of hearts, does not like nominations; I know it positively because his conduct in the Council all these years shows it. There may be other reasons why, in this particular case, he wants to support nomination and makes a special pleading for it, and in course of time we might come to know about it.

Having said so much to show that the principle of nomination and the principle of co-option are almost identical, if the House is thinking of accepting these increased nominations by Government, then I would join with my honourable friend Rao Bahadur Kale and say, better accept co-option, because it is a selection by 70 persons of the members to be co-opted, and it does not rest with two, or three or four individuals. The worst is nomination, next comes co-option and the best is election: that is how I put it. But if now we are losing co-option and are being given nomination, I think it is time to say, "Save us from this nomination." [*An Honourable Member*: "Nomination is not for all the seats."] But one additional seat filled in by nomination is equal to ten elected seats, on account of the evil it causes. [*An Honourable Member*: "Why?"] I will tell you why. There is an inclination in the Corporation to be opposed towards Government views, and views opposed to the public these nominated gentlemen try to promulgate among the members sitting by their side, and that is the contagion, and it is catching. [*An Honourable Member*: "But the Government will be ours."] I do not know whether this Government is not ours, or that Government is to be ours: by Government I mean the Government of the people: it does not mean this or that Government. I know what this contagion is. A nominated member sits there by the side of the elected members, with a note in his pocket from some Government official asking him to see that this or that thing is done. He induces the man next to him to agree with his views, and so the contagion spreads; and that is how one nominated member takes away ten people from the popular side, and the popular side is to that extent affected. That is one of the reasons why I am opposed to nomination. I have given one instance, and I do not want to multiply instances. Therefore, I say, save us from this nomination. But if you cannot save us from nomination,

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then let us have the lesser evil, viz. co-option, continued for some time until, as my honourable friends put it, our Government comes into power, which will relieve us of all these anomalies. That is how I look at the whole question.

Now, Sir, of course, I do not know whether another amendment is coming in to do away entirely with nominations; but if it is coming, it would certainly be welcome.

HAVING said so much, I would ask the House not to support the amendment of the Honourable Minister, but to support the amendment that I have placed before the House, which will have the effect of adding ten seats to the number of members to be elected, with the distribution of the seats as I have stated it. With these words, I commend my amendment for the acceptance of the House, and I move the amendment.

Question proposed.

MR. R. R. BAKHALE: Sir, as there is substantial agreement between the amendment moved by my honourable friend Mr. Gokhale and the amendment of which I have given notice, I do not propose to move my own amendment; but I shall support the one which has just been moved. My reason for doing so is that, under the amendment, all the 10 seats which will be released by the abolition of the system of co-option will be thrown open to election. That is my own view also. I fail to understand how particularly now, when we have decided that the system of co-option should go, the question of nomination comes in. These ten members are elected, by the members of the Corporation. In other words, we have 94 members elected of whom 76 are elected by direct election, eight by special constituencies and ten are elected indirectly by the 98 members, of whom 14 are nominated members. The proportion of members elected, both directly and indirectly, to nominated members is thus 94 to 14. Now, if we decide that the indirect election should be done away with, it is only logical that these ten seats created by the abolition of indirect election should go over to direct election in order to maintain that proportion. I think it is the only way in which we can possibly look at the question from a fair point of view.

I was surprised to hear the Honourable Minister saying that under the system of co-option Government have lost something like four seats. I fail to understand how they have lost these four seats. All these ten seats were elected by the elected members of the Corporation. [*An Honourable Member*: "Both elected and nominated."] Well, elected and nominated; but the preponderating element consists of elected members. If Government can so manoeuvre as to get in their own people under the system of co-option, cannot they similarly manoeuvre to get in their men from the constituencies? I think they can do it if they possibly have sufficient courage to work in the constituencies. The point is this. The Honourable Minister stated that Government have lost four seats by the abolition of co-option. I decline to take that view. I think that these ten seats should legitimately go to the wards as contemplated in the amendment moved by my honourable friend Mr. Gokhale.

[Mr. R. R. Bakhale]

I do not also agree with the view expressed by the honourable the leader of the opposition that we should stop at the abolition of the system of co-option and might not fill the vacant seats. We have now ten seats made available by doing away with the system of indirect election. So, it is natural and fair that these ten seats should go to the people. If this is not done, we shall have only 84 elected members as against 14 nominated by Government. I was also surprised to hear the leader of the opposition saying that he was waiting for an indication from the Government Benches in order to make up his mind.

Rao Bahadur R. R. KALE : What I said was that I had made up my mind, but the Government should have declared their intention at the first reading whatever they wanted to do.

Mr. R. R. BAKHALE : It amounts to the same thing. He wanted some hint from Government in order to clarify the issue. The leader of the opposition is the leader of the opposition, and nothing else. But when a man of the eminence of my distinguished friend, Rao Bahadur Kale, looks up for some sort of an indication from benches with which more often he disagrees than agrees, I simply hang my head down. More vigorous opposition may perhaps be necessary on that side of the House. He also referred to the constitutional changes. Every one of us knows that constitutional changes are coming. But are these constitutional changes going to change the constitutions of the local self-governing bodies? Certainly not. I do not think it is necessary for us to wait for those constitutional changes in order to remove the defects which we have found out by experience existing in our self-governing institutions. I therefore hope that this Council will by an overwhelming majority pass the amendment moved by the honourable member Mr. Gokhale so as to give the people of Bombay what is their due.

Mr. B. S. KAMAT : Sir, I think there are two or three amendments before the House including the amendment moved by the Honourable Minister. I shall deal with the latter.

The Honourable the PRESIDENT : Two or three more coming.

Mr. B. S. KAMAT : Sir, I find I conscientiously disagree with the amendment moved by the Honourable Minister which I feel I must oppose. Since yesterday I have been watching the trend of discussion on this Bill. The attitude in certain quarters of this House, I must confess, is very depressing from beginning to end. I speak with all the responsibility of a nominated member. Looking at the march of public events, I cannot help thinking that going back to the system of nomination by Government from the system of co-option by people is nothing but a retrograde step indeed. What is still worse is that several representatives of labour came forward yesterday and to-day, and confessed that the Bombay corporators, at all events some of them, are unable to exercise their votes in the manner they ought to. It is indeed depressing to me to hear from the honourable member Rao Bahadur Bole that the view of the Corporation itself is that they are unable to exercise the votes properly and they are unable to choose the fittest person

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and so this system must end. That is a very sorry confession. A still more sorry confession is that the Commissioner of the Bombay Corporation agrees that he has no other solution for this state of affairs. Then again, it is a pity another representative of labour in this House felt proud to make much of this unanimity between the Corporation, the Commissioner, and Government. Government on their part took no trouble to find out where really the defect lay. I venture to think that this has happened because of the single transferable vote system which they have adopted for the election of co-opted members. In the case of a single transferable vote the first preference vote has a premium as it were and probably this is the cause of all the trouble. If, therefore, instead of going back to nomination, Government had changed the system of election by the single transferable vote, i.e. the proportional system, I expect co-option would not have been so vicious as it is said to be. However, as the House has decided to abolish that system, I am constrained to confine myself only to the other part of the question—the plea of Government in regard to the consequential amendments. The attitude of Government over this amendment is one of a great deal of pain to me. I am constrained to say that in trying to secure more seats for nomination they are not playing the game. They could have raised the issue in a far more straightforward manner. If they wanted to have four more seats by nomination, surely a different procedure should have been adopted. We had no sufficient notice of their intentions. We were never taken into confidence with regard to the view of the Corporation in respect of this change in the constitution. The Honourable Minister kept quiet in his seat and never told us what the opinion of the Corporation was on this important point, neither was sufficient notice given to this House of the proposal of Government as to how they were going to distribute the ten seats if co-option was done away with. I have no hesitation in thinking that Government have smuggled this amendment at short notice with a view to have more than the 14 seats by nomination. That is mainly why I am disinclined to give my support to this amendment.

With reference to the element of nomination, I have no doubt there are nominations and nominations. I do not wish to say that they are always bad; but between co-option and nomination, I prefer co-option. But here nominations are throwing in the background the principle of co-option. What is worse is that the Bombay Corporation, the first city in India, is getting the stigma that co-option has failed and therefore they have to revert to the procedure of nomination. I for one feel that those people who have the reputation of the Bombay Municipal Corporation and the interest of the city at heart cannot support this amendment as it is an admission of a scandalous state of things and inability to exercise the vote.

The Honourable Sir GHULAM HUSSAIN: Sir, I am proud of my Government for having nominated the last two speakers who have been treating this House with their eloquence and have been showing sturdy independence in dealing with various matters. But I am sorry that

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they kick the door through which they have come here. It would have been more creditable to both the honourable gentlemen if they had refused to come in by nomination.

Coming to the question of co-option, it was true that when I was in charge of Local Self-Government this principle was introduced on the advice of some of the stalwarts in Government as well as on the non-official side. Even at that time, I doubted the utility of that principle. I am glad that this House as well as the Corporation, after having given a trial to that principle, now share my views. It has been found out that this principle has not worked well. Government therefore have supported the honourable member Rao Bahadur Bole's Bill in regard to the abolition of co-option. I heard a lot of tirade against nomination. But I must say that it is by the door of nomination that many publicists in India have obtained their fame and name. I may name two who are here to-day. Honourable members know that democracy sometimes runs amok, and Government have to nominate some deserving men who have been thrown out by the people. Even in this House, the leader of the Mahomedan party is a nominated member on the District Local Board of Larkana. I am sure no one will say that he is a bad choice. One of the greatest men of this city, the late Mr. Gokhale, was a nominated member in the very municipality in which my honourable friend Mr. Gokhale was an ex-president. So, we must consider this question dispassionately. Government had once the right to nominate 20 members. Government gave up their right of nominating 4, because the other side of the House insisted on the principle of co-option by which ten men were co-opted. Then there was a demand on behalf of Labour and Government gave them two seats. Wherever there is a fair demand on behalf of parties who are not represented on the Corporation, Government have to nominate them. By this amending Bill, the House proposes to do away with 10 places and Government agreed to the reduction of 4 nominated members, because they thought that experts and experienced people would come in by co-option. But when you are doing away with the system of co-option, Government should have some seats for those who do not come in by election. The amendment of the Honourable Minister seeks to have only four more seats by nomination. Honourable members should bear in mind the peculiar condition of the Bombay Corporation. It is the only Corporation or local body in the whole of the Bombay Presidency where there is no communal representation, and we are proud that this canker of communalism has not entered the Bombay Corporation. There is no reservation of seats for any community on that body. They are joint electorates, and Hindus, Mahomedans and Europeans go to a common poll. Now, Sir, we require some nominated seats; first to adjust the differences of election of the various communities; secondly to round off inequalities. There are certain communities which are not returned at all by election and Government have to nominate them. There are other communities who are not returned in adequate numbers. If we do not have these 18 places, I am afraid Government will not be able to meet the

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requirements of the various communities of the city of Bombay. This will lead the various communities to agitate for separate representation. In order to avoid the blight of communalism, I think honourable members will be well advised in giving four more seats for nomination. What are the recommendations of the Bombay Corporation? The Honourable Minister is quite agreeable to that. According to their own arrangement, he has given two seats to each of the wards E, F and G, and four to D ward, and he wants for Government purposes only four seats more. I would request the honourable members to consider this question dispassionately. I have heard a regular tirade against nomination. But I may inform the House that when the time of nomination comes, there is a flood of requests from members of this Council to nominate not only themselves, but their friends and relations. In order to save us from communalism, the honourable House should give us these four seats, so that we may be able to adjust the inequalities resulting from the elections. I hope that honourable members will accept the amendment of my honourable friend the Minister. I assure them that whenever there has been a demand on behalf of any interest, they have been given seats by election instead of by nomination. They should not handicap Government in satisfying the various interests.

Mr. J. G. MORE (Sholapur District): Sir, I beg to move—

In section 5, clause (1), omit the words "one hundred and eight" and insert the word "ninety-four". In the same clause repeal the words "fourteen councillors appointed by Government."

I wish to make it very clear at the outset that I support the amendment moved by the honourable member Mr. Gokhale and further more this amendment. Now, there is a great cry for dispensing with nominations, and I quite agree with the views that have been expressed by honourable members of this House against nominations. It has been suggested that nomination is necessary to safeguard the interests of minor communities. My experience is that in nominations of members of minority communities the choice of the communities themselves is not taken into consideration by Government, but Government nominate a man of their own choice. I will cite the instance of the Pandharpur taluka local board. There two members from the depressed classes have been nominated by Government. One is from the Mahar community and the other is from the Chambhar community. The member nominated by Government to represent the Mahar community has not the least support of that community; he stands by himself. The community is against his nomination. The community wanted a man of their own choice to be nominated by Government. But the man nominated by Government was in the favour of the mamlatdar and he promised that if he were nominated he would support the candidature of a particular person for the presidentship. That is why that nomination took place. The Collector supported the mamlatdar's nomination and that nomination was ultimately gazetted. So, in actual practice the system of nominations is quite abused by Government who discard the interests of the minority communities for whose interests they profess

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regard. I wish to make it perfectly clear that I am not against the backward classes' interest nor against that of the intermediate classes. I belong to the intermediate classes. When the question of nominations comes in, then better qualified men, men better entitled, are not chosen by Government. So, instead of choosing nomination, I would rather choose communal electorates. In fact, communal electorates have been introduced by Government in municipalities. For instance, there is a separate constituency for the backward classes in municipalities. In that way Government can create some constituencies for specific communities and safeguard their interests.

I need hardly say anything more. The times are changing, and we want democratic rule. I hope my amendment to dispense with nominations will be accepted by this House.

Question proposed.

The Honourable the PRESIDENT : That is in support and in addition to the amendment proposed by the honourable member Mr. Gokhale.

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move :

Substitute the following clause in the place of clause 2 :

" 2. In sub-section (1) of section 5 of the Act,

(i) Substitute the word ' eighty-two ' for the word ' seventy-six '.

(ii) Substitute the word ' eighteen ' for the word ' fourteen '.

(iii) Add the following word after the words ' appointed by Government ', viz., out of whom two shall be representatives of the depressed classes and two of the classes defined as the Maratha caste by the Bombay Electoral Rules.

(iv) Omit the last clause, viz., ' and ten co-opted councillors..... the preceding clauses of this section ' and in its place, substitute the following clause, viz., ' Substitute the words " twelve ", " eight " and " eight " in the last column of Schedule B in the entries bearing Nos. 5, 6 and 7 in lieu of the words " ten, " " six " and " six ". "

My amendment is meant as a compromise between the amendment moved by the Honourable Minister for Local Self-Government and the amendment moved by the honourable member from Poona City (Mr. Gokhale). The honourable member Mr. Gokhale wants that the ten co-opted seats should be all elected. My amendment only seeks to give six seats for election instead of ten. Then, Sir, the other four are to be squared up ; and in respect of that I accept the amendment proposed by the Honourable Minister for Local Self-Government. I give the eighteen seats which he requires, but with this reservation that these additional seats are to be utilised for giving representation to the depressed classes and to the educationally backward classes who come under the term " Maratha ". You will see that the amendment maintains the original constitution intact ; there will be no more than 108 members. It gives six seats for election and it also gives four seats for nomination by Government, with this reservation that Government will introduce those interests which are at present unrepresented on the Municipal Corporation of Bombay. The Honourable the Leader of the House will not challenge me when I say that the depressed classes and the educationally backward classes are unrepresented on the Municipal Corporation of Bombay. When I seek to give power to Government, I do so only

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with the view that those interests which have been unrepresented so long in the past shall in future get representation.

We, Sir, are fighting for democracy. But what is the state of affairs in the premier municipality of our Presidency? The Honourable the Leader of the House has spoken in eulogistic terms of the Bombay Corporation. But, Sir, it is a Corporation which is not fully representative of all the interests in the city. Are persons belonging to the depressed classes and persons belonging to the educationally backward classes not human beings? Have they no civic needs or interest in the civic affairs of the city? Are their needs met by the Corporation of Bombay? Great blame attaches to the constitution of this Corporation. Ever since its inception some seventy years ago we have never had all interests represented on its board.

My amendment is a compromise between the amendment of the Honourable Minister and the amendment of the honourable member Mr. Gokhale. It will satisfy the demand of the honourable member Dr. Solanki, who wants two seats for the Depressed Classes.

Now, I come to explain my amendment. The word "Maratha" is not used in the communalistic sense that may be present in the minds of some of the members. I have made it perfectly clear that that word is to be taken in the sense in which it is defined by the Bombay Electoral Rules. The word "Maratha" as defined in the Bombay Electoral Rules at present contains over 32 castes which are educationally backward. That list is not complete yet, and it can be enlarged by the Government of Bombay. Therefore, I am asking two seats for these Marathas. I am asking that for a very large group—not a narrow group—which falls within the ordinary and restricted meaning of that term.

Then, Sir, I wish to explain the figures. In the amendment moved by the honourable member Mr. Gokhale, he is trying to give four seats to the Girgaum ward. I do not blame him, because he has no personal knowledge of the implications of his amendment, as it appears when he says that he is only following the newspaper reports which contain the proceedings of the Municipal Corporation. But there is great danger in following newspaper reports without being aware of the exact state of affairs as it exists in fact in the city. The Girgaum ward is a ward inhabited by the educated classes. If you give more seats to this ward, you will be accentuating the evil from which the uneducated classes suffer. As a matter of fellow feeling the educated classes must give a helping hand to the uneducated. They must try to do away with this distinction of educated and uneducated classes by helping the latter to obtain education; but are they doing that? No. That is the difficulty. There are still so many in the ranks of the educated in Bombay City who boast that they have made primary education compulsory. If there is compulsory education in the city in reality and not in name, then I ask why there is such a large number of uneducated children in the city? They have introduced compulsion only in two wards (F and G) and not in the whole city. I say the needs of the uneducated classes are far greater than the needs of the educated classes. The educated classes

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can come not only from the Girgaum ward, but from all other wards. I may tell this House that in the City of Bombay there is no restriction about residence. A person staying in the D ward can go and contest an election in B ward. I may also take the House into my confidence and tell them that the majority of the members of B ward in the Municipal Corporation do not reside in that ward, but reside in Malabar Hill and Walkeshwar. These millionaires and mill magnates are supposed to take care of the interests of the uneducated classes who live in B ward. That is the state of affairs. Therefore, it is with some feeling that I say that if you want real democracy this is not the way to establish it. If you give still more preferential treatment to the educated classes, by the force of their votes they will try to put down the uneducated classes as they have done all along. Therefore, I say that if you want to give elective seats to any of the wards, the D ward, the Girgaum ward, should be the last to get it. Give them to the other wards, namely E, F and G. These are the wards inhabited by the backward classes. Show them some consideration. What my amendment asks is to give the necessary help to those classes which deserve and not to those classes which do not deserve, not to those classes which try to use their power to put down the other people. That is the merit of my amendment.

Then, Sir, I request this House not to be led away by the long remarks very eloquently expressed about nominations. I have made it perfectly clear that the additional power for nomination that I seek to give Government is coupled with the reservation that only persons who belong to specific classes which do not obtain representation at present on the municipal board shall be nominated. Take, for instance, the case of the depressed classes. Although the municipality has been in existence for sixty years and more, until the year 1923 or 1924 there was not a single representative of the depressed classes on it. It was the Leader of the House who introduced for the first time a representative of the depressed classes into the Corporation. Therefore, nomination in the present state of affairs is necessary. There is another reason why in relation to the City of Bombay the power of nomination should not be taken away. Those people who have inveighed against nomination do not know who are being nominated. I do not mean to say that every member nominated by Government is a very desirable person. But there are certain instances where people who cannot or will not submit to election must be on the Municipal Corporation. I would cite only three instances, the Executive Engineer, Presidency Division; the member representing the Railways; then, the Police Commissioner. Do they mean to say that these three officers will go into the Corporation by election? Some honourable members may say, "Why nominate these officers?" I will give you the reason. Take the instance of the railway representative. There are thousands of questions in which the Corporation has to do with the railway administration. If a representative of the railway were on the Municipal Corporation, the whole thing could be shortened. Take for instance the Executive Engineer; in the city of Bombay, during the course of the last decade several new bridges have been built and in all

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cases where the building of new bridges and roads is concerned, I think the municipality is the only body which has something to do with their construction, and if these officers are not there, the Corporation will be lacking that expert skill which is necessary. Take for instance the Police Commissioner. I do not say anything about the Police Commissioner in his police capacity, but I will show it to be a fact that in Bombay you have the hawkers' nuisance and the beggars' nuisance—all these nuisances, namely, hawkers' and beggars', come within the Municipal Act and if the Police Commissioner is there, you can deal with these nuisances in a more effective way. Therefore, when you inveigh against nominations, kindly discriminate about officials, those officials who are necessary to the administration of the city and who cannot be expected to go through the process of election—

Dr. M. K. DIXIT : May I know who represents the railway in the Corporation now ?

Mr. A. N. SURVE : I think there is one gentleman from the B. B. & C. I. Railway.

Dr. M. K. DIXIT : I understand that is not so.

Mr. A. N. SURVE : At least there was one till very recently. He may not be there now. Though a member from the railway may be absent there, still the others are there. Take, for instance, the Chairman of the Port Trust. I may mention this fact that my amendment has these special merits which I have mentioned and I hope that this House will extend its sympathy to the people who are unrepresented and who deserve the sympathy of this House and that the Honourable the Minister for Local Self-Government and also the non-official part of the House will accept my amendment.

Question proposed.

Mr. J. S. KADRI (Northern Division) : Sir, I rise to support the amendment moved by the Honourable Minister on grounds which require very careful consideration.

From our experience of the elective principle and the electoral constituencies, we find that it is not always the case that the best candidates are returned by the constituencies at elections and that nominations are often useful and desirable. The principle of co-option, if properly exercised, is not bad, but as this question has already been mooted and finally decided yesterday, it seems that the principle of co-option is not acceptable to this House. I will not, therefore, comment upon its utility or drawbacks but will only say that the same logic does not apply to nomination. Nomination is quite a different thing. The principle of nomination has been very well defended by the Honourable the Leader of the House who has bombarded the fallacies of the other side so completely. If it were not for nomination, this House would have been the poorer, because several excellent gentlemen who have been gracing this House now would never have been able to enter its portals. I know from my personal experience that men of sterling

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worth, uprightness and erudition often hate election. The ordeal of election can only be appreciated by those who have gone through it. I think some of the members who have expressed their opinion against nomination had an easy walk-over through the door of Government nomination. Such members cannot realise the numerous difficulties and troubles of an election. To remove anomalies of election and to provide seats for experts, it is always safe to have some seats reserved for Government nomination. Government generally uses its discretion in making the choice of right men. Government nominations are often found to be judicious and beneficial to public interests. For these reasons, I strongly support the motion of the Honourable Minister who wants four seats to be reserved for nomination. I think these seats will go to the most deserving candidates and men of outstanding merits from amongst the backward classes who have been altogether neglected or have remained inadequately represented on such an important body as the Municipal Corporation of Bombay.

My honourable friend Mr. Surve is justified in urging the necessity of having some nomination seats reserved for the backward and depressed classes which have been discarded or neglected altogether by the electorates, so far. Had it not been for nomination, I am afraid the Mahomedans even would have suffered. As there is no communal election for the Municipal Corporation of Bombay, very few Mahomedans, except those who possess wealth, influence and backing, are able to get admission into it. I think it is very necessary from the Mussalman point of view to have nominations to the Corporation, and I think my Muslim friends will wholeheartedly support the principle of nomination, so long as Mahomedans are not properly advanced in education and capable of adequately safeguarding their own interests.

It is very well for advanced classes not to see the other side of the shield, but to persist in their fetish of election enterprise, like those romantic knights, each of whom had put up a fight, because each considered himself in the right, though both were wrong and both were right. Unlike those knights, we have to see the other side of the shield, and realise that Government is perfectly justified in asking for four seats for nomination, because Government interests are so closely involved with the interests of the Corporation. There are agreements with the Corporation, under which Government have to part with lakhs and lakhs of rupees to meet, for example, the Education and Police charges, and it is therefore very necessary that there should be Government nominees on the Municipal Corporation to look after Government interests and also to give expert advice in technical matters. For reasons already stated, I support the amendment of the Honourable Minister and I hope it will meet with favourable consideration at the hands of other honourable members of this House. I request the honourable mover of the Bill to accept the proposition of the Honourable Minister and to incorporate it as a substantive amendment to the Bill.

(After recess.)

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I was looking up the old debates which took place in 1922 on this question of co-option and the several amendments that were moved with a view to democratising the constitution of our premier municipal corporation. With due respect to the feelings and the arguments of the Honourable the Leader of the House, which I very much appreciate and assess at a very great value, the excellent way in which the Honourable Minister has put his case before this House in an open-hearted manner from his point of view is a reminder to us that the level of the debate should be kept at a very high level indeed. I should think that the Honourable the Leader of the House is entitled to credit in making the constitution of the second city in India on non-communal lines, and when we differ from him on the principle of nomination, we do so with a very heavy heart. We have before us a long, tangled web of amendments moved by several of my honourable friends, and we have to make up our mind as to which the House should concentrate its effort upon. I said it was a tangled web, and it is too true ; and, looking at one amendment and the next and comparing it with the others that are before us, at the time of voting I am not quite sure whether the House will get the right lead.

Sir, as the principle of abolition of the system of co-option has been accepted by this House, I prefer to accept it also. There is no use in reopening that matter, and, as far as I am concerned, I shall not vote against it. But as far as the manner in which these ten seats are sought to be redistributed is concerned, either in the way in which the Honourable Minister has asked us or in the way in which the several amendments before us want it, the task is rather difficult. Going back to the old debates, and speaking for myself, I had myself then stated that voting for co-option on a single transferable vote was in itself unacceptable to me, and I might remind the House that memory was rather green then because of the formation of caucuses in the Municipal Corporation itself, against which a stalwart and one of the foremost politicians of India, the late Sir Pheroza Shah Mehta, fought a battle of his own. I had then stated that it was likely that this method of co-option, based as it was on the single transferable vote and not properly understood, would not be very helpful in getting the proper kind of members whom it was sought to bring in. I find, Sir, that I was then right ; and the system that I then advocated, that these ten members who stood for co-option should be elected by the cumulative vote of the members, both elected and nominated, would perhaps have been better. Even then I wanted and tried my utmost not to give that power to the nominated members, and my view is that that power of co-option should be left in the hands of elected councillors. But I was stuck up in the same way as the Leader of the House who was in charge of the Bill and bowed to his decision. In the excellent speech he made now, he wants to persuade us to accept the view put forward by the Honourable Minister now in charge of the amendment. If I now differ from his view, I do so with the greatest reluctance. Let me say that we have

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now gone nine years ahead and we have now a lesser franchise than we then had. It was then stated by Sir Ibrahim Rahimtoola, Government Member, that the Honourable Minister in charge of this portfolio was going beyond his own expectations and that though he would never have liked to go to that length, he would support the Honourable Minister irrespective of his views.

Now, I may say that on principle I oppose this nomination in these days and, frankly speaking, I am opposed to the nomination of those gentlemen who have stood for election but failed and still try to get into elected bodies. Examples could very easily be cited. I am not opposing that kind of nomination which was on a higher level before the Reforms were introduced. In those days nomination had the merit of bringing in the right stamp of people. If people who stood for election but have been rejected by the people were to be nominated, then it is logical to argue that the right of nomination has been misused or has not been used in that manner with the judicial discretion with which it ought to be. Such cases are to my mind numerous. I quite appreciate the remark of the Leader of the House that even by the back door of nomination we got the proper men in our elected bodies, but I do not agree with his view that the nominated members ought to be slaves of Government. In the olden days, it used to be said that the nominated members were independent and voted as they chose. This remark I am tempted to make, as a reference was made by the Honourable the Leader of the House to the honourable nominated member Mr. Kamat. [*The Honourable Sir Ghulam Hussain*: "Not at all."] I am glad to know that he did not mean that. I will not say that nomination is bad always. The right of nomination, if properly exercised, is good in a way. But it has been plainly admitted by the Leader of the House that there is a scramble and I am sure that it will be admitted by the Honourable Minister that it might be one of the reasons why the right of nomination to the local bodies and municipalities has been taken away from the popular Minister and is now vested in the Commissioner. Perhaps it is a fact that the late Ministers in charge of the department used to nominate on these bodies. What led to the transference of this power from the Honourable Minister subject to popular vote to the Commissioner? The reasons for this transference convince me and prove the point which I am trying to make out.

The Honourable Sir GHULAM HUSSAIN: I do not think that the honourable member is correct. Under the Local Boards Act, which was passed by this House, the power of nomination was given to the Commissioner. Under the Major Municipalities Act, as far as I know, there is no transfer of the power.

Rao Bahadur G. K. CHITALE: I am just asking the Honourable Minister for information.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Does the honourable member refer to district local boards or municipalities?

Rao Bahadur G. K. CHITALE : To the municipalities.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : The power of nomination is in the hands of the Minister.

Rao Bahadur G. K. CHITALE : I am sorry. In fact it was my impression. But the point is still there. The power of nomination in whosoever hands it may be, is it or is it not proper that that power should be given up in the case of a premier municipality? It is a municipality of the second city in India.

The Honourable the PRESIDENT : How is it? It is the first city.

Rao Bahadur G. K. CHITALE : If it is the first city, so much the better. Is it or is it not a retrograde measure to increase the number of nominated seats in the year 1931, in the case of a city which has built up a municipal administration which is copied by other corporations and in which the powers have been centred in the hands of the Municipal Commissioner who has worked well? It is our hope that this franchise will still be lowered. We will be coming very soon to "one vote for one man." That is the ideal, and when it comes, it ought to satisfy the other communities.

Rao Bahadur D. R. PATIL : If it comes.

Rao Bahadur G. K. CHITALE : That is our goal. Now, the Honourable the Leader of the House thinks that four nominations should be given to the Honourable the Minister. May I turn round and say, "If you are prepared to put full faith and confidence in the electorate for returning about four-fifths or at least three-fourths of the members to the Corporation, is it going to make a lot of difference if the same power of election is conceded in these cases also?" Distribute those seats in the best possible manner having regard to all the interests, but not on a communal basis—put your foot down on it. Having regard to all the amendments before us, the right line for this Council to take is to insist on having wholly elected municipalities everywhere. That is our ideal. These safeguards of nomination are needed only in a transitional stage. Nobody can say that the ideal is not that all municipalities should consist only of elected members.

Having regard to the course of the debate and also to the history of this system of co-option,—although Government wanted power to nominate twenty members they generously met the popular demand by giving up four seats,—may I appeal to the Honourable the Leader of the House to let that generous spirit come in again? Let them not insist upon having this small number of four seats for nomination. It will redound to their credit if Government accept the amendment moved by my honourable friend from Poona.

One more point I will make, and it is this. Looking back to the debate on the Bill of 1922, I find that the then Honourable Minister, who is now the Leader of the House, was not a great believer in the system of co-option. But he was persuaded to give away the four nominated seats for co-option. Government could then have carried that particular amendment for having twenty nominated seats. It appears that

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even Sir Ibrahim Rahimtoola was not prepared to go to that length. I would appeal now to the popular Minister—after all, the Leader of the House is now a Member of Government and is not subject to our vote, and we cannot do anything with him—I appeal to the popular Minister who is in charge of this portfolio to be a go-ahead Minister. In his heart of hearts he must accept that the ideal is that all municipalities, local boards and local self-governing institutions should be composed entirely of elected members. Let the people govern themselves and see what they can do for themselves. The Honourable Minister, if he cares to be a popular Minister, will not impose his will upon the House by the strength of the official votes at his back. I would appeal to him again to accept this compromise, that the ten seats for co-option should be thrown open to election and the present number of fourteen for nominated should be retained. I am not sure that my appeal will be fruitful. I for myself would like to avoid a division. Government may be able to carry their amendment through the Council. Let it not be said at this stage of our advance that the popular Minister carried a proposition against the elected members by the strength of the official bloc. I expect that the views I have tried to put forward will be carefully considered. The House will be well advised in voting for the amendment of the honourable member Mr. Gokhale and for none other. I would appeal to the non-official side, just as I appealed to the other side, to accept the amendment of my honourable friend the member from Poona. Let us thus close the debate in a graceful manner.

Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City): I am sorry, Sir, I was not present yesterday when the question of co-option was considered by the House and have thus lost an opportunity of placing my views on the subject. But since the House has decided to abolish co-option in regard to the Bombay Municipality, I do not want to touch on that subject. At the same time I want to point out that by the abolition of co-option the Mussalmans are going to lose definitely two seats, because on an average out of the ten seats filled by co-option, two were Mahomedans, and by its abolition they are losing these two seats. In the past Government have not dealt with the Mussalmans very fairly. At the last nomination, the number of Mussalmans and also of the depressed classes was considerably reduced by Government. But I hope, Sir, that when the next nominations come off within a few months this loss of two seats for Mussalmans, who will lose them as the result of the abolition of co-option, will be made good and that the Mussalman community will be compensated by Government when they make their nominations to the Corporation.

As is well known, the Bombay City Municipality is the only municipality in the Presidency where joint electorates prevail, and where there is no communal election and no reservation of seats or anything of the kind. To safeguard the interests of the various communities, therefore, there must be some safeguards and those may be by way of nomination. Until we come to that stage where every community is adequately represented on the Corporation by election, the system of nomination in

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my humble opinion is necessary. I would ask my honourable friends the nationalists whether it is not better to have nomination rather than communal election. There is always a clamour for joint electorates and no communal election. Here in the city of Bombay, there are joint electorates and no communal election. Is it not better to have nomination rather than communal election? I would, therefore, like to support the Honourable Minister, but at the same time I would like to have an assurance from Government that the rights of the Mussalmans will not be neglected, but that they will be adequately safeguarded.

Mr. A. N. SURVE: Will the honourable member who spoke last, just tell this House whether the Mussalmans at present in the Corporation are above their proportional representation or below it on the population basis?

Mr. HOUSENALLY M. RAHIMTOOLA: I do not know the actual figures of the last census.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I am aware that we are face to face with four or five amendments. There is the amendment of the Honourable Minister before us. There is also the amendment of my honourable friend Mr. Gokhale and a rider has been added to it by the honourable member Mr. More, and again there is another amendment, and so the House has got to deal with as many as five amendments. The question is, which of these five amendments will be found to be the most suitable for the acceptance of this House. We find, after having heard heaps of speeches, that the discussion has resolved itself into this, whether the principle of nomination is to be accepted or not. So far as this question of nomination is concerned, there are so many conflicting views. We find honourable members like Rao Bahadur Kale and Rao Bahadur Chitale standing up and saying that nomination is a bad principle, that it is quite pernicious particularly when we are on the eve of democracy and when we are clamouring for enlarged reforms, and it is but natural that we should not have nomination at all. That is one view of the matter. There are others like the honourable members Mr. Hoosenally Rahimtoola and Dr. Solanki who got up and said that nomination is absolutely necessary in the present condition of things.

So, we find that there are two angles of vision from which the whole question of nomination is being looked at, and now we have to decide whether the House ought to accept the views of the honourable members like Rao Bahadur Chitale or the views of honourable members like Dr. Solanki or for the matter of that, the views of my honourable friend Mr. Hoosenally Rahimtoola. It is true that none is very much enamoured of nomination. Nomination is rather very unfortunate, but having regard to the circumstances of the country and having regard to the feelings of the people for whom these nominations are intended, the whole question has to be judged. For instance, I would ask several honourable friends of mine in this House whether we are honestly prepared to give a chance of coming by election to

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this Legislative Council to men like our honourable friend Dr. Ambedkar whether any of us is prepared to resign his seat and ask Dr. Ambedkar to contest that seat. That is to say, we must look at this question from this particular point of view, and I am sure that though we may be using very high-sounding words on the platform and on the floor of this House, when the time for actual action comes, many of us will hesitate at least a thousand times before we decide upon that point. There are men of very outstanding merits. I just quoted the example of Dr. Ambedkar. I may say he is a man of more than average intelligence and a man of very high calibre. Even then we find actually under the existing circumstances there is not the smallest hope of a man of that type being returned by election to this Legislative Council—

Rao Bahadur G. K. CHITALE : Has he tried and failed ?

Rao Bahadur S. N. ANGADI : I am sure he will fail if he tries. May I know whether the honourable member Rao Bahadur Chitale will vacate his seat in favour of Dr. Ambedkar ?

Rao Bahadur G. K. CHITALE : I will vacate it just now.

Rao Bahadur S. N. ANGADI : I think you are the last man to do it. In the majority of cases the fact is, Sir, that we are not prepared to do so. Why has there been such a clamour and such a scramble for nomination ? The scramble for nomination is not a very happy thing, I know, but we have to consider what is the cause of it and why is it that people are clamouring for it ? We have to look at the question from this point of view. I may tell my honourable friend Rao Bahadur Chitale that I personally have never sought nomination for myself, that I have always been elected to this Legislative Council, that I have never been nominated on the District Local Board, that I have always gone to it by election. But that does not mean that I should go against nomination. I have seen nominated members speaking against the principle of nomination, but I have also seen elected members speaking in favour of nomination. This is because I know the feelings of those honourable members who are keen on it. Again, my honourable friend Mr. More said that the door of nomination is meant for making it possible for men of different communities and interests to come into the Corporation—communities and interests which are not represented on municipal bodies and district local boards, but that when it comes to the question of making a choice, the choice is not made properly and a wrong man is nominated. That is one view of the matter. Whatever may be the view of Government, I know that indirect attempts are made to set up dummies for nomination. I have found very highly educated men like myself going about trying to get up petitions against a particular man who may be really a very good and a very desirable person, just in order to support a dummy of their own choice. Will my honourable friend Rao Bahadur Chitale tell me that he has not known of such instances in his district ? Surely he must be knowing of many such cases. If, therefore, this question of nomination is to be judged from the angle of vision of men like

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my honourable friend Dr. Solanki who wants nomination, we must ask, why is it that a man of his type is compelled to favour the principle of nomination, knowing that that principle is bad? That is because he knows that in spite of his ability and in spite of the fact that he is very anxious to do some good to his people who are in a very delicate condition, it is not possible for him to get elected. If it were possible, certainly even he would not favour nomination. Why is it that though on the eve of democracy, we are asking for a continuance of the system of nomination? Why has Dr. Ambedkar, the leader of the depressed classes, gone the length of saying that he does not love India, that he is ashamed of calling himself a patriot of India? Why is it that Dr. Ambedkar openly says that? It is because he finds that his own brothers have been kept submerged by the caste Hindus who consider themselves polluted, not only by a touch, but even by the shadow of his brothers. Why should they not, I ask, favour nomination? Is it wrong on their part to do so? The fault is entirely to be laid at our own door. Only some fifteen days back, about 300 of the depressed classes in my district, embraced another religion. And why? Because you do not give them equality of status or association, although they are your brethren. Although you may do anything with a dog, although you may kiss a dog and do anything with it, a mere touch of a depressed class man is a pollution to you, not only to the advanced classes, but to all classes and all castes amongst Hindus! Of course, this is a digression, Sir, I know, but that explains exactly the reason why the feeling is in favour of nomination. For this reason, looking at the question from this standpoint, I feel inclined to support the amendment which supports nomination, and out of these amendments, I personally would like to support the amendment of my honourable friend Mr. Surve, who has made a very feeling speech and who has appealed to this House, and I do hope that the Honourable Minister and Government will see their way to accept that amendment. My honourable friend Mr. Surve wants four seats to be reserved for nomination by Government—two for the depressed classes and two for the Marathas. There should be no serious objection to that. As regards the question of the nomination of the depressed classes, I know it depends upon the individual Ministers. If the Minister happens to be a man of the type of my honourable friend Rao Bahadur Chitale, or if my honourable friend Rao Bahadur Chitale is fortunate enough to cross the table and to occupy the front bench as a Minister, then in accordance with his views he will at once get rid of men like Dr. Solanki and Dr. Ambedkar because in his opinion that is a wrong principle and with all that he may like to set up his own dummy there—

Rao Bahadur G. K. CHITALE: May I know what the honourable member Rao Bahadur Angadi himself will do?

Rao Bahadur S. N. ANGADI: I will stand for them, I am always showing it by action; the depressed classes in the Belgaum District know it very well. So, notwithstanding these high principles preached

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on platform and in press, we do find as a matter of fact that our practical conduct, our practical behaviour, towards the depressed classes is very far from satisfactory. And that is why our conduct is very much resented by them and that is why they seek nomination. That is a very simple logic and it ought to be understood by us all.

What is suggested is this. I know the argument advanced by the Honourable Minister that, as long as co-option was there, it was possible to get a few experts elected, but there are already as many as fourteen or sixteen nominations. He may take as many experts as he wants. There should, therefore, be no serious objection to reserving two for the depressed classes and two for Marathas.

My honourable friend Rao Bahadur Kale wanted Government to be very definite. What he pointed out was this, that so far as co-option was concerned, he said that it could and should be revived if Government wanted to revive it, but I think that that is a very bad thing and it ought not to be revived. This is the best opportunity for Government and also for us to show our real sympathies towards the backward classes and, if they want nomination, we should not come in their way unless we are prepared to show by our deeds that we are prepared to let their candidates succeed in general elections. When we set that noble example, then a time may come when these people themselves will say that they do not want nomination but election. I wonder how the nominated members spoke against nomination. Though I am an elected member,—it is not that I entirely favour nomination—but from the standpoint of the depressed and backward classes, I do consider that it is very necessary that there ought to be some reservations of seats as demanded by my honourable friend Mr. Surve.

With these remarks, Sir, I am very glad to support the amendment moved by my honourable friend Mr. Surve and I do think that Government will not come in the way of that amendment and that they will certainly accept it.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the amendment moved by my honourable friend Mr. More, which amendment to my mind is better than all the other amendments. The Honourable Minister's amendment proposes to have four more seats for nomination than is the case at present, which means in all 18 nominated members. Has the Honourable Minister one policy or two? At the time when the Bombay City Municipality's auditors' pay came up for consideration on the floor of this House, the Honourable Minister said that, as it was a big municipality, we should preserve its prestige by adopting its recommendations. Now, that same municipality has passed a resolution doing away with co-option, and yet the Honourable Minister wants to perpetuate that very system in another shape, namely in the garb of nomination which he himself told the House was another form of co-option.

In the whole municipality there are 98 seats excluding these ten. Out of those 98, 14 are for nomination by Government, i.e. 7 per cent. Out of these ten, why does the Honourable Minister want four, i.e. 40 per cent.

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more? According to the strictest calculations, he cannot have more than one seat for nomination. My honourable friend Mr. More says, "Do away with nominations, do away with these ten seats and keep only 98." Then, Sir, the Honourable the Leader of the House—

Honourable MEMBERS: Say "House of the Leader." [*Laughter.*]

Mr. HAJI MIR MAHOMED BALOCH: Very well, the House of the Leader, or Leader of the House, has said that these four seats will be divided amongst those communities which do not come by election, for example, the backward or the depressed classes. In the Bombay Municipality, I believe, one seat was given to the depressed classes by the present Honourable Leader of the House when he held the portfolio of Local Self-Government.

The Honourable Sir GHULAM HUSSAIN: When I was the Minister, I gave them two seats, not one.

Mr. HAJI MIR MAHOMED BALOCH: I am not speaking of the Mahomedans, or the depressed classes or the Non-Brahmins, but I am speaking generally, and I say that Government nominate members of those communities which do not succeed in election. Now, I know that Government have nominated one member belonging to the depressed classes on the Corporation. Labour, of course, is not now represented by nomination. The rest of the seats generally are offered to Rao Sahebs, Khan Bahadurs and honorary magistrates, which seats ought to have been given to the depressed and other backward classes. In the case of the Karachi municipality, the same thing is done, and I believe it is the case in the case of nominations to other local bodies also, and therefore it is an undesirable practice. In the case of the Karachi municipality, I presume the nomination is in the hands of Government or the Minister in charge, but, as a matter of practice, the suggestions received from the Commissioner in Sind or the Collector are accepted. The older members of this Council will have a very good idea as to who are the people whom the Commissioners and Collectors recommend for nomination. In Karachi the best men are available for nomination, but when it is found that these gentlemen do not care to waste their time in waiting upon the officials, they are passed over, and others are nominated in their place. The president of the Karachi district local board was entitled to a seat on the Karachi municipality by nomination from a very long time, but now the policy is changed. The new president of the district local board is not nominated now as it is seen by the officials that he sides with the popular view; he never used to wait upon the pleasure of the officials. What I want to show is that nominations are not made properly but given to those who flatter the officials. I want to ask how many seats have been given to the depressed classes in the Karachi municipality? How many nominations have been made to represent Labour interests or the interests of the backward classes? Have these classes got their representative in the municipality? Usually Khan Bahadurs and people like them are offered these seats. The Honourable the General Member thinks that the seats will be distributed

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in such a way that communities which are not adequately represented will have adequate representation. As far as I know, that is not at all done. On the Karachi Port Trust a European is nominated to represent the interests of Labour; a second time the seat was offered to a Sahebzada (Prince). He was kept on for over four years, because he belonged to the class who say "*Hanji*" to the officials. Persons who really represent Labour interests are not nominated. They have the power, but they do not exercise it, but usually accept the suggestions of the Commissioner and the Collector. So, these persons who seek nomination go to the doors of the Commissioner and the Collector begging to be nominated. The real people who work for the poorer classes, who try to offer them the municipal amenities in the shape of schools, hospitals, water-supply and so on are not at all noticed. Therefore, Sir, I hope that the amendment of my honourable friend Mr. More will be accepted. Sir, I do not really understand why Government want these nominations. The Reforms are coming; there will be no nomination in the Legislative Assembly, in the Legislative Councils. Why should there be nominated members on the municipalities and local boards? The time has come when this system of making nominations should be done away with, and the real representatives of the people should come in by election. I hope the Honourable Minister, who said that the dignity of the Municipal Corporation ought to be maintained, will maintain it by withdrawing his amendment and agree to the amendment of my honourable friend Mr. More.

An Honourable MEMBER: Sir, I move the closure.

The Honourable the PRESIDENT: I saw the Honourable Minister for Education rise just now. Probably he wishes to speak, and if I do not draw the line, then I have to give an opportunity to almost every member. I understand that a popular subject like this is attractive to practically all the members of the House. But this Bill has taken really a long time, and has been fully discussed. I have noticed also that arguments have been repeated. Not only that, but co-option has been dwelt upon so fully at the first reading that I do not know whether it was necessary to dilate on it in the second reading stages. However, I shall give a few minutes to one or two more speakers, if they finish by quarter past six. Otherwise, it would be difficult for me to complete the question to-day. I hope that each member here who wishes to speak—I have noticed there are three who want to speak—will be very brief indeed.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I desire to intervene at this stage because of the few remarks that have fallen from my honourable friend Mr. Hoosenally Rahimtoola. He said that the principle of nomination was better than the principle of communal representation.

The Honourable the PRESIDENT: Was it not the other way about?

The Honourable MOULVI RAFIUDDIN AHMAD : He said, Sir, that nomination was better than communal representation. I want to correct him, not with my mouth, but with the mouth of his own uncle, the Honourable Sir Ibrahim Rahimtoola. He it was who asked the late Mr. Gokhale whether he would not prefer that the few seats that are given by nomination in local bodies to the Mahomedans be thrown open to election by the Mahomedans themselves and Mr. Gokhale agreed with him. So that, I think, with the authority of two such veterans as the Honourable Sir Ibrahim Rahimtoola and the late Mr. Gokhale, it is too late now to say that the principle of nomination is better than the principle of communal representation.

Now, Sir, coming to the other matter, I at any rate remember one of the most distinguished Brahmins that I have ever met in this Council, the late Rao Bahadur Sathe, told me about twenty years ago that he would never like to come to the Council by election, but only by nomination. I believe there are some members who know this.

Rao Bahadur R. R. KALE : I know it is not true, because he was my friend.

The Honourable MOULVI RAFIUDDIN AHMAD : He may have been your friend, but I am sure that you are not representing him truly.

Rao Bahadur R. R. KALE : I challenge that statement. Can you prove it ?

The Honourable MOULVI RAFIUDDIN AHMAD : Certainly.

The Honourable the PRESIDENT : Honourable members should not address each other.

The Honourable MOULVI RAFIUDDIN AHMAD : A personal contradiction was given to me, and I had to address him in a personal manner ; I am sorry.

The Honourable the PRESIDENT : The House accepts the statement of the Honourable Minister.

The Honourable MOULVI RAFIUDDIN AHMAD : I find that there was a prophetic vision in what the late Rao Bahadur Sathe told me. Let me strike a note of warning. It has just now been stated by my honourable friend Rao Bahadur Angadi that a man like Dr. Ambedkar is not and cannot be elected by advanced class Hindus. The time is shortly coming, taking into consideration the feelings between the Non-Brahmins, the depressed classes and the Brahmins, when the Brahmins would be clamouring for communal representation or nomination themselves. This, Sir, was the prophetic vision of the late Rao Bahadur Sathe. He knew the time was coming when the daughter-in-law would have her revenge upon the mother-in-law. Therefore, I would ask my honourable friends on the opposite side to be very careful and cautious.

One honourable member ignorantly called the Leader of the House as "House of the Leader." Sir, indeed this is a House of leaders who

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have no followers. There are some members who pose as leaders, but we do not find that they have any followers. The country is not prepared to-day for adult franchise. I will give you the instance of the University. I am receiving continually letters from very distinguished scholars that the principle of election for the University is very bad. Distinguished scholars are left out. Unfortunately, I have also to recommend people for nomination, and what is my difficulty? The difficulty is very clear. Two deserving men stand for election; one of them is elected, the other is not, and he happens to be the second best man. The popular view is that the man who offers himself for election and who is not elected should not be nominated, although he may be the best man. Unfortunately, therefore, we have to select second-rate and third-rate men, because of the popular feeling.

Has the time come for doing away with the system of nominations? As my honourable friend the Leader of the House said, in Bombay there is representation on a non-communal basis, and the Bombay Municipal Corporation gets on without communal representation for two reasons; firstly, because of nominations which redress inequality of representation of those classes which are not adequately represented; and secondly, because of the practical commonsense of its citizens. They have established a convention by which the presidentship of the Corporation goes by turns to a Mahomedan, to a Hindu, to a Parsi, and to a European. Is such a convention followed in any other municipality? If they would establish this in practice, much friction would be avoided. Let my honourable friends on the opposite side who denounce nomination treat the minorities, the depressed classes and the backward classes, with consideration and exercise some self-sacrifice. Then these classes themselves will come forward and give up nomination.

I think, Sir, that a very reasonable amendment has been proposed by the Honourable Minister. Nobody is enamoured of nomination; the Mahomedans are not enamoured of nomination, and I do not think the depressed classes are enamoured of it either. But if you want to abolish them, the remedy is in your own hands. A little more self-sacrifice, a little more toleration, and a little more consideration for the minorities, will bring about the desired result. Sir, I commend the amendment to the notice of the House.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir I had no mind to speak on this matter but as there is so much opposition to the amendment by the intelligentsia, I thought that I must give my views on it, as I am a member of the Corporation. Sir, the amendment sought by the Honourable Minister no doubt will not be liked by the whole of the Corporation or the public of Bombay. But, we have to look to so many difficulties. I would be the first man to oppose nomination, but my difficulty is that the people whom I represent are not given adequate representation on the Corporation, though they form half the population of Bombay city. Sir, the depressed classes and the backward communities consist of half the population of the

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city of Bombay, and yet how many of them are returned to the Corporation? Only a scanty number of them are returned, viz. 4, to represent half the population of the city. And who has made them to seek this back door entrance to the Corporation? It is the people belonging to the advanced classes, the merchant classes, and so on. They have forced them to go to Government and get an entrance to the Corporation through Government nomination to safeguard the interests of their people. Sir, as long as this Government is here, nominations will continue to exist. Sir, the system of nomination still exists in the Act having a power with Government to nominate 14 people. What is now sought to be done is to increase the number of nominated seats by 4. If those who oppose the nomination system had come forward to ask this Council to do away with the clause relating to nominations, it would have been a different matter.

An Honourable MEMBER : There is the amendment of the honourable member Mr. More.

Rao Bahadur R. S. ASAVALE : That has been moved only now so that there should be no support either for the Bill or the amendment. That ought to have been done long before the question was before the House. Whenever the question of representation in the Corporation comes before this House, the system of nomination is opposed; and on what principle? Not on any sound principle, but only to prevent the entry into the Corporation of the members belonging to the backward and depressed classes and the Mahomedans. Sir, what has happened to the seats reserved for nomination by Government? Two of them have already been given to Labour, to be filled up by election. Government do not want to take away any more seats from the hands of the representatives of the people. They only want four more seats to be reserved for nomination, so that the original number reserved for nomination may be made up by 18. My honourable friend Mr. Hoosenally Rahimtoola said that the Mahomedans also lose two seats and I say Government also lose two seats. I do not agree with those who say that Government are not losing anything. When they used to nominate 16 members they used to get 2 seats more by co-option. In fact, Government are losing two seats and they are now demanding four. It would have been better if the Honourable Minister had agreed to the amendment of my honourable friend Dr. Solanki, and I think there would not have been any objection. Still, as the Government's view is that they want two more seats for nomination, I do not think the elected members of the municipality would lose anything, even if the Government have two more seats, because out of 112 they would nominate only 18 to represent Government, and those 18 members would, I am quite sure, be negligible in the face of the other 94 elected members, if the elected members are true to their electors. But the difficulty comes sometimes, Sir, that nominated members serve the city better than the elected members. That has been found in the Bombay City Corporation. My honourable friend Mr. Hoosenally Rahimtoola who

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has been nominated, has served better than any other member, either elected or nominated, either a Hindu or a Mahomedan. Therefore, I say that though the principle of nomination is bad, if that right is properly exercised by Government and if they appoint men who are straightforward and have a good public career, that would be highly beneficial to the interests of the people.

Dr. P. G. SOLANKI : Sir,—

The Honourable the PRESIDENT : The honourable member has spoken while proposing his own amendment.

Dr. P. G. SOLANKI : I have not spoken on the Honourable Minister's amendment.

The Honourable the PRESIDENT : I do not know if the honourable member can speak twice. That way every member can speak twice ; every mover of the amendment can speak twice.

Dr. P. G. SOLANKI : I want to make my position clear. I want to withdraw my amendment in favour of the Honourable Minister's amendment.

The Honourable the PRESIDENT : When the time comes, I will call upon the honourable member to do so.

Mr. SYED MUNAWAR : I move the closure.

The Honourable the PRESIDENT : I accept the closure. Under the Standing Orders, every honourable member who has moved an amendment has a right of reply. But I think that if each of them claims that right, it would be disastrous to the interest of the House. I think we ought to finish this Bill by this evening. The honourable mover of the Bill has his amendment first. I believe that some of the honourable members wish to withdraw their amendments. I want to take the amendments in the order in which they should be put to the House, and when I put each amendment, I will call upon the honourable member concerned to withdraw his amendment, if he so wishes. The House should be given the chance of expressing its decision on each amendment. Does the honourable member Rao Bahadur Bole wish to forgo his right of reply ?

Rao Bahadur S. K. BOLE : Yes.

The Honourable the PRESIDENT : The Honourable Minister.

The Honourable Sardar Sir RUSTOM JEHANGIR VAKIL : Sir, a closure has been moved which is a signal that the attention of the House is exhausted, so far as this question is concerned. Therefore, I do not propose to take up more than two or three minutes. My honourable friend Rao Bahadur Chitale in the commencement of his speech remarked that the level of the debate in the House should always be kept up very high. In other words, he threw a hint that the debate this afternoon was not perhaps absolutely in conformity with the traditions of this House. This reminds me of one thing, Sir, that certain honourable

[Sirdar Sir Rustom Jehangir Vakil]

members were almost so carried away by the charm and magnetic influence of their own rhetorics that they very nearly lost control over themselves and also worked themselves up into a state of terrible excitement, with the result that one gentleman charged Government of having been unfair to this House. With regard to that, I want to know what he expected the Government to do. So far as I can see, there was nothing that Government wanted to keep secret. I did not rise to oppose the motion for the abolition of co-option, because the Bombay Municipal Corporation themselves do not want co-option. They have distinctly said that. Secondly, I did not get up to speak in favour of co-option, or the retention of co-option, because the Bombay Municipality are of opinion that the wards 4, 5, 6 and 7 are inadequately represented and that re-distribution would be necessary, which would result in taking away a few seats from wards 1, 2 and 3. I thought, Sir, that this was an opportunity which presented itself for adjusting the differences which exist, and in order to meet the situation, I suggested an addition of four seats to enable the D ward also to get 4 seats, because D ward was altogether omitted from the original proposal of my honourable friend Rao Bahadur Bole. Now, I want to know what the honourable member wanted the Government to do. I understand that his object was that Government should have placed before this honourable House the opinion of the Bombay Municipal Corporation on the subject of the honourable member Rao Bahadur Bole's amendment. The Government of Bombay wrote to the Municipal Corporation on the 10th September last to give their opinion with regard to the Bill that was proposed to be introduced by the honourable member Rao Bahadur Bole. The reply came this morning at 11 o'clock and it was placed in my hands at 4 o'clock. If I remained quiet yesterday,—and that is what the honourable member Mr. Kamat perhaps objects to,—in view of the explanation I have given, he will withdraw the remarks which he has chosen to make.

Sir, it was almost inconceivable when the honourable member from Poona said that he did not understand what anomalies were to be adjusted by Government by adopting the system of nomination. They have been explained by the Honourable the Leader of the House. In fact, he played a pun upon the words "outstanding merits." Surely a man of his experience would certainly understand that "outstanding merits" is quite different from "outstanding position." I never used the words "men of outstanding position" at all. It is not fair of the honourable gentleman to have distorted it. The use of the words "men of outstanding merits are likely to be omitted, if there were no nominations" does not mean that knights and Government men and men who wanted to ingratiate themselves into the favour of Government were likely to be omitted.

With regard to the last amendment of my honourable friend Mr. Surve, I can assure him that I am in full sympathy with the views expressed by him. I can also assure him that the consideration which he has pressed upon the attention of Government will always be in the forefront; but

[Sirdar Sir Rustom Jehangir Vakil]

I am sorry that at this moment, without considering his amendment in all its implications, I cannot promise to accept it and withdraw my amendment. Not only on my behalf, but also on behalf of Government, I undertake to see that Government do not lose sight of this very important consideration. The same remark applies to the remarks made by the honourable member Mr. Hoosenally Rahimtoola.

With regard to the utility of co-option and nomination, I do not propose to enter into that question for so many reasons which are obvious. In the first place, the Honourable the Leader of the House has made it abundantly clear that there are distinct advantages in both the systems. One has been put out of action and now we have to fall back upon the other, namely, nomination within its short compass, namely, 14 seats, which is almost an impossible achievement. If we want to do real justice to the different communities and the various interests who would like to be represented on the Bombay Municipal Corporation, I do not see my way at this stage to allow co-option to disappear altogether and to be content with only 14 nominated seats. In view of what I have said, I hope this honourable House will pass the recommendations embodied in my amendment.

The Honourable the PRESIDENT: I have got all these amendments in my hand and I have to put them to the House in the order of the principle involved in each of them. Before doing that I think it would be helpful to the House if I generally point out to them what these amendments are without the wording in which they stand. The House knows that the existing strength of the Bombay Corporation is 12 seats in ward A or 1, 16 seats in ward B or 2, 16 seats in ward C or 3, 10 seats in ward D or 4, 10 seats in ward E or 5, 6 seats in ward F or 6, and 6 seats in ward G or 7. The present total strength is 76. Beyond that there are 14 nominated seats, 10 co-opted seats and 8 seats for special interests. The total altogether is 108. To that, the amending Bill of the honourable member Rao Bahadur Bole makes this change: 12 seats in ward 1 as before; 16 seats in 2 as before; 16 in 3 as before; 10 in E, 6 in F, and 6 in G. But it does away with the 10 seats by co-option reducing the total strength to 98. To that Bill he further brings an amendment by distributing these ten seats in the following manner. He adds 2 to E ward, 2 to F, 2 to G ward or 6, thus increasing the number of elected members from 76 to 82; he adds 4 to the nominated, the rest remaining as it is. That is to say, he distributes the ten seats in this particular manner; namely, he adds 6 to the three wards and 4 to the nominated seats. Therefore, the number of nominated seats goes up from 14 to 18.

The honourable member Dr. Solanki retains 12 in A, 16 in B, 16 in C, but adds 2 to D, making it 12, and retains 12 for E, 8 for F and G each, as in the amendment of Rao Bahadur Bole, making the total number of elected seats 84 and adding two seats to nomination. While Rao Bahadur Bole's amendment proposes 18 seats for nomination, the honourable member Dr. Solanki's amendment reduces it to 16.

[The President]

The honourable member Mr. Surve retains the amendment of Rao Bahadur Bole, but makes this change: Although he retains the figure of 18 for nomination, he wants that two of those seats should go to the depressed classes and two to the Marathas as classified under the Electoral Rules.

Then, there is the amendment of the Honourable Minister. He retains 12 in A, 16 in B, 16 in C, adds 4 to D, making it 14, retains, as in Rao Bahadur Bole's amendment, 12 in D, 8 in F and 8 in G, making the total 86 and retaining 18 seats for nomination. Therefore, it increases the total number to 112.

The honourable member Mr. Gokhale retains the same number of seats in A, B, C, D, E, F and G as they stand in the Honourable Minister's amendment, making the total 86 but reducing the nominated seats from 18 to 14. That is to say, he takes away 4 from the nominated number. Now, the nominated number was 14 originally; it is 18 in Rao Bahadur Bole's amendment; 16 in Dr. Solanki's; 18 in Mr. Surve's; 18 in the Honourable Minister's; and 14 in Mr. Gokhale's. Then, Mr. More's amendment retains the figures of the honourable member Mr. Gokhale, that is, 14, 12, 8 and 8 for wards D, E, F and G, but omits 14 nominated. I will, therefore, put Mr. More's amendment first to the House, that in ward D there shall be 14 instead of 10, in ward E 12 instead of 10, in F 8 instead of 6, in G 8 instead of 6, and the nominated figure of 14 shall go.

Question put, and negatived.

The Honourable the PRESIDENT: Now, I put the amendment of the honourable member Mr. Gokhale. It provides for 14 in D ward instead of 10, in E 12 instead of 10, in F 8 instead of 6, in G 8 instead of 6, and the 14 nominated to stand as it is. He lets the nominated figure stand as it exists to-day and gives 4 seats, as the Honourable Minister proposes, to the D ward.

Question put, and negatived.

Dr. P. G. SOLANKI: Sir, I beg leave of the House to withdraw my amendment.

Amendment, by leave, withdrawn.

The Honourable the PRESIDENT: Now, comes the amendment of Mr. A. N. Surve. Does the honourable member withdraw it?

Mr. A. N. SURVE: No, Sir.

The Honourable the PRESIDENT: Mr. Surve's amendment is the same as Rao Bahadur Bole's except that out of the 18 nominated seats, 4 seats are to be given to Marathas and 2 to the depressed classes.

Question put, and declared negatived.

Mr. V. A. SURVE: Sir, I claim a division.

The Honourable the PRESIDENT: There is a division asked for. Will the honourable members who support Mr. Surve stand in their places? [After a pause.] No one stands.

Rao Bahadur S. K. BOLE: Sir, I want to accept the amendment of the Honourable Minister.

The Honourable the PRESIDENT: There is no such thing as that. Is the honourable member going to withdraw his amendment?

Rao Bahadur S. K. BOLE: Yes.

Amendment, by leave, withdrawn.

The Honourable the PRESIDENT: Now, I will put the first part of the amendment of the Honourable Minister, Sir Rustom Vakil. I have made it clear as to what that is.

Question put, and agreed to.

Clause 2, as substituted, ordered to stand part of the Bill.

The Honourable the PRESIDENT: Now, there is the second part of the amendment of the Honourable Minister that proposes to add new clauses 3, 4, 5, 6, 7 and 8 to the Bill. I will put that.

Question put, and agreed to.

New clauses 3, 4, 5, 6, 7 and 8 ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

Rao Bahadur S. K. BOLE: Sir, I beg to move the third reading of the Bill as amended.

Question proposed.

Mr. A. N. SURVE: Sir, I beg to move a verbal amendment—

In the preamble after the word "Act" insert the figures "1888" with a comma after them.

Question put, and agreed to.

Mr. A. N. SURVE: Sir, I beg to move—

In clause 1, after the figures "193" add the figure "1".

Question put, and agreed to.

Mr. A. N. SURVE: Sir, I beg to move—

In clause 1, add the word "Second" before the word "Amendment" in brackets.

Question put, and agreed to.

Question, "That the Bill be read a third time,"
Bill read a third time. put, and agreed to.

The Honourable the PRESIDENT: The Bill is read a third time and passed into law.

I see that honourable members feel inclined to have the House adjourned till to-morrow. Before I do that, I have to bring to their notice that I have a requisition placed in my hand that on Saturday next the House should meet at 9-30 and adjourn at 1 p.m., instead of sitting from 10-30 to 2.

An Honourable MEMBER : Races ?

The Honourable the PRESIDENT : Order, order. The reason, I understand, is that the hour 10-30 is too early for breakfast, a peaceful breakfast at any rate, and 2 o'clock is too late for lunch. Therefore, 9-30 to 1 p.m. would suit many honourable members. The requisitionists include leaders of every section in the House.

Rao Bahadur R. S. ASAVALÉ : Nine o'clock will be better.

The Honourable the PRESIDENT : Honourable members may bear it in mind, that on Saturday we shall meet at 9-30 a.m. I shall remind them of this on Friday.

The House is now adjourned to 2 p.m., to-morrow, Thursday, the 1st October 1931.

Thursday, the 1st October 1931

The Council re-assembled at the Council Hall, Poona, on Thursday, the 1st October 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ACHREKAR, Mr. A. B.
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BHUTTO, WADERO WAHIDBAKSH ILLAHIBAKSH
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUBRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MIRZA, SAHEBZADA M. A.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR .

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

QUESTIONS AND ANSWERS.

TENANTS PAYING RS. 5 TO RS. 10 RENT IN BOMBAY CITY.

Rao Bahadur S. K. BOLE: Will Government be pleased to state the number of tenants paying a monthly rent from below rupees ten to rupees five in the City of Bombay—

- (a) in the Bombay Development chawls;
- (b) in the Bombay Improvement Trust chawls;
- (c) in the Bombay Port Trust chawls;
- (d) in the Bombay Municipal chawls and in other private buildings or chawls?

The Honourable Sirdar Sir RUSTOM J. VAKIL: The required information is as follows:

Name of chawls.	Number of tenants.
(a) Chawls of the Industrial Housing Scheme (Bombay Development chawls)	8,242
(b) City of Bombay Improvement Trust chawls	7,124
(c) Bombay Port Trust chawls	337
(d) (i) Bombay Municipal chawls	about 1,201
(ii) Other private buildings or chawls	about 81,164

JUDICIAL OFFICERS, SATARA: VESTED INTERESTS IN SATARA.

Rao Bahadur S. K. BOLE: (a) Will Government be pleased to state whether they are aware that the District and Sessions Judge Mr. Sapre, the Assistant Sessions Judge, Mr. Kumthekar, and the First Class Subordinate Judge, Mr. Bodas, are all original residents of Satara and have vested interests in Satara;

(b) are these appointments in the Judicial Department in conformity with the general policy of Government not to post officers at such places where they have vested interests and where they are likely to be mixed up in local politics;

(c) have Government received any complaint against the Assistant Judge, Mr. Kumthekar, in connection with a decision given by him in a District Local Board election suit as being unfair and being prompted by communal motives and by his relations interested in the complaint;

(d) what action was taken by Government to give relief to the aggrieved party;

(e) is it a fact that under the existing law the aggrieved party cannot appeal against the judgment of the Assistant Judge, to the High Court?

The Honourable Mr. G. A. THOMAS: (a) Government are aware of the fact that Messrs. Sapre, Kumthekar and Bodas own landed properties in the Satara District, but of these officers, Mr. Sapre alone

has his family home at Satara. Mr. Kumthekar has since been transferred to another district.

(b) Government adhere to the principle alluded to in the honourable member's question, subject to the exigencies of the public service.

(c) No.

(d) Does not arise.

(e) Yes.

DECCAN AGRICULTURISTS' RELIEF ACT : APPLICATION IN MIRPURKHAS.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : (a) Will Government be pleased to state the number of Zamindars against whom decrees have been issued by the Civil Court, Mirpurkhas ?

(b) What areas of Zamindars' Lands have been auctioned in execution of these decrees ?

(c) Has the Sub-Judge, Mirpurkhas, given sufficient facilities to agricultural debtors under the Deccan Agriculturists' Relief Act ?

The Honourable Mr. G. A. THOMAS : (a) There is no distinction between Zamindars and Non-Zamindars in Civil Courts, and it is assumed that the honourable member refers to agriculturists. It is understood that he requires the information for the period 1927 to 1931. The number of decrees passed against agriculturists during those years were 762, 935, 836, 804 and 566 respectively.

(b) None.

(c) Yes.

SYED MIRAN MAHOMED SHAH : Is it a fact that the land of one Umedali Shah, a zamindar of Umerkote, was auctioned last year ?

The Honourable Mr. G. A. THOMAS : I have not the faintest idea.

SYED MIRAN MAHOMED SHAH : Will Government enquire into that ?

The Honourable Mr. G. A. THOMAS : If the honourable member gives me notice, I will certainly enquire.

GOVERNMENT COLLEGES : PAY OF PROFESSORS OF VERNACULARS.

Rao Bahadur R. R. KALE (Bombay University) : (a) Are Government aware that profound scholarship in Sanskrit, Prakrit and Marathi or Sanskrit, Prakrit and Gujarati is necessary to teach comparative philology to B.A. and M.A. classes at Poona, Bombay and Ahmedabad ?

(b) If so, do Government consider the pay fixed for vernacular Professors in colleges at the said places adequate for attracting the best men ?

(c) Are Government aware that (i) Kanarese is a Dravidian language widely different in characteristics from Gujarati or Marathi ;

(i) that sound scholarship in Tamil, Telugu, Sanskrit and Kanarese is essential to teach comparative philology to B.A. and M.A. classes at the Karnatak College, Dharwar ?

(d) If so, do Government consider that adequate pay should be provided for the Kanarese professor at his College ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) No.

(b) Does not arise.

(c) (i) Yes.

(ii) Unless "Sound Scholarship" is clearly defined, Government is not in a position to answer the question.

(d) Does not arise.

Rao Bahadur R. R. KALE: Are we to understand with regard to the answer to (a) that Government is not aware that profound scholarship is necessary to teach those subjects?

The Honourable MOULVI RAFIUDDIN AHMAD: The answer is, No.

Rao Bahadur R. R. KALE: The answer is ambiguous. It may be that Government is not aware and it may also be that Government is aware that sound scholarship is not thought necessary by Government. Therefore, I am asking this question.

The Honourable MOULVI RAFIUDDIN AHMAD: It is very difficult to answer.

The Honourable the PRESIDENT: What is the reply?

The Honourable MOULVI RAFIUDDIN AHMAD: The answer is, No.

The Honourable the PRESIDENT: An explanation has been asked for.

The Honourable MOULVI RAFIUDDIN AHMAD: Opinions differ as to what is "profound scholarship."

The Honourable the PRESIDENT: That Government is not aware what profound scholarship is, or is it not aware of its necessity?

The Honourable MOULVI RAFIUDDIN AHMAD: The answer is that ordinary scholarship will do and that no profound scholarship is necessary for the teaching of those subjects.

Rao Bahadur R. R. KALE: With regard to (c) (ii) Government say that they do not know what "sound scholarship" is, not "profound scholarship."

The Honourable MOULVI RAFIUDDIN AHMAD: The honourable member asks in his question whether for this particular thing sound scholarship is necessary. I did not know what he meant by "sound" and, unless he defined what "sound" was, I am not able to answer the question.

The Honourable the PRESIDENT: The House would also like to know what is "profound" and what is "sound". [Laughter.]

Rao Bahadur R. R. KALE: In the first part of my question I ask whether Government is aware that profound scholarship is necessary.

The Honourable the PRESIDENT: The Honourable Minister has said that he thinks not profound but ordinary scholarship would do. There may be probably a difference of opinion, as he says.

Rao Bahadur R. R. KALE: The word "profound" is not used in (c) (ii), only the word "sound" is used there, and the word "profound"

appears in (a). In the second part I ask whether Government is aware that "sound scholarship" is necessary, not profound, but at least sound. That is the difference between the word used in the first part and the word used in the second part. My point is that "sound scholarship" is and can be easily understood without being specially or elaborately defined. "Profound scholarship" may not be so easily defined or intelligible, but surely the Honourable Minister knows what is considered to be "sound scholarship" and what is considered to be "unsound scholarship."

The Honourable MOULVI RAFIUDDIN AHMAD: I do not know what the standard of "sound scholarship" of the honourable member is. Is an M.A. a sound scholar or a mere Pandit? Unless the honourable member defines really what he means by "sound scholarship," I am not in a position to answer the question.

Rao Bahadur R. R. KALE: Sound scholarship is sound scholarship; what else can it mean? Very well, I will proceed with my question No. 2, Sir.

GOVERNMENT COLLEGES: PENSIONERS AND VERNACULAR TEACHING.

Rao Bahadur R. R. KALE (Bombay University): (a) What was the scale of pay on which the posts of teachers of vernaculars in colleges were originally started in 1921 and on what basis?

(b) How long did this scale continue?

(c) How was the change effected at the end of that period and what necessitated the change?

(d) Did it mean any change of policy as regards vernacular teaching in colleges?

(e) Was there any change of hands as a result of this revision in pay?

(f) If so, in what colleges?

(g) How many of them were pensioners?

(h) What was the age of each pensioner?

(i) What amount of pension did each pensioner draw at the time?

(j) Did Government consider the re-employment of pensioners to be in the best interests of public service?

(k) Are Government aware that the appointment of pensioners in some colleges affected directly the interests of non-pensioners in other colleges and indirectly the interest of vernacular teaching?

(l) Are pensioners appointed for subjects other than vernaculars?

(m) Do Government still intend to pursue the policy of appointing retired men for vernacular teaching in colleges?

(n) Are capable young or middle aged men available for such posts?

(o) Do Government intend to pursue the same policy for the teaching of other subjects than vernaculars in colleges and schools?

The Honourable MOULVI RAFIUDDIN AHMAD: (a), (b) and (c) In 1920 the University having included four vernaculars, viz., Gujarati, Marathi, Kanarese and Urdu, in the list of languages in the curriculum for the B.A. examination, Government made provision for the teaching of three out of four vernaculars, e.g. Gujarati, Marathi and Kanarese, in

Government Arts Colleges by the creation of 5 new posts—2 for Gujarati, 2 for Marathi and 1 for Kanarese—on a scale of Rs. 250—20—650 temporarily for two years from 1st June 1921. No provision was made for Urdu. This period was further extended for two years, at the end of which the Director of Public Instruction reported as follows :

“ I am of opinion that Government Colleges should continue teaching vernaculars as at present but that in view of the inadequate amount of work involved by the subject it is not necessary to include Lecturers in Vernaculars in the regular cadre of the Bombay Educational Service.”

Government accepted the proposal and with the sanction of the Legislative Council these posts were converted into part-time non-pensionable posts from June 1925.

(d) No.

(e) No.

(f) Does not arise.

(g) Two.

(h) 62 years.

(i) Rs. 216-11-0 and Rs. 288-15-11.

(j) Yes, in these particular cases.

(k) No.

(l) No.

(m) Each case, as it arises, would be considered on its merits.

(n) The question does not arise as there are no vacancies.

(o) *Vide* reply to (m) above.

Rao Bahadur R. R. KALE : About these pensioners, Sir, Government reply that one man, a pensioner, aged 62 years, has been re-employed; and in answer to (m), they say “ each case, as it arises, would be considered on its merits.” My supplementary question is not confined to the teaching of vernaculars. I would like to know whether in the case of other subjects also the same policy will be continued, namely, employing pensioners aged 62 years to teach in colleges. Is that policy to be confined to the teaching of vernaculars alone, or is the policy different in respect of other subjects ?

The Honourable MOULVI RAFIUDDIN AHMAD : There is no question of policy ; it is a question of expediency. The present officer was doing well and we have decided to continue him. I think I have already answered, in reply to (1), that there are no pensioners in any other branch of any college, but only for this vernacular teaching.

Rao Bahadur R. R. KALE : My question (m) was, “ Do Government still intend to pursue the policy of appointing retired men for vernacular teaching in colleges ? ” The answer to that is that each case, as it arises, would be considered on its merits ; that is to say, they may employ pensioners, of course, in fit cases. My supplementary question is whether this policy, that is to say, employing pensioners in fit cases, is confined to these professorships of vernaculars, or is it also resorted to in other subjects ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware of any other subject in which it is resorted to.

Rao Bahadur R. R. KALE : May I know the discrimination that is made between the teaching of vernaculars and the teaching of other subjects ?

The Honourable MOULVI RAFIUDDIN AHMAD : That has been clearly defined and explained in the note.

Rao Bahadur R. R. KALE : I do not find any note here.

The Honourable MOULVI RAFIUDDIN AHMAD : The quotation from the Director of Public Instruction's letter.

Rao Bahadur R. R. KALE : Then in that case, that is to say, when the amount of work is not sufficient to engage young men ?

The Honourable MOULVI RAFIUDDIN AHMAD : It is not a question of young or old.

Rao Bahadur R. R. KALE : The question is about pensioners, whether old men, aged 62 years, are going to be employed, whether part time or whole time. It is stated here that "in view of the inadequate amount of work involved by the subject, it is not necessary to include Lecturers in Vernaculars in the regular cadre of the Bombay Educational Service". That is another matter ; you may or may not include them in the regular cadre, but my point is whether young men are not available, and, if they are, why employ pensioners ?

The Honourable MOULVI RAFIUDDIN AHMAD : I have answered that there are no vacancies now. If there are young men available for future vacancies, we will employ them. I have given that answer.

Rao Bahadur R. R. KALE : I asked with regard to (n), which asks, "Are capable young or middle aged men available for such posts ?" and the reply is that there are no vacancies.

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Rao Bahadur R. R. KALE : It is not a question of vacancies for the future.

The Honourable MOULVI RAFIUDDIN AHMAD : How are we to know, unless there are vacancies and we advertise ?

Rao Bahadur R. R. KALE : What about the appointments already made ? My question relates to what was done in the past.

The Honourable MOULVI RAFIUDDIN AHMAD : The honourable member did not ask whether there were young men available. He asked whether there are capable young men available, and I thought it was for the future, and not for the past.

Rao Bahadur R. R. KALE : I have asked, "Do Government still intend to pursue the policy of appointing retired men for vernacular teaching in colleges ?" That is also my question, and you say that each case as it arises will be considered on its merits. That is to say, even in the future you do intend to employ retired people, and to decide each case as it arises on its merits ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Rao Bahadur R. R. KALE : Your answer now is that in future you will employ young men : Is that the answer, and is it consistent ?

The Honourable MOULVI RAFIUDDIN AHMAD : We have not refused to employ young men. We shall employ young men, or old men, profound or sound scholars, as will suit.

Dr. M. K. DIXIT : Was any young man employed for this work and was removed and replaced by a pensioner ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware of it. I would like to have notice.

Dr. M. K. DIXIT : May I inform the Honourable Minister that in the Ahmedabad College a young man was first employed, and he was afterwards removed ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware of it. If the honourable member gives me notice, I shall find out.

Mr. J. S. KADRI : It is stated in the answer that no provision was made for Urdu. May I know the reason why no provision was made for Urdu, when provision was made for other vernaculars ?

The Honourable MOULVI RAFIUDDIN AHMAD : The Director of Public Instruction informed us that at that particular time there were not enough students for Urdu, and therefore a whole time or even a part time teacher was not necessary.

Mr. J. S. KADRI : Are Government aware that now there are so many candidates wishing to take up Urdu ? Will Government be pleased to make provision for them ?

The Honourable MOULVI RAFIUDDIN AHMAD : Government have made provision in the shape of an Urdu Lecturer at the Ismail College.

Mr. J. S. KADRI : Are Government aware that there is a demand for Urdu in the Karnatak College, Dharwar ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am not so aware.

EDUCATIONAL SERVICE : RECRUITMENT OF NON-INDIANS.

Rao Sahab P. D. KULKARNI (Poona District) : Will Government be pleased to state—

(a) how many non-Indians were recruited to the Indian Educational Service or to the Upper Provincial Service Class I from 1st January 1921 to 30th June 1931 ;

(b) the special reasons for which and the dates from which they were recruited ?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) and (b) The following statement contains the information asked for by the Honourable Member:—

Officer.	Date of appointment.	Special reasons for recruitment.
Mr. E. A. Wodehouse ..	June 1923 ..	} These officers were appointed as Professors of English because of their special qualifications for teaching that language.
Dr. E. A. Parker (no longer in service).	June 1926 ..	
Mr. H. R. Hamley (no longer in service).	May 1926 ..	Mr. Hamley was considered to be an expert in methods of direct teaching having had special training in that subject.
E. Hudson-Davies ..	March 1931 ..	Mr. Hudson-Davies was appointed to the post of Inspector of European Schools since Government considered that this was a post that could most suitably be filled by a European.
Mr. S. S. Cameron ..	May 1931 ..	Mr. Cameron had special experience of inspecting work in English as an Educational Officer in His Majesty's Service.

ASSISTANT INSPECTOR FOR SCHOOLS: CREATION OF NEW POST.

Rao Saheb P. D. KULKARNI (Poona District): Will Government be pleased to state—

(a) whether it is a fact that Government created a post of assistant inspector for schools in class I very recently;

(b) if so, the pay of the post and the name of the man appointed to it;

(c) whether it was absolutely necessary to take this step at this time of retrenchment;

(d) if so, the reasons that compelled the creation of the new post?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The post was created in August 1930, with the sanction of the Legislative Council.

(b) The Bombay Educational Service Class I scale, viz. Rs. 320—40—1,200. Mr. S. S. Cameron, M.A. (Oxon).

(c) Yes.

(d) The reasons are given in the statement of demand for a supplementary grant published in the proceedings of Legislative Council, Volume XXIX, pages 785-786 (Appendix 35, pages 913-915).

Rao Saheb P. D. KULKARNI: Why was Mr. Cameron particularly selected for this post?

The Honourable MOULVI RAFIUDDIN AHMAD: Because Mr. Cameron was found to be the most suitable by the Selection Committee.

Rao Saheb P. D. KULKARNI: Was there no Indian available for this post?

The Honourable MOULVI RAFIUDDIN AHMAD : Not so suitable.

Rao Saheb P. D. KULKARNI : Was the post ever advertised in India ?

The Honourable MOULVI RAFIUDDIN AHMAD : Both in India and in England.

Rao Saheb P. D. KULKARNI : Was any candidate recommended by the Selection Board ?

The Honourable MOULVI RAFIUDDIN AHMAD : What Selection Board ?

Rao Saheb P. D. KULKARNI : The committee that you just referred to.

The Honourable MOULVI RAFIUDDIN AHMAD : There were two committees. The English Committee recommended Mr. Cameron. The Indian committee had recommended some candidate, but he did not come up to the standard, and therefore we had to advertise in England.

Rao Bahadur R. R. KALE : May I know the scale of salary on which he was employed ?

The Honourable MOULVI RAFIUDDIN AHMAD : Provincial Service Class I.

Rao Bahadur R. R. KALE : Does it carry a salary of Rs. 320 to start with ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes.

Rao Bahadur R. R. KALE : Is he getting only Rs. 320 ?

The Honourable MOULVI RAFIUDDIN AHMAD : He has been granted some advance increments.

Rao Bahadur R. R. KALE : What is his present salary ?

The Honourable MOULVI RAFIUDDIN AHMAD : His present salary is given in the Civil List ; it is Rs. 520.

Rao Bahadur R. R. KALE : If the post was advertised, and he started on the scale of Rs. 320—40—1,200, why was he given Rs. 520 per month, after a few months' service ?

The Honourable MOULVI RAFIUDDIN AHMAD : The committee recommended to us that Mr. Cameron was already in the service of His Majesty in England as Inspector of Schools drawing a higher pay, and if we wanted his services, we should have to give him certain advance increments, and the Government agreed to do so.

Rao Bahadur R. R. KALE : Is it not a fact that this matter was put before the Council in the shape of a demand for a supplementary grant, and there the scale was given as is shown in the reply, Rs. 320—40—1,200 ? Was this additional salary sanctioned by the Legislative Council ?

The Honourable MOULVI RAFIUDDIN AHMAD : That was not necessary. The scale is from Rs. 320 up to Rs. 1,200. Government in their discretion are entitled to give advance increments.

Rao Bahadur R. R. KALE : Can the Government appoint him at once on Rs. 1,200, which is the maximum of the scale ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, if necessary.

Rao Saheb P. D. KULKARNI : What duties are given to him at present ?

The Honourable MOULVI RAFIUDDIN AHMAD : He is attached to the Director's office at present.

Rao Bahadur R. R. KALE : Was he not appointed as inspector of schools ?

The Honourable MOULVI RAFIUDDIN AHMAD : He was appointed as assistant inspector of schools.

Rao Bahadur R. R. KALE : Then his duty is to inspect. He had experience of inspection work, and I suppose he was specially recruited for that purpose. Why is he not employed on that special work ?

The Honourable MOULVI RAFIUDDIN AHMAD : For the simple reason that he is a new man and has much to learn from the office of the Director, and therefore he is attached to that office.

Rao Saheb P. D. KULKARNI : It is stated that he had experience of inspection work. Why is he not doing the same work here ?

The Honourable MOULVI RAFIUDDIN AHMAD : He has experience of English schools, and it is necessary that he should know more about Indian schools before he begins his work.

Rao Saheb P. D. KULKARNI : He is the candidate recommended : had he got no experience of inspection work here ?

The Honourable MOULVI RAFIUDDIN AHMAD : He is fresh from England.

Rao Saheb P. D. KULKARNI : Does he know the vernaculars ?

The Honourable MOULVI RAFIUDDIN AHMAD : He will learn one of the vernaculars.

The Honourable the PRESIDENT : Next question.

Rao Saheb P. D. KULKARNI : What would have been the saving—

The Honourable the PRESIDENT : Order, order. Next question.

SIND FINANCIAL ENQUIRY COMMITTEE : GOVERNMENT STATEMENTS.

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City) : Will Government be pleased to lay on the Council table a copy of the information supplied by them to the Sind Financial Enquiry Committee ?

The Honourable Sir GOVINDRAO PRADHAN : Other than the evidence given by their officers to the Committee, Government have supplied the Committee with no information.

SYED MIRAN MAHOMED SHAH : Will Government be pleased to place on the Council table a copy of the evidence given by their officers ?

The Honourable Sir GOVINDRAO PRADHAN : We have not got a copy of the evidence which the officers gave before that committee.

Khan Bahadur M. A. KHUHRO : Were not some figures supplied by Government to the committee ?

The Honourable Sir GOVINDRAO PRADHAN: No.

SYED MIRAN MAHOMED SHAH: Did the evidence refer to administrative questions or to financial matters only?

The Honourable Sir GOVINDRAO PRADHAN: I do not know what evidence they gave. The officers were examined probably in Karachi.

Khan Bahadur M. A. KHUHRO: Were not some officers examined here in Poona?

The Honourable Sir GOVINDRAO PRADHAN: I do not know; some, I think, were examined here.

SYED MIRAN MAHOMED SHAH: Did their evidence refer to financial questions or administrative questions also?

The Honourable Sir GOVINDRAO PRADHAN: We do not know. They must have answered the questions that were put to them. They were examined by the committee. We do not know what questions were put to them.

Khan Bahadur M. A. KHUHRO: Were the officers given freedom to give any evidence they liked?

The Honourable Sir GOVINDRAO PRADHAN: Yes. Those were their personal views.

COURTS IN SIND: EMPLOYMENT OF MUHAMMADANS.

Mr. SHAIKH ABDUL MAJID (Karachi District): (a) Are Government aware that Government Resolution requiring the appointment of 50 per cent. Muhammadan clerks in the various Government Departments has not been followed in the Judicial Commissioner's Court, and much less in the District and Subordinate Civil Courts in Sind?

(b) How far has the Government Resolution been acted upon in the above Courts?

The Honourable Mr. G. A. THOMAS: (a) and (b) A statement showing the number of Muhammadan clerks appointed during the period from the 5th February 1925, when the Resolution was issued, to 31st March 1931 is placed on the Council table. The instructions contained in the Resolution have been carried out as far as possible. The insufficiency of candidates with proper qualifications prevented the giving of full effect to them. In the Larkana District, six Muhammadan candidates who were offered clerical appointments, declined to accept them.

Statement showing the number of Muhammadan clerks appointed in the Civil Courts in Sind, during the period from 5th February 1925 to the 31st March 1931.

Court.	No. of permanent vacancies.	No. of Muhammadans recruited.	No. of acting vacancies.	No. of Muhammadans recruited.
Court of the Judicial Commissioner of Sind ..	7	2	46	22
Civil Courts in Hyderabad District ..	10	6	46	27
Civil Courts in Larkana District ...	10	4	40	17
Civil Courts in Sukkur District ..	20	8	92	43
Court of Small Causes, Karachi ..	8	3	1	1

Khan Bahadur M. A. KHUHRO: In the acting appointments the number of Mussalmans appears to be higher than in permanent vacancies. If they were available for acting vacancies, why were they not given permanent vacancies?

The Honourable Mr. G. A. THOMAS: Probably no permanent appointments were vacant.

Khan Bahadur M. A. KHUHRO: If they were considered to be qualified for holding acting vacancies, why were they not taken up in permanent vacancies?

The Honourable Mr. G. A. THOMAS: The number of permanent vacancies is less than the number of acting vacancies.

Khan Bahadur M. A. KHUHRO: Is it not a fact that only acting vacancies are given to Mahomedans, and not permanent vacancies?

The Honourable Mr. G. A. THOMAS: That is not a fact.

Mr. SHAIKH ABDUL MAJID: It is stated in the answer, "Six Mahomedan candidates who were offered clerical appointments declined to accept them." May I understand that these Mussalman candidates referred to in the reply did not apply for these clerical posts which they refused to accept?

The Honourable Mr. G. A. THOMAS: Candidates are applicants for appointments.

BOMBAY MUNICIPALITY AND IMPROVEMENT TRUST: AMALGAMATION.

Mr. B. P. WADKE (Bombay City, South): (a) Will Government be pleased to state the exact date on which the amalgamation of the Bombay Improvement Trust with the Bombay Municipality will take place?

(b) Do Government intend to help the municipality with additional sources of income on the lines of the Calcutta Improvement Trust to meet the heavy liabilities that the municipality will have to shoulder on account of the amalgamation?

(c) Will Government be pleased to state the assets and liabilities of the Bombay City Improvement Trust on the 1st March 1931?

The Honourable Sirdar Sir RUSTOM J. VAKIL: (a) Government are not in a position to state the exact date.

(b) Government are awaiting final views of the Corporation in connection with their proposals for opening up fresh sources of taxation.

(c) The accompanying statement shows the assets and liabilities of the Trust as on 1st April 1931.

Assets and liabilities of the Trust as on 1st April 1931.

(Figures in lakhs.)

	Rs.	Rs.
<i>Liabilities</i> —		
Total debt as on 31st March 1931 .. ..	....	1,638·94
<i>Assets</i> —		
(1) Closing Balance	22·05	
(2) Sinking Fund	152·28	
(3) Municipal Contribution—		
Capitalized at 20 years' purchase at say		
Rs. 22½ lakhs	450·00	
(4) Chawls permanent—		
Nett revenue say Rs. 4 lakhs at 16½		
years' purchase	66·64	
(5) Ground rent—		
Nett revenue at say Rs. 29½ lakhs at 16½		
years' purchase	491·47	
(6) Unleased lands—		
15·40 lakhs square yards as per statement		
a1	181·57	
(7) Undeveloped lands—		
73·89 lakhs square yards as per statement		
a2	205·14	
	1,569·15	1,638·94
Deficit ..	69·79	....
Total ..	1,638·94	1,638·94

Note.—(1) There is a net temporary revenue from land and acquired properties of Rs. 6·64 lakhs per year from unleased and undeveloped lands but as the value of these lands has been taken on the Assets side it would be counting the same thing twice over if we take the Capitalized value of temporary revenue on the Assets side.

(2) A very large portion of the closing balance and the Sinking Fund is in the stage of our own debentures and these have been taken at their face value as decided by the Improvements Committee. If these were taken at their present market value there will be a further gap of about twenty lakhs of rupees.

Mr. B. P. WADKE: Cannot the Government press the Corporation to submit their proposals without delay, as the public will otherwise suffer?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: We have requested the Corporation to expedite; but we have not had any reply.

Mr. B. P. WADKE: How long will it take? Otherwise the public of Bombay will suffer.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: It is for the Corporation to say.

Rao Bahadur S. K. BOLE: Is it a fact that the liabilities of the Trust go on increasing?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: They are increasing.

Mr. B. P. WADKE: With regard to question (d), do Government propose to help the Corporation in the liabilities they are going to undertake?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I am not aware how the Calcutta Improvement Trust has been promised assistance, but the Government here will certainly be most happy to assist the Corporation in every possible way in devising ways and means to augment their resources.

Mr. R. R. BAKHALE: Government say that they are not in a position to say the exact date. Will they be in a position to say the probable date?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Until we receive a full report from the Bombay Corporation, it is very difficult to say; but it may probably—

Mr. B. P. WADKE: Up till now, how much time have they taken up?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: They must have taken about 12 months. Twelve months ago we asked them to submit proposals for any scheme to augment their resources.

Mr. B. P. WADKE: The life of a Corporation is only three years. Who will be responsible for the suffering of the people which is caused on account of the delay?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The party which makes the delay will be responsible.

SYED MIRAN MAHOMED SHAH: Sir, we understand that Government intend to hold a special session for the consideration of certain financial measures.

The Honourable the PRESIDENT: From whom?

SYED MIRAN MAHOMED SHAH: From papers, that Government intend to hold a special session. We would like to know the probable date and whether it will be held after the publication of the Retrenchment Committee's Report.

The Honourable Sir GHULAM HUSSAIN: Government have not finally decided whether they are going to have another session this year or not.

SYED MIRAN MAHOMED SHAH: Will they give us sufficient notice and publish the report of the Retrenchment Committee before that date?

The Honourable Sir GHULAM HUSSAIN: Under the rules we have to give sufficient notice.

✓ DISCUSSION ON BILL No. XIV OF 1931—*resumed.*

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of rules for computing the pleaders' fee in (1) of Schedule III*).

In (1) of Schedule III the words "at 4 per cent." shall be substituted for the words "at 5 per cent." appearing in "if the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at 5 per cent."

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I beg leave of this honourable House to move my amendment to the Bill that is being read a second time as under:

"Substitute '2 per cent.' for '4 per cent.' in clause 2 of the Bill."

[Mr. M. M. Karbhari]

At the outset I must confess that, from what I have heard in this honourable House while this Bill was being introduced, I was rather encouraged to move this amendment. The reason given for the introduction of the Bill is that the cost to the litigant is very heavy. Therefore, I was surprised that it should have been reduced to only 4 per cent. from 5 per cent. A very reasonable suggestion was made by Rao Bahadur Kale that this Bill should be circulated for public opinion and time should be taken to elicit public opinion on this Bill. But the Bill was pressed, and I do not know whether the supposed heavy burden on the litigant was so urgent that the honourable mover of this Bill thought it necessary not to allow any public opinion to be elicited on this point. The point made out in the arguments in support of this Bill was, though, as a matter of fact, this schedule does exist, the pleaders as a rule receive and take fees not according to the schedule, but according as they choose, sometimes more, sometimes less; and the result has been that the man against whom the decree is taken has been the sufferer. The point that struck me at that time was, if that was so, naturally the man against whom the decree was passed is really the poorer of the two litigants, and, therefore, if, as was suggested, where the cases were clear and the decree could be got without any contest on the part of the other litigant, the pleader was prevailed upon or tempted to receive a less amount of fee than was scheduled in the Act, then it would be thoroughly reasonable for us to give such relief to the poor man against whom the decree was passed. Therefore, I say that the two per cent. that I have suggested would give the relief that is being sought in a more adequate manner than the percentage suggested by the Bill. I therefore commend this amendment to this honourable House for approval.

Question proposed.

The Honourable the PRESIDENT: I should like to point out a slight inconsistency that would result if the honourable member's amendment is accepted. The amendment proposes to have 2 per cent. up to Rs. 2,000. The present rate is 5 per cent. up to Rs. 2,000 and 3 per cent. from Rs. 2,000 to Rs. 5,000. If 2 per cent. up to Rs. 2,000 is accepted by the House, then 3 per cent. from Rs. 2,000 to Rs. 5,000 will remain, and that is a higher sum.

Mr. M. M. KARBHARI: This was indeed brought to my notice, but I really want to show the ridiculousness of the Bill at this stage.

The Honourable the PRESIDENT: I then understand that it is by way of vengeance that this is being moved.

Amendment put, and negatived.

The Honourable the PRESIDENT: The next amendment is that of Khan Bahadur Khuhro.

Khan Bahadur M. A. KHUHRO: There is one difficulty as regards my amendment. Schedule III in the Pleadors' Act provides that between Rs. 2,000 and Rs. 5,000 the fees will be 3 per cent. If my amendment is carried, the fees up to Rs. 2,000 also will come to the same amount.

[Khan Bahadur M. A. Khuhro]

Therefore, either the whole schedule should be amended or a fresh Bill should be introduced.

The Honourable the PRESIDENT: The honourable member Mr. More has given notice of an amendment to the same effect, but including the two parts.

Khan Bahadur M. A. KHUHRO: Then, I would not move mine.

Mr. J. G. MORE (Sholapur District): Sir, my amendment is to have 3 per cent. instead of 4 per cent. I move—

“In clause 1, omit figure ‘4’ and substitute therefor figure ‘3’, further omit the figure ‘2,000’ and substitute the figure ‘5,000’. In clause 1 of Schedule III delete the following clause:

‘If such amount or value exceeds Rs. 2,000, but does not exceed Rs. 5,000, on Rs. 2,000 as above, and on the remainder at 3 per cent.’”

I am moving this amendment, because, as has been already pointed out, the cost of litigation is felt very high in civil courts in these days. In order to sympathise with the litigants going to courts, the Bill has been brought forward and the first reading of the Bill is over. I think reducing from 5 per cent. to 4 per cent. will not sufficiently meet the grievances of litigants. So, I have thought it necessary to reduce that figure to 3, and to remove the anomaly, it is necessary to delete from clause 1 of schedule III the paragraph mentioned in my amendment, as has been explained by the Chair. I need not say anything further in support of my amendment. I hope the honourable House will accept it.

The Honourable the PRESIDENT: The honourable member's amendment, I do not think, is properly framed although sufficient time was given, but I wonder if this would suit his object:

“For clause 2 of the Bill, substitute the following clause:

‘2. (i) In article 1 to schedule III of the Pleadors' Act, the figure ‘5,000’ and the words ‘three per cent.’ shall be substituted for the figure ‘2,000’ and the words ‘five per cent.’ respectively in the clause if the amount or value of the subject matter in dispute does not exceed Rs. 2,000.’”

The second part of the amendment would therefore be:

“The following clause shall be deleted, namely, ‘If such amount or value exceeds Rs. 2,000 but does not exceed Rs. 5,000, on Rs. 2,000 as above and on the remainder at 3 per cent.’”

Rao Bahadur R. R. KALE (Bombay University): Sir, it appears to me that we are amending the Schedule III to the Pleadors Act. This schedule III is referred to in section 18 of the Pleadors Act, and it is stated therein:

“Where costs are awarded to a party in any proceeding, the amount of the pleader's fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in Schedule III unless such fee has been settled under the provisions of section 17 for a lesser amount in which case no more than such lesser amount shall be recoverable.”

Now, this schedule III we are going to amend. Section 17 is repealed not by this Act, but by the Government of India Act No. XXI of 1926. So, if section 17 is repealed, the whole clause, after “Schedule III” in section 18, beginning with “unless” and ending with “recoverable” ought to go; I mean it cannot be allowed to stand. I am only pointing

[Rao Bahadur R. R. Kale]

out this difficulty. Unfortunately, the honourable member the Remembrancer of Legal Affairs is not here, but the honourable member the Home Secretary is here, and he will perhaps be pleased to consider, when a Bill is before the honourable members of this Legislative Council, when this section 18 as it is stands in this predicament, if we allow this schedule to pass which is now attempted to be substituted, whatever it is, and if we retain this "unless . . . recoverable" part of section 18, whether we shall not be exposing ourselves to the very grave charge that we were blind to this anomaly; I mean, we allow the Bill amending the schedule to pass and yet we allow the repealed portion to be still there in the section. This is an anomaly which I think will stultify us in the face of the public, as well as the High Court. It really seems that this schedule III was merely tentatively settled. What we are seeking to amend is merely a rule under section 18. I have read section 18, which is the main section of the Act, and the schedule is merely a schedule for rules. Section 18 is in the main Act and the schedule is "Rules for computing the pleader's fee." Rules are laid down and there is section 31 which empowers the High Court to make rules consistent with the provisions of this Act from time to time, and in that there is a clause [clause (i)] which authorises the High Court to make rules :

"Prescribing in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee, and determining the amount or value of the subject matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee."

So that, really speaking, this schedule is nothing but a rule which was laid down at the time the Act was passed. A rule is capable of being amended or altered by the High Court, and if you go through the debates of that Bill, you will find that at the time the Government had before them statistics about suits and it was stated that they had collected opinions from various bodies concerned, and the courts and judges, and they had tentatively settled this schedule. I am only pointing out the anomaly arising from passing this schedule and allowing the section 18 to continue as it is. It would be really, I do not wish to use a stronger term, showing our ignorance. Hence, I submit that the whole clause should be opposed. In the present state, we should not proceed to do something which would be really exposing us to gross ignorance of legislative provisions which are here before us to be considered by the Council, in which there are non-officials as well as the law officers of Government, and there is also the Secretary of the department concerned in this matter. Therefore, I put it to the House that it would be advisable at this stage for us to suggest to the honourable mover to withdraw his Bill. That is really my humble suggestion, because I find that we at least cannot be a party to it and we must protest against the way the amendment is being pressed without considering the consequences.

The Honourable the PRESIDENT: Is the Honourable the Home Member going to meet the arguments that have been advanced?

The Honourable Mr. G. A. THOMAS: I am not going to speak on this Bill at all.

The Honourable the PRESIDENT: But there is a legal difficulty raised by the honourable member for the Bombay University and the honourable member the Legal Remembrancer was referred to or thought of, and I suppose the honourable member the Home Secretary has followed the point and that he will answer it.

Mr. G. F. S. COLLINS: I am sorry, Sir, I have not sufficiently followed the point to be able to render any assistance at this stage.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I have another difficulty which I would like to put forward. The High Court is constituted under the Letters Patent and by any decision that we might come to, I am not quite sure about it, the High Court will be bound to change the rule. May I know whether, even supposing that it is legal to modify this section which is within our jurisdiction, the High Court is bound to accept our decision, or is their liberty to frame rules taken away? The High Court is above all this. It is bound to respect the decisions of this Council. We are therefore, I think, restricted so far as the power of the High Court is concerned.

The Honourable the PRESIDENT: There is yet another point raised just now, namely, whether the schedule is governed by the rules made by the High Court under powers under the Act, and if that is so, whether that can be interfered with by an amending Bill of this kind. These are all important legal points.

The Honourable Mr. G. A. THOMAS: The best course would probably be to postpone this till after tea.

The Honourable the PRESIDENT: I should like the honourable member Rao Bahadur Kale to say if he would like further to explain what his point is in view of what I am going to tell him. I understand what he says is that section 17 of the Act having been repealed, the words in section 18 commencing from "unless such fee has been settled under the provisions of section 17 for a lesser amount in which case no more than such lesser amount shall be recoverable" should not have stood there.

Rao Bahadur R. R. KALE: Yes, Sir.

The Honourable the PRESIDENT: That is an old defect, to begin with. So it has nothing to do with the present Bill.

Rao Bahadur R. R. KALE: No, Sir.

The Honourable the PRESIDENT: Then any amendment of the Schedule is not in any way affected by those words standing there, except that, as they stand, there is a certain amount of inconsistency there; but that is something which is not for the honourable mover of the Bill to think of; it is an old defect there, and there must be another remedy for it.

Rao Bahadur R. R. KALE: Quite right, Sir.

The Honourable the PRESIDENT: The second point that has been raised is that, under section 31, the High Court may make rules consistent with the provisions of this Act prescribing fees and so on, as

[The President]

in the Schedule, and I understand the honourable member Rao Bahadur Chitale asks whether, that being so, this amending Bill is not interfering with the powers of the High Court.

Rao Bahadur G. K. CHITALE : Sir, what I pointed out is that by this amendment it is sought to take away the power of the High Court to make the necessary rules in this behalf, and that that power cannot be taken by this Council. It appears that that power has been exercised by the High Court ; the authority is there, the High Court has prescribed those rules and, therefore, it is that authority only that can change it,—no other.

The Honourable the PRESIDENT : I think that is a mistaken view. I have read this section 31, if the honourable member refers to that. The High Court can make rules within this Act, that is to say, under the power given to it by the Act. Now, if this legislature has the power to interfere with this Schedule standing as it is, the High Court will certainly be bound to make rules in accordance with it.

Rao Bahadur G. K. CHITALE : The point is not appreciated. If that was done with respect to any of the other sections of the Act, that would have been another matter. What is now sought to be amended is the Schedule, in which there is provision for fees.

The Honourable the PRESIDENT : But the Schedule is part of the Act.

Rao Bahadur G. K. CHITALE : Yes. But the power has been parted with by the Council and given to the High Court under the Letters Patent. There is no other section dealing with fees.

The Honourable the PRESIDENT : Not by this Council ?

Rao Bahadur G. K. CHITALE : The power of making rules for fixing the fees is centred in the High Court, and there is no other section dealing with fees.

The Honourable the PRESIDENT : I think that is not the correct view.

Mr. C. N. PATEL : Sir, section 31 (1) (i) of the Act says :

“ prescribing in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee..... ”

The High Court has made rules prescribing fees for pleaders in lieu of the fees mentioned in Schedule III. The words “ in lieu of ” clearly indicate that the fees in Schedule III can be set aside by the High Court.

Mr. A. S. R. MACKLIN : Sir, if I might state the position as it seems to me, it is this ; that under section 31, sub-section (1), item (i), the High Court, whatever this House may do, still retains the power of prescribing, in lieu of the enactment of this House, a different scale. Therefore, if the High Court likes to follow the ordinary procedure laid down for the Rule Committee, it can, next February or whenever the Rule Committee meets, go back upon what this House has decided. The Bill is in no sense, so far as I can see, a restriction of the power of the High Court.

[Mr. A. S. R. Macklin]

- Unless that item (i) is deleted or amended, the power of the High Court remains entirely intact.

The Honourable the PRESIDENT : That is as I read out. As the words " in lieu of " in section 31 (1) (i) remain, the result will be that what the House does may be set at naught by the High Court. That is the point which this House has to consider ; and it is not that this House would be interfering with the powers lying with the High Court. I do not see any difficulty, except that the House may be warned in time that it stands that risk.

Rao Bahadur R. R. KALE (Bombay University) : My point, as I put it, is that the Government of this Presidency should have really amended section 18. Having repealed section 17 (this being an Act passed by the Local Legislative Council), really speaking, section 18 should have been amended by dropping all the words in the section which occur after the words " Schedule III."

The Honourable the PRESIDENT : How is that relevant to the present Bill ?

Rao Bahadur R. R. KALE : It is relevant in this way. Our attention has now been drawn to the fact that something which ought to have been repealed still stands as part of the Act, and it will apply not only to what was enacted before, but to what is being enacted to-day. Perhaps our attention was not drawn to it before, but now it has come to our notice when we are considering the question of amending the Schedule. We are now going to have a change by substituting something new for the old, and yet we are leaving untouched something which ought to have been repealed long ago. Of course, there is nothing illegal in it ; I never said it was so. I only put to the House how it will look. The question is whether such a position as this should be allowed to continue. Is there any reason why we should wait, and not get rid of these surplus words in section 18 now ? I grant that we will not be able to eliminate those words now by passing an amendment. But it is in a way relevant to the amendment. The reason given is that pleaders charge even less than what is allowed in the Schedule. As section 17 has been repealed, it is illegal for pleaders to charge less fees. If the legal fee is Rs. 50 or Rs. 25 at the rate of 5 per cent., the pleader cannot charge less fee, but he can charge more. There was section 17, under which a special agreement could be made. Now, there is a section for retaining fee, under which he can take more. The least is one rupee, but he can take Rs. 100 as retaining fee. But the legal fee which he must take is that laid down in the Schedule. I find from the proceedings that section 17 was introduced only in order to enable pleaders to make their own agreement to charge more or less fees. That section having been repealed, we are rather in a different position from the position which was the foundation of the honourable mover to bring in this Bill. He wants to prevent an evil which, according to him, enables pleaders to take less fees, and later on creditors profit out of that. All that is rather an involved question. There is nothing illegal, I at once concede, but something illogical, rather something which will make us ridiculous in the eyes of the world.

The Honourable the PRESIDENT: That is for the House and the honourable mover of the Bill to see to. If there is no further discussion, I will put the amendment to the vote.

Amendment put, and agreed to.

Mr. L. R. GOKHALE: Sir, can I move an amendment that this Bill should be sent to a select committee? I have some doubts about it.

The Honourable the PRESIDENT: No. The House may throw out the Bill, if it so chooses. The simplest way is for honourable members to make up their minds and adhere to it.

Question, "That clause 2 as substituted do stand part of the Bill," put.

The House divided: Ayes, 33. Noes, 22. ✓

Division No. 2.

Ayes.

ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BAKHALE, Mr. R. R.
BALOCH, Mr. HAJI MIR MAHOMED
BANGI, Mr. A. K. J.
BHUTTO, WADERO WAHIDBAKSH ILLAHI-
BAKSH
BOLE, Rao Bahadur S. K.
COLLACO, Dr. J. A.
DHARMAL LILARAM, Mr.
DESAI, Mr. S. B.
DIXIT, Dr. M. K.
EVBANK, Mr. R. B.
GHULAM NABI SHAH, Khan Bahadur
JAN MAHOMED KHAN, Khan Bahadur
KADRI, Mr. J. S.
KALBHOR, Mr. G. M.
KHUHO, Khan Bahadur M. A.

MIRZA, SAHEBZADA M. A.
MODAK, Rev. R. S.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Rao Saheb V. S.
SHANKARRAO JAYARAMRAO ZUNZARRAO,
Mr.
SINDHA, Mr. MADHAVSANG JOBBHAI
SOLANKI, Dr. P. G.
SYED MUNAWAR, Mr.
THAKOR OF KERWADA, Sardar BHASABH
RAISINHJI
TOLANI, Mr. S. S.
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.

Tellers for the Ayes: Rao Bahadur R. S. ASAVALE and Sardar BHASABH RAISINHJI (THAKOR OF KERWADA).

Noes.

ACHREKAR, Mr. A. B.
BRISTOW, Mr. C. H.
CHITALE, Rao Bahadur G. K.
COLLINS, Mr. G. F. S.
DESAI, Rao Saheb B. G.
DESAI, Mr. H. R.
GOKHALE, Mr. L. R.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KARBHARI, Mr. M. M.
MACCLIN, Mr. A. S. R.

MODI, Sardar DAVAR T. K.
OWEN, Mr. A. C.
PARULEKAR, Rao Bahadur L. V.
PATEL, Khan Bahadur A. E.
PATEL, Mr. C. N.
PRADHAN, Rao Bahadur G. V.
SHAIKH ABDUL AZIZ, Mr.
SHINDE, Mr. R. B.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
VAKIL, Mr. PESTANSHAH N.

Tellers for the Noes: Mr. PESTANSHAH N. VAKIL and Rao Bahadur G. V. PRADHAN.

The preamble ordered to stand part of the Bill.

Rao Bahadur D. R. PATIL: May I have your permission, Sir, to move the third reading of the Bill?

The Honourable the PRESIDENT: The honourable member may wait until these amendments are put in proper form, if there be any defects. After tea he may take that.

**BILL No. XXIII OF 1931 [A BILL FURTHER TO AMEND
(SECTION 11(2) OF) THE CITY OF BOMBAY MUNICIPAL
ACT, 1888]**

Rao Bahadur S. K. BOLE : Sir, I beg to move that Bill No. XXIII of 1931 [A Bill further to amend (section 11 (2) of the City of Bombay Municipal Act, 1888)* be read a first time. Sir, this Bill seeks to give franchise to those tenants who pay Rs. 5 rent in the city of Bombay for election to the City Corporation. This is a fourth attempt I am making. I have moved similar Bills three times and I have failed. I am an optimist and I have patience. On the last occasion the two readings of this Bill were passed, but at the third reading it was opposed and defeated. That was the first instance in the history of this Council when a Bill which had passed the two readings, was defeated at the third reading. Last time Government members remained neutral, but they allowed the official members to vote as they liked. Some of the official members who championed the cause of liberty and freedom remained neutral. They did not vote. But at the time of the third reading, I think almost all of them voted against the Bill as a result of hard canvassing. The Honourable Minister said yesterday that such a Bill ought not to have been introduced at this time, and that I could have waited for some peaceful time. But I think this is a peaceful time. We are under the Irwin-Gandhi pact, in truce times. So, this is a peaceful time. We do not know what will happen a few months hence—whether there will be peaceful time or more troublous times. My action in moving this Bill again and again shows the need of such a measure.

It was the Honourable the Leader of the House who gave a vote to the tenants in the city of Bombay in the year 1922, when he introduced the City of Bombay Municipal Act in this Council. That proposal at that time was opposed by the Bombay Municipal Corporation. Some of the members of the Corporation who were also members of this Council, opposed it tooth and nail, and after a hard fight the Honourable Member succeeded. He is a true democrat, though an official. There are some members whose inclinations are towards democracy, but when the time comes for action, they give way. Sir, only one lakh and twenty thousand tenants of Bombay have the right to vote, but a majority of them have not the right to vote. The qualification for voting is Rs. 10 rental in the City of Bombay. In other cities, for instance in Ahmedabad, a man who pays a rental of Re. 1 has the right to vote at municipal elections. In Karachi, which is as important a port as Bombay, the qualification for franchise is a rental of Rs. 2. In Satara, Poona and other places it is one rupee. Why, then, should not the citizens of Bombay have the same privilege? In the City of Bombay, only one out of ten is entitled to vote; in the city of Ahmedabad, one out of four is entitled to vote. But this is quite unfair and unjust. Then again, we have got the same qualification for the Council as we have for the Municipality. This is nowhere the case. Everywhere there is a difference in qualification for

*Appendix 6.

[Rao Bahadur S. K. Bole]

franchise between Council elections and municipal elections. But only in the Bombay City the qualification is the same. There ought to be some difference. In these democratic days there ought to be adult franchise, but I am not going so far at present and I am making this moderate demand of Rs. 5 rental qualification for franchise to municipal elections. What is their number? I had asked a question in the Council and I got the reply only this morning. That shows that in the Development chawls, in the Improvement Trust Chawls, in the Port Trust chawls and in other private buildings, the number of tenants who pay a rent below Rs. 10 and Rs. 5 is nearly one lakh. If my Bill is passed, these one lakh of men will get the right to vote.

It is stated that the Bombay Municipal Corporation is a democratic body. But I may say from my experience that it is not a democratic body but it is an aristocratic body as ever before. The middle classes, the lower middle classes and the lower classes do not get an opportunity to send in their representatives to the Municipal Corporation. If my Bill is passed, it will benefit all the communities, Hindus, Mahomedans and Christians. There are so many families in the city of Bombay paying a rent of Rs. 5. They should not be deprived of their right to vote. There are nearly 8,000 tenants in the Development chawls who have lost the right to vote, because the rents of the chawls have been reduced. All these tenants were entitled to vote when the rents were more than Rs. 10. This is not just and fair, because poverty is no crime. It is up to the rich and advanced classes to give a lifting hand to their less fortunate brethren. Of course, they will commit mistakes in the beginning. Even Mahatma Gandhi says that by committing mistakes we shall improve and learn. How else are they to learn the value of the vote? Are the people residing at other places not committing mistakes? Are those persons in the mofussil more intelligent than the citizens of Bombay? On the contrary, the citizens of Bombay, which is a cosmopolitan city, are more intelligent than those in the mofussil, because they are living in a city which is known as the first city in India. So, these men should not be deprived of their votes.

Some members would say that election is coming near and the electoral roll has been prepared. My honourable friend Mr. A. N. Surve is going to move an amendment to the effect that this Bill may be made to come into force after a certain period. Let the present election take place under the present voters' list. I therefore appeal to honourable members to pass this Bill.

Question proposed.

Mr. N. N. PATIL (Kolaba District): Sir, the honourable member Rao Bahadur Bole deserves the congratulations of all staunch advocates of democracy, for he has brought in this Bill effecting some necessary amendments in the present City of Bombay Municipal Act, with a view to democratise the constitution of that body. By introducing this Bill, the honourable mover wants to lower the franchise qualification from a rental of Rs. 10 to a rental of Rs. 5. Under the existing Act of this municipality, a vast majority of the citizens has been deprived of the

[Mr. N. N. Patil]

right of voting at the time of election to the Municipal Corporation, simply because they cannot afford to pay Rs. 10 rent to their house-owners. This disability of theirs in these democratic days must be done away with when many of our countrymen with high calibre and best of brains are strongly advocating adult franchise. Sir, the honourable member has made it clear in the statement of objects and reasons that nearly 10 lakhs of men have been deprived of this right of voting. It is quite unfair and undesirable. In these times, it would be in the fitness of things if this sub-section (2) of section 11 of this Act is so amended as to give the right of voting to these 10 lakhs of citizens of the city of Bombay and enable them to send to the Corporation of Bombay the best men of their choice to look after their interests. Sir, for the past few years, these poor people have been clamouring for their rights through their worthy representatives like the honourable member Rao Bahadur Bole and it is high time now for us that we should show our sympathy to them and recognise their rights.

This Bill is democratic in its nature and it is an innocent one, and it befits the present times. Yesterday, while speaking on the honourable member Rao Bahadur Bole's Bill regarding the abolition of the co-option system in the Bombay Municipal Corporation, many honourable members on this side of the House advocated strongly democracy in their speeches. This is a democratic Bill and I hope they will support it. Furthermore, I hope this honourable House will be well inclined to accept this Bill unanimously without any dissentient voice.

Mr. L. R. GOKHALE (Poona City): Sir, I move the following amendment :

Instead of clause 2 of the Bill substitute the following :

"In sub-section (2) of section 11 of the said Act omit the words 'and has,..... than rupees ten'. Omit further both the provisos to the said section."

In proposing this I take away sub-section (2) of section 11. Sub-section (2) runs as follows :

"A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward unless such person has, on the 30th day of September in the year preceding that for which the roll is being prepared, attained the age of 21 years and has, on the first day of April next preceding the date of publication of the electoral roll, occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten."

I propose that the latter clause "and has, on the first day of April...." and so on, be deleted. This property qualification should be removed. That is the purpose of this amendment. I really was surprised at the common feeling running between my thoughts and those of the two previous speakers, the honourable members Rao Bahadur Bole and Mr. Patil. They certainly anticipated me. I do really think that a beginning should be made somewhere with adult suffrage. The question is, where that should be? Where can that be made, if not in the first city of the Indian Empire, Bombay City? The City of Bombay is noted not only for its capitalists, but also for its labour. It is a city where we have intellectual centres. It is also a city where individual liberty and individual freedom is well recognised and well enjoyed.

[Mr. L. R. Gokhale]

That has been shown to us very well during the last few months, especially during the times when the *satyagraha* movement was being carried on. No city in the country has stood that test so well as Bombay; the labour element of Bombay City particularly has done that. It may perhaps be argued that it will not be fair to give the franchise to every individual indiscriminately. That argument cannot be advanced in this case. They have all come to understand their rights, their privileges and also their liabilities. I do think, and think very seriously, that the time has come when this step ought to be taken and that Bombay is fitted for this particular move in many ways. There are in Bombay leaders of labour, and these labour leaders have a hold on the labouring classes and they will be in a position to tell them the merits and the demerits of individual candidates. They will be able to educate them in their rights and in their duties, particularly more about their duties as citizens than about their rights. It is very easy to claim rights, but it is most difficult to discharge corresponding duties; it is much more difficult to know exactly what the civic duties are. I know that in many important centres of population very few people are prepared to recognise their duties and liabilities. If the municipality does not keep the roads clean and in good condition, they will clamour against the municipality; but when they have to pay the taxes or any other charges, they are the first to grumble against those charges. They do not consider that the municipality can work only if there is payment of taxes. That is not their fault; they are not taught yet what their duties are and what connection there is between an efficient knowledge in them of their duties and the efficient working of the municipality. As the honourable House is aware, I was dead against nomination the other day, I mean increasing the number of nominated seats from 14 to 18. I was very much in favour of the total abolition of the principle of nomination, particularly in Bombay. But the House was pleased to accept the other view. Now, at any rate, we have before us another principle, a principle that has naturally to be accepted in our progress towards the rule of democracy, in *swaraj*, in matters of local self-government at least. I hope none of us, whether leaders of labour or not, will let this opportunity slip by.

There is only one other point I want to place before the House. The purpose of this amendment is that every individual member of a family, provided he is an adult member, should know that he has a vote. The owner of the house, who happens to be a worker in a mill or *karkhana*, is oftentimes misled by the capitalist who is the boss in the mill into voting according to his own interests. If in a house there are four, five or ten members, adult brothers or cousins, they will surely go and control that vote. That is an advantage which certainly cannot otherwise be expected.

One more consideration is this. As a matter of fact, in Bombay, as far as my experience goes, there are very few tenements where the tenant has to pay less than Rs. 5. Even in the cheapest tenements, the Development chawls, the rates are not less than Rs. 5. Unless a

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man is a beggar and has to lie down in the streets at night without a house, he pays Rs. 5 or more. Now, Sir, if every one lives in the city, why should this franchise be limited only to an individual of the family? That is not desirable. If we are not going to begin this important reform in this Presidency, where shall we begin it? If not in Bombay, in what other city? Bombay is the first city in India. Our Presidency is not benighted, or orthodox or conservative. We have been claiming that we are a forward people,—and we are forward in some respects. Is it not fit that we should make this move in the way of reform? I am all serious when I say that we must try every nerve to see that adult suffrage is introduced in time.

Perhaps the amendment which I have moved, may not be in line with the other sections of the Act, but I have tried to see that it is. If it is not, the honourable member the Legal Remembrancer will help me. What I am concerned with to-day is to secure that this House should accept the principle of adult suffrage.

I do not want to take up any more of the valuable time of the House. I do urge, with all the strength that I can command, that this adult suffrage should be introduced in the first city of British India. Thus I would recommend to the honourable mover to accept my amendment.

I also move that the two provisos to section 11 should be taken out. The first is :

“ Provided that the value of any machinery, furniture or equipment contained in or situate upon any building shall not be included in estimating the rental value of such building.”

When I do not want to keep a rental qualification, the question of estimating the rental does not arise. The second proviso is :

“ Provided further that a person who occupies any building or part of a building other than a house in any military or police lines, by virtue of any office, service or employment, shall, if the building or part of a building is not inhabited by the person in whose service he is, be deemed to occupy the building or part of a building as a tenant.”

This proviso is not necessary when we are going to have adult suffrage.

I would again appeal to the honourable mover to accept my proposal for adult suffrage before I resume my seat. If he is not inclined to do it, I hope this House will consider it favourably.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, this is a test of the sincerity of our love for democracy. The honourable mover has been complimented for his love of democracy by the speaker who followed him. I remember attending a meeting held under the presidency of Dr. Ambedkar in the Servants of India Society where this question was mooted. It was supposed that I was one of those who were opposed to it, and Dr. Ambedkar himself expressed that he thought that I was present there to oppose it. They were agreeably surprised to see that I wholeheartedly supported it. I said then,—and my argument here will be the same,—“ Here is the solution for many of the problems, Brahmin and Non-Brahmin, Hindu and Moslem.” If we fix our minds on adult suffrage, the problem of how to arrange the

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electorate and how to control the elections is a minor one. I know that the effect of this amendment will be that you will have a large electorate of about six lakhs or more. It may be said, "How are you going to control such a big electorate?" My answer to that is the same as that suggested by my honourable friend Dr. Ambedkar. If we have adult suffrage, we can go in for electoral colleges of sufficient size. So that difficulty is not very great if we are really sincere. Government also need not be frightened about it; they need not sit on the fence and see how we fight among ourselves. In this case, we are trying very sincerely to advocate adult suffrage in the first city in India. I do not say, as my honourable friend from Poona City said, that the people of Bombay have come to know their rights on account of the civil disobedience movement. But I say that adult suffrage has got an educative value and it will solve many of our problems. It will solve the problem of the old and the new, of to-days and to-morrows. In these democratic institutions it is necessary that both the old and the new should intermingle, and wield the responsibility together. After all, the honourable mover of the amendment is not young, but these steps we take for those who will come after us. If this adult franchise is introduced, it can be tried before the new Reforms come into operation. We will get some experience of its working and we can build on some foundation of experience. The people will then be able to make up their minds. We need not get frightened of it. Then again, the question of capital and labour will be solved in a satisfactory manner. The communal wrangle will then disappear. All that will be done. I hope, therefore, that the House will rise to the occasion, take courage in both hands and vote wholeheartedly for the amendment.

One of my honourable friends here is asking how it is going to solve the communal problem. Well, I will say that he has not studied politics up to the point at which it ought to be studied. It will solve the communal problem in this sense, that there will be no minority communities unprovided for. The leaders of those communities, if they can command the confidence of the members of those communities, will be returned. If that will not solve the problem, what will? Are you going to have these communal wrangles for all time? This is one of the ways in which the communal problem will be solved. Therefore, I commend the amendment to the House for acceptance. I hope it will be carried *nem con*.

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Rao Saheb P. D. KULKARNI (Poona District): Sir, I rise to support the honourable member from Poona, Mr. Gokhale. I look at this question from a different point of view from that held by the mover of the Bill and the amendment. If one throws a glance at the electoral rolls of the municipalities, one will find that the number of male voters is always much more than the number of female voters. The reason for this is worthy of being taken into consideration. In joint Hindu families or in the families of some other communities, generally the case is that the male member is the manager of the family and naturally the female members and other adult male members are not entitled to have their

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own vote at all. If the owner of the house or the tenant on whose name the house stands happens to be a male, the females and other members of the family have no votes at the election. If adult franchise is accepted by this honourable House generously, then the number of female voters will increase to its proper scale and women will have greater chances of exercising their rights and of determining their choice on their own principle. That advantage will be secured for the fair sex in that case. This main factor has been altogether neglected. If this beginning will be made in the Municipal Corporation of the city of Bombay which is the premier city of the Presidency, the example will be followed by other city and district municipalities and taluka and district local boards—bodies of local self-government. With this view in my mind, I advocate the cause of the female franchise in India. I rise to support this liberal amendment so kindly brought before the House at this opportune moment. With the sacred object of giving justice to females, I have placed my honest views before this honourable House. The honourable members will be liberal enough to take this opportunity of advocating the just cause of the females by supporting this amendment. By this the females will be allowed to exercise their own rights in elections which rights are already given to females in all other civilised countries of the world.

With these words, I request the House to give their support to this proposal of Mr. Gokhale.

Mr. B. P. WADKE (Bombay City, South): Sir, first of all, I must congratulate my honourable friend Rao Bahadur Bole for the persistency which he has shown for the last so many years and the anxiety which he has been feeling for the welfare of the poor persons who are paying a rent of Rs. 5 in the city of Bombay. I am afraid, however, that in this Bill Rao Bahadur Bole has not taken into consideration the difficulties which will arise if it is passed and if it is to be given effect to in the present position. First of all, before bringing this Bill he should have arranged a sub-division of the wards, at least each ward divided into four. From my own experience I can say that it is impracticable and impossible to manage things if the number of voters is increased before sub-division of wards as stated by me are not made into smaller groups; and if thus more divisions of wards are made, I think the proposal will be a practicable one and will meet with the satisfaction of the whole city of Bombay. I also think that if this House gives its consent at this date, it will not be possible for the Government or the Bombay Municipal Corporation to give effect to the Bill at the time of the ensuing elections to the Municipality.

Mr. N. N. PATIL: It is not meant for the ensuing elections.

Mr. B. P. WADKE: Then, what is the use of this at this date? However, the Bill of my honourable friend Rao Bahadur Bole is most important and the House should give their assent to it provided the sub-division of wards is taken into consideration in the first place and

[Mr. B. P. Wadke]

it will not affect the ensuing election. With these words, I support the proposal of my honourable friend Rao Bahadur Bole.

As regards the amendment moved by the honourable member Mr. Gokhale, it is also not bad, but it will be rather complicating the matters. He should not try to kill two birds with one stone. He admits that adult franchise is coming shortly in the wake of the new reforms, and so I think he should wait till that time. Honourable members will, I hope, lend their full support to the Bill moved by my honourable friend Rao Bahadur Bole under the clear understanding that it is not going to affect the ensuing Bombay municipal elections.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I rise to support the Bill brought forward by my honourable friend Rao Bahadur Bole, and I also feel inclined to lend my support to the amendment of my honourable friend Mr. Gokhale. Of the two, the House has to make its choice. It is true that the honourable mover has come forward with a very modest demand. He has made it very clear that his last attempt was unsuccessful at the third reading and he also made it clear that it was because of the officials that his last Bill on the subject could not pass through the third reading.

Now my honourable friend Rao Bahadur Bole has come forward with a modest demand. We have also got my honourable friends Rao Bahadur Chitale and Mr. Gokhale who want to give him more than he wants. So it is really a very happy position for the honourable member Rao Bahadur Bole, but the question is whether he will be prepared to accept the honourable member Mr. Gokhale's amendment. I know there are sure to be put forward certain objections. It will be pointed out that under the existing Act the number of seats allotted to the Corporation is very small, and that if we were to agree to have adult franchise, the number will be found to be very small. The question, therefore, certainly arises whether the number should not be augmented in view of the fact that we are going to give the Corporation adult franchise. However, as a matter of principle, I do feel inclined to lend all my support to the amendment moved by my honourable friend Mr. Gokhale. It has been pointed out that adult franchise is a thing which goes to solve many thorny problems, particularly the wrangling over communalism will be less under adult franchise than under any other franchise. That is a view to which almost every sensible man has been committed, and I do think that there is a good deal of substance and force in that view. For this reason, I feel very much inclined to support the amendment brought forward by my honourable friend Mr. Gokhale.

In these days, when we have been advocating full-fledged democracy, it is but natural that the franchise should be widened. The honourable member Rao Bahadur Bole wants that only those who are paying Rs. 5 rent ought to get the right of exercising their vote and not others. It has been pointed out by other speakers also that there is a large number of the fair sex who have been unable on account of the joint Hindu

[Rao Bahadur S. N. Angadi]

family system to exercise the right of voting; and to be fair and just to that fair sex, it is very natural that we should not deny that right to nearly half the population of Bombay. That is also a very sound view, and there is no reason why we should not give that right of voting to the female sex also.

I do not know what is the Government view so far as the amendment of the honourable member Mr. Gokhale is concerned. As I pointed out, probably the Government will say that the present number of seats allotted to the Corporation is too small and so it would not be very advisable on the part of this House to give the Corporation adult franchise. Of course, the remedy lies in our own hands. It will not be very difficult to frame an amendment increasing the number of seats, and if we give adult franchise, it naturally follows that we must also increase the number of seats, and it may be done at any time provided we pass this amendment of the honourable member Mr. Gokhale. I really thought that there would be opposition to the Bill moved by the honourable member Rao Bahadur Bole, but it is a matter for really very great gratification that we are finding everyone almost a wholehogger, and I do think that my honourable friend Rao Bahadur Kale also is of the same opinion and that we will have full support from his party. With these words I should like to lend my fullest support to the amendment of the honourable member Mr. Gokhale.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I am very much surprised, and agreeably surprised, at the favourable reception which the Bill moved by my honourable friend Rao Bahadur Bole has received at the hands of this House. I never thought that it would be so, but I find that not only has the principle of the Bill been accepted by the House, but that the House has gone further and wants to give the right of vote to all adult persons of the city of Bombay. Some of my honourable friends have suggested that there should be adult franchise so that every man and woman above 21 years may have the right to vote. If the amendment proposed by my honourable friend Mr. Gokhale is passed, I will be the first man to congratulate him on his achievement, and nobody will be more pleased than myself. But I am afraid that just as the amendment of the honourable member Mr. Karbhari was moved to the amendment of the honourable member Rao Bahadur Patil yesterday in a spirit of ridicule, I ask whether Mr. Gokhale has not moved his amendment in a spirit of ridicule in order that the House may throw out the Bill moved by my honourable friend Rao Bahadur Bole—

Mr. L. R. GOKHALE: I want to make a protest against the honourable member's remarks. I am sorry he is unnecessarily misunderstanding me or creating an impression which is not desirable.

Rao Bahadur R. S. ASAVALE: I shall be the first man to congratulate the honourable mover of the amendment which it is desired should be carried not only by our party, but, by almost all people of the country and especially the masses and the depressed classes of the city of

[Rao Bahadur R. S. Asavale]

Bombay, and by the people of the whole country. This sort of amendment was brought in the Corporation also, but it was thrown out there and I have my doubts whether it will be accepted by the whole House here. If it is accepted, well and good; but if it fails, I hope my honourable friend the honourable mover of this amendment and his friends belonging to his party who recommend adult franchise will at least support the amendment that has been brought forward by my honourable friend Rao Bahadur Bole, which asks for only a small concession of Rs. 5 franchise. This is the time to test whether the amendment brought by the honourable member Mr. Gokhale will be supported or the one moved by Rao Bahadur Bole which is at present in the interests of the masses of the city of Bombay.

I see, Sir, that some of the honourable members have stated that the fair sex has no vote, but I may inform them that that is not so, that the fair sex in Bombay has the right to vote and it is exercised already by them. Many of the fair sex come to the poll and vote in favour of the candidate of their choice. Not only that, but they take part even in the election and stand as candidates and get elected in the city of Bombay.

Sir, I would only say one word that an attempt has been made in this House by members of the backward communities in this Council for the last seven or eight years for obtaining the five-rupee franchise, but that attempt has always been opposed by those who are now advocating the adult franchise. They know for certain that Government is not at this stage inclined to support such an amendment and they probably think that in this way the motion for the reduction of the franchise to five rupees may be defeated automatically. This must be the object of the honourable mover and his friends.

The Honourable the PRESIDENT: What must be the object?

Rao Bahadur R. S. ASAVALE: The object must be that the Bill of the honourable member Rao Bahadur Bole should not be passed but thrown out.

The Honourable the PRESIDENT: If that is a reference to the amendment moved by the honourable member Mr. Gokhale, I think the honourable member is ungenerous in his remarks, when the honourable member Mr. Gokhale has protested against it and said that he seriously means it.

Rao Bahadur R. S. ASAVALE: Therefore, Sir, I hope that those who have suggested that amendment for adult franchise will support it and earn the gratitude, not only of the whole House, but of the people of the city of Bombay.

Mr. SHAIKH ABDUL MAJID (Karachi District): Sir, I rise to support the amendment moved by my honourable friend Mr. Gokhale advocating the cause of adult franchise. I do agree with my honourable colleagues that the introduction of adult franchise will, to a certain extent, solve the labour problem as well as the communal problem. For a satisfactory solution of the communal and other problems confronting the people of India, the constituencies also will have to be readjusted on a population

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basis, so that the various interests and the various communities will get representation. I know that there is in my own community some prejudice against adult franchise at the present moment simply because they fear that the Muslim ladies will have to give up their veils for the sake of recording their votes; but I believe in the good sense of the Bombay Municipality and I am sure that the municipal authorities will arrange the system of recording votes in such a manner as not to compel the women voters to record their votes at the same booths with the men voters. Separate booths for males and females can be established for the purpose of recording votes.

Some honourable members have expressed their inclination towards accepting the amendment moved by the honourable member Mr. Gokhale, but with all that they are not prepared at this moment to accord full support to that amendment. When you begin to advocate democracy and the cause of the down-fallen and the depressed classes and other interests and communities which are not adequately represented, then I say adult franchise is the only method through which all those interests and all the different communities will have any chance of being safeguarded and represented. You cannot advocate democracy and at the same time reject a proposal of adult franchise. I therefore say that when you want full-fledged democracy, when Dr. Ambedkar is also advocating adult franchise in England at the present moment as one of the solutions of the communal problem, I see no reason why the honourable mover of the Bill should not accept the amendment that has been proposed by my honourable friend Mr. Gokhale. The introduction of adult franchise is inevitable and it cannot be postponed for a long time, and therefore it is better that a beginning should be made by the premier city of the Presidency.

Dr. M. K. DIXIT: I should like to know the Government view on this point, whether they are going to vote or to remain neutral.

Dr. J. A. COLLACO (Bombay City, South): Sir, this question of five-rupee franchise has been discussed over and over again in the Corporation and every time it has come to the conclusion that the five-rupee franchise is not practicable in Bombay city. We have only to consider what a pandemonium reigns in Bombay at election time and how very difficult it is to manage the election even on the present franchise, and the honourable member Rao Bahadur Bole's Bill will add vast numbers of voters to the existing electorate. I do not know what good his Bill will do. The next elections are due to come off in January and the preliminaries have already commenced. Therefore, this Bill even if passed into law will not operate at the time of the next elections to the Corporation. It may operate three years after that, but by that time the electorate, the franchise and everything will be changed by the Round Table Conference. After the new reforms, we can have a five-rupee or even one-rupee franchise if we want.

As for the honourable member Mr. Gokhale's amendment, it will enfranchise thousands of beggars and hundreds of vagrants who are now

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crowding the streets, and I do not know what we shall be able to do at election time if his amendment of adult franchise is passed.

I see one more difficulty, Sir, in the way of this Bill. I am afraid that a large number of Muslim and Hindu women who observe the *purdah* system will be debarred from exercising their right of vote.

For all these reasons I am going to vote both against the Bill as well as against the amendment.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I wholeheartedly support the amendment proposed by my honourable friend Mr. Gokhale. It is an improvement upon the proposal of the honourable mover (Rao Bahadur Bole). There is one anomaly, and one injustice which is inadvertently done if only the franchise of a five-rupee rental is to be accepted. According to the honourable mover's Bill only one man in the House is eligible for voting. But we are living in India, where the Indians live in a joint family. We are not living in civilised countries like Europe, where the family system is quite different from what it is in India.

Mr. L. R. GOKHALE: But we are not uncivilised.

Mr. M. M. KARBHARI: That is to say, the father and the sons and the whole family live together. If the proposal of my honourable friend Rao Bahadur Bole is accepted, viz. if a five-rupee rental franchise is given, that right can only be exercised by the man in whose name the tenement is engaged. In case that person has got sons who are perhaps more educated than him and who are better placed in life, you are taking away the right to vote from them, because the tenement is not engaged in their name. At the same time, I think the right to vote, as has been suggested by my honourable friend Rao Saheb Kulkarni, should also be exercised by the women members of the family, and therefore the amendment that has been brought forward by my honourable friend Mr. Gokhale does away with all these inconsistencies, and gives the right to vote to all the members of the family who are adult.

Dr. J. A. COLLACO: On a point of information, is it not a fact that any member of a joint Hindu family can be enrolled as a sub-tenant?

Mr. M. M. KARBHARI: Sub-tenants are quite different from joint family. However, considering all the circumstances, I think this House would be well advised in giving its full support to the amendment that has been moved by my honourable friend Mr. Gokhale rather than to the proposal of the honourable member Rao Bahadur Bole.

Major W. ELLIS JONES: Sir, on a point of information. As this Bill is going to make a very radical change in the franchise in the city of Bombay, would it not be better, before it is discussed further, to refer to the Corporation of Bombay for their opinion? It is being discussed here, but the very people of the city of Bombay, whom this radical change is going to affect, have not been consulted, and have had no warning that this radical change was to take place.

Dr. P. G. SOLANKI : Sir, I rise to support the amendment moved by my honourable friend Rao Bahadur Gokhale, and I do so with this object. Even though the five-rupee franchise, which my honourable friend Rao Bahadur Bole has suggested, is accepted, I am very diffident if the people belonging to the depressed classes will be able to come in as voters, because their economic condition is not so good as to enable them to pay a rent of even Rs. 5. So, to choose the lesser of the two evils, I would like to support the amendment of the honourable member Rao Bahadur Gokhale.

Mr. L. R. GOKHALE : I am sorry Government is not pleased yet to make me a Rao Bahadur, and I am not yet pleased to be one.

The Honourable the PRESIDENT : Both are unkind.

Dr. P. G. SOLANKI : It is but natural that I made that mistake, because I see so many Rao Bahadurs on those benches.

Sir, this is the test of the sincerity of the honourable members on the opposite benches who have been advocating democracy. The honourable member Mr. Gokhale has come forward and shown that he is really very sincere and honest, and so also has been the honourable member Rao Bahadur Chitale's attitude. I also make an appeal to the non-Brahmin members in this House that as they also are for democracy, nothing would be more democratic than the amendment moved by my honourable friend Mr. Gokhale.

Sir, it has been stated that the opinion of the Corporation is not taken on this subject. On the last occasion when the honourable member Rao Bahadur Bole moved a Bill of a similar nature, the Corporation had expressed their opinion, and that opinion is well known to many of the honourable members here. Nothing new will be added to their opinion, and I think it is in the fitness of things that we should decide this matter on the floor of this House.

Sir, I have nothing more to add, but to say that if the amendment moved by my honourable friend Mr. Gokhale is not carried, I hope that honourable members like the mover of this amendment, Rao Bahadur Chitale, Rao Bahadur Kale and others who are in the same batch would support the proposal of the honourable member Rao Bahadur Bole. With this request I resume my seat.

(After recess.)

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu) : Sir, I think my honourable friend Rao Bahadur Bole has brought forward his Bill to widen the franchise in the city of Bombay for the purposes of elections to the Corporation from a rental of Rs. 10 to a rental of Rs. 5 with a considerable amount of hesitation, because he has had the unfortunate experience of having his proposal thrown out in this Council on two previous occasions. It is, therefore, natural that the honourable member should consider that adult franchise would stand no chance in this Council. Personally, however, I prefer the amendment of my honourable friend Mr. Gokhale, because that is the best proposal. The point about the proposal of the honourable

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member Rao Bahadur Bole is that although it is passed, the number of voters, which is 1,25,000 at present, will not be increased, for this reason. When the ten-rupee franchise was granted, the rents in the city of Bombay and also in other cities of the Presidency were very high. But now, on account of the reduction in the rates of rent, the best men will not be returned to the Corporation even if the original Bill is passed. The best men will be only if the amendment of the honourable member Mr. Gokhale is passed. Sir, honourable members of this Council who are also members of the Corporation have agreed that there should be adult franchise, with the exception of my honourable friend Dr. Collaco, who has opposed it, but I do not think there is much substance in the arguments which he has put forward. The Corporation did not pass the resolution to reduce it to even Rs. 5. The reason for that is that the Corporation consists of Rao Sahebs, Khan Bahadurs, honorary magistrates and persons representing the capitalist class. They do not want that the poorer classes should be enfranchised. They want only those people to be enfranchised who will vote for people like themselves.

Sir, if there is adult franchise, every man and woman who is above 21 years of age will have the right to vote. It is stated that Mahomedan women will not come out to vote, but as my honourable friend Mr. Shaikh Abdul Majid has said, if proper arrangements are made for them, there will be no difficulty about it. I know that in Karachi they come and vote under *purdah*. It is no argument to say that all the women may not vote. We must do our duty by them. When the new Reforms are granted, women of 21 years of age will be entitled to become members of the Legislative Assembly and the Provincial Councils. Is it right that we should prevent them from voting in a municipal election? I am not in favour of the removal of *purdah*, but I cannot agree to the proposition that because there is *purdah*, therefore the women should not be enfranchised.

I think that the present members of the Bombay Municipal Corporation do not desire that they should approach all the voters. They say that even now they find it difficult to approach the existing 1,25,000 voters, and that it will be impossible for them to approach all the voters when there is adult franchise. In Bombay city there are 5 lakhs of people without vote. They do not know what kind of thing vote is. If these people were given the right to vote, the candidates who stand for election and want to get their votes will go to them in order to secure their votes. This will make those people realise that the men to whom they gave their votes should give them amenities which are required for them. These people will go to the Councillors and ask them to give them good surroundings, good drainage, good conservancy and so on; thereby they can get all sorts of civic amenities which they need very badly now and which they cannot secure, because they are voiceless.

In Karachi, the chawls wherein reside these poor people are owned by big sowcars and merchants. If adult franchise is given, we have to take precaution and strong steps to prevent these chawl owners from

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exercising their influence and unfairly securing the votes of these poor men.

Then the honourable member Dr. Collaco remarked that if adult franchise is given hundreds and thousands of beggars will come in to exercise franchise. I quite disagree with him. There are poor men working in factories, dockyards, mills and offices. They are in a particular avocation as a lawyer, a doctor, a washerman or merchant pursues his respective avocation. So, all professional members of this House should heartily support the amendment. If we put any obstacle in the way of these men to get into the councils of the country, we will never get swaraj.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): Sir, when some two days ago the Honourable Mr. Thomas characterised the mood of this honourable House as a passion for benevolent legislation, of course jocularly, little did he dream that he was not only not overdrawing the picture, but rather under-estimating the depth of the enthusiasm animating this House. The House seems to me to be in a temper of unexampled generosity. For example, the honourable member Rao Bahadur Bole the other day proposed the abolition of the system of co-option. When the honourable member further proposed to re-distribute the ten seats made available by this abolition of co-option in the Bombay municipality, he himself, I suppose, felt dubious as to the fate of his motion. He offered four seats to Government. There was an outcry from one quarter of the House against the extension of the principle of nomination. The Honourable Minister for Local Self-Government not only accepted those four seats, but he went one better and claimed all the 10. He said, "No, all these ten are mine," because nomination in his opinion was just the same thing as co-option; and he very generously accepted the offer of four and allowed the other six to be distributed in a different way. But at the same time he thought fit to add four more seats to the total number and the House permitted him to do so. That is an example of the generous mood in which the House is working. The result must have surprised not only the honourable member himself, but I suppose a good many other members of the House as well, because he had to withdraw his amendment—his first original motion as well as the amendment—because the amendment of the Honourable Minister was ultimately carried. Then another honourable member, Rao Bahadur Patil, proposed to reduce the fee which is allowed to the pleaders in taxed costs from 5 per cent. to 4 per cent. The House not only entertained the proposal but actually reduced the scale from 5 to 3 per cent. This is another example of charity. Now, the same Rao Bahadur, I mean the honourable member Mr. Bole, is coming forward with his proposal for lowering the franchise from a rental of Rs. 10 to that of Rs. 5. He feels naturally nervous as to the fate of his motion. But barely had ten minutes elapsed before he was offered congratulations on the very advanced proposal he had placed before the House. The honourable member Mr. Gokhale goes one better and proposes the total abolition of the voting qualification and

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offers what is called "adult franchise," and, what is more, the honourable mover is even sure of the success of his motion. That is the spirit in which we are all working. It is a good sign. If adult franchise is going to come, we have to give it to the people if they want it; and if it is sure to come, the sooner it comes the better.

Sir, if this House were a debating society and if we its members were to divest ourselves of our responsibility for the efficient administration of this vast territory which is called the Bombay Presidency, I am sure one and all of us would readily come forward to subscribe to all those beautiful phrases and expressions—I should use the present-day fashionable word "slogans"—which adorn the pages of books on politics, sociology, economics and so forth. May I with your permission refer to a few of these phrases? "The emancipation of women" is one such. Women are not only emancipated, but are even prepared to hold the sterner sex under subjection. So, it is hardly necessary to dilate upon that obsolete expression. At one time the favourite was "Liberty, equality, fraternity." Still another favourite slogan was "Government of the people, by the people, for the people." That is no doubt a fine expression. The choice of the Congress is as variable as the fashions of the fair sex. For some time past the Congress politics are moving with such bewildering rapidity that I have not been able to follow them. I have lost all touch with them. I know their slogan at one time was "Good government is no substitute for self-government." That was their old favourite. But their hot favourite at the present moment is "Long live revolution."

Mr. L. R. GOKHALE: Is that all in order, Sir?

The Honourable the PRESIDENT: Is the honourable member speaking on the amendment?

Mr. PESTANSHAH N. VAKIL: But, Sir, in the present day political pantheon no deity is offered so much adoration by his numerous votaries as the God of democracy. Shall we call him "Demos"? If there is any opposition, any difference of opinion, we have only to invoke the name of this great god—of course with becoming solemnity—and all is hushed into silence. Everything is nowadays done in the name of democracy. If a popular Minister appeals for the retention of a few nominated seats on local bodies in these peculiar times, up rise half a dozen stalwarts in their seats and upbraid him for his supposed political apostasy and for having preached political reaction. Similarly, Sir, if in these times of financial stringency Government refuse to shoulder the responsibility for feeding every adult pauper that walks the streets of our cities, towns and villages, my honourable friend Syed Munawar is excited to a great pitch of moral indignation and asks the Government, in the name of democracy, how dare they shirk the responsibility for keeping alive this army of able-bodied paupers? Another stalwart, this time from Sind, was only recently denouncing the members of the so-called nationalist party, again in the name of democracy, because they refused to acquiesce in the grounds on which he was advocating the transference of power to appoint headmasters from one officer of Government to another,

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conveniently forgetting that the fundamental tenet of the political creed he was professing to hold also interdicted a good many measures which he never tired of advocating on the floor of this House. Now, Sir,—

The Honourable the PRESIDENT: After all this summary.

Mr. PESTANSHAH N. VAKIL: [*Interruption.*] It is absolutely relevant. Sir, I shall now offer a few remarks on adult suffrage. The votaries of this God are numerous, I know, but what I did not know was that they are present in this House in such large numbers. These are the days in which there is a wide gulf between principle and practice. Practical difficulties are to be brushed aside and nobody should care for such difficulties. It is enough that these maxims are very beautiful to pronounce and to speak upon.

The Bombay Municipal Corporation, I am told, refused to countenance the measure for lowering the franchise from a rental of Rs. 10 to a rental of Rs. 5. That is what I am told. The honourable mover himself stated that on three several occasions he did not succeed in convincing the House of the utility of this measure. In spite of that, what the House is offering him, and what he may ultimately, succeed in obtaining, is adult suffrage and I shall perhaps be one of those who vote for it. Now, my only object is that in our enthusiasm for some of these political shibboleths, we ought not to lose sight of the numerous practical difficulties in the way. The honourable member Dr. Collaco very rightly pointed out some of those difficulties. The honourable member Mr. Baloch is supposed to be thoroughly acquainted with the conditions obtaining in Sind, but I am not aware of his claims to speak on those in Bombay. What Dr. Collaco actually said was that hundreds and thousands of beggars would be given the right of voting. He did not mean the workers in docks, factories and mills, as my honourable friend Mr. Baloch misunderstands him. When actual paupers who are, so to say, irresponsible and who have no stake in the city are called upon to exercise the right of voting—a right of which they do not understand the meaning—what is likely to happen? Thus, the honourable member Dr. Collaco merely pointed out how absurd some theories become when they are actually translated into practice. That is the state of things to which we may be reduced. Take for instance, “liberty, equality and fraternity.” What are the practical consequences? Has not liberty, I ask, often degenerated into licence? And as for equality and fraternity, the class-war in some countries of Europe, why, even in England, and communal feuds in India are an excellent commentary on the results which are expected to flow from the practical adoption of this part of the slogan, viz. equality and fraternity. Similarly, Sir, with democracy. What has democracy achieved in England? The Labour Government, than whom there was no government more democratic in the history of England, has brought England to the brink of economic bankruptcy. [*An Honourable Member: “No.”*] Now, it is a far cry from Bombay to Italy and Spain. But such of the members here who are the admirers of Mussolini know full well how that great personality bestrides the whole of Italy like a Colossus. And as to Spain, there are few unbiassed minds from which it is hidden that Spain

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was never better governed than when she was for six years under the rule of its great dictator—General Primo de Rivera.

The Honourable the PRESIDENT: I understand that the pith of the honourable member's argument is advocacy of being practical. That is his advice to the House. Will he start that himself? [Laughter.]

Mr. PESTANSHAH N. VAKIL: Sir, you have beautifully expressed the gist of my argument. I say that these political maxims are all very good. But let us not divorce principle from practice; let us, like practical statesmen, look facts straight in the face before rushing headlong into measures which are far in advance of the times.

I have cited these examples not in a spirit of reaction. These things are bound to come sooner or later, and when they do come we should accept them with good grace. My point is that only. [Honourable Members: "Hear, hear."]

One little thing. [Interruption.] I humbly submit that a good case should not be spoiled by bad arguments. My honourable friend Rao Bahadur Bole in his statement of objects and reasons has quoted certain figures, and he has been followed therein by several other honourable speakers. The actual words are—"In these days it is undesirable to allow 11,37,782 people to be governed by 1,19,619 people." Now, is it suggested that all the 11,37,000 are fit to govern themselves? What about the minors? The one lakh and nineteen thousand are all adults, but of 11,37,000 only half could be adults, and the other half cannot be said to be fit to take care of themselves. We may roughly divide that group of the population into three sections, those whose ages range from 1 to 6 years, those from 6 to 12 years, that is children of school-going age, and those from 12 to 20 years. As a member of the Municipal Corporation, the honourable member ought to know that for purposes of administration the number of children of school-going age is generally taken to be roughly 15 per cent. of the total population. Similarly, I take the number of children of from 1 to 6 years of age to be from 15 to 20 per cent. of the total population, and the rest, i.e. those between the ages of 12 and 20 years, say, at 15 per cent. Roughly, it gives us a total of from 45 to 50 per cent. of minors. Therefore, the one lakh and nineteen thousand do not really govern all the 11,37,000 against their will, because some of these latter are incapable of governing themselves and will have to be governed by somebody else, if not by these one lakh and nineteen thousand. [Interruption.] Yes; let the children govern you at home. What I mean to convey is that sometimes very funny arguments are advanced by doctrinaire politicians, those who are enamoured of copy-book maxims.

In conclusion, Sir, I should like to draw the attention of the House to another funny little thing. The House may or may not accept adult suffrage, but they should not forget that they have also accepted the principle of nomination. Only 24 hours ago, they allowed the Minister to claim and obtain four seats out of ten as a matter of right.

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But consistency, as I said on a previous occasion, is not a vice of which present day politicians are guilty. Everything seems to be fair within the four walls of this hall, and nomination can go very well hand in hand with absolute democracy.

Rao Bahadur D. R. PATIL: Mr. President, before the recess, you observed that the third reading of my Bill would be proceeded with after the recess. May I request the permission of the Chair to move the third reading of my Bill now?

The Honourable the PRESIDENT: The honourable member need not be afraid that his Bill will be lost sight of.

Rao Bahadur D. R. PATIL: It is lost sight of in this sense. The Chair observed that it would be taken up after the recess. I took it that it was to be immediately after the recess. So, I am entitled to remind the Chair. It will not take up much time.

The Honourable the PRESIDENT: The honourable member is perfectly right: I said that it would be taken after the recess. But now I say that it will be taken up later.

Sardar DAVAR T. K. MODI (Surat City): Sir, it has been a settled policy of this House not to pass any piece of legislation concerning the Bombay Municipality without consulting that body. The amendment which has been introduced by the honourable member from Poona recommends a radical change in the constitution of that body. And, therefore, Sir, if we pass the Bill as it has been sought to be amended, we would be setting aside a settled policy of this House. Besides, Sir, if we rush through such a measure we will probably repent at leisure. Universal suffrage, so far as I know, always follows universal education, and I do not suppose that the advocates of universal suffrage in this House will be so bold as to suggest that the people of Bombay have received universal education or that the majority of the people of Bombay are educated people. A very large number of the people of Bombay are mill hands and they are notoriously uneducated. I understand that 80 per cent. of the citizens of Bombay live in one-room tenements paying a rent of about Rs. 10 a month, and the present franchise would certainly include a very large number of mill hands and other people belonging to the labouring classes. I am opposed both to universal suffrage and also to the lowering of the franchise. I am opposed to the lowering of the franchise, because in lowering the franchise we will be having on the electoral roll people who would not know how to make use of their vote. It is dangerous to have them on the electoral roll, so far as I can see that.

Besides, Sir, the interests of minorities also will be jeopardized. Speaking for my own community, my community will suffer terribly. Their voting strength will proportionately be very much reduced. Without sufficient safeguards, I do not think, Sir, that we should give any support either to the Bill or to the amendment.

Mr. HOOSENALLY M. RAHMTOOLA (Bombay City): Sir, one honourable member congratulated the honourable mover for bringing this measure before the House. I already congratulated the honourable

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mover two years ago when he introduced a similar Bill in this House, and I congratulate him again to-day for his perseverance and persistency in getting a thing passed on which he is very keen. Try and try again, seems to be his motto.

Now, Sir, going through the statement of objects and reasons, the main argument used by the honourable mover is that out of a population of 11,37,000 only 1,19,000 are given the vote, whereas more than 10 lakhs go without the vote. He therefore proposes that the franchise should be lowered. We have been given some information on this matter, on a question asked by the honourable mover, and it appears from the information given by Government—I do not know how they have collected it—that 90,000 or 95,000 people are paying rent in Bombay between Rs. 5 and Rs. 10. That means that at the most a lakh more will get the vote if this Bill is passed, with the result that about 2 lakhs of people will govern the rest of the nine lakhs. Whether that is satisfactory to him—that two lakhs should govern the rest of the nine lakhs—I do not know. I expected that following the argument of his reasoning he would have come forward and accepted the welcome amendment moved by the honourable member Mr. Gokhale and accepted what would amount to adult suffrage. I have waited in vain so far, and I have found that he has kept quiet without giving any indication whether that proposal, which should be dear to his heart, is acceptable to him or not and what attitude he is going to take.

Now, Sir, this question has been discussed threadbare in this House several times, and the pros and cons of lowering the franchise have been debated at great length. I am sure that as long as the franchise of the Bombay Corporation is not brought down to the minimum, that is adult franchise, this House will have to consider over and over again proposals for reduction of the franchise. Even if it is reduced to Rs. 5 now, proposals are bound to come in the near future for reducing it to Rs. 3, Rs. 2 or Re. 1 and so on, until that limit of adult franchise is reached. From the point of view of saving the time of the House, probably the acceptance of the amendment of the honourable member Mr. Gokhale would be the best. [*Honourable Members*: "Hear, hear".] From that point of view alone. Now, Sir, I do not know what the intention of the honourable mover is, whether he wants this amended franchise to be applicable to the next election which is coming off in January, after two or three months, or whether he wants that it should apply only to the next following general election, that is, in 1935. If it is to apply to the elections of 1935, I would ask him where is the hurry about it; why introduce something which will come into force for practical purposes four years hence? Is he really doing it for the sake of getting credit for it, or, as some honourable member was saying, for getting votes? If his intention is that this amended franchise should come into force for the coming election in next January, then I ask the House not to pass this Bill. In accordance with the provisions of the existing Municipal Act the preliminary roll has already been published. [*Interruption.*] Please let me go on. The preliminary roll has already been published. The election must take place either in January or in February: that cannot

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be postponed by any executive order of Government. The last day for sending in applications for enrolment has expired only five or six minutes ago, and no new names can now be entered. Therefore, the final roll which will be prepared, will be on the present franchise of Rs. 10. Now, the roll will be on the ten-rupee franchise. If the Act says that it should be Rs. 5, I do not know how it will affect the legality of the next election. Therefore, I say that there will be chaos if the intention of the honourable mover is that this Rs. 5 franchise should be applicable to the coming election. If it is to come into force for the following election in 1935, I would point out that the question of franchise is before the Round Table Conference, the whole constitution is in the melting pot, the franchise has to be lowered and will be lowered—we do not know to what extent—the franchise for this House will be lowered and the franchise for the Municipal Corporation also will have to be lowered; we do not know to what extent it will go; it might have to go even lower than Rs. 5, and then the Act will have to be amended again even if the Bill of the honourable mover is passed. That is the only reason why the Bill of the honourable mover should not be rushed through at present. Several honourable members have spoken against adult franchise. You, Sir, have also advised honourable members to be practical. I would, therefore, request the House to take a practical view of the question and see whether it would be advisable to go immediately from a ten-rupee franchise to adult franchise, or whether it is the intention of some honourable members to try an experiment at the cost of the citizens of Bombay, so that if it succeeds, the credit goes to them and, if it fails, the Bombay citizens suffer. It does not matter at all to these honourable members—

An Honourable MEMBER : That is not so.

Mr. A. N. SURVE : What would be the consequence ?

Mr. HOOSENALLY M. RAHIMTOOLA : Consequence of what ?

The Honourable the PRESIDENT : The honourable member may proceed.

Mr. HOOSENALLY M. RAHIMTOOLA : Very well, Sir. I would, therefore, strongly and seriously advise the House not to accept the amendment of the honourable member Mr. Gokhale.

About two days ago, when I was not present in this House, I hear that the honourable mover of the Bill, when he moved a Bill to abolish co-option, made certain remarks about the co-option vote having been exercised by some members of the Corporation in a way not very creditable to them. If the allegation made is true—in fact such things never happened during the time of the old Corporation and under the old franchise—if the allegation is correct, then the only inference is that such things have become possible when the Corporation has been democratised. I ask the honourable mover of the Bill what will happen if the Corporation is to be further democratised. The House can very well imagine the state of affairs if adult franchise is introduced and

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draw their own picture of the consequences of lowering the franchise still lower—

Rao Bahadur R. S. ASVALE: The poor people will get money from the rich.

Mr. HOUSENALLY M. RAHIMTOOLA: You want to get rid of the rich, and you will be under the clutches of the rich, if that is your argument.

The honourable member Mr. Surve asked me a question yesterday. I will give him some figures. Under the old landlord's franchise, out of 36 elected members, there were 12 Mahomedans; but under the present franchise, out of 76 elected members, there are only 13 or 14 Muslims. I do not know what is going to happen when the franchise is lowered.

The Honourable the PRESIDENT: The Honourable Minister has the right to conclude the debate also. If, however, he wishes to make a statement before that and then have the last word also, he may do so; otherwise, I think the debate has come to a close.

Dr. M. K. DIXIT: We will be glad to hear the Government side.

The Honourable the PRESIDENT: All right. The Honourable the Minister.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I had no intention of speaking on the original Bill, but it is the amendment of my honourable friend Mr. Gokhale which has made it necessary for me to offer some remarks which would express my views in the matter.

In the first place, Sir, I will make it clear that I fully sympathise with the object underlying the amendment of my honourable friend Mr. Gokhale. I can assure him that nobody would be more pleased than myself to see the goal of adult franchise attained within a measurable distance of time. I suppose we are all agreed that gradual democratisation is desirable. Everything in human constitution, as in nature, must require time to grow and evolve, and I think that in order to give any new movement a chance to stay, it is absolutely necessary that we must be sure of its foundation.

I now want to ask the honourable mover of the amendment whether he can give any proof of his conviction that the people whom he wants to enfranchise, the people on whom he wants to thrust the right of voting, are the people who are really able to appreciate the value of the franchise which is intended to be given to them by the amendment to the Bill. I maintain that until the sense of responsibility of citizenship is sufficiently developed, it would be to the detriment of the city of Bombay generally and of the Municipal Corporation particularly to extend the franchise in the way the honourable mover of the amendment wants to do.

There is another point, Sir, which I should like to emphasize and which has already been referred to by some of the speakers who have preceded me, and that is, that the whole administration of the country is in the melting pot. We all know that within a very short time—after

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all, one, two or three years is certainly a very short time in the history of a nation—big reforms are coming. Is there, therefore, any special hurry about all these drastic legislations which are intended to be introduced at this most inopportune moment? The Round Table Conference is holding its sittings from day to day in England, and I expect it is really thinking that things in this country are absolutely quiet and peaceful because it is only in a peaceful atmosphere that these important deliberations can take place and discussions can be dispassionately made. Now, if we are going to accept the honourable member Mr. Gokhale's amendment, is there no possibility of things taking a very ugly turn, so far as the peace and order of this country are concerned? It is a very, very drastic change that the honourable member is bringing in.

Another point is, what good is the amendment going to do in case it is enacted into law to-day? He is an old corporator himself and he knows very well that it will take some time before the new rolls are prepared and published on the new basis. Then again, objections will have to be invited; then revised rolls will have to be published, the wards will have to be redistributed, and all this means a considerable amount of time and the Bombay Municipal elections take place in January next. I do not think that even if my honourable friend Mr. Gokhale's amendment passes to-day, it can be given effect to, so far as the ensuing elections are concerned.

Rao Bahadur R. R. KALE: If the honourable member Rao Bahadur Bole's Bill is passed, will it be given effect to?

Mr. L. R. GOKHALE: What is the difference there?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Assuming that they can be brought into operation—either the honourable member Rao Bahadur Bole's Bill or the honourable member Mr. Gokhale's amendment—before the next elections, then the result will be that according to the Act certain time must be allowed to elapse between the different stages. The result will be that the period of the Municipal Corporation will have to be extended. Neither the Municipal Corporation nor the Government have any power to extend the term of the Corporation without legislation, and suppose in November next, as it is rumoured, the Council does not take place, then what happens and who is going to carry on the administration of the city of Bombay? It is not a thing like a village which can be administered by a Deputy Collector. All these are practical difficulties.

Considerable stress was laid yesterday upon the fact that the wishes of the Municipal Corporation were not being consulted in the matter of the reservation of seats, and great capital was made out of that suggestion. Now, may I know whether it would be fair to the Municipal Corporation of Bombay to thrust upon it a measure which it has never dreamt of and which it has never had an opportunity of discussing?

An Honourable MEMBER: It was discussed by it.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: This proposition was not discussed. The proposition that was discussed was the honourable member Rao Bahadur Bole's Bill for widening the franchise and it was turned down by a very large majority. Are the Chambers of Commerce consulted? Have they got no interests at stake so far as adult franchise is concerned? May I know whether the important communities in Bombay have been consulted? They have all very great interests in this very important subject. I therefore appeal, with all the emphasis at my command, to the honourable mover of the amendment to kindly reconsider the position in the light of my remarks and to be good enough to withdraw the amendment.

The Honourable the PRESIDENT: I may remark here that sufficient attention has been paid to the question and many speakers have taken part in the discussion. Still, if the House wishes to carry on the debate, the House is the loser because the six days allotted to the House for the considerable amount of business that is before it, have to be properly used and, as it was remarked by the honourable member Mr. Hoosenally Rahimtoola, this subject has been discussed threadbare here, and yet I find that the volume of debate increases every time it is discussed. However, if the honourable members would limit their remarks to a brief statement, then one, or two or four who wish to speak may get a chance. The honourable member Dr. D'Souza.

Dr. J. ALBAN D'SOUZA (Bombay City, South): Sir, in due deference to your remarks, I shall try to be as brief as I possibly can. Though I am not in favour of the adult franchise, I rise to support the Bill moved by my honourable friend Rao Bahadur Bole on principle, and the reason why I say I support it on principle is that I personally feel that the five-rupee franchise would be a step forward in the political education of the citizens of this part of the country. For the present those paying a rent of Rs. 10 are enfranchised. We might take a step forward in the interests of the political education of the people of this country by lowering the franchise to a rental of Rs. 5. But, comes the question about the practicability of this Bill. In this respect, Sir, being a member of the Bombay Municipal Corporation myself, I feel I must put the case first and foremost of the Bombay Municipal Corporation. However much I may be in favour of the principle of the Bill, I cannot help placing before the House the views of the Corporation. What is at the back of the mind of the Corporation is the immense amount of trouble and expense which this Bill will entail if the ten-rupee rental franchise is lowered to a five-rupee rental franchise. They feel that in addition to negating the large expenditure already undertaken, it would be for the present an impracticable measure.

Regarding the educational standard of the poorer classes, I am in a position to say from my personal knowledge and my dealings with them as a medical man that what has been said about the education of the lower classes of the people in regard to politics is not exactly true. It is true that they are illiterate, that they cannot read and write. Speaking from personal experience, I have often been surprised to see a crowd of depressed class people listening eagerly to one with a paper

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in hand retailing to them the news of the political happenings of the times. So far as their knowledge of things political is concerned, I am perfectly certain that the lower class and the depressed class people cannot be debarred from being enfranchised on account of a lack of knowledge in matters political. As I said, even the sweeper in the street, a depressed class man, knows everything about the movements of Mr. Gandhi who is now in England, and if you ask him about it, you will see that he has got the news. He may not be able to read, but he has got it from somewhere, and he is able to give it to you, and, I am almost certain, give the details to you better than one who has hurriedly read about it in the newspapers.

There is an apprehension that if the franchise is widened, one class of voters will be enormously increased as against the minority class of voters who will be embarrassed thereby. Personal experience here also tells me that whatever be the size of the voting power of the majority, the minorities somehow or other arrange to maintain their balance against the majority. In the maintenance of this balance even religious differences are ignored.

Sir, I do not wish to keep the House longer, as I promised not to do so. My point is that we must in the first place consider the practical side of the Bill. We have heard from the Honourable Minister of the difficulties that would crop up in giving effect to this Bill. For the present I do not think it is possible or even practicable in any way to bring into being the machinery which is necessary to bring the Bill into action and to give effect to it for the purposes of the next election. So, with all my sympathy for the proposal of the honourable mover, I think we must not lose sight of its practical issue. I do hope the House, in considering this matter and in giving their vote on it will not lose sight of the practicability of the measure. I do grant that the principle of the Bill is an excellent one, but for the present it will have to be held in abeyance as an impracticable measure.

Mr. R. R. BAKHALE : Sir, I rise to support the amendment moved by my honourable friend Mr. Gokhale. Those of us who are taking some part in the Labour movement are wedded to the principle of adult franchise. The Labour organisations have passed resolution after resolution, year in and year out, demanding adult franchise in municipalities as well as in legislatures ; and therefore I think it is our duty to support very strongly Mr. Gokhale's amendment. I fully appreciate, rather, I fully understand, the opposition of Government in this respect, although I am very sorry that they are not in a position to support the amendment of my honourable friend Mr. Gokhale. They have gone at least to the length of showing their sympathy to the principle of adult franchise, and we welcome that expression of opinion from a responsible Minister of this Government. Perhaps the words uttered by the late Mr. Gokhale years ago are true even to-day in the case of Governments in this country, viz. " The words ' too late ' are always written in capital letters on the portals of the Government Secretariat." I wish that the

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Honourable Minister had mustered sufficient courage and supported the amendment, and carried his actual sympathies into practice.

I was also pained to find some of the honourable members on this side of the House coming forward in the year 1931 and opposing the principle of adult franchise, which has been supported in this country by most responsible political organisations and leaders. You do not want to give to the people either civic rights or other rights, and yet you want to tax them heavily! Look at the taxation proposals of the Government of India: the Customs duties have been increased, the Excise duties have been increased, other taxation has been increased; and who suffers? It is the poor more than the rich, and yet it is the very people who are taxed most who do not get political rights, although economically they are taxed most heavily. That is not a fair proposition. Is it not right now, in order to stop the discontent that is growing in this country, that we should give the people what is their due, both politically as well as economically? If you want to restrict the liberties of the people by not giving them political rights, I can understand that proposition if you do not also tax them. But you tax everybody, and you restrict your political rights and liberties only to certain strata of the society. I think it is wrong, and this is perhaps the reason why we see so much discontent which goes into several disastrous channels, resulting in things which we shudder to contemplate and for which we have no remedy. It is high time that the Government realised these dangers, and came forward boldly to recognise the ordinary rights of the people and grant them where they have not been granted before.

With regard to a great deal of what fell from the lips of my honourable friend, Mr. Vakil, I can only say that he indulged in several slogans in order to ridicule our amendment. But he himself used a slogan, viz. liberty degenerates into licence. I do recognise—

Mr. PESTANSHAH N. VAKIL: It is an old slogan.

Mr. R. R. BAKHALE: All these slogans are old; and yet he brings forward a slogan because it suits him to do so. But does it really suit him? There are countries in the world to-day which can be pointed out as countries in which liberty has degenerated into licence. But have those countries curtailed the political rights and increased the economic exploitation of the people? And is it not, Sir, also a fact that if liberty degenerates into licence, the withholding of the political rights and the economic exploitation of the poor people lead to revolutions and bloodshed and discontent? If one slogan is correct, the other, which may not be a slogan, is equally correct, and if he has no faith in slogans, he should have no faith in this slogan that liberty degenerates into licence. He also referred to the unexampled generosity of this Council. Where is the generosity? You have withheld the rights of the people so many years, and we come here now and demand those rights; and in granting those rights, are you conferring any generosity on us, or are you giving us the rights which are due to us? It is no use talking in such language in these days.

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Then my honourable friend Mr. Modi, who also opposed the amendment for adult franchise, referred to the convention that nothing should be done in this House without consulting the Corporation. I wish he had raised his voice yesterday, when the Honourable Minister increased the nominated strength by 4 by allowing that amendment to pass. Yesterday he did not do that, and to-day he comes forward and tells us that this is the convention we should observe! Certainly, we would like to observe that convention as far as possible, provided the other side also wants to observe the convention. If you fail, then we also are mortals and are likely to fail. Then again, he made a statement that no adult franchise had been given in other countries before primary education was made compulsory. Is that a fact? I should like him to give examples of the countries where adult franchise has been in existence and where it was not introduced before primary education was made compulsory. I will read to him only one small sentence from a document to which some of the most distinguished members of his community in Bombay are a party. This is as regards adult franchise :

“ The most advanced countries in the world did not achieve hundred per cent. literacy before genuine adult franchise was granted.”

I quote from the Nehru Report, and gentlemen like Sir Phiroze Sethna and Sir Cowasji Jehangir belonging to the honourable member's community are a party to it.

Then he says that people do not know how to use their votes. Well, there is some point in that. But I should like this point to be considered in all its aspects. When a man has got big property and is absolutely illiterate, he becomes a voter even for the Council of State. But if a man is poor, he is prevented from becoming a voter even for the Municipal Corporation. Does property put brains into the head of that individual? I do not believe it. If a vote is abused, it is abused everywhere. If the man has no brains, or if he is capable of being exploited, he will be exploited whether the man has property or no property. But when you accept a property qualification, you yourself create these abuses; and after creating these abuses, you come forward and tell us, when we come here to ask for the lowering of the franchise, that the vote is likely to be abused! It may be abused for some time, as it has been actually abused at the present moment. It is through a gradual process of education, by the granting of political rights that the people come to know what is what. The longer you withhold the rights of the people, the longer the people will be exploited and they will never come to appreciate the value of the vote. Once you give the vote, they may make mistakes, as we have been making mistakes, and after a time they will come to realise and appreciate the value of the vote itself. The honourable member further said that if the Bill or the amendment is passed, the Parsi community will be put to serious disadvantages. If this argument had come from a member belonging to the Parsi community of Bombay, I would have attached great importance to it. The honourable member does not know the Bombay conditions and yet he ventured to make a serious charge against Bombay. What is the

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position of the Parsi community to-day? It is a small minority and yet, almost everywhere, even in the Council of State or the Legislative Assembly, or this Council or the Municipal Corporation, it is everywhere over-represented and it is so over-represented with the willing votes of all the communities in Bombay. It deserves it. The generosity of that community is magnanimous, their charitable instincts are admirable and their sense of public duty is second to none. And other communities have not been slow to recognise these valuable qualities of the Parsi community. We have, therefore, always voted for the people who deserve our votes, irrespective of communal considerations. I shall be surprised if one single member of the Parsi community from Bombay will complain, if the franchise is lowered to Rs. 5 or even adult franchise is given. So long as the Parsi community will continue to maintain its excellent traditions, I have no doubt it will always have no fear from the city of Bombay, whatever its number may be. That is the actual experience and I acknowledge it with gratification.

I have tried in my humble way to reply to the arguments that have been advanced in opposition to the amendment and I hope this Council will realise its responsibilities and accord its support to the amendment of my honourable friend Mr. Gokhale. Unfortunately, if the amendment falls through, I hope my honourable friend Mr. Gokhale and his friends will come forward and support the original Bill of my honourable friend Rao Bahadur Bole. We do not want to lose both the amendment as well as the Bill. We are anxious that if we cannot get the bigger slice, at least we must get the smaller one. We do not want the *status quo*. It is in this spirit that I am supporting the amendment and, if it is carried, nobody will be more pleased than I.

Dr. M. D. GILDER (Bombay City, North): Sir, I am one of those who join in the chorus of congratulating the venerable Rao Bahadur nominated member for having brought in this Bill for the fourth time undaunted by his former defeats, and even that at the third reading on one occasion. I have to congratulate the two brothers sitting on opposite front benches who have always been known to take a practical view of things, and they have shown to the House that they have taken a practical view of this question. The Honourable Minister pointed out certain objections to the amendment of my honourable friend Mr. Gokhale. He said that the revised electoral rolls cannot be published before the time for the new elections, if the honourable member Mr. Gokhale's amendment is accepted. But he forgets that the same thing applies in the case of the honourable member Rao Bahadur Bole's Bill. He himself acknowledged it, but he said he would not have intervened had it not been for the amendment. But they are really practical difficulties in the way of enforcing either the Bill or the amendment.

Then, it was stated that the question of adult franchise has not been discussed by the Corporation. I speak open to correction, but I believe that the question has been discussed and referred to a committee. As regards the opinion of the Bombay Chamber of Commerce and others, I do not know whether the Chamber of Commerce and other important

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constituencies have been asked their opinion on Rao Bahadur Bole's Bill. At any rate we have not been told so.

The view I take of this matter is this. I agree with the Honourable Minister that at a time when things are being considered, when the franchise not only of the legislative bodies but also of local bodies all over the country will be considered and will be decided upon, we must not be in too much hurry to change the franchise of the Bombay Municipal Corporation, especially when we know what we are doing to-day cannot come into operation for another three or four years at least. At the same time, I may say that I am also a worshipper at the shrine of Demos, and I unhesitatingly believe in adult franchise. If an experiment is to be tried on adult franchise, there is no place in the whole Presidency better fitted for it than the city of Bombay. If adult franchise has got to be introduced and tried in this country—I am sure all popular bodies are clamouring for it—the best place for it is the city of Bombay. From that point of view, if an experiment is to be tried, I would support the honourable member Mr. Gokhale's amendment.

There is one thing, if this amendment is carried, that should be borne in mind. Bombay has got a lot of floating population and a residential qualification of some sort or other will have to be introduced. Otherwise, people will fleet in and fleet out, and outsiders will register their names in the electoral roll.

There is another thing about which I am very anxious and which ought to be prevented. It was remarked by one honourable member that the poor man will get the rich man's money. I am very much afraid about this and that fear was emphasised in a private talk with my honourable friend from Karachi Mr. Baloch. He told me that the landlords who own chawls wherein poor people reside might exercise their influence to get them in their favour. These are some of the practical difficulties.

For myself, as a member of the Parsi community, I am indebted to the honourable member Mr. Bakhale for the remarks he has made. I would also point out to the House that the Parsis as a community have not got any communal axe to grind. We have seen it in local politics and in the politics of the country. We have seen it in this very House. In the last House, for instance, the honourable member representing Bombay, Mr. Nariman, was seen attacking the Development Department with all his might when the Honourable Member in charge of that department was Sir Cowasji Jehangir, also a Parsi. In my public career, when I have been in the unfortunate position of criticising the Government, I have not hesitated to do so even if the Minister or Member in charge has been a Parsi.

So, I would recommend to the House either to make no change at all pending the results of the Round Table Conference and the changes in the franchise of all local bodies that are bound to follow, or, on the other hand, if honourable members wish to try an experiment in adult franchise, to take this opportunity to do so as this is the best time

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for it and Bombay is the best place for it. I would either accept the honourable member Mr. Gokhale's amendment or throw out the Bill altogether.

Dr. M. K. DIXIT (Surat District): Sir, I just want to say a word about the way in which a private Bill introduced in this House by a non-official member has got to be treated. He has got to be very cautious in his demand and not very ambitious. The honourable member Rao Bahadur Bole has brought in a Bill only to lower the franchise for the Bombay City Municipal Corporation from a rental of Rs. 10 to a rental of Rs. 5. On account of his past experience and on account of his age, he has been very cautious to demand that the qualification for franchise should be only reduced from Rs. 10 to Rs. 5. If he had not gone very cautiously he would have been liable to lose the support of some of the honourable members on this side of the House. He looks forward for help from all sides both from elected and nominated members and also from Government side. Knowing that he would not get the support of Government, if he had been over-ambitious and brought a Bill for adult franchise, he had brought this Bill for only lowering the rental franchise. Yesterday, Sir, he deprecated the system of co-optation on the ground that the elected members were not exercising their right of voting judiciously and prudently and proposed the abolition of that system altogether. To-day he has come forward for enlarging the franchise and accepting that even after the lowering of franchise the vote will be properly used. Though it looks a little inconsistent, it seems to me that his passion for democracy is so great that he would not care for this inconsistency. I hope he will be willing to accept the honourable member Mr. Gokhale's amendment for adult franchise which will support his own cause. Because now, what he wants is the widening of the franchise to the greatest extent possible. That is the only logical conclusion of his demand.

I just want to make one remark about what has fallen from the lips of the Honourable Minister. The Honourable Minister is in full sympathy with the object of the amendment moved by my honourable friend for Poona (Mr. Gokhale) viz. the adult franchise. If he had not seen some practical difficulties in the way he would have supported it. I do not accuse him of narrowness of mind or short-sightedness nor do I accuse him of over-cautiousness on his part. If adult franchise is introduced into this House and is being supported from all sides of the House I think he will take courage himself, champion it and take the credit of allowing universal adult franchise in his own department under the Bombay Government. He thinks that the time is inopportune. I am afraid I can't agree with him. There cannot be a more opportune time than this moment when he can take up and accept the proposal of this universal franchise and show to the Round Table Conference that the Bombay Government and Bombay Legislative Council have willingly given them lead in the matter. The Honourable Minister would

[Dr. M. K. Dixit]

have the credit of accepting the adult franchise and allowing universal franchise in a city like Bombay.

He pointed out certain difficulties regarding the publication of the preliminary lists and revised lists. These difficulties, if difficulties they be, are common both to the honourable member Mr. Gokhale's amendment and to the Bill of the honourable member Rao Bahadur Bole. But I am sure he is clever enough to find out a way. I remember that when the Cotton Contract Bill was passed in the year 1920 or so—I forget the exact year—there was some flaw in the bill passed by the House, and there was difficulty in carrying out the provisions of that Act, and they found out a way; they requested the Governor General to withhold his assent. If he feels that there will be chaos in case the Corporation was not elected next January or February, he can find some means to remove the difficulty. I am sure the honourable member the Remembrancer of Legal Affairs will be able to find some point here or there to help Government. If really Government want to help this side of the House, they can. I will not, Sir, waste any time of the House but will ask the House to support the amendment of the honourable member Mr. Gokhale.

The Honourable the PRESIDENT: How many more speakers wish to speak? Would they rise in their seats? [*Four members rose.*]

Mr. J. G. MORE: Sir, I move the closure.

The Honourable the PRESIDENT: There are four honourable members wishing to speak. If that is the pleasure of the House, I will adjourn the debate till to-morrow.

DISCUSSION ON PLEADERS ACT AMENDMENT BILL—*resumed.*

The Honourable the PRESIDENT: I will now take up the third reading of Bill No. XIV of 1931 and finish that.

Rao Bahadur D. R. PATIL (East Khandesh District): Sir, I move that Bill No. XIV of 1931 (A Bill further to amend Bombay Act XVII of 1920) be read a third time as amended and passed into law.

Third reading.

Question proposed.

Rao Bahadur D. R. PATIL: I beg to move a verbal amendment:

For clause 2, substitute the following:

Bom. XVII. "2. *Amendment of Schedule III to Bom. XVII of 1920.*—In rule 1 of Schedule III to the Bombay Pleaders Act, 1920, for paragraphs 1 and 2 of the scale of rates specified of 1920. therein, the following shall be substituted, namely:—

"If the amount or value of the subject-matter in dispute does not exceed Rs. 5,000, at 3 per cent."

I move this amendment, because the amendment moved by the honourable member Mr. More is not in proper form.

Question put, and agreed to.

Bill read a third time. Question, "That the Bill be read a third time," put, and agreed to.

The Honourable the PRESIDENT : The Bill is now read a third time and passed into law.

Mr. L. R. GOKHALE : We have still some more time, Sir.

The Honourable the PRESIDENT : I will either accept the closure or allow all the honourable members to go on with their speeches. [*Honourable Members* : "Closure."] I accept the closure.

Mr. L. R. GOKHALE : I do not want to say anything, Sir.

The Honourable the PRESIDENT : The honourable mover of the Bill had come over to ask me what the position was. If there is any difficulty in his mind, I might tell him what the position is. He has a right to speak on the amendment to his Bill and, in speaking on that, it is entirely open to him to accept or oppose it. If he accepts it and if it goes to a division or votes are called for, he can vote for or vote against it, as he likes. That will not affect the original Bill, which will be put after that. Does he wish to speak at all ?

Rao Bahadur S. K. BOLE : No, Sir.

The Honourable the PRESIDENT : Then, I will put the amendment of the honourable member from Poona, Mr. Gokhale. As the House knows after this voluminous debate, his amendment proposes to omit all those words which mention the qualification of tenancy and all that, and to introduce adult franchise.

Question put. The House divided : Ayes, 37 ; Noes, 35.

*Division No. 3.**

Ayes.

ACHREKAR, Mr. A. B.	NAVLE, Mr. N. E.
ANGADI, Rao Bahadur S. N.	PATEL, Mr. C. N.
ASAVALI, Rao Bahadur R. S.	PATIL, Rao Bahadur D. R.
BAKHALE, Mr. R. R.	PATIL, Mr. N. N.
BALOOCH, Mr. HAJI MIR MAHOMED	PATIL, Mr. V. N.
BOLE, Rao Bahadur S. K.	PATIL, Rao Saheb V. S.
CHITALE, Rao Bahadur G. K.	PRADHAN, Rao Bahadur G. V.
DESAI, Mr. H. R.	RESALDAR, Mr. A. K.
DIXIT, Dr. M. K.	SHANKARRAO JAYARAMRAO ZUNZARRAO,
GILDER, Dr. M. D.	Mr.
GOKHALE, Mr. L. R.	SHINDE, Mr. R. B.
KALBHOR, Mr. G. M.	SOLANKI, Dr. P. G.
KALE, Rao Bahadur R. R.	SURVE, Mr. A. N.
KARBHARI, Mr. M. M.	SURVE, Mr. V. A.
KULKARNI, Rao Saheb P. D.	SYED MUNAWAR, Mr.
MEHTA, Mr. M. H.	TOLANI, Mr. S. S.
MORE, Mr. J. G.	VAKIL, Mr. PESTANSHAR N.
NAIK, Rao Bahadur B. R.	VANDEKAR, Rao Saheb R. V.
NAMDEORAO BUDHAJIRAO, Mr.	WADKE, Mr. B. P.

Tellers for the Ayes : Rao Bahadur R. S. ASAVALI and Sardar BHASABHAI RAISINGHI (THAKOR OF KERWADA).

Noes.

BELL, Mr. R. D.	BRISTOW, Mr. C. H.
BOWERS, Mr. P. L.	BROWNE, Mr. D. R. H.
BRANDER, Mr. J. P.	CLAYTON, Mr. H. B.

**Note.*—The *Division List* for the "Noes" was corrected subsequently (*vide* Debates of 2nd October 1931) by the deletion of Mr. Petit's name and addition of the Honourable Moulvi Rafiuddin Ahmad's name.

Noes—contd.

COLLACO, Dr. J. A.	OWEN, Mr. A. C.
COLLINS, Mr. G. F. S.	PATEL, Khan Bahadur A. E.
DESAI, Rao Saheb B. G.	PETIT, Mr. J. B.*
D'SOUZA, Dr. J. Alban,	PRADHAN, the Honourable Sir GOVINDRAO
EWBANK, Mr. R. B.	RAHMTOOLA, Mr. HOOSENALLY M.
GARRETT, Mr. J. H.	SHAIKH YAKUB VAZIR MAHOMED, Khan
GHULAM HUSSAIN, the Honourable Sir	Bahadur
HUDSON, the Honourable Mr. W. F.	SMART, Mr. W. W.
JAM JAN MAHOMED KHAN, Khan Bahadur	SYED MIRAN MAHOMED SHAH.
JONES, Major W. ELLIS	THAKOR OF KERWADA, Sardar BHASAHEB
KADEI, Mr. J. S.	RAISINGJI.
KAMBLI, the Honourable Dewan Bahadur	THOMAS, the Honourable Mr. G. A.
S. T.	TURNER, Mr. C. W. A.
MACKLIN, Mr. A. S. R.	VAKIL, the Honourable Sirdar Sir RUSTOM
MEHREBAKSH, Mr. S.	JEHANGIB
MIRZA, SAHEBZADA M. A.	WILES, Mr. G.
MODI, Sardar DAVAR T. K.	

Tellers for the Noes : Mr. PESTANSHAH N. VAKIL and Rao Bahadur G. V. PRADHAN.

**Note*.—This name was deleted subsequently (*vide* Debates of 2nd October 1931) as it was found that Mr. Petit was not present on the 1st October.

The Honourable the PRESIDENT: Order, order. The House remembers that the motion for first reading is now before the House. The amendment which was moved at the first reading stage has been carried. The motion now is that the Bill as amended at the first reading stage be read a first time.

Bill read a first time. Question put, and agreed to.

The Honourable the PRESIDENT: The further stages of the Bill will be taken up to-morrow.

The House is now adjourned to 2 p.m., to-morrow, Friday, the 2nd October 1931.

Friday, the 2nd October 1931

The Council re-assembled at the Council Hall, Poona, on Friday, the 2nd October 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABERCROMBIE, Mr. J. R.
 ACHREKAR, Mr. A. B.
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. B.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GILDER, Dr. M. D.
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHHO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 Mirza, Sahebzada M. A.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINHEJI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar RUSTOM JEHANGIR

VANDEKAR, Rao Saheb R. V.

WADKE, Mr. B. P.

WILES, Mr. G.

QUESTIONS AND ANSWERS.

MAMLATDARS IN KARNATAK : APPOINTMENT OF MAHOMEDANS.

Mr. A. J. BANGI (Southern Division): (a) Will Government be pleased to state the number of posts of Mamlatdars of the selection grade in the Bijapur, Belgaum, Dharwar and Karwar districts ?

(b) How many of these have been conferred upon Muslims and how many on Non-Muslims, since their introduction ?

The Honourable Mr. W. F. HUDSON: (a) The Southern Division has a divisional cadre of Mamlatdars which contains 13 posts in the selection grade, of which 7 are held by Mamlatdars serving in the four districts mentioned in the question.

(b) One Muslim and 26 Non-Muslims have been appointed from time to time to the 13 selection grade posts since 1st April 1929.

POLICE OFFICERS : EXTRA APPOINTMENTS DUE TO POLITICAL SITUATION.

Dr. M. K. DIXIT (Surat City): Will Government be pleased to state—

(a) whether the special posts of Deputy Superintendent of Police and of such other police officers created during the last campaign of civil disobedience are still continued ;

(b) if so, the reasons for continuing them ;

(c) the pay of each post and the monthly expenditure on such posts ;

(d) the date from which they are proposed to be abolished ;

(e) what work the officers appointed to these posts have been doing after the conclusion of the Gandhi-Irwin pact ?

The Honourable Mr. G. A. THOMAS: (a) There is at present one Deputy Superintendent in Surat District and one Inspector in the Broach District.

(b) The appointments have been continued because the situation created by the civil disobedience campaign has not yet returned to the normal.

(c) The officers in question draw the ordinary pay of the posts.

(d) As soon as the necessity for the posts has disappeared.

(e) They are performing the duties usually performed by such officers.

Mr. PESTANSHAH N. VAKIL: Is it a fact that promotions have been accelerated in the case of certain Deputy Superintendents of Police, and, if so, are they permanent ?

The Honourable the PRESIDENT: How does that arise ?

Mr. PESTANSHAH N. VAKIL : Special necessity led them to create new posts ; similarly, certain officers have been promoted.

The Honourable Mr. G. A. THOMAS : I do not understand what the question is, Sir.

PUBLIC WORKS DEPARTMENT, SIND : AMALGAMATION WITH BARRAGE
CIRCLE.

Mr. S. S. TOLANI for Khan Bahadur M. A. KHUHRO (Larkana District) : (a) Will Government be pleased to state whether it is a fact that the Barrage and the Public Works Department are to be amalgamated from 1st October 1931 ?

(b) What proportion of the clerical staff at present employed in the Lloyd Barrage is proposed to be retained and brought on the permanent list ?

(c) What proportion of Engineering staff (Assistant Engineers, Overseers and Sub-Overseers) will be retained permanently ?

(d) Is it a fact that many European Executive Engineers have proceeded on leave for fear of not getting leave in the near future ?

(e) Is it a fact that the present Hindu Assistant Engineers, who are acting as Executive Engineers, have been called upon to report about the capability and efficiency of the Moslem Assistant Engineers, clerks and other employees under them, for selecting them for confirmation ?

(f) Will the previous record of such employees maintained during the days of European Engineers be taken into consideration while making selections for confirmation ?

(g) Are Government aware that most of the head clerks of the Barrage Engineers are non-Moslems ?

(h) Have Government fixed a proportion for the Moslem clerks and Assistant Engineers and other employees to be confirmed in the light of the Resolution issued to the effect that 50 per cent. of all clerical and other appointments should go to Mussalmans ?

(i) What steps have Government so far taken to ensure due proportion of Mussalmans being confirmed in the engineering as well as clerical branches ?

(j) What steps do Government propose to take hereafter to secure the proper percentage of Moslems in the future Public Works Department ?

The Honourable Sir GHULAM HUSSAIN : (a) No. General amalgamation will commence some time between 1st November and 31st December 1931.

(b) and (c) These questions have yet to be examined.

(d) No.

(e) Officers in charge of Divisions, irrespective of their race or creed, have been asked to report on their Divisional staffs.

(f) Yes.

(g) Yes.

(h) No. Every endeavour will be made to work up to the 50 per cent. proportion, efficiency and qualifications being duly considered. The 50 per cent. rule does not apply to special or technical appointments.

(i) Local officers have already been directed to give their personal attention to the question of the recruitment of Mahomedans and to see that the orders of Government issued in connection therewith are fully and carefully observed by them. Qualified and efficient Mahomedans have been appointed when available and will continue to be appointed if and when opportunity occurs.

(j) The same steps as at present.

CANALS IN KARACHI DISTRICT: SILTING.

Mr. SHAIKH ABDUL MAJID (Karachi District): (a) Are Government aware that the canals in the Karachi District, specially in Pinyari Sub-division, have not been cleared to the permanent pavement level since 1914?

(b) If the reply to (a) is in the affirmative, what are the reasons for not clearing them to the permanent pavement level?

(c) Are Government aware that as a result of this, the original beds of the canals have been silted?

(d) If so, what is the estimated amount of the losses suffered by the Zamindars of this tract on account of the above state of the canals and consequent insufficient supply of water in time?

The Honourable Sir GHULAM HUSSAIN: (a), (b) and (c) Clearance work on the canals is done in accordance with actual requirements and all the canals flow sufficiently early for cultivation. The pavement of a regulator does not necessarily represent the working bed level of a canal as in many cases pavements are constructed for technical reasons at a lower level than the required canal bed.

(d) Does not arise.

✓ AGRICULTURAL LAND, KARACHI DISTRICT: SURVEY.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether it is a fact that agricultural land in Karachi District was first surveyed in 1880-81;

(b) if so, whether it is a fact that the Engineering Department have since then made certain alterations in very many cases in the Zamindari Karias without informing the Revenue Authorities;

(c) if reply to (b) is in the affirmative, whether it is a fact that as a result of this a number of Zamindars have been fined by the Revenue Authorities for no fault of theirs;

(d) if reply to (c) is in the affirmative, whether Government intend to take any, and, if so, what steps in the matter?

The Honourable Mr. W. F. HUDSON: (a) Agricultural land in Karachi District was surveyed in the following years:

Kotri Taluka	1881-82
Manjhand Mahal	1882-83
Shahbunder Division	1880-81
Tatta Taluka	1887-88
Mirpur Sakro Taluka	1886-87
Ghorabari Taluka	1888-89

- (b) No such instances have been brought to notice.
 (c) and (d) Do not arise.

SUPERANNUATED EMPLOYEES AND PENSIONERS.

Mr. B. P. WADKE (Bombay City, South): Will Government be pleased to furnish the following information as far as Bombay City is concerned :

(1) How many officers in Government and semi-Government Departments have been allowed to continue in their offices after passing the age-limit of 55 years, and how many Government pensioners are allowed to work in public bodies like the Bombay Municipality, the Bombay Port Trust, with their names, departments, stating the dates of the appointment and their age on 1st April 1931 ?

(2) How long they are proposed to be continued in these appointments ?

The Honourable Sir GOVINDRAO PRADHAN: The honourable member is referred to the reply given by Government to a similar question by Mr. V. N. Jog at the July session of the Council and published at page 287 of Part IV of Volume XXXI of the Bombay Legislative Council Debates. Government cannot undertake to collect information in regard to local bodies.

CORRECTION OF A DIVISION LIST.

Mr. R. R. BAKHALE: Sir, will you kindly allow me to bring to your notice the fact that in the division list of yesterday when the amendment of the honourable member Mr. Gokhale was put to the vote, I find the name of the honourable member Mr. Petit among "Noes" ? Every one knows that the honourable member Mr. Petit was absent yesterday. Obviously, therefore, it must be a mistake. If his name is omitted, the division result would stand as 37 for and 34 against the amendment. I hope that you will issue necessary instructions to correct the list accordingly.

The Honourable the PRESIDENT: The tellers for the "Noes" were the honourable members Rao Bahadur Pradhan and the Thakor of Kerwada. Could the honourable member Rao Bahadur Pradhan explain how the mistake occurred ?

Rao Bahadur G. V. PRADHAN: I do not know Mr. Petit personally. Some one came into the division lobby and I must have marked him by mistake.

The Honourable the PRESIDENT: Was the honourable member himself marking the list ?

Rao Bahadur G. V. PRADHAN: Yes, Sir.

The Honourable the PRESIDENT: It is evidently a mistake, which ought to be corrected. The result would then stand as 37 for and 34 against the amendment. The proceedings should be corrected accordingly.

The Honourable Mr. W. F. HUDSON: May I suggest, Sir, that the mistake might be due to Mr. Petit's name being marked off instead of

[Mr. W. F. Hudson]

Rao Saheb Patil's name which stands above Mr. Petit's name in the voting list ?

The Honourable the PRESIDENT : Rao Saheb Patil's name has been marked off in the other list. The name below that of Mr. Petit is the Honourable Sir Govindrao Pradhan's. The list stands corrected. There should be a correction in the proceedings also.

DISCUSSION ON BILL No. XXIII OF 1931 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, No. III OF 1888)—resumed.

Rao Bahadur S. K. BOLE : Sir, with your permission, I beg to move that Bill No. XXIII of 1931 (a Bill further to amend the City of Bombay Municipal Act, No. III of 1888), as amended, be read a second time.

Second reading.

Question proposed.

The Honourable Sir GHULAM HUSSAIN ; Mr. President, I have full sympathy with the principle underlying this amended Bill. I am as ardent an advocate of democracy as any one else in this House. Mine are not mere professions ; when I was Minister of Local Self-Government, I put my professions into practice. I gave the local bodies the widest possible franchise. At present the franchise qualification for the Bombay Municipal Corporation is ten rupees rental value. From Rs. 10 we are now asked to go to adult suffrage. That is a radical change. One would not mind if we had circulated this amending Bill to the public, the people of Bombay, to the various interests and communities, and elicited their opinions. Then, nobody would have objected if the people concerned had supported that Bill. Leave aside the question of the Corporation. Should not the various interests and the various communities of the city of Bombay be given an opportunity of expressing their opinions ? We should not, without their consent, without knowing their objections, without knowing their opinions, thrust legislation of this kind down their throats against their wishes.

There are a good many practical difficulties which will surely arise if we rush this Bill through the Council: As the Bill stands, every adult will go to the poll and exercise his vote. There will be many lakhs of new voters in the city of Bombay. At the same time, if we look at the Act or the remaining portion of the Act which is not amended, what we find is that the number of seats will remain the same as it is. Now, my honourable friend Mr. Baloch from my part of the country is quite right in stating that if the people have the vote they can go to their representatives to get their grievances redressed ; but he will agree with me that when we have so many lakhs of electors in the city of Bombay and the seats remain the same as they are to-day, the constituencies will become unwieldy and the representative will not be in touch with his constituents or electors. If he were to occupy himself the whole day from morning to night, I do not think he would be able to be in touch with all his constituents. Therefore, my honourable friend will not be able to gain

[Sir Ghulam Hussain]

the important point that he made, namely, that he wants adult suffrage so that the members will be more useful and more accessible to the people. He will not gain that object at all, unless simultaneously there is provision to increase the number of seats so that the constituencies will become workable and the representatives will be in touch with their constituents. That is my first objection to this Bill.

Secondly, even our greatest publicists, for instance Mahatmaji, though he advocates adult suffrage, at the same time told the Round Table Conference, as far as I have been able to gather from the newspaper reports of his speech, that as the constituencies will be unwieldy, a system of electoral colleges will have to be adopted. Is there any provision in this amending Bill, Sir, for electoral colleges? Absolutely none.

Then there will be again another objection. I remember and you, Sir, also remember the occasion when we had here a resolution that women should be enfranchised and be made eligible for election to the Legislative Council. I was one of those sinners who supported that resolution in this Council, and there was a campaign of vilification against me from my own countrymen who have come from my part of the country. They said, "This Mahomedan Minister is interfering with our religion, he is interfering with our *pardah* system;" but, Sir, I am now glad that there is a great change of mentality at least on the part of two of them this time, who both say, as I said then, that the Mahomedan women can go to the polls if separate booths are reserved for women.

SYED MIRAN MAHOMED SHAH: Is the Honourable Leader of the House making a motion under Standing Order VIII for publishing this Bill, or is he opposing it?

The Honourable the **PRESIDENT:** He would have told the House if he had a motion to place before it. He is simply opposing the second reading of the Bill.

SYED MIRAN MAHOMED SHAH: Otherwise, I will make such a motion.

The Honourable the **PRESIDENT:** That time may come. Of course, it is open to any member to place any one of the motions under the Standing Order before the House.

The Honourable Sir **GHULAM HUSSAIN:** The same resolution came again a few years back in this House, and my esteemed friends who now occupy a very high position in this House, threatened to send a Moulvi or a Moulana to my electors to discredit me as not being a fit man because I was interfering with the Mahomedan religion. It is for the Mahomedan members to remember what the consequences will be when they have adult franchise, because it is for them to decide whether their women will go to the polls; and, if they do not do so, what will be the effect on their elections?

The third and most important point is, as I heard from the previous speakers, that the elections to the Bombay Corporation are coming in January, their electoral roll is ready, it has been revised, and every

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objection has been settled. Now, suppose we rush this legislation, what is going to happen? There will be a deadlock in the Bombay Municipal Corporation. As I read the Act, there is no provision enabling Government to extend their term. I think the Honourable Minister will correct me if I am wrong.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The Honourable the Leader is right.

The Honourable Sir GHULAM HUSSAIN: Are the honourable members, by passing this Bill into law, prepared to create a deadlock in the Bombay Municipal Corporation, and to have the administration of the Bombay Municipal Corporation carried on without the advice of the elected representatives of the people? They may say, "Have the elections on the old roll;" but there is no provision in the Bill for that at all. In this way, if we consider the various difficulties, the House will be well advised to throw out this Bill and to bring in a well-thought-out Bill, and then I do not think there will be any very great objection to it. But now if we hurry on, what will be the result, as even my honourable friend the mover of the amendment said that we ought to shut out the floating population from voting. Therefore, certain provisions ought to be made in that behalf. I warn the honourable members that if we rush this Bill, the consequences will be very serious. It will be unworkable and will create a deadlock in the Municipal Corporation. Moreover, it requires a very large number of amendments. Unless the whole Act is studied carefully and we have a well-thought-out Bill, I think we should not make any attempt to introduce adult suffrage in this haphazard manner. If the honourable members now legislate in haste, I am afraid they will repent at leisure.

Mr. J. S. KADRI (Northern Division): Sir, this Bill is one of a far-reaching character, not only as affecting the masses concerned but also the Municipal Corporation of Bombay and, therefore, a Bill of such importance and magnitude should certainly not be rushed through, without very careful consideration of its pros and cons. Though the principle underlying is welcome to the House and is appreciated by the elected members, the question is whether the amendment, if passed, will be workable and practicable. There are many difficulties and inconveniences which, as pointed out, will crop up in working this Bill, if it is passed in its present form. I think ways and means could be devised for removing all these difficulties by giving time to the electors themselves to ponder over the position which they will occupy under adult franchise.

The first point of importance is that the electorate should be properly educated and made fit to appreciate the benefits and advantages that will accrue from the Bill, if it were passed. I therefore suggest that unless opinions are elicited from various associations and representative bodies of Bombay, as well as from the Municipal Corporation itself, it is not advisable that the Bill should be thrust upon the people all of a sudden. It is quite necessary that proper consideration should be

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given to the various phases and aspects of the Bill. When all the representative bodies and other interests concerned have been duly consulted, the Bill should be redrafted, so as to make provision for various necessary safeguards and remedies for the proper working of the Bill. While supporting the principle of democratising the constitution of the Corporation, I beg to suggest to the House that this Bill should be referred to a select committee, and after it has been thoroughly sifted by the committee in the light of the collective opinion of all interests concerned, it would be opportune for this House to handle the Bill and put it in proper shape. With these words, I suggest to the honourable mover of the Bill that he should accept the amendment to allow the Bill to go to a select committee for further consideration and improvement.

Mr. B. S. KAMAT: Sir, with all my love for the civic and political advancement of the people, I feel bound to point out that many of my honourable friends on this side of the House seem to be proceeding on this Bill rather in a hasty manner. I looked up the point whether even in a democratic country like England there was such a thing as full adult suffrage in the matter of representation in the London County Council or in the Borough Councils, and I find that even there, there is no such thing as full adult suffrage. A voter has to be a tenant. Then again, there is one more point, namely, the question of residential qualification, which has been referred to by one of the honourable members yesterday. The rules about the electorate in respect of the local council in London say that the man who can vote must have six months' residential qualification in the area where he desires to vote. Thirdly, there is no absolute equality between the man voter and the woman voter so far as age is concerned. For the women voters there is a definite restriction that she must be not 21, but 30 years of age before she can vote. With reference to the main qualification, that is, about property, a voter must have, either in the London area or outside, the qualification of being a tenant even of a single room in a lodging. The principles, therefore, are, firstly, that the person who wants to vote must have some sort of stake; and, secondly, he must have a residential qualification; and, thirdly, there is no absolute equality between the men voters and the women voters. Women are put in a separate category, and they are required to be at least 30 years of age before they can vote.

All these two or three points seem to me to be of great importance from the practical point of view, and if the Bill is rushed through, according to the opinion of some honourable members to-day, we shall not have time to go into all these important details and to provide for them. On these considerations, I think it would be well for some of my honourable friends on this side to consider whether it would be desirable to rush this Bill through to-day.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Mr. President, I am glad there is a flutter on the Government benches, and I am not surprised at it. The Government benches do not want to take us into their confidence. I am not quite sure that the difficulties, which are now pointed out in respect of this radical amendment which has been carried,

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did not exist with respect to the Bill that was moved. If I am right in my reading of the book in my hand, the Bill of the honourable member Rao Bahadur Bole as originally introduced had the same difficulties. The Honourable the Leader of the House nods his head and says, "No". Now, it has been pointed out that the electoral roll has been prepared on the basis of a ten-rupee rent franchise; and if the Bill of my honourable friend Rao Bahadur Bole had been passed, as to which the Government have no objection,—at least they appear to have none, as the Honourable Minister had no intention to speak on that part of the Bill or even to oppose it,—may I point out that the same difficulty would arise, and the Act, even though amended, would have stood as a dead letter as far as the elections which are to be held in the month of January are concerned? The only effect of carrying out this amendment would be that, though the Act is amended, for certain reasons it cannot be put into force, and therefore the elections under the Act, as it is, will have to be held on the electoral roll which has already been prepared. If so, the difficulties pointed out by the Honourable the Leader of the House or by my honourable friend Mr. Kadri would not, to my knowledge, be very material. The Honourable the Leader of the House pointed out several difficulties, which would not hold for a moment if he has a real heart and the sincerity of purpose in giving adult franchise. He pointed out, as my honourable friend on my left also pointed out, certain practical difficulties, and he said that no election can be held without proper provision being made to provide for those difficulties. The objection of the Honourable the Leader of the House that there are only 98 members to be elected, while there will be an unwieldy electorate, also cannot stand, as I find that in the Act itself the Corporation and the Government possess the power of dividing up the wards into as many as they like. These 98 elected members can be divided, if necessary, into very convenient wards, and the Act provides that the boundaries and everything else can be adjusted. If that is so, if it is found that there are about 6 lakhs of voters, we can have about 60 wards having a manageable constituency of about 15,000 to 20,000 voters, or whatever other number it may be. It appears to me, therefore, that this objection of unwieldy wards will not hold good. It is practicable to have electorates of particular wards within manageable limit. The other objection was that there would be a floating population and there must be some residential qualification, and so on. That also will not hold good, because when an electoral roll is prepared, the process requires that whoever wants to be a voter, will have to put his name in the register and this has to be watched by the proper authorities. We are anxious to enunciate the principle of adult suffrage as far as the first city in our Presidency or in the whole of India is concerned. His objections to the other cities, that in Karachi there are *purdah* ladies and so on, will not hold good. It is not the Karachi Municipal Act that is being amended, but it is the City of Bombay Municipal Act. I do not think, therefore, that the Leader of the House need have referred to the conditions in Karachi and other places.

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Really the point at issue is this, that now that the first principle has been accepted by this House, we think that that principle should hold good. Speaking frankly, I find that the other side wants to mobilise all their forces to defeat the Bill and there is no doubt that this is the only way in which they can strangle this Bill by a dilatory motion of this kind, though they try to keep up all appearances. Now, the only practical consideration that appeals to me is this. If we are at one and the Leader of the House is also at one with the ideal of the resolution, or the ideal of the amendment, that we have passed, and if it is true, as it appears to be true, that it is not going to be enforced up till the next election which will be held in 1935 or 1937, there need be no flutter. There is plenty of time to make the necessary arrangements and, if necessary, to bring in another measure which will fit in with the consequential changes in order to put into force this particular desire which is pronouncedly expressed by this House. I shall not be surprised, if later on we have to face other such dilatory motions. I was myself surprised that the Honourable the Leader of the House had not chosen to make a motion under the Standing Orders to circulate the Bill for public opinion. Though it is not done now, I presume that that will be a second string to the bow. Somebody will move it for him. There are two things. If this can be killed, so much the better. If it cannot be killed, the third string is to move a dilatory motion to refer it to the select committee. Yesterday, while I was talking to my friends, I said that it is very likely that our victory is short-lived. We are not afraid of that: If the other side accepts the principle, it does not matter if it does not come into force now, and, if they say that they will introduce a Bill of their own, we are quite willing to accept it and come to their aid. In fact it is their duty to do so. Let them bring their own Bill after all possible considerations and after taking public opinion into account. Let them give us an assurance that they will bring in such a Bill, after mature thought. That Bill will not be operative for the next three years. If they do not want to do it, and if they are anxious to kill this Bill, then I must oppose the other side. If the ideal is good, adopt it, with such alterations as may be desirable from every point of view. We do not object to that. I assure the popular Minister that, if he gives an assurance in that behalf, that will satisfy us. Otherwise, we will take our fate in our hands and vote upon it. I think it is not a graceful thing to do. Government benches have kept silence and have not taken us into confidence, and it is against that attitude we are rebelling.

The Honourable MOULVI RAFI UDDIN AHMAD : Mr. President, it is necessary for me to address a few words to the House. The House is well aware that on all occasions whenever any member of the backward community brought in any resolution for any facilities to be given to them or for any assertion of the rights of the class, I have not been found wanting in my support to his motion. When my honourable friend Rao Bahadur Bole spoke to me about his Bill, I expressed myself in favour of its principle. I find him to-day mixing with strange bed-fellows. All those who have consistently opposed him are in wedlock with him to-day.

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I am sure this wedlock will not last long. Divorce would soon follow. I stand before them as an old lover. I hope I shall not be rejected.

The honourable member Mr. Kamat has sprung a surprise upon us. Yesterday, he did not open his mouth at all. He knew the weakness of the amendment. I am afraid he did not vote at all. At any rate, he is consistent in his policy. We are challenged by some members that we are not in favour of democracy. Who throws this challenge? The class that has had the monopoly for years and years. [*Honourable Members*: "No, no. We protest against it."] These were opposed to the demands of the Backward Classes for widening the franchise, the distribution of patronage, the award of domestic rights, the use of free water. [*Honourable Members*: "Hear, hear."] Now, Sir, all these demands go together; they do not stand piecemeal. We, the Moslems, have been siding with the other backward classes, because ours is the same cause. What is the matter now? The franchise—

Mr. M. M. KARBHARI: Sir, are we allowed to be unprotected?

The Honourable the PRESIDENT: How are the honourable members unprotected?

Mr. M. M. KARBHARI: Certain remarks have been made—

The Honourable MOULVI RAFIUDDIN AHMAD: I hope I will not be interrupted. The question of adult franchise is altogether a different question, a very broad and a very widespread question. It is before the country. To solve that question to-day I am not prepared. My honourable friend the Leader of the House has said that even about the franchise for women there are not only individual but communal differences. In a matter like this, introduction of the franchise on a new principle, in the city of Bombay, that the various communities in it and that the principal interests should not be consulted, and instead their fate should be decided by a chance majority obtained by tactics is most unfair. I say, Sir, those who are consistent in principle should give to us the same right which they demand for themselves, fair play. Has there been a full House? Have we had time to call our supporters to vote? My honourable friend Mr. Hoosenally Rahimtoola was quite right when he said that the representatives from Bombay were not consulted. The members from the mofussil think that they know more about what is good for the Bombay people than the representatives of the people of Bombay in this Council. Is this fair; is this right? Mr. Hoosenally Rahimtoola also told us yesterday that if this adult franchise be carried, the Mahomedans will lose half their seats. Moslems are fighting for every single seat. They are not prepared to give away any seat. Are the honourable members on the other side so deaf to the Mahomedan cause that they would refuse to bear them? If a notice had been given of this motion of my honourable friend Mr. Gokhale a week ago, we should have been prepared to oppose it. Well, I never thought that honourable members would lose their sense of proportion and also sense of responsibility, and vote whole hog for the motion which cuts the very ground from under the feet of many communities. I say, therefore, Sir, that this motion for the second

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reading of the Bill should be defeated, because it is not fair, it is not a well thought-out motion, and it is not the real and deliberate will of a full House. [*Interruption.*]

Secondly, there will be ample opportunity for us to consider whether adult franchise is good or not. Give us time to consider that. It was mentioned here that at the Round Table Conference this question was being discussed. I do not know what may happen. In a city like Bombay, where all communities have been living together peacefully, they are introducing an apple of discord. The good sense of the citizens of Bombay was responsible for its peace. Here all communities are, by common consent, electing the president by turns from each community. This Bill will unsettle the peace of the City. It is not wise; it is not even advantageous to the other party in the long run. I am not speaking as a member of Government, but I am speaking now as an elected representative of the Mahomedan community, and I must be heard. If I had been on that side, certainly I would have used my influence to get all Mahomedan members to vote against the motion. [*An Honourable Member*: "In support."] But as a member of Government, I am prevented from doing so. But the time has now come when I would ask my honourable friends, members of the backward classes, whether it is right that the Moslems who have been siding with them all along should be left in the lurch now. I would appeal to my honourable friends belonging to the backward classes, to give fair treatment to the Mahomedan community, whose alliance will yet be of very great use to them for a long time.

Sir, this is a very novel motion. I can easily understand the members on the opposite benches chuckling over their victory. But it will be a short-lived victory; it will not last long, because it has no stable element in it. I therefore think that the House would be well advised to reject the second reading of this Bill.

Sardar BHASHEB RAISINGHI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars): Sir, I would just like to bring to the notice of the House one thing in connection with the second reading of the Bill. We cannot be a party to this legislation by allowing the second reading of this Bill, because the chosen representatives of Bombay City have not shown a favourable inclination towards its adoption. Are the representatives from Bombay City not better entitled to have a say in this matter than some of our friends from the mofussil who know very little about the Bombay Corporation? Secondly, Sir, we all admit the principle of adult franchise; but I do not think that the Bill as it stands to-day has any provision for necessary safeguards, such as electoral colleges, which will secure the interests of minorities. Sir, the greatest advocates of adult franchise are the Congress and Mahatma Gandhi. If I have read it correctly, even they prescribe a certain amount of payment, four annas, or eight annas, as a qualification, for being enrolled as a member and voter for the Congress. And unless that amount is paid, that person will not be registered as a voter. What we are going to do would enable anybody to come and secure a vote without any qualification whether

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he is a resident or not. I do agree that this Bill is very incomplete; I do not agree with my honourable friend Mr. Kadri's suggestion that it should be referred to select committee. If once we refer it to the select committee, it means that we accept the principle. [Interruption.] We have every right to throw it out at the second and third readings. By allowing a Bill to go through a certain stage we are not divested of our power to reject the Bill. The best course would be for the honourable the mover to withdraw this Bill. This House is quite prepared to consider matters relating to the safeguarding of minorities and so on, if this Bill is redrafted and introduced again. In this case, I think the House would not be justified in passing the Bill without giving the Municipal Corporation an opportunity of expressing its opinion on it. If the honourable the mover is not disposed to withdraw the Bill, then this House would be well advised to throw it out.

Dr. J. A. COLLACO (Bombay City, South): Sir, I rise to oppose the second reading of this Bill. Sir, every one, even the Government, is in favour of enlarging the franchise. But that does not mean that we should rush headlong towards adult franchise. We must see that the electorate is properly educated and qualified before we give them adult franchise. Sir, we cannot climb to the highest rung of the political ladder unless we climb the lower rung. If you try to do that, there will be disaster.

I am sorry that Government yesterday adopted a sort of benevolent neutrality towards the honourable member Rao Bahadur Bole's Bill. I do not think that all honourable members have realised the result of passing this amended Bill. We will get in the Corporation people who have no stake at all in the city, people who catch the imagination of the ignorant crowd. We are not new to such cries like "Down with landlords", "Down with millowners." They will enact legislation and impose such taxation that will send the city to ruin. As it is, people are leaving the city because they cannot bear the heavy taxation. [An Honourable Member: "They cannot avoid that."]

The Government is vitally concerned in the welfare of the Corporation. The Municipality is indebted to the Government to the tune of several lakhs of rupees, and all its loans are guaranteed by Government. If you put members of the type that you will get under this Bill on the Corporation, the city will go to ruin.

I mentioned yesterday that this Bill is impracticable. Without repeating my reasons, I oppose the second reading.

Mr. R. R. BAKHALE: Sir, I wish that the Honourable the Minister for Education was more generous towards this side of the House. He could have taken part in the discussion without introducing unnecessary complications. There are many other opportunities of indulging in communal quarrels if one wants to do it, but so far as this question is concerned, I am most anxious that the debate should take place on a higher plane of reason and understanding, and without introducing any complications which are very undesirable at the present moment. I quite appreciate what the Honourable the Leader of the House said

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this afternoon. I know his views on adult franchise, and I know his difficulties also. And I appreciate them. He put forward a number of difficulties for us to consider. We are going to consider all the difficulties that stand in the way of introducing adult franchise in the Corporation of Bombay. We are not merely theoretical; we are practical. If we had not been practical, we would not have come into this Council. So far as I am concerned, I would not have come into this Council by nomination.

The amendment of my honourable friend Mr. Gokhale, was, I admit, sprung upon us by way of surprise. Every one of us knows that. But the House stands committed to the principle of adult franchise. It is the greatest victory for the principle for which some of us have stood, a vindication of a very great principle indeed. I do not consider that it is a success for those who advocate it and a defeat for those who oppose it. I cannot take it in that spirit. Let us not be elated at the victory or depressed at the defeat. I consider it a victory for the principle, a very important, a fundamental principle for which some of us have stood all these years. If we look at this question from this point of view, I think there will be general agreement amongst us, to whichever party we belong on this matter. If there are difficulties, let them be considered dispassionately, and if you want time for consideration, by all means take it. But do not put before us difficulties without making any concrete proposal. Is it your idea to defeat the Bill at its second reading by merely putting forth all these difficulties? Only yesterday we accepted the principle of the Bill. Shall we not stultify ourselves if we kill the Bill to-day when only yesterday we accepted the principle of adult franchise? Let there be no talk of success or defeat. Let there be no talk of elation or depression in any corner of this House. There are difficulties; we shall face them. If Government want time, we are prepared to give it to any reasonable extent. But let them come forward with their proposals. We are here to examine them on their merits. What further can we do under the circumstances?

The Honourable the Leader of the House referred to the unwieldiness of the constituencies. I quite realise the difficulty. But certainly the constituencies will not be larger than the constituencies that exist to-day for the Assembly and the Council of State. Those constituencies, in certain places, particularly in the United Provinces, are much bigger than the constituencies that you can possibly have in Bombay.

The Honourable the Leader of the House referred to the increase in the number of seats. If Government think that, as a result of the acceptance of adult franchise, an increase in the number of seats is necessary, let them come forward with a Bill and we shall support it; and if they want some time to prepare the Bill, let them take it. But let them not put forth only the difficulties and keep back from us their own proposals. Let them make a concrete suggestion to this House, and we shall consider it on its merits and even sympathetically. But it is no use putting forth difficulties only before us. Is there anything in this world which has no difficulty about it? When there are difficulties,

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they have got to be solved. There are no less than 7 members on the Government front bench. Let one of them come forward with a proposal and we shall be the first to consider it on its merits. If they do that, the whole debate will have been conducted on a very reasonable and fair basis, and we shall reach an agreement which will be satisfactory to all of us.

Mr. A. N. SURVE (Bombay City, North) : Sir, I was greatly surprised, and not a little amused, to see the Honourable the Leader of the House opposing the second reading of this Bill. My surprise and amusement were the greater because I have seen the manner in which he has discharged his duties as Minister of Local Self-Government and has given a very large measure of franchise to the Bombay Municipality. When he opposes, therefore, the grant of adult franchise, I really cannot understand what has come in his way, whether it is his own individual opinion or the obligation of his office. I think it is the latter and not the former.

Now, Sir, coming to the question of adult franchise, I think it does not require any special persuasion to convince this House of its good results. In the Western countries, what has democracy achieved? Democracy has swept away monarchies and oligarchies. It has secured for all citizens equal rights. In the discussion we have had for the past two or three days, we have heard that the constitution of the Corporation of Bombay is not ideal. It contains many vested interests which do not permit the masses to have any, let alone equal, share. May I, Sir, just give only two or three concrete instances showing how the Municipality has failed in its duty in Bombay? I ask every member of the Municipal Corporation who is present in this House to contradict me when I say that in the northern part of the city there is no drainage system. What is the consequence? The consequence is that people on the ground floors have to live in premises where the sewage water enters into their premises. This is the way in which the Bombay Municipal Corporation has discharged its duty to the labouring population in the north of the City.

I will give a second instance. I will give an invitation to the members of the Corporation and ask them to walk with me in some of the streets in the northern part of the city during the rainy season and see how the poor people who live in those localities suffer in consequence. In knee-deep mud they have to find their way into their houses. Further, if anybody will contradict me, I ask him to accompany me to certain localities which are unlighted and where the people, after ten or eleven hours' work in the mills, return exhausted from their labours, and to see what great difficulty they experience in finding out their own houses. This is the state in the Northern part of the City. The poor men are suffering under the present Municipal Corporation's administration of the city's affairs. Why we are in favour of democracy is because we want to see that these privileged classes do not indulge in luxuries at the cost of the poor people. Let any member who is present here contradict me when I say that only those roads over which the motor

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cars of the rich people run are the roads which are made of asphalt without any mud, but the roads in the localities where the poor people live receive no attention whatever from the municipal administration for ages and ages. For this very reason we have been always urging that the representatives of the poor should find their way into the Municipal Corporation. The reason why the honourable member Rao Bahadur Bole has the persistency of bringing in this Bill four times is because he wants the representatives of the poor to find their way into the Corporation. I myself had brought a similar Bill at least once before, and on other occasions I supported Rao Bahadur Bole in his Bills. What have we found? We have found that during the past nine years the Government has been timid. I use that word designedly. The honourable members coming from the mofussil have given us the cold shoulder, and that is why we are where we were. If the Bill had passed the first time, where would we have been? Take a long view; provincial autonomy is coming, and if you do not show even a single municipality which has adult suffrage, when the Franchise Committee under the Reforms will be set up, where will you be? If we want greater rights,—we are all fighting for greater political rights,—if we want greater political rights, we must take courage in both hands and face all disasters even if they are to come, and go ahead. Sir, this is not the way of spreading democracy for the benefit of the people. I am sorry to see that Government are trying to protect vested interests. These are not the days of protecting vested interests. Those days are passed and one should not put much faith in a continuance of vested interests. If their days are not passed yet, they will very soon pass away. You must allow every adult his right. For that reason, Sir, I submit that when difficulties are raised, those difficulties are mere bogies. If we want greater political rights, we must be prepared to face all the dangers that may arise. As a matter of fact, if adult franchise will be granted to-day to Bombay City, no very great harm will ensue. The people of Bombay are sufficiently advanced to see that everything is carried out in an orderly fashion.

Sir, my surprise was the greater when a special pleading was entered in the name of women. Are those gentlemen aware what the women of India are demanding? I have in my hand a copy of the memorandum submitted by the Women of India to the Round Table Conference. What do they ask for? Let me quote from the memorandum itself.

“The women of India, on the basis of their admitted and declared equality, demand that in actual practice no disqualifications or conditions shall be laid down which may hamper them in any way from the fullest exercise of the right of voting at public elections or offering themselves as candidates for seats on legislative or administrative institutions. Similarly, no impediments should be placed in their way in the matter of holding public office or employment which might, in effect, bar women from taking their full and equal share in civic rights and obligations.”

If you are bringing forth the argument of purdah, you are actually running counter to this demand which the women of India are putting forward—

The Honourable SIR GHULAM HUSSAIN: I am not running counter to that demand.

Mr. A. N. SURVE: I do not mean the Honourable the Leader individually, but other honourable members who are opposing it.

Practically every woman in India is either married or a widow. By that very relationship she becomes debarred from exercising the right of voting. The moment you allow adult suffrage, whether a woman is married or is a spinster, the moment she attains the age of 21 years, she will be liberated and will have the right to vote. Every honourable member in this House has a mother, a daughter, a sister or a wife, and when the womanhood of India is asking for liberation, shall we, after our return home from the labours of this session, tell them that we have helped to maintain the fetters which are on them? Sir, if we go back with that present to them, I am sure we shall have a very bad time at home. Therefore, let all the honourable members of this House make up their minds to introduce adult suffrage in Bombay City. The women want it.

Some capital was made out of the purdah system and it was stated that there would be great criticism if we tried to do away with that system. I would just request the Honourable the Leader of the House to remember what he told us just now, namely, he said that he had sinned once. I say, let him sin once again if he is convinced that the purdah system is a bad one. If you want to get rid of the purdah system, give women the right to vote, and automatically that system will disappear—

The Honourable Sir GHULAM HUSSAIN: May I correct the honourable member, Sir? I have given women the right in the smallest municipalities and local bodies, not of voting only, but of standing for election. They have been made eligible for election and they have enjoyed that right since long.

Mr. A. N. SURVE: I am not blaming the Honourable the Leader. I have made it very plain in my introductory remarks. Therefore, if you want to introduce social reform through political reforms, this is one way of doing it. The moment you enfranchise women, the purdah recedes.

The Honourable Sir GHULAM HUSSAIN: They are already enfranchised.

Mr. A. N. SURVE: Let the purdah system alone. I ask those who wish to retain intact the purdah system whether in Bombay purdah women do not exercise their right to vote. Special provision is made for them. You can arrange for special booths where only purdah ladies can go and exercise their right of vote. So, purdah really does not come in the way of giving adult suffrage. Purdah is no bar or handicap, and those of my honourable brethren who observe purdah may bear with me for a moment. I humbly appeal to them, in the name of the womanhood of our country, that a mere man has now no right to keep woman under his dominion. The sooner the idea of dominion goes out, the better. You want self-government. You must, therefore, bring women on a level with men. If you keep women under your dominion, if there is inequality between man and woman, you are not fit to receive self-government.

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Now, another point about adult suffrage. The other day I was greatly touched when the honourable member Mr. Hoosenally Rahimtoola stood in his seat and pleaded that when the time of nomination comes Government should bear in mind that the Mahomedans have lost two seats by the abolition of co-option. I was greatly pained, Sir. Whether it is the cause of the Mahomedans, whether it is the cause of the depressed classes, whether it is the cause of the backward classes, we, Sir, certainly have some self-respect. Why do we require this nomination? Simply because there is this anomaly that the franchise is not sufficiently wide. If there is adult suffrage, I say that we will want nothing, we shall then never plead in this House for any privileges, because all these artificial devices will not be required and things will adjust themselves. I therefore again appeal to the Mahomedan members of this House that, so far as Bombay is concerned, they need have no fear when adult suffrage is introduced. They will come in all right, whether it is five-rupee franchise or whether it is adult franchise. Therefore, let the Mahomedan members have no fear on this score.

The other point to which I wish to refer, is only about the legal difficulty, the difficulty as to what would happen if the Bill as amended were to form part of the statute. I will make several suggestions. I would first make this particular amending Bill come into operation, say, on the 1st of April 1932. Let the next election be held on the present roll and the life of the Corporation should extend to only one year. By that time the new rolls will have been prepared and the year after that, that is, in the year 1933, let there be a fresh election on adult suffrage vote. That is one suggestion.

Then, the second suggestion is—it may not be quite a practical suggestion but as a last resource I have to mention it—we have come across the instance of one municipality in Gujarat, I think in Nadiad, where elections actually took place and it was discovered later that the electoral roll being defective, there was no validly constituted municipal board. This incident occurred only during the last fortnight. Government themselves have issued a resolution on the subject. I ask whether a similar thing could not be done in the present case. Even the Honourable the Leader, when he mentioned about the legal difficulty, made a very halting statement. He did not say that, under any particular clause, this thing could not be done; but if a similar thing could be done in Bombay, I have in view section 518 of the Municipal Act. Whether that procedure would be desirable is to be considered. When we have the will, we can find out several ways. The attitude which Government have taken up for the past ten years has practically driven us to resort to these extreme suggestions. Therefore, I think that the practical difficulties which have been raised, could very easily be met if we have the will, and some means could be found to get out of these practical difficulties, and we could take the very creditable step of introducing adult suffrage which, I think, obtains nowhere else in India. As Bombay is the pioneer Presidency in other respects, let it be the pioneer Presidency in this respect also. I trust that the honourable House will

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maintain its mood and will pass the second reading of this Bill with a thumping majority.

Mr. J. G. MORE (Sholapur District) : Sir, I beg to move the following amendment :—

That Bill No. XXIII of 1931 (a Bill further to amend the City of Bombay Municipal Act, No. III of 1888, be referred to a select committee composed of the honourable members Rao Bahadur Bole, Sirdar Sir Rustom Jehangir Vakil, Rao Bahadur D. R. Patil, Mr. R. R. Bakhale, Mr. L. R. Gokhale, Dr. M. D. Gilder, Dr. P. G. Solanki, Mr. Hoosenally M. Rahimtoola, Rao Bahadur R. S. Asavale, Mr. A. N. Surve, Mr. Syed Munawar, Mr. R. B. Ewbank, Mr. A. S. R. Macklin and Dewan Bahadur S. T. Kambli; five to form a quorum and the committee to report by the end of January 1932.

Rao Bahadur R. S. ASVALE : Sir, I would propose that the name of the Honourable the Leader of the House be added.

Mr. J. G. MORE : I accept the suggestion. Sir, difficulties have been pointed out to us, but rather at a late stage. No doubt, there are difficulties, and in order to meet the wishes of the Government benches I propose this committee, so that the committee may go into all the details and report within the time given. I hope that the House will support my amendment.

Mr. M. M. KARBHARI : Sir, I suggest that the name of Mr. Shaikh Abdul Majid be added.

Mr. J. G. MORE : I accept the suggestion.

Mr. SHAIKH ABDUL MAJID : I withdraw my name.

The Honourable the PRESIDENT : The motion before the House is :

That the Bill be referred to a select committee consisting of the honourable members Rao Bahadur Bole, Sirdar Sir Rustom Jehangir Vakil, Rao Bahadur D. R. Patil, Mr. R. R. Bakhale, Mr. L. R. Gokhale, Dr. M. D. Gilder, Dr. P. G. Solanki, Mr. Hoosenally M. Rahimtoola, Rao Bahadur R. S. Asavale, Mr. A. N. Surve, Mr. Syed Munawar, Mr. R. B. Ewbank, Mr. A. S. R. Macklin, Dewan Bahadur S. T. Kambli and the Honourable Sir Ghulam Hussain; five to form a quorum and the committee to report by the end of January.

Mr. L. R. GOKHALE (Poona City) : Sir, before I say anything about the amendment, I must acknowledge the sympathy that has been shown to the Bill by the Honourable the Leader of the House and by the two Ministers, I mean the Honourable Sirdar Sir Rustom Jehangir Vakil and the Honourable Moulvi Rafiuddin Ahmad. Such sympathy is very valuable, coming from the Government benches, and I know behind these three stalwarts there is a large number of Government officers who will follow them. For that reason, the sympathy of these three gentlemen is of great value, and I certainly appreciate it.

But what pains me most is that the sympathy only stops there, in words. I need not say that all these three gentlemen know fully well the procedure and the Standing Orders which provide for the curing of the defects pointed out by them to this honourable House. I am very glad that my honourable friend Mr. More has shown the way to all of us. Really, this Bill as it is before the House, is not self-sufficient. I do not think I need make any secret of it. The primary object of the first reading was to have it declared as the opinion of this House that adult suffrage was acceptable to it. That has been done. How and in what way the consequential amendments are to be made is the second stage in the proceedings of this

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House. I am sure, Sir, when the principle is accepted once, the Government should be the first to render the necessary help, even by giving the assistance of the Remembrancer of Legal Affairs for a proper drafting of an important Bill like this. But instead of doing that, if the attempt is being made and the advice is being given that this Bill should be thrown out, I do not see the consistency between the principle that is admitted and advocated and the policy that is pursued. Of course, the Honourable Moulvi has been very kind in trying to take certain persons into his confidence. He has been telling them, "Beware! There is a batch of people who at one time were not very favourably inclined towards you. Now it is they who offer this help to you. Better examine it carefully before you accept the offer." I do not think I need say that this is the policy of divide and rule. I do not want to say that in so many words. [*An Honourable Member*: "But I say so."] You may say so if you like. I do not believe that the Honourable Moulvi really meant to divide the House on the motion for the second reading of the Bill. But it looks like that. It looks as if there is something behind this good advice that is being offered to us at this hour. We were told about divorce proceedings and the young love and the old lover. Well, I do not know what it was meant for. But that analogy and this illustration, and all these arguments, beyond the shadow of a doubt have a purpose behind them. All that I need say is, before any of my honourable friends accept this advice so gratuitously offered, they should very carefully weigh the pros and cons if not the motives underlying this advice.

Sir, one thing I must admit, that all the objections that have been taken to this Bill by the Honourable the Leader of the House are only a question of the method of carrying through the provisions of this Bill. Now that the amendment is before us committing this Bill to a select committee, in which are included the Remembrancer of Legal Affairs, the Honourable the Leader of the House and other representatives of the Government, I am sure there will be no difficulty in having a proper draft prepared of this Bill when it is next put before this House. I believe, if the difficulties which have been put forward before us are real, the Government benches will show their practical sympathy—I do not mean lip sympathy—by accepting this amendment of my honourable friend Mr. More. If really the object was to take away some of those who voted with the "Ayes" last evening over to the other side, then I am sure that the Government benches, notwithstanding this move made by my honourable friend Mr. More, will yet oppose it. But, on the other hand, if really they are true to what they appear to say, they should certainly with great pleasure accept this opportunity and help to frame a proper, acceptable Bill which would be workable in the long run.

Sir, I know it is very difficult for some honourable members of this House to think of adult franchise for Indian people. That is not very strange. Some of us have been brought up in an atmosphere in which the Indian is always supposed to be incompetent and unfit for any particular right or privilege. For people of such mentality, whether the franchise

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is adult franchise, whether it is a five-rupee rental franchise or a two-rupee rental franchise, it is all unwelcome. They will always accept, and will honestly accept, that the authority and capacity for laying down rules, by-laws and Acts is to be found only in a certain class of people, and the fitness of the people to govern themselves is not to be found among the Indians. Well, for people of such mentality I do not think all these appeals will be of any avail. On the other hand, those who will see and will acknowledge that there has been a change in the mentality of the people—that is for the good of the country—there is an awakening for self-Government, call it dominion status, call it independence, call it anything, but the people are thinking of and trying to secure, a Government for themselves and all those persons are now sure to take this opportunity of helping the country in its attempts. I think, Sir, the difficulties about *purdah*, as the Leader of the House has told us, are imaginary. We see in the Round Table Conference Mahomedan ladies sitting side by side, not with Hindu or other ladies, but with gentlemen and discussing affairs of the Empire. Is it to be said, then, that yet the Mahomedan ladies are behind other ladies and cannot exercise their franchise? Is it to be said that Mahomedans are unwilling to send their ladies outside to exercise their franchise or right of citizenship? I do not think these arguments have much value. For people who look at questions from a practical point of view, these are imaginary objections and objections put forward for a certain purpose.

There are other objections brought forward. My honourable friend Mr. Kamat told us that in England ladies are allowed to vote when they are thirty. I believe I need not tell him that women franchise in England has taken a longer time than it has taken in India to come. We have given them all facilities, all rights and equality with men within a period shorter than that which it has taken in England and other countries. I am sure in England too these anomalies will be removed. Is that a reason, because in England ladies are allowed to vote when they are thirty years, we should also follow on that line? As a matter of fact already in India we have allowed them franchise. They do enjoy it even though they are not thirty. If they are 21 years of age they can vote, provided they have property. Generally, the women in India have used that franchise satisfactorily. They can exercise their franchise properly. If any fault has been found in the exercise of the right of franchise, it is with men and not with women. There has been no case in India in which it has been found that women have misused their right of franchise. No women will misuse it if adult franchise is given. I do not see much force in the argument of my honourable friend Mr. Kamat.

One more point was made out, namely, that by tactics yesterday's victory was secured, and therefore it was not really an expression of the opinion of this House. I think that this argument also is such as should not be given any serious consideration. I say so for this reason. "Votes" is the only course for the expression of opinion of a House like this. I do not think I shall be told that Government benches do not send their whips and use tactics whenever they want to have their majority.

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I do not know how the *Times of India* came to know about it. But it has mentioned it in its paper to-day that Government is doing its level best to see that the Bill is defeated. Tactics have not been confined to this honourable House; they have gone up to the coast of Bombay and come from there. [*Interruption.*] Perhaps so. So, I say that when mention is made of tactics as a result of which we secured the victory by snatch vote, I should say that it is not a snatch vote. Members opposite, by their eloquence, by their influence, by their authority and everything attached to their position, I do not say by force, but by inducement and persuasion, induce them to vote on one side or the other. Is it tactics? If it were tactics, it is a Parliamentary procedure. It must be admitted that the House should exercise the powers that are given to it in a fair way. If Government benches do it, is there any prohibition for the non-official side that they should not do it? If we have succeeded in this Bill, is it the privilege of the Government benches to call it tactics? There was no tactics. It was free voting by members who realised the responsibilities they are incurring thereby. I do not think that Government benches or the advocates of Government think that the monopoly of understanding the situation is given to a certain section. Every one of us, whether elected or nominated, has a full sense of responsibility. I am sure that the passing of the first reading is the expression of opinion of the whole Presidency that adult franchise should first be introduced in the city of Bombay and it is a credit, not only to the city of Poona or Bombay or the Presidency, but to the whole of India. It is an expression of the view that we in Bombay do think that the time has come when adult franchise ought to be exercised by the people.

Then, it was stated that the city of Bombay was not consulted. But we know those who have said this and what value they set upon the opinion of the citizens of Bombay. The Bombay Corporation expressed the view that the ten seats made available on account of the removal of co-option should be distributed among the wards as four, two, two and two. Notwithstanding this expression of view of the Corporation, it was set at naught. Not only that, but four more seats were taken for nomination. Well, Sir, is this the regard which Government have for the expression of view of the Corporation? What I say is, this is a sort of advocacy. When it is necessary to win the case, an advocate has to put forward the case in the way which suits him best. Therefore, I do not want to find fault with this. I only want to show that it is a method of advocacy. I was told the other day that in matters in which Government take special interest such things will happen. They will happen, no doubt. Whenever that happens, do not try to put the blame on one party or another. We are here for asserting our rights and privileges as men regulated by rules and laws and it is thus we express our view.

Then, Sir, I have already said that there is a sense of responsibility and sense of proportion present, and this House and the honourable members of this House are fully aware of it. The Honourable Minister warned us, "Take care that if this Bill is passed,

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outside world will say that this honourable House have not the sense of proportion and have no sense of responsibility." If I were to speak in the same language, I will say that if this Bill is lost, the world outside will say that those who opposed the Bill had not adequate sense of responsibility. When those people who vote for this Bill do so with open eyes, do you think, Sir, that people like Rao Bahadur Bole who had been associating themselves with Government views are likely to be carried away by any sort of eloquence or persuasion if it is against the interest of the class which he has the honour to represent? If it is sense of responsibility, it is present everywhere except in certain quarters which I need not mention. If I say something which is compared with what is said by those who are on Government benches, well, I am sure, it is naturally expected that there is a better sense of proportion, responsibility and honesty expected from those who are armed with authority. It will be seen that people like ourselves have to fish out information and put it before the House in the best way we can. With such tremendous help behind the Government benches, the case of the Government benches is quite different. It was stated, Sir, that the Bombay people have not been consulted. Now, the Bill is going to the select committee. There is ample opportunity for any consultation and any expression of opinion from whatever quarter that may be expected. If it were possible, I would have proposed that the Bill be circulated for eliciting public opinion also. But under the Standing Order, it allows only one course. I do not want to complicate matters by adding one more amendment. Now, the Bill will be before the select committee. The public, the Government officials, those who are inclined to think in the way of Government, the Government supporters, the millhands, their supporters, Mahomedans, Hindus and Parsis about whose welfare I found one Parsi gentleman was very keen, all these will have full opportunity to express their views. Not only this, the Bombay Corporation will be able to fully express its view. Let us consider all this. When that question again comes before the House let us amend it in the manner in which it may be necessary in the light of the views of those bodies. If the Government is honest, and I take it they are honest, and if they want that there should be a full expression of opinion of the people and that an opportunity should be given to them to express their opinion on the Bill, there is an opportunity offered. Now, will Government with a full sense of responsibility come before us, throw their weight with us and co-operate with us and support this adult franchise? I know that the Honourable Minister for Local Self-Government yesterday appealed to me saying that I should withdraw my amendment. I am quite aware of that appeal. I know I have been observing the Honourable Minister for the last so many months. I know his sincerity of purpose and the feeling he holds for popular view. Now, it is my turn to ask him to accept this amendment and put all his weight upon the Secretaries and others to accept his views and ask them to vote for the amendment. That is my submission and appeal to him. Otherwise, when all these proceedings

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are read outside in the world, they will say that when the Bombay Council had expressed their view to grant adult suffrage, when the opportunity occurred to amend the Bill, the Government not only did not give their support but threw their full weight against the passing of the amendment. I do not wish to say anything more at this stage.

Then, Sir, the honourable member Mr. Kamat stated yesterday that we were acting in a hasty manner. I wish he were here,—I am sorry,—I see that he is here. He will not now say that we are hasty; we are giving ample time and opportunity for expression of every view. His objection to the hasty character of the Bill is certainly removed.

With these words I support very heartily the amendment of my honourable friend Mr. More, and again ask the Government benches to help us to exercise our right.

Rao Bahadur R. R. KALE (Bombay University): Sir, I had no desire of taking the time of the House on this motion—

The Honourable the PRESIDENT: I have got two more amendments with me.

Rao Bahadur R. R. KALE:—but as the question is important, I think I might add a few words to the debate which has been going on. The debate was kept on a high level by the Honourable the Leader of the House, but certain expressions used by the Honourable Minister (Moulvi Rafiuddin Ahmad) have certainly pulled it down from that high level altogether. We were accustomed to speeches of that character from the honourable member when he was sitting on this side of the House; but when he was transferred to that position, certainly I did not expect that he would continue to indulge in the same strain. The reason why we on this side have supported the principle of adult suffrage is that we want to root out this canker of communalism which has been eating into the vitals of the body politic too long, and the only way to do that is to have adult suffrage. As an honourable member rightly put it, that is the whole thing. It is for that purpose that we made up our minds to vote for this adult suffrage. Was it open, under these circumstances, to a Government member and a responsible Minister to get up and raise the spectre of communalism and appeal to the communal spirit? I submit, Sir, that it was quite out of place, especially after the balanced speech of the Leader of the House.

However, apart from all these considerations, we have to look at this Bill from a purely dispassionate point of view. I quite understand the objections raised by the Honourable Minister for Local Self-Government and by the Honourable the Leader of the House, objections which do stand in the way of giving immediate effect to the Bill if it is passed into law. But, Sir, I think the force of those objections loses all its weight when Government do not oppose the lowering of the franchise as suggested in the original Bill. The obstacles which confronted them in connection with adult franchise must have confronted them also in connection with a franchise of Rs. 5, the revision of the roll, the amendment of the list and so many other things which are required to make the thing fit into

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the next election. Now, Sir, as there is no question of giving effect to adult franchise during the elections in January next, it is for the Government benches, as was stated by the honourable member from Nagar, it is for the Government benches, if they are really sincere in their profession that they stand by the ideal of adult suffrage, to put forward proposals by which the difficulties can be tided over. We have waited for concrete proposals from their side for tiding over those difficulties—they have immense resources at their disposal—but to no purpose. I find that a member on the non-official side has come to their aid. I would therefore now appeal to them to accept the proposal that has been placed before this House, namely, to refer the Bill to a select committee. It will be open to the select committee to receive opinions and to consult representatives of special interests. There is provision in the Standing Order for the select committee to hear expert evidence and representatives of special interests affected by the measure before them. So, here is an opportunity to hear even Mahomedans and other special interests, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, whoever the special interests may be. We want to do away with all special interests, but if any special interests are going to be affected, there is provision in the Standing Orders for the select committee to hear the representatives of those interests, and it will be open then to shape the Bill finally and insert provisions to tide over all the difficulties that there may be in the way of giving immediate effect to the law when it is passed. My submission, therefore, is that there is no reason why this motion should not be carried. There are two motions before the House, the motion of the honourable member Rao Bahadur Bole that the second reading should be passed at once, and the other motion that the Bill be referred to a select committee. I hope Government will be in a position to accept the second motion if not the first motion. With these words, I appeal to the Honourable the Leader of the House, and also to the Honourable the Minister for Local Self-Government, because he is in charge of this portfolio, to consider the question from the popular point of view. The Honourable Minister is a representative of the people, and I hope he will make up his mind to accept the motion for sending the Bill to a select committee.

CORRECTION OF DIVISION LIST.

The Honourable MOULVI RAFIUDDIN AHMAD : Sir, may I bring to your notice one mistake in the division taken yesterday ?

The Honourable the PRESIDENT : That has been just brought to my notice.

The Honourable MOULVI RAFIUDDIN AHMAD : I am not marked at all. I appeal to the honourable member Rao Bahadur G. V. Pradhan to confirm me when I say that I had asked him to mark me. I do not know how he finally left out my name.

Rao Bahadur G. V. PRADHAN : Mr. President, I am sure the honourable member did come and vote. The mistake appears to be that the mark was put against the name of Mr. Petit instead of against the Honourable Minister's name.

The Honourable the PRESIDENT : The figure goes back again to 35.

DISCUSSION ON BILL—*resumed.*

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City) : Sir, after the lucid and clear explanation given by the Honourable the Leader of the House, one would hardly have expected such a lengthy debate on the second reading of this Bill. One would have expected the House to accept the advice, the sincere advice, of the Honourable the Leader of the House, who has pointed out the practical difficulties of pushing this Bill through. Sir, everybody realises that the lower franchise cannot be given effect to for the elections coming off in next January ; it can only be of use for the elections of 1935. We have, therefore, got three years' time before advantage can be taken of the amended Act. Where then is the hurry to push this Bill through ? One would have expected the honourable mover not to move the second reading at all, after the practical difficulty was pointed out to him yesterday by the Honourable Minister and by several members, namely, that it was impossible to bring it into effect for the elections of January 1932.

Now, Sir, the whole question of franchise is before the Round Table Conference. Everybody realises and agrees that the franchise will have to be lowered. Within the next few months, the question will be decided for the whole country, and even if Government be against it, they will be compelled to lower the franchise of this House and to introduce legislation to lower the franchise of the local bodies in the Presidency. As the Honourable the Leader of the House has pointed out, if this amendment is carried, it will require further amendments of the various sections of the Act to put it into practical effect. There may be some amendments affecting the scope of the Bill and also amendments of principle. The select committee is debarred from going into questions of principle or amendments beyond the scope of the Bill. It can only consider amendments of detail or consequential amendments.

The Honourable the PRESIDENT : In pursuance of the principle adopted.

Mr. HOOSENALLY M. RAHIMTOOLA : But the questions of principle that may be necessary, as pointed out by the Leader of the House, as far as I can see, cannot be made by the select committee.

Dr. M. K. DIXIT : Only consequential amendments.

Mr. HOOSENALLY M. RAHIMTOOLA : Therefore, I would ask the House, where is the hurry ; why not leave the Bill as it is and let Government, even after six months or a year, bring in a comprehensive Bill to carry out the decision of the House ? Why push it through, and an imperfect Bill at that ? The country will by that time decide what the franchise for the whole country should be. Therefore, Sir, on that ground, I would like to oppose the amendment for sending the Bill to a select committee. I would advise the House to accept the advice of the Honourable the Leader of the House, and wait and see that a comprehensive Bill is brought forward to carry out the wishes of the House. Sir, some of the practical difficulties have been pointed out by the Honourable the Leader of the House—

The Honourable the PRESIDENT: I do not know whether the Honourable the Leader of the House has said that Government are going to bring in a comprehensive Bill.

The Honourable Sir GHULAM HUSSAIN: I never said so.

The Honourable the PRESIDENT: Neither the Honourable Minister nor the Honourable the Leader has said that Government are going to bring a Bill. In fact, there was an offer made from the other side of the House that, if they promised to do so, the Bill would be dropped; but they did not take that offer.

Mr. HOOSENALLY M. RAHIMTOOLA: I wish to make clear what I said. I said that the question of franchise for the whole country would be decided within the next few months and, whether they liked it or not, Government would be obliged to introduce legislation for the lowering of the franchise of all local bodies.

The Honourable the PRESIDENT: On the principles decided upon as a result of the Round Table Conference? That is a different thing.

Mr. HOOSENALLY M. RAHIMTOOLA: That is what I said, that Government would be obliged to introduce legislation, comprehensive legislation, for carrying those proposals into effect. At present the electorate consists of about 130,000. By the proposed amendment, I do not know whether the electorate will be, 6 or 8 or 10 lakhs. It costs the Bombay Municipality over a lakh of rupees to prepare the electoral roll under the present franchise. I cannot say how much more it is going to cost that body if this Bill is passed. If the House wants to force this measure on the Bombay Municipality, the House must be prepared to contribute towards the expenses of the Municipal Corporation in preparing the electoral roll.

The Honourable the Leader has pointed out that the constituencies will be very unwieldy. The rights of the minorities will be affected. All these questions will have to be considered very carefully before the House agrees to put the measure on the statute book. I pointed out to my honourable friends the other day that under the old franchise 12 Muhammadans used to be returned out of the 36 elected members. Under the present franchise only 13 or 14 are returned out of 76 elected members. One can, therefore, judge what the result will be when the franchise is lowered to such a large extent.

My honourable friend Mr. Surve complained about the treatment given to some wards of the city by the Bombay Municipality. Does he know that during the last few years the Municipality has spent crores of rupees on the improvement of these backward wards? [*An Honourable Member*: "On acquiring lands."] For improving those lands. Compulsory primary education has been introduced in those backward wards in which the backward communities are residing. He cannot deny that.

The Honourable the PRESIDENT: That is hardly relevant.

Mr. HOOSENALLY M. RAHIMTOOLA: I bow to your ruling, Sir. The honourable member Mr. Surve referred to the question.

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Extraneous matters were allowed to be brought in, and that is why the debate has been lengthened. Though the honourable member claims to be the champion of the poorer classes, he himself is a landlord, and a very tenacious landlord, too.

With these words, I would request the House to consider very carefully before they make up their minds finally and to follow the advice of the Honourable the Leader of the House.

The Honourable the PRESIDENT: The honourable member Syed Miran Mahomed Shah wants to move an amendment.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I move :

“That the Bill be published for eliciting opinion thereon and resubmitted to the Council at its budget session.”

The purpose of my motion should not be confused with the purpose of the motion moved by my honourable friend Mr. Gokhale. I have got a distinct purpose in moving this motion.

I think it might be considered as too presumptuous on our part, belonging as we do to rural areas, to deliberate on the destinies or the affairs of a big city of India. But, Sir, the subject-matter of discussion is a matter of general public importance. The matter of franchise is being discussed even in the Round Table Conference where our destinies are on the anvil. I think, therefore, that we are justified in saying that we should have some say in the matter. If this matter of franchise concerned this honourable House only, then everybody on this side of this House would have been entitled to express an opinion on this question without reference to the outside world. But as we are deliberating on the destinies of the people with whom we have very little opportunity to come in contact, I think we should give these people an opportunity to express their opinion on this revolutionary measure.

It might be argued, and it has been argued now, that when the last Bill was considered in this House, no consideration was shown to the opinion of the Corporation, and it might be asked how it is that this time, when this Bill is under consideration, extraordinary solicitude is being shown for the opinion of the Corporation. But my purpose is to consult the people who will be affected by this measure, and not the Corporation. Corporators may have their own interests to safeguard. They may desire a limited constituency. I know that from practical experience. Let us ascertain the wishes of the people themselves. We are going to defer this Bill and publish it, so that every section of the public will have an opportunity to express its views to this House, either in writing or verbally, to say whether it is prepared to accept this revolutionary measure which seeks to lower the franchise to the minimum. Under this measure every adult living in the city of Bombay will have the right to vote.

The honourable member representing Bombay city (Mr. Hoosenally Rahimtoola) has given us to understand that the community which he represents is going positively to suffer on account of the widening of the

[Syed Miran Mahomed Shah]

franchise. He has also given us to understand that the Corporation will be put to great expense in the preparation of a huge electoral roll. At a time when we are groaning under financial stringency, we ought not to lose sight of undue costs also and be led away by an irresistible sense of progress. Of course, we are imbued with the idea of progress, but in our enthusiasm we should not lose sight of practical difficulties which hinder the path of our progress. With that view I have brought forward this motion. By entrusting this Bill to the select committee, we are going to commit ourselves to a particular procedure. The select committee might not pay due consideration to public objection and might make certain minor changes in the Bill, and resubmit it to the Council for sanction. Then there will be very little chance for the Bill being thrown out, even if there be strong public opposition to it. I therefore suggest to the House that, instead of taking the bigger step of referring the Bill to the select committee, they should take the smaller step suggested by me. If the people of Bombay are prepared to accept adult franchise, then you can refer the Bill to the select committee and submit the opinions of the people for its consideration. With these words I commend my motion for the unanimous acceptance of the House.

The Honourable the PRESIDENT: The honourable member's motion is not according to the Standing Orders. The period for which the Bill is to be published, should be specified in the motion. The honourable member wants the Bill to be resubmitted to the Council at its budget session.

SYED MIRAN MAHOMED SHAH: The Bill may be published for four months, so that it can be resubmitted at the budget session.

The Honourable the PRESIDENT: There is one thing more to which I should like to draw the attention of the House. This motion has been brought under Standing Order V, 2. This is an amendment to the original motion made by the honourable the mover of the Bill, that the Bill be read a second time. To that motion there is another amendment, namely, that the Bill be referred to select committee. If honourable members turn to page 234 of the Manual, they will find that Standing Order VIII, 5 (3) lays down:

"Where a motion that a Bill be published for the purpose of eliciting opinion is carried and the Bill is published in accordance with that direction and opinions have been received thereon within the period specified, the Member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee unless the President, in the exercise of his power to suspend this provision, allows a motion to be made that the Bill be read a second time."

So, I want to point out to the House that the two amendments are not inconsistent—the honourable member Mr. Gokhale's amendment that the Bill be referred to select committee, and the honourable member Syed Miran Mahomed Shah's amendment that it be published for eliciting public opinion for a particular period, which can then be referred to select committee after resubmission to this House. So, I shall put the amendment of the honourable member Syed Miran Mahomed Shah to

[The President]

the House first, and if it is defeated, then I shall put the other amendment.

Rao Bahadur R. R. KALE: The Standing Order contemplates that if this motion for publishing the Bill for eliciting public opinion is carried and opinions are received within the specified period, then the member has to move that the Bill be referred to select committee. No doubt, this motion is in order. But my submission is that, if it is carried, the other motion for referring it to select committee becomes useless and the honourable the mover will have to make a fresh motion for referring the Bill to select committee.

The Honourable the PRESIDENT: The procedure that I am following facilitates voting. Those honourable members who support the first amendment are not debarred from supporting this amendment. One or the other of the amendments might be accepted. I will now put the second amendment (of Syed Miran Mahomed Shah) to the House if there is no further discussion.

Question proposed.

Rao Bahadur S. N. ANGADI *rose*.

The Honourable the PRESIDENT: I will give the honourable member only five minutes, because I want to finish this as soon as possible.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I do not wish to inflict a long speech on a tired House. When I supported the principle of adult franchise yesterday, I was clearly under the impression that what we would be doing would be for the good of the citizens of Bombay immediately. Even now I strongly hold the view that adult franchise is a panacea for communal evils. It is true that we had a lot of discussion on this Bill on communal lines. Instead of eradicating the evil, we have again been involved in a vicious circle. We had too much of communal discussion here. I really see no reason why the Bill should be referred to select committee or published for eliciting public opinion thereon. I could understand the meaning of these motions if we had no opinions before us as regards adult franchise. We very well know—I do not think there is any better evidence—that adult franchise is wanted by all India. It is embodied in the Nehru Report. I think that report has been accepted by the whole country, and if such opinion is wanted, I do not think any useful purpose will be served by publishing the Bill for eliciting public opinion. I do not in fact know whether there is any opinion to be had at all. We have it already, and this question of adult franchise is in far bigger hands than ours and it is being discussed there. I understand that the legislation is not going to take effect immediately, but at least three or four years after, and unless we are going to give the benefit of this provision to the citizens of Bombay immediately, I do not see any earthly purpose will be served either by sending the Bill to a select committee or by publishing it for eliciting public opinion on it. It is quite clear now. I find that the matter has now become one of pure prestige and sentiment to both sides of the House. I do not see any reason in the opposition of Government. They are well aware that this is not going to take effect

[Rao Bahadur S. N. Angadi]

immediately. Unless Government want to oppose the very idea of adult franchise even at the Round Table Conference, I do not see any justification whatever in their opposition. I find on both sides of the House it is becoming purely a matter of sentiment and prestige—

The Honourable Sir GHULAM HUSSAIN : That is not so.

Rao Bahadur S. N. ANGADI : At least that is my impression. If Government really think that this is not going to take effect immediately, that all the evil consequences which they imagine would flow from this provision being carried into effect will not take place immediately, I do not see any earthly reason why they should oppose this at all, because, according to them, the Bombay Municipal Corporation elections will be held in January next and it will be not until 1935 that there will be another election. By that time the work of the Round Table Conference will surely be over and we are sure to have a different constitution, and for these reasons I do not see any reason either in a reference to a select committee or in sending this Bill for publication for eliciting public opinion. Public opinion is already there. There will not be any opposition to adult franchise. The citizens of Bombay are a very intelligent class of people. They are an advanced class of people. I believe the very idea of adult franchise has sprung from the Bombay Presidency, mostly. In these circumstances, unless the House wants to waste its time and energy, and also to a certain extent the money of the poor people, I do not see any earthly purpose will be served by sending this Bill either to a select committee or to publish it for eliciting public opinion.

The Honourable the PRESIDENT : I understand that the honourable member who spoke last supports the original motion, that the Bill be read a second time ?

Rao Bahadur S. N. ANGADI : Yes, Sir.

The Honourable the PRESIDENT : Does the honourable mover of the motion wish to say anything ?

Rao Bahadur S. K. BOLE : No, Sir.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir, I find myself again constrained to trespass upon the patience of this honourable House from an apprehension that my silence may be misunderstood and misinterpreted as it was done yesterday afternoon. Sir, when I review the magnitude of the subject under consideration and the dangers which the amended Bill is fraught with, I am more than ever convinced of the paramount necessity of getting every important Bill subjected to a critical investigation at the hands of the public before any decision is reached by this honourable House. It is suggested now that this Bill may be published for public opinion. I am afraid it is too late now. The people of Bombay who are primarily concerned, will certainly resent the idea of having been ignored in the first instance and now

[Sirdar Sir Rustom Jehangir Vakil]

being consulted at a time when this House has very nearly accepted the principle. What are the people of Bombay going to be consulted about? About the principle of the Bill? You have already accepted the principle. Now, what is there to be consulted about?

Rao Bahadur R. R. KALE : May I know why it was not published for eliciting public opinion before the first reading was passed?

The Honourable the PRESIDENT : That is what I was just going to point out to the Honourable Minister, that there is no provision in the procedure laid down under which public opinion can be elicited at the second reading stage. After the first reading is over, no such publication can take place, the principle of the Bill having been already decided and accepted at the first reading.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I am perfectly aware of the procedure to which you, Sir, have been so good as to draw my attention, but what I say is that this Bill should not have been introduced before public opinion was ascertained. That is my point. If there were a public demand for this kind of—

Rao Bahadur R. R. KALE : Why did not Government oppose the Bill when it was introduced?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I am not talking of the Bill as originally introduced by the honourable member Rao Bahadur Bole. I am talking of the Bill as it is now amended. I am talking about the adult franchise.

The Honourable the PRESIDENT : That is the honourable member Rao Bahadur Bole's Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : I understand that has now become the honourable member Rao Bahadur Bole's Bill, and the honourable member Rao Bahadur Kale is asking me as to why I did not oppose the Bill in its original form. These two things are different. I did oppose the amendment of my honourable friend Mr. Gokhale.

The advocates of this amended Bill, Sir, strongly urge that the adoption of this measure will be a distinct step forward in the direction of democracy. But mere assertions and declarations on the floor of this House, unsupported by public opinion, will not satisfy anybody here as regards the utility of the measure. The honourable member Mr. Gokhale himself has admitted that he has not taken the trouble to consult the very people for whose benefit the Bill is intended. Other honourable members who have spoken, are people who know very little about the city of Bombay and its conditions. The honourable members who represent Bombay city are divided. I therefore say that until I am in possession of the public feeling, the public sentiment, on an important measure like this, I should certainly be very slow to accept mere declarations made in this House.

[Sirdar Sir Rustom Jehangir Vakil]

Sir, the champions of this measure seem to believe that this measure has got very beautiful lineaments of features, but I can assure them that they appear to me to be frightfully ugly—

The Honourable the PRESIDENT: Is the Honourable Minister likely to take long ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: No, Sir ; only five minutes.

Sir, more than anything else, I do not like the squint in the features. It is squinting, not towards democracy which we all welcome, but it is squinting towards mobocracy. It is going to make the conditions of Bombay city very difficult, and I warn this honourable House that once we place ourselves in an awkward position, it will be very difficult for us to extricate ourselves from that position. And that is exactly the position which this Bill is going to bring us into.

An appeal has been made to me as a popular Minister by some of my honourable friends, for whose opinion I have very great respect. But I hope they will give me credit when I say that, after all, a Minister also has got something like convictions and they do not wish the Minister to go against his own convictions. I really honestly believe that this Bill is not in the best interests of the city of Bombay at the present moment, in the present state of society. My honourable friend Mr. Bakhale, whom I do not find here now, has asked me to make some proposal which might guide him, and my honest proposal is that this Bill should be withdrawn and it may be brought up again at a later stage, and in case there is a strong demand for such a measure from the people of Bombay themselves. If there is a demand, what would be the object of Government to oppose the measure ? The Municipal Corporation of Bombay has definitely turned down the honourable member Rao Bahadur Bole's original Bill. Now the amended Bill goes still further. I do not think it requires anybody to say that the Bombay Corporation will by any means look at this amended Bill with favour.

Then again, I repeat, are not the various Chambers of Commerce in Bombay worthy of being consulted, the people who have got the largest interests in the city of Bombay ? There are so many other public bodies which ought to be consulted. The tea time is up and I do not want to prolong the debate, but I will say this, that what has come from the honourable member Rao Bahadur Angadi must be taken into consideration. It deserves serious consideration. Supposing you pass the Bill to-day, what is the effect ? You cannot put it into operation for another three years, and three years is a long period during which so many changes may take place requiring revision of the provisions of this Bill. There is no object in passing this Bill at the present juncture when there is no hurry about it and when it could be easily and very conveniently postponed till the proper time comes—

The Honourable the PRESIDENT: The honourable member Rao Bahadur Angadi supports the second reading of the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I do not mean that we should support that. I support the argument, which

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I do not consider supports his case, but that argument supports my case. I think the honourable member was not quite consistent when he put forward that argument in support of his own case. Therefore, in view of what I have said, I hope the honourable member Rao Bahadur Bole will think it over and withdraw his Bill now.

Question, "That the Bill be published for the purpose of eliciting public opinion," put, and negatived.

Question, "That the Bill be referred to a select committee," put, and negatived.

Question, "That the Bill be read a second time," put.

The House divided : Ayes, 30. Noes, 48.

Division No. 4.

Ayes.

ACHREKAR, Mr. A. B.
ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BAKHALE, Mr. R. R.
BALOCH, Mr. HAJI MIR MAHOMED
BOLE, Rao Bahadur S. K.
CHITALE, Rao Bahadur G. K.
DHALUMAL LILARAM, Mr.
DESAL, Mr. H. R.
DIXIT, Dr. M. K.
GOKHALE, Mr. L. R.
GOVER ROBA, Mr.
KALE, Rao Bahadur R. R.
KARBHARI, Mr. M. M.
KULKARNI, Rao Saheb P. D.

MEHTA, Mr. M. H.
MORE, Mr. J. G.
NAVLE, Mr. N. E.
PARULEKAR, Rao Bahadur L. V.
PATEL, Mr. C. N.
PATIL, Mr. V. N.
PRADHAN, Rao Bahadur G. V.
SHINDE, Mr. R. B.
SINDHA, Mr. MADHAVSANG JORBHAI
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SYED MUNAWAR, Mr.
VAISHAMPAYAN, Dr. V. G.
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.

Tellers for the Ayes : Mr. B. P. WADKE and Dr. M. K. DIXIT.

Noes.

ABERCROMBIE, Mr. J. R.
BANGI, Mr. A. K. J.
BELL, Mr. R. D.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
COOKE, Mr. G. H.
COOPER, Khan Bahadur D. B.
DESAL, Rao Saheb B. G.
DESAL, Mr. S. B.
D'SOUZA, Dr. J. ALBAN
EWBANK, Mr. R. B.
GABBETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
GHULAM NABI SHAH, Khan Bahadur
HUDSON, the Honourable Mr. W. F.
JAM JAN MAHOMED KHAN, Khan
Bahadur
JAN MAHOMED KHAN, Khan Bahadur
JONES, Major W. ELLIS
KADBI, Mr. J. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.

KHURRO, Khan Bahadur M. A.
MACKLIN, Mr. A. S. R.
MATCHESWALLA, Mr. G. E.
MEHERBAKSH, Mr. S.
MIRZA, SAHEBZADA M. A.
MODAK, Rev. R. S.
MODI, Sardar DAVAR T. K.
OWEN, Mr. A. C.
PATEL, Khan Bahadur A. E.
PRADHAN, the Honourable Sir GOVINDRAO
RAFIUDDIN AHMAD, the Honourable
MOULVI
RAHIMTOOLA, Mr. HOOSENALLY M.
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SMART, Mr. W. W.
SYED MIRAN MAHOMED SHAH.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASABH
RAISINHIJI.
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAKIL, the Honourable Sirdar Sir RUSTOM
JEHANGIR
WILES, Mr. G.

Tellers for the Noes : Mr. HOOSENALLY M. RAHIMTOOLA and Khan Bahadur D. B. COOPER.

(After recess.)

The Honourable the PRESIDENT: Order, order. I was approached by some Honourable members who have their Bills on the agenda for leave to introduce, and they asked me whether I would allow those to be taken up, because it will take a very short time—they are informal introductions—and then the discussion of the other Bills for first reading might be taken up. Therefore, I will take up that item and dispose of it first.

A BILL FURTHER TO AMEND THE BOMBAY HEREDITARY OFFICES ACT, 1874.

Mr. H. R. DESAI (Deccan Sardars and Inamdars): Sir, I beg leave of the House to introduce a Bill further to amend the Bombay Hereditary Offices Act, 1874. Act No. III of 1874 permits a representative watandar whose duty it is to officiate, to appoint a deputy in certain cases. Section 53, however, of the said Act, as it now stands, restricts the right of such watandar in the selection of deputies who are required according to the strict wording of the section to be selected, firstly, from amongst the members of the same family if there be a member of such family fit and willing to officiate and, secondly, in case of default of such members, from amongst the watandars of the same watan if there be such a watandar fit and willing to officiate. But section 53 is silent as to who should be selected as a deputy in default of the above two classes of persons. Till 1927 representative watandars were allowed to nominate outsiders as their deputies. By Government Resolution No. 8322/24, dated 1st November 1927, Government issued a general order under section 53 authorising the Collector only to appoint on behalf of Government an outsider as a deputy when no willing and suitable person is available for appointment, either from the representative watandar's family or from among the watandars of the same watan. It is sought by the present amendment to give the representative watandar also the right to select a competent and willing deputy from outside the watan family under similar circumstances.

Question put, and leave granted.

Mr. H. R. DESAI: I introduce the Bill.

The Honourable the PRESIDENT: The Bill is introduced.

A BILL TO REGULATE THE KEEPING OF ACCOUNTS OF CERTAIN TRANSACTIONS.

Mr. SYED MUNAWAR: Sir, I move for leave to introduce a Bill to regulate the keeping of accounts of certain transactions in the Presidency. The Bill is drafted on the lines of the Punjab Regulation of Accounts Act, 1929, popularly known as the Punjab Money-lenders Act; and my Bill is calculated to confer a great boon upon the labouring and agricultural classes. I hope the honourable House will allow me to introduce the Bill.

Question put, and leave granted.

Mr. SYED MUNAWAR: I introduce the Bill.

The Honourable the PRESIDENT: The Bill is introduced.

A BILL FURTHER TO AMEND THE PROVINCIAL SMALL CAUSE COURTS ACT, IX OF 1887, IN ITS APPLICATION TO THE PRESIDENCY OF BOMBAY.

Mr. L. R. GOKHALE (Poona City) : I beg leave of the House, Sir, to introduce a Bill further to amend the Provincial Small Cause Courts Act IX of 1887, in its application to the Presidency of Bombay. This Act was amended last year by Bill No. VIII of 1930 so as to enable the Small Cause Court Judge to entertain a suit for ejectment where the property has been let under a lease made by a written instrument. This Bill is introduced to enable the said court to entertain an ejectment suit when the agreement of tenancy is oral or by correspondence and not by a written instrument. In a majority of cases the property is leased orally and not by written instrument. Such cases are excluded from the jurisdiction of the Small Cause Court ; and the present provision is of a very limited nature. This Bill is intended to extend the jurisdiction of the said Court.

Question put, and leave granted.

Mr. L. R. GOKHALE : I introduce the Bill.

The CHAIRMAN (Rao Bahadur R. R. KALE) : The Bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, I beg leave of the House to introduce a Bill further to amend the Bombay Land Revenue Code, 1879. The object of the Bill is that, when an appeal is decided under the Land Revenue Code, the reasons for the decision of the appellate Court should be given. Under the existing Act, it is not obligatory to do so. The object of this Bill is to make it obligatory on the appellate Court to give reasons for any decision in an appeal under the Land Revenue Code.

Question put, and leave granted. ~

Rao Bahadur D. R. PATIL : I introduce the Bill.

The CHAIRMAN : The Bill is introduced.

A BILL FURTHER TO AMEND THE SIND INCUMBERED ESTATES ACT, 1896.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, I beg leave of the House to move for leave to introduce a Bill further to amend the Sind Incumbered Estates Act, 1896. The object of this Bill is to compel the authorities of the Incumbered Estates Department to give preference to the Co-operative Societies' debts. This is in the interest of the peasants. In the matter of recoveries, facilities should be granted to the co-operative societies and banks on the same lines as recoveries of Government revenues and arrears. I think, Sir, that none will have any objection to this measure.

Question put, and leave granted. ~

Khan Bahadur M. A. KHUHRO : Sir, I introduce the Bill.

The CHAIRMAN : The Bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities) : Sir, I beg leave to introduce a Bill further to amend the Bombay Public Conveyances Act, 1920. Various cases are occurring of abductions and rape of female passengers by drivers who are engaged as servants, owing to the bad character of such drivers of public conveyances. Moreover, the drivers are in many cases very oppressive to the public using the conveyances and have no regard for the prevention of cruelty to animals. The ordinary criminal law is not enough to bring those people to book and it is considered that, if a security is demanded, it will act as a prevention to many a malpractice by a driver. Hence it is necessary to take a security from them for good behaviour. With this object in view, this amendment of the Bombay Public Conveyances Act, 1920, is proposed.

Question put, and leave granted.

Mr. A. K. RESALDAR : Sir, I introduce the Bill.

The CHAIRMAN : The Bill is introduced.

A BILL FURTHER TO AMEND THE BOMBAY PRIMARY EDUCATION ACT, IV OF 1923.

Mr. R. R. BAKHALE : Sir, I beg leave to introduce a Bill further to amend the Bombay Primary Education Act, IV of 1923. The Report of the Royal Commission on Labour in India contains on page 29 the following suggestion :

"We would also call attention to the desirability of bringing the upper age-limit for compulsory education at least up to 12 years, the minimum age of factory employment. The present system in Bombay, under which compulsory education stops at 11, involves the loss of a valuable year and jeopardizes the results already achieved."

This Bill seeks to carry out the above suggestion by amending the definition of "child" and thereby raising the upper age-limit to 12.

Question put, and leave granted.

Mr. R. R. BAKHALE : Sir, I introduce the Bill.

The CHAIRMAN : The Bill is introduced.

A BILL FURTHER TO AMEND THE CITY OF BOMBAY PRIMARY EDUCATION ACT, XV OF 1920.

Mr. R. R. BAKHALE : Sir, I beg leave to introduce a Bill further to amend the City of Bombay Primary Education Act, XV of 1920. The reasons which I gave for the other Bill apply to this Bill also.

Question put, and leave granted.

Mr. R. R. BAKHALE : Sir, I introduce the Bill.

The CHAIRMAN: The Bill is introduced. The next two Bills on the agenda (A Bill further to amend the Bombay Village Police Act, 1867, by Mr. A. N. Surve, and a Bill further to amend the Bombay Prevention of Gambling Act IV of 1887, by Mr. L. R. Gokhale) cannot be allowed to be introduced, because the period of notice has not expired.

BILL No. XXIV OF 1931 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, No. III OF 1888).

The CHAIRMAN: The honourable member Rao Bahadur Bole, in whose name the first reading motion in relation to this Bill stands, is not in his place.

BILL No. XXVI OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, III OF 1901).

Mr. L. R. GOKHALE (Poona City): Sir, I propose the first reading of Bill No. XXVI of 1931 (A Bill further to amend the Bombay District Municipal Act III of 1901).*

First reading.

The object of this Bill is that certain disqualifications which exist in the Municipal Act should be removed in certain cases. The Municipal Act disqualifies certain individuals convicted of offences punishable with imprisonment for six months and more. Now, this disqualification is general, it works in every case whenever the offence is so punishable. My object in bringing forward this amendment before this honourable House is to exclude from the operation of the Act certain persons convicted of such offences, I mean persons who are convicted for offences under the Salt Act or under the Forest Act or who are brought under the chapter relating to defamation and so on. I want that what we call political offenders, or offenders for civil disobedience, should be excluded from the operation of the Act. The purpose of section 15 of the District Municipal Act is to prevent persons who are of a rather questionable moral character from becoming or continuing members of municipalities, that persons who are guilty of offences against property or of violence and such similar offences should not be eligible for election or should not continue on the municipality. Sir, I will read from section 15—

“ No person may be a councillor—

(a) who (i) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired.....”

That is the present rule. I want to exclude from the operation of this provision, as I have said, persons who are not incompetent from a moral point of view, on account of their character. As we know; the greatest of our men may now be covered by this provision. Some of them have been found by our courts guilty of offences punishable with imprisonment for six months and more. Can we contend that such persons are not fit to be members of a municipality or to continue on it? What is

*Appendix 7.

[Mr. L. R. Gokhale]

required there is character, such character as has no blemish on it. Therefore, I have put it in the statement of objects and reasons :

" Under section 15, sub-section (3) of the Bombay District Municipal Act III of 1901, every person convicted of an offence punishable with six months' imprisonment cannot be a councillor; also if any Councillor during the term for which he has been elected or nominated is convicted of such an offence, he is disabled from continuing to be a councillor and his office becomes vacant. This amendment is intended to exclude persons convicted of offences not involving any loss of character or moral turpitude, etc. In the country there are now competent and otherwise fit persons to be municipal councillors but who have been convicted for political offences. This Bill is specially intended for the removal of the disabilities of persons convicted of political offences."

The Honourable the PRESIDENT: Is the reference to sub-section (3) in the statement of objects and reasons correctly stated ?

Mr. L. R. GOKHALE: Probably it is not. It ought to be sub-section (1).

The Honourable the PRESIDENT: Sub-section (3) is also going to be amended by this Bill, but the honourable member makes no mention at all of that in the statement of objects and reasons. There is some mistake. The second part of the Bill is not referred to in the statement of objects and reasons. However, the honourable member may proceed.

Mr. L. R. GOKHALE: Sir, there are two parts of the Bill. I quite see that I have not mentioned them separately. Sub-section (3) says :

" If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Governor in Council in the case of City Municipalities, and of the Commissioner in other cases, shall be final for the purpose of deciding such question or dispute."

In sub-section (3) the power to decide whether a vacancy has occurred or not is given to Government or the Commissioner. What I propose is to substitute "principal courts of original jurisdiction" in place of "Governor in Council" and the "Commissioner".

The Honourable the PRESIDENT: Transfer the power to civil Courts ?

Mr. L. R. GOKHALE: I want that the powers at present given to the Commissioners should be exercised by the civil courts. My object is this: A Commissioner is naturally interested in the case of a political offender. He has already taken one view or another about that case. It is not unnatural. He has to preserve order in his province. Naturally he has to make enquiries. He is, after all, a human being; and when he makes enquiries, he is likely to be biassed. My object is to transfer this power to the civil courts.

Rao Bahadur D. R. PATIL: Are they not human beings ?

Mr. L. R. GOKHALE: My point is, these human beings (Commissioners) have already formed an opinion about the particular individual in question, while the other human beings (sub-judges) have not. My submission is that the power should be transferred to civil courts of original jurisdiction. We know what this legal term means. These courts are presided over by individuals who are certainly well able to appreciate the position, understand the law and also know how to

[Mr. L. R. Gokhale]

administer the law properly. There may have been a time when the Government or the Commissioners were thought to be the proper authorities for the disposal of such questions. My view is that those times have passed and I believe there is no objection now to the power being transferred to the judicial courts. We have full faith in the judicial courts. When there are cases of corruption or election cases, they are tried, not by the Commissioner, but by the civil courts—principal courts of original jurisdiction. These courts are quite competent to decide the cases of political offenders. That is why I have suggested the second amendment of the Act. I am sorry for not mentioning the reasons in the statement of objects and reasons. With these remarks, I beg to move the first reading of the Bill.

Question proposed.

The Honourable Sir GHULAM HUSSAIN : Sir, I have carefully read this Bill. I thought I would get a bit wiser after hearing the honourable the mover, but I assure him that I have not been able to follow him at all.

I see that he wishes that certain offences which do not involve moral turpitude or loss of character should not disqualify a person from being a municipal councillor ; that is, if they are already members of any local body, they should continue to be members without being declared disqualified. The first clause of the Bill involves this. Existing members of local bodies, if they are convicted of an offence which does not involve moral turpitude or loss of character, should not be removed from office.

The second clause tries to deprive the Government and the Commissioners of the power to decide the questions regarding vacancies.

Now, Sir, the honourable the mover has not made it clear to this House, nor has he defined, what is "moral turpitude." I do not know of any enactment where "moral turpitude" has been defined. Will the honourable the mover please show me any enactment where the expression has been defined? About defect in character also, his views may differ from mine. I may consider certain actions as a defect in character or certain actions as offences involving moral turpitude. He may differ from me. It will be very difficult for any judge to determine them.

Now, Sir, I will place before this House the practical difficulties if this Bill becomes law. Suppose a sitting member commits an offence described in this Bill and is sentenced to two years' imprisonment. The offence is punishable with six months' imprisonment or more. Let us suppose he is sentenced to two years' imprisonment. Suppose the seat is kept vacant in the local body. Are we going to deprive the people of their right of exercising the vote? When a man is not able to attend the meetings of the local body, should we keep his seat vacant and deprive the people of the right? Is this House prepared to accept that position? There may be a case where the president and the vice-president or half a dozen members may have committed such an offence and may have been sentenced. Who is going to sign the cheques? Who is going to form the quorum and who is going to carry on the administration?

[Sir Ghulam Hussain]

Now, take the case of a man about whom my honourable friend seems anxious. Suppose he is disqualified. The people love him and want to return him. They may, in that case, not fill up the vacancy till his sentence expires. Return him by all means. The law as it stands allows it. Our law in this respect is far in advance of the law in the other Presidencies. As far as I know, the law in the other Presidencies is that a man who is convicted and sentenced for the offences under the Act is disqualified and his disqualification continues for five long years unless it is removed by Government. The amendment which I had introduced is far in advance of the law existing in other Presidencies. Under our law the disqualification continues only so long as he is in jail. As soon as he comes out, he is eligible for election. If the people do not want anybody else to take his place while he is in jail, they may not elect anybody else till his sentence expires.

Instances which I have quoted can be multiplied. If six of the members are sentenced, there will be no one to carry on the administration and there will be a deadlock. Besides, can the honourable member cite any instance in which the Government of Bombay has not come forward and removed the disqualification of such persons in suitable cases? My honourable friend from Karachi (Mr. Baloch) will bear me out. The other day we had a case about a member of the Port Trust. The law in respect of the Port Trust is different. Government removed the disqualification and allowed him to stand as a candidate. Now we are discussing the case of a man who is in jail and who cannot attend the meeting of the local body. I ask, why should the people be deprived of their right to elect a member if they so wish?

Now, Sir, coming to his next proposal, namely, that the power of deciding questions regarding vacancies should be transferred to civil courts, we know about the protracted proceedings of civil courts. A case takes months and months. I have already told him that Government is very liberal towards political offenders and removes the disqualification without any difficulty. Besides, if the person is in jail, he is of no use to the local body or to his electors. Besides, if you give this power to civil courts, it would mean putting people into litigation which will last for a long time. The place will be vacant; a large amount will be spent on pleaders' fees. Up to now Government has decided these questions and there has not been a single complaint. My honourable friend failed to cite an instance where Government has not exercised this power to the satisfaction of all parties. This House will be well advised to throw out this Bill, because it benefits no one. As I have already said, if the man is in jail, he serves no useful purpose on the local body. Besides, we should not interfere with the right of the people to exercise the franchise. I have great sympathy for political offenders. But by passing this Bill, we shall show that we have no sympathy for the people by depriving them of their legitimate rights.

Mr. L. R. GOKHALE (Poona City): Sir, the first difficulty put before us is: What would be the result if a person is absent for a year, or say about six members being convicted are absent at a time? I may ask:

[Mr. L. R. Gokhale]

What would be the result if a person goes on leave? We know that members of a municipality are on leave for months. Has the municipal work ever ceased because a gentleman has gone on leave?

Rao Bahadur R. S. ASAVALE: Then a vacancy occurs.

Mr. L. R. GOKHALE: My friend Rao Bahadur Asavale says that a vacancy occurs. The municipality grants him leave and he remains absent, but the municipal work goes on. I do not suppose if out of about 50 persons a few go to jail, the municipal work suffers. Of course, I do not expect this contingency. There may be other reasons for Government to oppose this amendment of the Act, but to oppose it because there will be no one to work in the municipality does not appear to me to be of material importance.

My second point is, though an offence is punishable with six months' imprisonment, the maximum punishment is not given. It is not the punishment that we are concerned with. I have described the nature of the offence in my Bill. A man may be punished with imprisonment for a month, a week or a few days. Under the law as it stands, he becomes ineligible afterwards to stand for election. And in order to remove that difficulty, I have proposed this. I am asked if a person is sentenced to transportation or to imprisonment for seven years, how is the municipality to go on? I know that the elections take place every three years. If a man is sent for five years, I can conceive that for two years more he will not be able to enter the municipality. I can see the difficulty, but where the term of punishment is short, naturally it follows that his place becomes vacant and he is not available, and to meet that contingency I have brought forward this amending Bill before this House. No doubt, it is just possible that for such offence he may be transported for life or sentenced for seven years; but there are cases of political offenders who are not sentenced to transportation or to seven years' imprisonment. Our experience tells us that punishments are spread all over the line, and of course in such offences we know what have been the punishments. I do not know of any cases where men, for salt satyagraha, or forest satyagraha, were sent to transportation or imprisonment for seven years. We need not take imaginary cases for our practical purposes. My object in bringing this Bill is to remove the practical difficulty with which we generally meet. In the municipality, for instance, if such a vacancy occurs, the man will be absent for say two months or a month, the municipality has to incur all the expenses of a new election and then on the election date, if that gentleman comes out and if he is a popular hero—generally when a man goes to jail he sacrifices something for which the people are ready to acknowledge his heroism and he becomes a hero (whether he deserves it or not is another question)—then being the hero, he generally gets elected again, but for all that the municipality has to incur the expense of publishing the roll. That expense certainly will be saved. If the first reading is passed and the Bill goes to the subsequent stages, I am prepared to see that proper effort is made to remove all the so-called difficulties which the Honourable the Leader of the House has put before us.

[Mr. L. R. Gokhale]

In this first reading all that I want is the recognition by this popularly elected House of the rights and privileges of the political workers. We find that the view which Government takes of a certain thing to-day is not taken to-morrow. If you will go into the history of the last ten years, you will see that what was sedition ten years ago is a legal right to-day and a slogan which was considered objectionable ten years ago becomes a perfectly legal slogan to-day. If we had said 20 years ago that the British Government had no monopoly to continue in India, that was sedition; but if we say to-day that the British Government ought to go, that is a statement of right. That is the position. What I want to point out is this that on account of these circumstances we have to see and think whether these persons should be kept out and consider whether it is necessary that we should incur all these expenses of publishing and doing all these things—

The Honourable Sir GHULAM HUSSAIN: The election rolls are all ready.

Mr. L. R. GOKHALE: The election rolls are not ready, always there is much publication to be done by the municipality, as those who have been on municipalities know. The Honourable the Leader himself has also had municipal experience and he knows that these expenses have to be incurred. Of what use are these expenses? Generally speaking, the hero is unanimously elected or at least elected by a majority; he is never ousted by somebody else, but still you have to go through all this procedure and expense—

The Honourable Sir GHULAM HUSSAIN: There is no election.

Mr. L. R. GOKHALE: There is a preparation for election, to which I take objection, and on principle I want it to be declared on the floor of this House that it is not a disqualification. My purpose is to have a declaration of principle that such offence does not disqualify a person from performing his civic duties. The point is whether he is unfit to do his civic duties or not, and the Act ought to say that he is not. It is one thing to be told that Government has not been so unkind as to keep on this disqualification of an individual and another to disqualify him from appearing again. So long as we have good men and patriotic men and servants of Government who are well intentioned and sympathetic to us, it is all very well but this is not always certain. You cannot rely upon the mentality of individual officers. Therefore, my point is that the law should be made clear and the law should allow this disqualification to be removed. Of course I will certainly admit that my Bill requires further consideration and consequential amendments, but I believe there is nothing wrong in accepting the principle and sending this Bill to a select committee or for publication for opinion afterwards. I do not think the Government should oppose its principle. In order to have the principle declared, I have proposed this Bill for the first reading.

Rao Bahadur R. R. KALE (Bombay University): Sir, on a point of information. The Bill is confined to clause 1, not to clause 2 at all, because there are two clauses. I think the reply of the Honourable the

[Rao Bahadur R. R. Kale]

Leader of the House had reference to sub-section 2, "continuance during disability as a councillor", and the first is "original disability for becoming a councillor." There are two portions, whereas the Bill is, I think, confined to the first and has nothing to do with a case where the councillor is convicted. I do not find that any amendment is sought of that, if I am right. I want to know whether the amendment is confined merely to the initial removal of the disqualification when a man is going to stand.

Mr. L. R. GOKHALE: I did not move the second part because objection was taken.

The Honourable the PRESIDENT: When moving the first reading all parts of the Bill are under consideration.

Mr. L. R. GOKHALE: When I move, I will move the first part of it. The comment was upon the part which is not in the Bill.

Rao Bahadur R. R. KALE: I have dealt with both the questions.

The Honourable the PRESIDENT: There is a little mistake. The first refers to, "No person may become a councillor;" that is to say, he is not qualified to stand for election as a councillor, and the second is, "if any councillor during the term for which he has been elected is convicted, he is disqualified."

The Honourable Sir GHULAM HUSSAIN: I read it. The disqualification continues so long as he remains in jail, but it goes as soon as he comes out.

The Honourable the PRESIDENT: That is for the second part. In the first portion he simply refers to the case of a man who has been sentenced and he comes out or stands for election during that period. He need not come out, he can stand for election and he is disqualified. So he says that, where there is no moral turpitude, he should be allowed to stand; that is to say, his name should be allowed to stand.

The Honourable Sir GHULAM HUSSAIN: I replied to that also and said that so long as the man is in jail—

Mr. L. R. GOKHALE: I do say that there are two parts, namely (1) standing as a candidate and (2) being elected as a councillor and being disqualified to continue. They are two parts. My amendment is confined to clause 1 (i). I have made no motion as regards the second part. There are two parts. The first question is whether he should be qualified to stand or not; and, secondly, whether he should continue or not on the municipal council.

The Honourable Sir GHULAM HUSSAIN: There are two cases, one is that of a man who has been in the past convicted and sentenced, but his sentence has expired and he wants to stand as a candidate for election. Our law, as it stands, as I pointed out to the honourable House before, and as it governs our local bodies, is much in advance of that in the other Presidencies, because in other Presidencies till five years expire he is not held eligible; whereas, in our Presidency, as soon as the sentence expires, he becomes eligible for candidature. The second is the case of a man who has been convicted while he is a member of a municipality. In that

[Sir Ghulam Hussain]

case, when he goes to jail, his seat is declared vacant; but as soon as he has served out his term and comes out, he can again stand for election. Suppose while he is in jail the election comes off; in that case he cannot stand, for the very object of election is frustrated, because even if he is elected, he cannot attend the meetings. Besides, I have pointed out to the honourable House that Government have the power to remove the disqualification even when the man is in jail, and they have been very liberal in exercising that power.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I do not think there is any necessity for me to make a long speech, but I can assure the honourable mover that I am quite aware of the fact that many educated men have been convicted of political offences, men who would be qualified to represent any constituency, and I fully sympathise with the object which the honourable mover has in view. But the practical difficulties have been placed before this honourable House which, I am sure, the honourable mover also realises, and in view of the assurance given by the Honourable the Leader of the House, and which I also repeat, that in cases where this benefit of removing the disqualification is to be extended, the Government will always be pleased to do so as they have done in the past, I hope the honourable mover will not press for the Bill.

Besides, the Honourable the Leader of the House has made it very clear that, so far as the second portion of the Bill is concerned, it would be a most inconvenient procedure to ask the sub-judges to undertake the responsibilities which are at present discharged by Government.

Mr. L. R. GOKHALE: Sir, I find that the wording of my amending Bill is not as clear as it ought to be. I am advised that at this stage I should withdraw it. I therefore withdraw the Bill.

Bill withdrawn.

BILL No. XXVII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925).

Mr. L. R. GOKHALE: Sir, I am not going to move this Bill.

BILL No. XXVIII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY CITY MUNICIPALITIES ACT, 1925).

Mr. J. G. MORE: Sir, I do not wish to proceed with my Bill during this session.

STATEMENT re : A MOTION FOR ADJOURNMENT.

The Honourable the PRESIDENT: Before we go on with the next item before the House, I should like to bring to the notice of the Honourable Minister for Education a motion—it is supposed to be a motion—for the adjournment of the House, placed in my hands on a question which I am just going to mention. But I must first inform the honourable member who has placed the motion in my hands, that it has to be placed in my hands in the office in proper time, so that I have time enough

[The President]

to consider it. As I was coming out of the office to the House, he presented it to me. That is not the proper time.

The other thing is that, under the Standing Orders, it has to be signed only by the honourable member and not like a requisition signed by a number of members. His supporters, when the time comes, should stand up in their places and support him. The proper form is that it should be placed in my hands to give me sufficient time to consider whether it is in order or not, long before I come into the House, and that it should be signed by the honourable member.

I have not decided yet whether it is in order or not, but I should like to find out a way by which the whole difficulty might be solved. The motion placed in my hands is as follows :

" We the undersigned members of the Bombay Legislative Council beg to move the adjournment of the House to consider the following definite question of urgent public importance and concern to the Moslem community of the Bombay Presidency, namely, the postponement of the Government order contained in their notification dated 27th July 1931, regarding the withdrawal of exemption granted to the Dawoodi Borah section of the Mussalman community and the Sunni Borah Panchayat of Rander from the operation of the Mussalman Wakf Act, 1923. This postponement has caused widespread dissatisfaction and indignation among the Mussalmans and raised grave doubts and alarm in their minds about the future attitude of Government towards the all-important problem of their religious and charitable trusts throughout the Bombay Presidency."

As I said, this is not the proper form, but that could be remedied by the thing being brought up in proper form and placed in my hands to-morrow.

If the Honourable Minister could find it possible to make a statement as to why this fifteen days' postponement has been given, I suppose the anxiety in the minds of these honourable members would be removed, and no adjournment motion might be necessary.

The Honourable MOULVI RAFIUDDIN AHMAD : It may be possible for me to make a statement to-morrow.

MOTIONS TO AMEND STANDING ORDERS.

Motion No. I of 1931.

Mr. R. R. BAKHALE : Sir, I beg to present to the Council the report* of the select committee on Motion No. I of 1931 to amend the Standing Orders. It is not necessary for me to make any lengthy remarks at this stage, but I must admit that I am not fully satisfied with the report that I am presenting to the Council, because I feel that the objects with which I tabled a number of amendments to the Standing Orders have not been fully realised. I have stated in my minute of dissent that I had two objects mainly in view, namely, to secure, through the incorporation of suitable Standing Orders, the interspersing of non-official days during the session of the Council, and separate days for non-official Bills and resolutions, in order to afford adequate facilities for the transaction of both kinds of non-official business ; and, secondly, to reduce the periods of notice for motions, particularly in respect of legislative and financial business. But I now find that the second one was partially gained and the first one was lost. However, as it is, the House will

* Appendix 7-A.

[Mr. R. R. Bakhale]

admit that there are a few improvements made by the select committee, and I think that it would be well for us to accept those Standing Orders as amended, except the one as regards resolutions.

The Honourable the PRESIDENT: The report of the select committee on Motion No. I of 1931 to amend Standing Orders is presented.

Mr. R. R. BAKHALE: Sir, I beg to move that Motion No. I of 1931
Second reading. to amend Standing Orders be read a second time.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, on the motion for the second reading of this motion, I only want to make a general statement as a member of the select committee, and that is that, although the motion of the honourable member Mr. Bakhale related to a number of Standing Orders, we confined the amendments to such changes as were urgent, and consequently the clauses have been considerably reduced. I hope that these clauses will be regarded as of sufficient importance to require an amendment at this stage, but in view of the impending changes in the constitution and consequently in the Standing Orders, we have only suggested amendments in two or three matters, and I believe the House will find no difficulty in passing the second reading of this motion.

Motion read a Question put, and agreed to.
second time.

Motion read clause by clause.

Clause 1 ordered to stand part of the Motion.

Clause 2 ordered to stand part of the Motion.

Clause 3 ordered to stand part of the Motion.

Clause 4 ordered to stand part of the Motion.

Clause 5 ordered to stand part of the Motion.

Clause 6 ordered to stand part of the Motion.

Clause 7 :—

At the end of paragraph (c) of clause 1 (f) of Standing Order X the following proviso shall be added :—

“ Provided that no member shall, unless he has obtained the permission of the President, be permitted to send in notice of more than seven resolutions during one session of the Council.”

Mr. R. R. BAKHALE: Sir, I rise to oppose clause 7 of the Motion. If this is passed, no honourable member can send more than 7 resolutions at a time. An honourable member should have the right to send as many resolutions as he likes, because I consider it to be very important. So far as this amendment is concerned, it is retrograde and reactionary. So far as I am aware, it is only in the Bengal Legislative Council that there is a standing order restricting the number of resolutions to be tabled by a member. It is nowhere else to be found. So far as the present practice goes, an honourable member can move only one

[Mr. R. R. Bakhale]

resolution according to priority. So, there is no need of this amendment at all. Whatever the number of resolutions an honourable member tables, there is no chance of all his resolutions being discussed.

It is the grievance of honourable members on the non-official side that they are not given sufficient time for discussion of non-official business. Not only that, but Government do not give separate days for non-official Bills and separate days for resolutions, though such a practice is provided for under the rules. If honourable members look up rule No. 6, they will find that provision. They give so many days for non-official business, and we may discuss the Bills and allow the resolutions to remain on the agenda undisposed of. That being so, I do not find any necessity for this new standing order.

Whether he is a nominated member or elected member, each one has got a responsibility to his particular constituency and the interests he represents. It is only through resolutions that an honourable member can bring the respective grievances of his constituencies and interests before this House. If all the resolutions, of which an honourable member gives notice, are not discussed, he can tell his constituency that he had tabled so many resolutions but they could not be disposed of, because Government do not allow him sufficient number of days for such business. If this liberty that is given to us is curtailed, it is in my opinion unfair and unnecessary. It is on these grounds that I oppose the amendment.

Rao Bahadur R. R. KALE (Bombay University): Sir, this provision in clause 7 is made in order to prevent honourable members from sending a large number of resolutions. Under the present Standing Orders, there is no limit. We are now considering the question of retrenchment. We now find on the agenda 40 and 50 resolutions appearing under the names of certain honourable members. The House is aware that while Mr. Swaminarayan was a member of this House, he used to send more than 100 resolutions. I consider that 7 resolutions is a sufficiently large number for a single member to move. If each member sends in 7 resolutions, the total will be large. I therefore think that this is a fair restriction and will save a lot of expenditure in printing and paper. While in the Bengal Legislative Council the number of resolutions is restricted to 3, this Council is very generous in allowing 7 resolutions.

Mr. J. S. KADRI (Northern Division): Sir, I rise to support the restriction that has been placed on the number of resolutions that an honourable member can send in. It is no use burdening the agenda with too many resolutions which have to be kept waiting for a long time. It is better to limit the number of admissible resolutions to 7. I would have gone a step further and limited the number of resolutions to 5 for each honourable member. I think this limit is quite necessary and expedient.

Clause 7 ordered to stand part of the Motion.

Clause 8 ordered to stand part of the Motion.

Mr. R. R. BAKHALE: Sir, I beg to move that Motion No. I of 1931

Third reading. be read a third time and in doing so, I should like sincerely to thank you and other honourable members of the select committee.

Motion read a Question put, and agreed to.
third time.

Motion No. III of 1931.

Mr. L. R. GOKHALE (Poona City): I beg to move this motion to amend Standing Orders:

To Order VI, after paragraph 6, add the following:

"6A. When the questions to be put and the answers to be given are printed, such printed questions and answers shall be supplied to all the members at least 24 hours before they are to be so put and answered."

The Honourable the PRESIDENT: Has the honourable member leave of the House to amend the Standing Order?

The Honourable Sir GHULAM HUSSAIN: Sir, I oppose the motion. It is only in this Council you have very kindly allowed the questions and answers to be supplied one hour before the meeting. In the House of Commons, the replies are only oral replies. As far as I am aware, in the Legislative Assembly and in other Provincial Legislative Councils, the printed questions and replies are not supplied before the meeting. Those honourable members who are really interested in the question can send a man to the office to get a list. If we want to follow the House of Commons and the Assembly in regard to procedure, we ought to be consistent throughout. I hope the honourable member will therefore withdraw his motion.

Mr. L. R. GOKHALE: I beg to withdraw the motion, as I do not think that thirty members will support me.

Motion, by leave, withdrawn.

The Honourable the PRESIDENT: The House is now adjourned to 9-30 a.m., to-morrow, Saturday, the 3rd October 1931.

Saturday, the 3rd October 1931

The Council re-assembled at the Council Hall, [Poona, on Saturday, the 3rd October 1931, at 9-30 a.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ACHREKAR, Mr. A. B.
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 DIXIT, Dr. M. K.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM HYDER SHAH, Mr.
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 KADRI, Mr. J. S.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACKLIN, Mr. A. S. R.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MIRZA, SAHEBZADA M. A.

MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RAHIMTOOLA, Mr. HOOSENALLY M.
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V.-A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KEEWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

QUESTIONS AND ANSWERS.

ST. PATRICK'S SCHOOL, KARACHI : CHRISTIAN HYMNS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): (a) Will Government be pleased to state—

(i) the actual amount of grant paid by Government annually to the St. Patrick's School, Karachi;

(ii) the actual amount of building grants paid to it during the last ten years;

(iii) the total number of pupils on the roll at present;

(iv) how many of them are Christians, how many Anglo-Indians, and how many of other communities?

(b) Are Government aware that Christian hymns are sung daily in the school compulsorily and that Mahomedan and Hindu boys are made to join in them ?

(c) If so, what authority have the school management to do so ?

(d) Have Government asked the authorities concerned to exempt Mahomedan and Hindu boys from compulsorily joining in these hymns ?

(e) What action do Government propose to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) (i) Rs. 10,790 per annum.

(ii) No building grant was paid to the school during the last ten years. A grant of Rs. 480 was given to the school in March 1922 for the improvement of the play-ground.

(iii) 916.

	Number of pupils		
Indian Christians	546
Europeans and Anglo-Indians	59
Other communities	311

(b) No.

(c), (d) and (e) Do not arise.

Mr. SHAIKH ABDUL MAJID : With regard to (b), have Government made enquiries whether non-Christian boys are not compelled to join in the hymns, or is it only that they are not aware of the fact ?

The Honourable MOULVI RAFIUDDIN AHMAD : We have made enquiries, and Government are satisfied that nobody is compelled to join.

LIQUOR SHOP, BORIAVI : REMOVAL.

Rao Saheb B. G. DESAI (Kaira District) : (1) Are Government aware that the liquor shop at Boriavi in the Kaira District was located within the village site till the year 1929 ?

(2) Is it a fact that owing to the vigorous campaign of prohibition and picketing set up against liquor shops, the shop had to be shifted outside the village somewhere near the Boriavi station in the year 1930 ?

(3) Has the Collector of Kaira ordered that the shop be removed again to its original site within the Boriavi village ?

(4) Are Government aware that the village people of Boriavi have combined not to allow the reinstatement of the liquor shop at any place within the Boriavi village site ?

(5) (a) How do Government propose to deal with the situation ?

(b) Do Government intend to undertake to provide a suitable place within the Boriavi village for the location of the liquor shop ?

(6) Will Government be pleased to lay on the Council table the entire correspondence on the subject ?

The Honourable MOULVI RAFIUDDIN AHMAD : (1) Yes.

(2) Yes.

(3) Yes.

(4) Yes.

(5) (a) Government propose to do nothing further as the shop will continue on the present site till the licensee secures a site in Boriavi.

(b) Government have no intention at present to do so.

(6) No.

EDUCATIONAL SERVICE REORGANISATION : PROFESSORS
OF VERNACULARS.

Rao Bahadur R. R. KALE (Bombay University): Will Government be pleased to state—

(a) when the posts of Professors to teach the vernaculars (Gujarati, Marathi and Kanarese) were created ;

(b) the terms on which the recruitment to these posts was made ;

(c) the reasons why no provision for these posts was made in the reorganisation scheme of the Bombay Provincial Educational Service published in the *Bombay Government Gazette*, dated the 1st January 1931 ;

(d) how long the present incumbents of these professorships have been serving in the department ;

(e) whether it is a fact that the scale of salaries paid to these incumbents is being considerably reduced ;

(f) whether they are aware of the widespread discontent caused by their action in this matter and the protest made by the public regarding the need of maintaining these posts of vernacular professorships on the same status and level as that of other professorships in colleges ;

(g) whether they intend to take any steps for including these posts along with others in the final scheme of the reorganisation of the Educational Service ?

The Honourable MOULVI RĀFIUDDIN AHMAD: (a) and (b) The attention of the honourable member is drawn to the reply given to a similar question put by the honourable member during the current session.

(c) Because they are part-time and non-pensionable posts.

(d) Four to ten years.

(e) A uniform rate of Rs. 150 per mensem for all the posts has been fixed with effect from 1st May 1931, as an experimental measure.

(f) Government are aware that a few protests have been made.

(g) Not at present. The matter, however, may require further consideration when the University introduces the vernaculars in the intermediate stages of the Arts Course.

GOVERNMENT COLLEGES : TEACHING OF VERNACULARS.

Rao Bahadur R. R. KALE (Bombay University): (a) Have Government perused the leaderette which appeared under the caption "Government and Vernaculars" in the columns of the "Times of India" dated the 9th May 1931 (Dak Edition) ?

(b) If so, are they in a position to controvert the facts mentioned categorically in the article ?

(c) Are Gujarati, Marathi and Kanarese allowed to starve in colleges at the expense of Urdu ?

(d) What are the chief vernaculars of the Presidency ?

(e) What are the districts in which each of the vernaculars is the mother-tongue of the majority of the people inhabiting the district ?

(f) Is it a fact that a Bombay Educational Service II grade post had been created for Urdu teaching in the Andheri College even before the Junior B.A. class was opened there ?

(g) Is it a fact that at the same time the pay of the posts in Gujarati, Marathi and Kanarese was reduced by 50 per cent. and over to a uniform rate of Rs. 150 a month, calling them as part-time, temporary, non-pensionable and with no provision for provident fund ?

(h) Is the policy pursued in respect of these vernaculars different from the one they have adopted for Urdu ?

(i) If so, will they put all the vernacular posts in colleges on the same basis as the Urdu post at the Ismail College, Andheri ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) It is not understood what particular facts in the leaderette are referred to by the honourable member.

(c) No. On the contrary it might, with some propriety, be observed that Urdu was being starved in Government Arts Colleges during the last decade because lecturers for Gujarati, Marathi and Kanarese were appointed as far back as 1921.

(d) Gujarati, Marathi, Kanarese, Sindhi and Urdu.

(e) Marathi generally in the Deccan and Konkan, Gujarati in Gujarat, Kanarese in the Karnatak and Sindhi in Sind. But Urdu is generally the mother-tongue of the Muhammadans throughout all the districts in the Presidency Proper.

(f) No.

(g) No.

(h) No.

(i) Does not arise.

Rao Bahadur R. R. KALE : It is stated that the leaderette in the "Times of India" has been seen by Government, but that it is not understood what particular facts in the leaderette are referred to by me. The particular facts are with reference to the treatment accorded to the vernaculars all along. The professors have been in service for ten years ; they are not made permanent or put in the ordinary cadre of the Educational Service. The vernaculars have suffered on account of that. These are the facts. In view of these facts, is it not necessary that the professors of vernaculars should be placed on the same footing as professors in other subjects ?

The Honourable MOULVI RAFIUDDIN AHMAD : These facts have been explained in answer to a question on a former occasion and also in to-day's replies. The opinion of the "Times of India" was not well informed.

Rao Bahadur R. R. KALE : Are these facts true, that these posts are non-pensionable and some of these professors are in service for nearly ten years and they have not yet been brought into the regular cadre ?

The Honourable MOULVI RAFIUDDIN AHMAD : These facts are all correct. It is only a matter of opinion whether the opinion based on them is right or not. I have said so on a previous occasion.

Rao Bahadur R. R. KALE : Then, the question is, why should there be discrimination in the teaching of vernaculars ? Are we not to encourage the study of vernaculars ?

The Honourable MOULVI RAFIUDDIN AHMAD : Where is the differentiation ?

Rao Bahadur R. R. KALE : The differentiation lies in this. Whereas the lecturers and professors in other subjects are in the regular cadre, the lecturers and professors in vernaculars are non-pensionable and not yet confirmed. How can you expect these people to teach the vernaculars on a sound basis ?

The Honourable MOULVI RAFI UDDIN AHMAD : I have explained previously, and also in reply to to-day's question, that on account of inadequate work it is not thought necessary to have whole-time professors. When the University will make the vernaculars compulsory in the intermediate stages of the Arts Course, the question will arise whether these professors should not be made permanent. I have explained that for the time being they are not made permanent, and for good reasons.

Rao Bahadur R. R. KALE : May I know why when the whole Educational Service was reorganised and the resolution of December 1930 was issued, no place was found for these professors ? They have been retained provisionally on Rs. 150 a month, and there have been protests against this treatment.

The Honourable MOULVI RAFI UDDIN AHMAD : At that time they were not members of the regular service.

The Honourable the PRESIDENT : The next question.

MARATHI LEXICON : GOVERNMENT GRANT-IN-AID.

Rao Bahadur R. R. KALE (Bombay University) : (a) Will Government be pleased to state whether the Marathi Dictionaries or Lexicons published in the past were patronized by Government ?

(b) If so, will they be pleased to give the names of the authors together with the contribution made by Government towards the printing of their work and the time when it was made ?

(c) Is Government aware that there is no comprehensive modern up-to-date Marathi Dictionary ?

(d) If so, do they intend to undertake such a compilation ?

(e) Did the Maharashtra Kosha Mandal of Poona approach Government in 1928 for a grant-in-aid towards the publication of a Marathi Lexicon ?

(f) If so, what was the result thereof ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) Yes.

(b) 381 copies of the Twentieth Century English-Marathi Dictionary published by Mr. N. B. Ranade were purchased by Government in 1914 at Rs. 25 per copy by way of Government patronage. With regard to the works by other authors, the information asked for by the honourable member is not readily available. The following Marathi Dictionaries, however, appear to have been patronised by Government :

(1) "A Dictionary of the Marathi Language (*Marathi Bhashchecha Kosha*)" compiled in two volumes at the instance of the Bombay Native Education Society and lithographed at the Society's press in 1829. A supplement was published in 1831.

(2) Molesworth's Marathi-English Dictionary printed in 1831.

(3) Molesworth's Marathi-English Dictionary revised by Candy in 1857.

(4) Candy's English-Marathi Dictionary printed in 1873.

(5) Shrikrishna Raghunathshastri's Dictionary.

(6) *Bharatiya Arvachin Kosha* by Godbole.

(7) *Baba Padamji's English-Marathi Dictionary*.

It was awarded a prize of Rs. 400 by the Daxina Prize Committee.

(c) No.

(d) Does not arise.

(e) Yes.

(f) Owing to financial stringency, Government were unable to comply with the Mandal's request.

UNIVERSITY ACT: AMENDMENT BILL.

Rao Bahadur R. R. KALE (Bombay University): Will Government be pleased to state—

(a) whether they have received a report of the Senate of the Bombay University passed in June 1931 regarding the amendments of certain sections of the Bombay University Act, 1928;

(b) if so, why no Bill amending the University Act has yet been undertaken;

(c) when Government intend to take up the question of these amendments?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) Yes.

(b) and (c) The proposed amendments are under the consideration of Government.

J. D. VAKIL COMMERCE CLASSES, BROACH: INCREASE OF FEE.

Khan Bahadur A. E. PATEL (Northern Division): (a) Are Government aware that the fee of the J. D. Vakil Government Commercial classes at Broach has been increased from Re. 1 per subject to Re. 1-8 per subject and that it has caused great hardship to students?

(b) Is it a fact that the consolidated fee for all the subjects taught was Re. 1 only when the school was started?

(c) When was the fee made Re. 1 per subject?

(d) Were the head-master of the R. S. Dalal High School, Broach, who is in charge of these classes and the Director of Public Instruction consulted in the matter?

(e) If so, will the Government be pleased to place a copy of their opinions on the Council Table?

(f) What is the income of these classes from the Endowment Fund and the fee receipts?

(g) What is the total expenditure for these classes?

(h) What is the cost to Government on account of these classes after deducting the income from the Endowment Fund interest and fee receipts?

(i) Will Government be pleased to give the date of the opening of these classes?

(j) What is the total average strength of pupils per year for the last three years?

(k) What are the reasons of not putting these classes on a permanent basis?

(l) What is the period of service of each instructor of the classes and what is the scale of his pay?

(m) Is it a fact that the Government is contemplating to put these instructors in non-pensionable Government service ?

(n) Are there any such teachers in the Presidency ?

(o) Were they informed of such arrangement when they were recruited into service ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes, with regard to increase in fees. No, with regard to the alleged hardship.

(b) The fee was Re. 1 in the junior and Rs. 2 in the senior classes.

(c) In 1926.

(d) Yes.

(e) No, Sir.

(f) The income from the Endowment Fund is Rs. 1,617 per annum. The fee receipts in 1930-31 were Rs. 765.

(g) Rs. 2,731 last year.

(h) Rs. 349 last year.

(i) April 1920.

(j) 1928-29 .. 29

1929-30 .. 31

1930-31 .. 31

(k) It is intended to make them permanent when they are self-supporting.

(l) The periods of service of the two instructors on 1st July 1931 and their scales of pay are as under :

	Service.			Pay.	
	Y.	M.	D.	Rs.	
1st Instructor ..	5	0	24	125	Fixed pay.
2nd Instructor ..	10	3	11	50	Fixed pay.
				+ 20	Temporary and Provisional allowance.

(m) Yes. Orders have already issued.

(n) Yes.

(o) The question does not arise as neither of them has been permanently employed.

Khan Bahadur A. E. PATEL : With reference to (e), the reply is "No". What is the objection to placing a copy of their opinions on the Council table ?

The Honourable MOULVI RAFIUDDIN AHMAD : The opinions are confidential.

Khan Bahadur A. E. PATEL : In reply to (h) it is stated that the total cost to Government last year was only Rs. 349, and the reply to (k) is that it is intended to make the classes permanent when they are self-supporting. May I know whether the institution is not practically self-supporting ? The total cost to Government last year was only Rs. 349.

The Honourable MOULVI RAFIUDDIN AHMAD : It is not. When it will be self-supporting, we will make them permanent.

PERSIAN TEACHER : MAHAD HIGH SCHOOL.

Mr. N. N. PATIL (Kolaba District) : (i) Will Government be pleased to state whether they are aware that a special grant was paid

last year to a mission school in the Kolaba District to engage a Persian teacher ?

(ii) Are Government aware that the K. E. Society's high school at Mahad has had facilities for the teaching of Persian for the last thirteen years ?

(iii) Have Government given any special grant to the Mahad school for teaching Persian ?

(iv) If not, what are the reasons therefor ?

(v) Are Government aware that a representation has been made to the Honourable Minister of Education by the Muhammadans in Mahad and its neighbourhood, requesting him to give a special grant to the Mahad school to enable it to engage a Persian graduate ?

The Honourable MOULVI RAFI UDDIN AHMAD. (i) Yes.

(ii) Yes.

(iii) No.

(iv) The Muhammadans of Kolaba District made it a grievance that there was no provision for Persian and Urdu teaching for their boys, in the whole of their district, and requested Government to give some additional grant to the Mission High School at Alibag, which is largely attended by Muhammadan boys, in the absence of a Government High School at that place, to enable the management to appoint a Persian Teacher. Admitting the reasonableness of the request Government sanctioned an additional grant to the school to meet the requirements of the Muhammadan students. It is obvious that Government cannot give special grants for Muhammadans in every taluka of Kolaba.

(v) Yes.

Mr. N. N. PATIL : Do not Government consider that the interests of the Muhammadans will be better served by giving a grant to the Mahad school, taking into account the fact that the Muhammadan population of the Kolaba District is centralised in Mahad ?

The Honourable MOULVI RAFI UDDIN AHMAD : I understand that there are more students in the Alibag High School than in the Mahad school. With regard to the grant sanctioned by Government to the Mission High School at Alibag, a representation has been received from the Mahad Society, but we cannot give grants to every taluka at the same time.

Mr. J. S. KADRI : Are Government aware that there is a special boarding-house opened recently with a number of Muhammadan students at Mahad ? Will Government, therefore, be pleased to consider the case of the Mahad High School for a special grant ?

The Honourable MOULVI RAFI UDDIN AHMAD : I have already explained that Government cannot sanction special grants to every school in the district for Moslems.

AGRICULTURAL SCHOOLS : INSPECTOR.

Mr. SILAIKH ABDUL AZIZ (Central Division) : Will Government be pleased to state—

(a) how many vernacular agricultural bias schools there are in the Presidency proper and who was examining these schools up to this time ;

(b) how many agricultural schools there are now in the Presidency proper ;

(c) whether an Inspector of Agricultural Schools has been appointed to inspect agricultural schools, and whether his post is in the Provincial Service cadre ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) The number of agricultural bias classes in the Presidency proper, as it stood on 31st March 1931, was 72. The examination of these classes is arranged by the School Boards through their supervisors in collaboration with the Inspector of Agricultural Schools. Inspecting Officers of Government have also instructions to keep a special watch on these classes, with a view to ensuring that they fulfil the purpose for which they are established.

(b) There are at present three Vernacular Agricultural schools in the Presidency.

(c) Yes.

Mr. SHAIKH ABDUL AZIZ : With regard to (b) and (c), when there are only three agricultural schools, what is the necessity for a provincial service man ?

The Honourable Dewan Bahadur S. T. KAMBLI : His work is not confined to the three schools. There are 72 agricultural bias classes. He has to inspect and supervise them also.

Mr. SHAIKH ABDUL AZIZ : Were these schools supervised formerly by a provincial cadre officer ?

The Honourable Dewan Bahadur S. T. KAMBLI : Of what year is the honourable member speaking ?

Mr. SHAIKH ABDUL AZIZ : Two or three years ago.

The Honourable Dewan Bahadur S. T. KAMBLI : Yes, this officer and this post were then in existence as well.

Mr. SHAIKH ABDUL AZIZ : There were more schools then than there are now. Now there are only three schools.

The Honourable Dewan Bahadur S. T. KAMBLI : I again repeat that his work is not confined only to the three agricultural schools. He has to supervise 72 agricultural bias schools as well.

Mr. SHAIKH ABDUL AZIZ : These classes were instituted long ago, and the number has been reduced.

The Honourable Dewan Bahadur S. T. KAMBLI : I have already replied to the question, Sir.

Rao Saheb R. V. VANDEKAR : May I know whether Government are aware that there are a number of village agricultural bias schools and that number is being increased year after year in each district ?

The Honourable Dewan Bahadur S. T. KAMBLI : If the honourable member gives me notice, I shall find it out for him.

Mr. B. S. KAMAT : Can he go round to every part of the Presidency with efficiency and inspect the classes ?

The Honourable Dewan Bahadur S. T. KAMBLI : Yes.

Mr. B. S. KAMAT : What salary is he drawing ?

The Honourable Dewan Bahadur S. T. KAMBLI : The provincial grade salary.

Rao Bahadur B. R. NAIK : Is it a fact that several agricultural schools have been closed down recently ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice.

Dr. M. K. DIXIT : Did the Honourable Minister order the closing down of any classes ?

The Honourable Dewan Bahadur S. T. KAMBLI : I require notice.

N. J. HIGH SCHOOL, KARACHI : ADMISSIONS.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) the total number of students in the N. J. High School, Karachi ;

(b) whether it is a fact that according to a Government circular 10 per cent. of the admissions in the school are to be reserved for Muslim students ;

(c) the present number of Muslim students in the School ;

(d) whether they are aware that the present practice in the school is that the class teacher of the class in which the admission is sought examines the applicants and then reports to the Head Master as regards the fitness of the applicants for admission ;

(e) the number of Hindu and Muslim applicants from March 1930 to May 1931, and how many from each community were admitted ;

(f) whether they are aware that some teachers have been admitting undeserving Hindu applicants in preference to deserving Muslim applicants ;

(g) if so, whether Government propose to take any steps in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD. (a) 646.

(b) Yes.

(c) 40.

(d) Yes, generally.

		Number of applicants.	Number admitted.
(e)	Hindus	570	272
	Muslims	31	17

(f) No.

(g) Does not arise.

SANITARY INSPECTORS : PAY.

Mr. SHANKARRAO JAYARAMRAO ZUNZARRAO (Thana and Bombay Suburban Districts) : Will Government be pleased to state—

(a) whether a representation from Sanitary Inspectors serving under the different local bodies of the Bombay Suburban District regarding adequate remuneration to them has been received by Government ;

(b) whether the same has been supported by the Bombay district branch of the Local Self-Government Institute ;

(c) whether important local bodies in the district have supported the same ;

(d) whether the scale of pay of officials of the Police Department, Post Office and clerks in the Bombay Suburban District including local bodies is higher than that obtaining in the mofussil ;

(e) if the answer to (d) is in the affirmative, whether this difference is maintained in the grades of sanitary inspectors ;

(f) what steps Government have taken in the matter ?

The Honourable Sirdar Sir RUSTOM J. VAKIL : (a) and (b) Yes.

(c) The representation was supported by the Notified Area Committee, Andheri, only, which has no concern with sanitary inspectors.

(d) The gazetted officers in the Bombay Suburban District, except those who belong to the Postal Department and the subordinate staff of the Sub-Judge, Andheri, Subordinates of the Police Department except the clerks of the office of the District Superintendent of Police, Bombay Suburban District, get the mofussil scale of pay plus a compensatory or local allowance. The Bombay scale of pay is allowed in the case of the staff of the Postal Department and also in the case of the subordinate staff under the Revenue Department and the clerks under the District Superintendent of Police, Bombay Suburban District. The scales of pay of the staff employed by the various local bodies are not uniform and have been fixed by each local body according to its circumstances and the nature of the work.

(e) No. In accordance with the scheme of 1921, Government have fixed a general scale of pay for the posts of Sanitary Inspectors and give a grant-in-aid to the Municipalities equal to half the sanctioned scale.

(f) None.

The Honourable the PRESIDENT : I would request honourable members on the Government benches, for future guidance, that when they reply to questions, they should address the Chair, so that the whole House can hear them, and particularly the reporters.

STATEMENT re : APPLICATION OF THE WAKF ACT TO THE DAWOODI BOHRA COMMUNITY.

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, I promised yesterday to make a statement in reply to a requisition from the Muhammadan members of this Council, regarding the Wakf Act and the Bohra community. The fact is a very simple one. At the end of July last, Government had announced that the exemption which the Dawoodi Bohra community had enjoyed for some years would be withdrawn from the 1st of October. I received a deputation of the Dawoodi Bohras on the 18th of last month. They complained in their address to me that they were not given opportunities enough by the Wakf Committee to submit their explanations. They also challenged several statements made by the anti-Mulla party of the Dawoodi Bohras before the Committee. They also alleged that the Committee had exceeded its authority in

[Moulvi Rafiuddin Ahmad]

deciding about the exemption granted to the Dawoodi Bohra community. Government therefore wanted to investigate all these matters, and as the period was to expire on the 1st October and the time was not enough, Government extended the period for another fortnight to enable the investigation to be completed. That is the position and I do not think any reasonable objection can be taken by any honourable member to such a course.

Mr. SHAIKH ABDUL MAJID: I want to ask a question to the Honourable Minister in connection with the statement which he has just made. I want to know what were the terms of reference of the Committee appointed by Government to investigate and enquire into the condition of the Wakf properties in the city of Bombay. I want to know whether those terms of reference included the question whether exemption should be granted to the Bohras,—whether Government should be allowed to possess the power to grant exemption to any section of the Muhammadan community.

The Honourable the PRESIDENT: That does not arise. As a matter of fact, the public knows what the terms of reference were. The Honourable Minister has just now explained that the allegations and the terms of reference have to be considered together, and for the purpose of conducting this enquiry Government have granted an extension of 15 days, before deciding whether they should adhere to their original resolution or alter it.

Mr. SHAIKH ABDUL MAJID: With due deference to the Chair, I must say that only on the 28th of last month, on the opening day of the Council, in reply to a question by the honourable member Mr. Syed Munawar, the Honourable the Education Minister said that the concession of exemption would be withdrawn from the 1st October, and on 30th September an "extraordinary" notification is issued to extend the period of exemption up to 15th October!

The Honourable the PRESIDENT: The honourable member must remember that questions are tabled days and weeks before the session and they are sent out to the departments. Replies to those questions are received in the ordinary course and sent to the press, and the printed replies are placed on the Council table on a particular day, and this single decision taken by Government cannot be said to be contradicting the replies given in answer to questions asked previously.

Mr. SHAIKH ABDUL MAJID: The Honourable Minister ought to have given an indication of his mind on the 28th September.

Rao Bahadur G. K. CHITALE: May I know, Sir, whether the adjournment motion is allowed or not allowed at all?

The Honourable the PRESIDENT: He simply wanted to know whether the adjournment motion could be considered at all and, therefore, I asked the Honourable Minister to make the statement, so that the time of the House might not be wasted on the adjournment motion.

Mr. SHAIKH ABDUL MAJID : May I solicit your permission, Sir, to move an adjournment of the House to consider this matter ?

The Honourable the PRESIDENT : That is not the proper method of doing it.

Mr. SHAIKH ABDUL MAJID : I have already submitted the motion, Sir.

The Honourable the PRESIDENT : I find it here on this table. I have told the honourable members that they should refer to the Standing Order and abide by it.

SYED MIRAN MAHOMED SHAH : Have you ruled it out of order ?

The Honourable the PRESIDENT : Not at all ; I have not considered it. I found it just now here. That is not the proper way. If the Standing Orders are referred to, it will be found that they state that an adjournment motion properly framed should be placed in the hands of the President in the office. He has got to consider whether he should give his consent to it. Then, after question time, the honourable member has to stand and ask what has been done about the adjournment motion ? The President then gives his opinion as well as asks the House as to what the House considers about it. All that has to be done. Yesterday, something was given, which was really a requisition rather than an adjournment motion. To-day, I find, as I come in, an adjournment motion properly worded on this table. That is not the proper way. The honourable member should come and see me before we assemble on Monday, and then I shall be in a position to inform him whether I have allowed it or not.

RESOLUTION re : EXTENSION OF AGE-LIMIT.

Rao Saheb V. S. PATIL (East Khandesh District) (Addressed the House in Marathi) : Sir, I beg to move the following resolution which stands in my name :

“ That this Council recommends to Government to increase the age-limit of 25 years to 30 years for entry into Government service in the case of educationally backward communities wherever the age-limit is 25 years.”

Sir, as we know, up till recently, the backward classes were not showing any great love for education, and Government during the past few years came forward to grant special facilities for acquiring education to the backward classes, and the Maratha Educational Conference also did its part in creating a love of education in the backward classes. The majority of these classes are unable to put their children to school for the first 12 to 13 years. After that, it takes their boys about 10 years to finish the high school education. The boy's age goes beyond 25 years by the time he is through with the high school course. According to Government rules, 25 years is the age limit for entry into Government service. Therefore, being disappointed, with all the little education that he gets, the boy is perforce left no option but to sit at home. If it is the desire of Government that the boys of the backward classes should

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come up to the level of the boys of the advanced classes and be able to take up Government service just as the latter do, then Government should be pleased to increase the age-limit from 25 to 30 years. This is my request to the honourable House. If this request is granted, then my community will be encouraged to better their condition and to qualify themselves for State service.

Question proposed.

Dr. P. G. SOLANKI : Sir, I rise to support this resolution moved by the honourable member Rao Saheb Patil, in the interests of the backward classes and the depressed classes, and also the Muslim community. My reasons for supporting this resolution are these.

Sir, the education of the backward classes, including the Marathas and some of the Mahomedans, is hampered from the very beginning. The Mahomedans residing in the villages, as well as the Marathas and the depressed classes, are labouring under great hardships. They are not so well situated economically as the advanced communities, with the result that their children are not in a position to attend schools without difficulty. Sir, the children of the backward classes in the villages and in the mofussil have to devote some of their time to their domestic or family duties. They have to help their parents in looking after their younger brothers and sisters in the family when the father and mother are in the fields or go out for earning their livelihood for their daily bread, and also have to tend cattle during the major part of the day. At that time these children naturally cannot attend their classes, and in that way their studies are always interrupted and interfered with. The same is the case with the Mahomedan children and the children of the backward classes, the children of the Marathas and the children of the depressed classes, who are all suffering from the same disability. It is not a question only of the depressed classes, but it is a question of all the educationally backward communities. Under such adverse circumstances, when they come up to the standard of the matriculation examination, naturally they go beyond the age of 20 years, even more, and the college education or the education which is required for entering higher Government service being higher, they have to spend more time after such education, and naturally much of their time and money is spent before they can become qualified for Government service. By the time they become qualified, generally they go beyond the age of 25 years, and I have seen some instances where really promising aspiring young men who have achieved their goal by passing high examinations, find to their utter dismay that they are debarred from entering Government services because they happen to have gone beyond the age-limit of 25 years. Sir, a special concession should be given to these classes. Even if the candidate happens to be beyond the age of 25 years by one month or even by a day or two, he is debarred, and his whole career is ruined. I know of graduates who studied up to the B.A. degree and who, when they went and applied for Government service, were told that they were age-barred. If we now look at the other side of the

[Dr. P. G. Solanki]

picture, we find that the children of the advanced classes from the A B C or "श्री गणेशाय नमः" (*Shri Ganeshaya Namah*) up to their graduation period, are never handicapped in their education and they get all the required facilities from their parents, their brothers and the surrounding circumstances, which help them in getting through the examinations at the age of 20 or 22 when they become graduates, and therefore they can easily get into Government service. The laudable object with which the honourable member Rao Saheb Patil has brought this resolution forward, should meet with the approval of all the honourable members on the opposite benches representing the backward and the Mahomedan communities, and I hope that this resolution will be passed unanimously without any dissentient voice.

Mr. J. S. KADRI (Northern Division) : Sir, I support this resolution, because the complaint which it seeks to remove is a real one. So far as this resolution goes, the backward classes include depressed classes and the Marathas, but I do not think it is meant to include the Mahomedans. The Mahomedans also have the same grievance in this respect and they require the same concession, as is demanded for the backward classes. It would, therefore, be better to specify that the resolution should be applicable to the backward and depressed classes, as well as to the Mahomedans. It happens that Mahomedan boys go to school rather late, like those of the depressed and backward classes. Mahomedan lads have to go to mosques, Madressahs and Maktabs to learn the Koran, and that takes some years of their life, with the result that they go to a primary school at an advanced age of 7 or 8 and are thus late in joining secondary schools. In not a few cases, when they pass the matriculation examination, they are over-age and thus prevented from entering Government service. It is, therefore, desirable that some concession should be made in favour of educationally backward classes like the Mahomedans and the depressed classes, for whom the age of 30 is not very high for employment. I hope this House will support the resolution, thereby enabling Government to take into public service men belonging to the educationally backward classes even at the age of 30.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, I support the resolution. It has been brought forward for the convenience of persons belonging to the classes who are educationally backward. It is not in every strata of society that the education of children starts in the home. Owing to circumstances over which they have no control, it is not possible for boys belonging to the educationally backward classes to finish their secondary education within the usual time. It is for that reason that this resolution has been moved. Sir, reasons have been given why it is not possible for students of these classes to finish their education within the age required for entry into Government service. Therefore, I hope this resolution will be passed unanimously. Sir, there is no demand in this resolution for the expenditure of 50 lakhs or a crore of rupees. It only says that the age-limit of 20 should be raised to 30. If the resolution is given effect to,

[Mr. V. A. Surve]

students belonging to the backward classes will be able to enter Government service after passing their examination, and that will be a very great encouragement to the other students of these classes to pursue their studies assiduously, in the hope that when they too pass their examination they will be taken up in Government service. The grant of these facilities to them will depend on the support which Government will give to this resolution. I therefore hope that this resolution will not be opposed by Government, and the House will pass it unanimously.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, I have very great pleasure in supporting the resolution. I admit that there is a grievance on this point, and it deserves to be remedied. But I may point out that Government have already accepted the principle of the resolution in many of the appointments to higher service, and certainly Government can have no objection to give this little concession.

Mr. L. R. GOKHALE (Poona City): Sir, I add my feeble voice in support of this resolution. I do think that it is absolutely essential that the backward communities should be given this special facility in order that they should enter the Government service, as far as they could aspire to. Of course, it may be asked, why not raise this age-limit in the case of all people, and why should it be raised only for the sake of the backward communities? To that my answer is that, if the same facility is given to all the forward communities, then they will be again competing with my brethren of the backward classes. In order to stop the competition, as far as possible, between the forward classes and the backward classes, I am of opinion that the forward classes should be asked to make a halt at 25 and the backward classes should be asked to proceed further. That is the reason why I do not even wish that the same facility should be given in the case of forward classes. Of course, I am sure that the time will soon come when among the backward classes there will again be backward class No. 1, backward class No. 2, and backward class No. 3 and so on. I find among the Marathas and the non-Marathas that question is being raised and discussed. The Marathas, who of course are among the most forward among the backward classes, are being questioned why it is only they who should go forward and not the other communities. That question will arise very soon. I would also advocate that, when you find that a certain community has reached a certain level of progress this privilege of extended serviceable age should be taken away from that community. Of course, I would have been glad to find included in the scope of this resolution some classes of the so-called forward communities. There are some classes among the Gujaratis who are specially interested in commerce, and not in education. They too begin their education rather late. Of course, I do not mean Gujaratis who belong to the literate class; I mean the section of the Gujaratis and the Marwaris who belong to the mercantile community. Among them also this difficulty has arisen, and therefore, to begin with, we are making a move in the right direction, so far as the backward classes are concerned. Again, I do not know whether in the backward classes we include also the Indian Christians,

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[*An Honourable Member*: "Oh, yes."] I do not know. I believe that the Indian Christians are not as advanced as the forward classes—I mean the Brahmins and others of the same cult. I am open to correction, but my understanding is that the Indian Christian community is not included among the backward classes. If I am wrong, I hope I will be corrected by those who know better. I take it that they are not included in the backward classes. If so, then I believe there is a great need that even in their case this particular privilege ought to be extended. I know of communities, for instance, in Bassein taluka and in other places, where they are called Christians; they are not included among the backward communities as such, but their backwardness is very evident. They are in every respect similar to our Maratha brethren in their social manners and general understanding and ways of life. So persons belonging to that community, and the Christian converts of the Ahmednagar district and other places are very late in taking to education, notwithstanding all the attempts that are being made for the education of the Indian Christian communities by missionaries and others. I think in the backward communities, we include also the depressed classes. When we say backward community, we mean communities that are backward in education. There are many communities, though they are advanced in other respects, are yet backward in respect of education. In that class I put in the Indian Christian community. In certain respects they require special treatment. But, in the case of those Christians who are not backward in education, they are like the advanced communities and they can by their merit overcome any difficulties. But I am talking of backward Indian Christians. The Indian Christians from among the depressed classes come under this category. I do not think those who belong to the advanced classes will be afraid of this particular resolution. I do go so far, Sir, that even Government should lay down a rule prohibiting the recruitment from the advanced classes to Government service. I am sure those men who belong to the advanced classes will find other and better channels of life and contribute to the economic uplift of the country. They ought to utilise their intelligence in a better manner. There are commercial difficulties and economic difficulties, but the advanced communities should overcome their difficulties in those walks of life and serve the country better. Let them give room in Government service for those men of the backward communities, and let them take to other walks of life. The advanced communities have already had enough experience of Government service. There are so many difficulties in Government service—the treatment that is accorded to subordinate officers by superior officers, and so on. These must be known to them. People must change their mind and understand the situation of the country. If the backward communities also enter Government service and get the experience, then I think the progress of the country will be in the right direction. As regards Mahomedans, I was told yesterday about the monopoly of class. I wish we were able to forget the question of monopoly for some time at least. Let the past be buried. For the

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last thirty years, the Chitpavan has been given the go-by in the Government service because of the talk of monopoly that is going on. He does not care for it. Monopolies should not be considered. We must not always talk of communal differences and monopolies. We must have before our eyes the wider vision that we really want to be in a particular position in the constitution of the country. We must forget monopoly, privilege and all such things. I know that if the Brahmin claims monopoly, some other class claims favouritism. One looks for monopoly, the other for favouritism and a third for selection. All these must go. We must forget all this. With all pleasure I support the resolution and concede special treatment to those classes who are backward in education as demanded by the resolution which has been brought by my honourable friend at a very opportune time.

Rev. R. S. MODAK : Sir, according to my information, the Indian Christian community technically belongs to the forward class as regards education. But the fact is that most of the Christians are educated in mission schools, and that is why they are considered as the so-called advanced community. But the real difficulty is about Government services. If my information is correct, the Indian Christian community for Government employment is classed as backward. I am sorry I cannot quote the Government Resolution, but I think that there is one. Therefore, I do hope that when we consider this very useful resolution, we must not exclude the Indian Christian community from that category, because they too deserve to be benefited by this resolution. I know in fact that many of our young men begin their studies at a late stage in life. As was stated by my honourable friend from Bombay, because they begin their education very late, these young men of the Indian Christian community meet with disappointments as regards Government service. Though they are educated, they suffer on account of technical difficulties. I do appeal to the House to wholeheartedly support this resolution and also to include the Indian Christian community under this class.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, I have great pleasure in supporting the resolution moved by my honourable friend Rao Saheb V. S. Patil. I have also given notice of the same resolution, similarly worded, which stands as No. 2 in the list of resolutions in my name. I am glad that my honourable friend Mr. Gokhale has shown a liberal angle of vision in the interest of the backward classes. He has expressed a view to this honourable House that the time has come when the forward classes should not try for Government service and that they must make room for the backward classes. This is a noble sentiment. I wish this view were translated into action by the forward classes when they apply in future for Government service. Again, here is a noble sentiment expressed by the honourable member Mr. Gokhale and I thank him for it. I thank also the honourable member Rao Bahadur Chitale for his nobility of mind when he favoured the service aspirations of the backward classes. The higher classes seem to be tired of Government service, because there are so many difficulties,

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as pointed out by the honourable member Mr. Gokhale. I think they have got sufficient experience of Government service with which they have become disgusted. Now let the backward communities become disgusted with Government service. The forward classes now want to have recourse to other profitable occupations. They are welcome to do so. Now let the backward classes gain experience of Government service. According to the honourable member Mr. Gokhale, the backward communities will feel disgusted with Government service in due course of time. Let such a time come when both the communities, forward as well as backward, are likely to work in a spirit of harmony and in that case Swaraj will not be distant. All the same, I am very glad that all the members of this honourable House are agreed on this resolution, the real object of which is that the educationally backward classes deserve encouragement in Government service. I submit, Sir, that Government, so far as I know, have been fulfilling the aspirations of the educationally backward classes in the matter of service. I think more encouragement should be shown by the Government also whenever backward classes apply for Government service. If this resolution is passed by this honourable House, it will have more effect, as then the Government will be compelled to give effect to the recommendation contained in the resolution. I am sure that all members of this honourable House are agreed on this resolution. The resolution is an innocent one and I am sure that Government also will join hands with the non-official members. I have every hope that the resolution will be passed unanimously. With these remarks I thank my honourable friend Rao Saheb V. S. Patil for bringing forward this resolution.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I rise heartily to support the resolution. I will not indulge in any cynicism or side remarks or introduce matters irrelevant to the subject matter of the resolution, as some honourable members have unfortunately done. I wish to impress upon the mind of Government as well as of my honourable non-official colleagues that the purpose of this resolution is that it should be made a general rule that no member of any backward community coming forward to seek Government employment should be debarred from doing so if his age happens to exceed 25 years. Government have already discretion to remove the bar, but still it is only a discretionary power. This resolution recommends to Government to frame a general rule that the age limit in the case of candidates of the backward communities shall be 30 years and not 25 years.

So far as my own community is concerned, I would like to enlighten Government and honourable members of this House as to the handicaps and disadvantages under which the Mahomedan community, which is generally considered to be backward in education, labours in Sind, the conditions of which I know. Sir, there are various handicaps. The first relates to those living in rural areas. The schools in the mofussil are sometimes at a distance of a mile or two, and the children of peasants cannot attend them at an early age. I have got some experience of this difficulty when I acted as chairman of the school board at Hyderabad.

[Syed Miran Mahomed Shah]

Many parents who are willing to educate their children even at some personal inconvenience, are handicapped on account of the great distance of the schools from their homes. They cannot send their tiny children to traverse a distance of two miles across pools, canals and water-courses. Then another handicap is want of proper registration of births. In the mofussil no proper arrangement is being made at present by Government for the registration of births. On account of the absence of this facility, it is left to the sweet will of the school-masters or tapedars doing this duty to put the age of a child at any figure. The mofussil men do not know the importance of getting the date of birth of their children correctly recorded in the register of births. Another handicap, so far as the Muslim community in Sind is concerned, is that during the early age of childhood they try to impart religious education to their children, and it takes them a couple of years to finish that, so that when they enter the primary schools they are two or three more years older than the boys of other communities in the same standard. I also joined the primary school at a very late age. At one stage I too sought to enter Government service and this very question of age confronted me also, as I was then over-age by three months. Perhaps, on account of that, I was thrown out to seek a better life and I have come here. [An Honourable Member: "You are not sorry for that, are you?"] This is my experience. Whether this excess of three months was the fault of my parents or of the school master I do not know, but it came in the way of my entering Government service. Whether it is a blessing or a misfortune, I do not know: that history will show hereafter. Then, another disadvantage is want of funds. The mofussil students belonging to the agricultural classes have not sufficient funds to prosecute higher studies. They have to knock at the doors of philanthropists and public men for scholarships in order to be able to finance the costly education that we have to acquire in this country. Struggling on with such outside help as they can get, they find that it takes them a longer time to get qualified. When their education is completed, they cannot but seek Government service. Therefore, there should be no handicap of the present age-limit placed in their way to reap the fruit of their labour.

This is a very reasonable recommendation, and I hope that Government and all the honourable members of this House will wholeheartedly welcome it.

Mr. M. M. KARBHARI: On a point of information, Sir.

The Honourable the PRESIDENT: From whom?

Mr. M. M. KARBHARI: From the Government benches. I would very much like to be informed by the Government benches whether it is going to affect the pensionable age of the servant if this resolution is adopted. I understand that a man over 55 years of age has to retire compulsorily. The period of Government service is put down, I believe, at 30 years. If this resolution is given effect to, the result will be that in the case of such candidates the period of service will have to be extended to 60 years to make it pensionable. I want to know whether at the age of 55 he shall have to retire compulsorily.

Rao Bahadur S. K. BOLE : I am glad, Sir, that the honourable members Rao Bahadur Chitale and Mr. Gokhale have given their support to this resolution. As usual, Rao Bahadur Chitale was not eloquent but was laconic in his speech. All the same, his support is there, and I hope he will come forward in future in the same spirit to support such resolutions giving concessions to the backward classes, and will not smell communalism everywhere. It has become a habit with some members to smell communalism in everything and to put a spoke in the wheel when such concessions are asked. [*Interruption.*] Well, I will tell the honourable member Mr. Gokhale—

The Honourable the PRESIDENT : Will the honourable member come to the resolution rather than make these remarks ?

Rao Bahadur S. K. BOLE : That is by way of preliminary remarks. Before coming to the resolution, I will refer to the speech of the honourable member Mr. Gokhale. He said that the days of monopoly are gone. It may be with reference to the British officers, but the monopoly of the higher classes is still there. Look at the Secretariat offices, the Office of the Director of Public Instruction, and other Government offices. All the services are monopolised by the Brahmins and the higher classes. So, the monopoly is there. I may give a concrete instance. I had asked a question as to the clerks employed by the district local board of Kolaba, and the reply to that was that the number of clerks was fourteen and that all of them were Brahmins. Is not that monopoly ? [*An Honourable Member* : "What about Ratnagiri ?"] I have not received a reply about Ratnagiri as yet, but I may state that I received a reply to my question about the number of teachers in the Guhagar school in Ratnagiri district, that the number of teachers was 12 and all of them were Brahmins. The Honourable Minister said that there may have been no qualified teachers available from the other classes. I may tell him from my own personal experience that we have got many qualified men belonging to the other classes, qualified as first year, second year and third year teachers, but they are neglected, because the local boards are manned by Brahmins. That is the position. So, the monopoly is there. Not only that—

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : He has supported the resolution.

Rao Bahadur S. K. BOLE : But he said that there was no monopoly and that the days of monopoly were gone. I am pointing out that the monopoly is still there. The mentality of some Brahmins has changed, but the others retain that mentality. Even the British people have shown a change of heart, but not many of the Brahmins. When we ask for more rights, these men come in our way and say : "If you are given more rights, then there will be inefficiency" and all sorts of other arguments which are advanced by British officers. Therefore, it is not correct to say that there is no monopoly.

Then, I may give an instance of how difficulties are put in the way of boys who go to school. I was presiding at the jubilee celebration of a primary school in the Kolaba district, and I learnt then that that school

[Rao Bahadur S. K. Bole]

was allowed to give education up to the third standard and that the students had to go to a school three miles away for higher standards. Almost all the boys belonged to the fishermen community, and when those boys went to that school walking two or three miles, the Brahmin teacher used to discourage them saying that their duty was not to attend schools but to tend their cattle--

The Honourable the PRESIDENT: Will the honourable member resume his seat? I should like to see that a large number of resolutions are gone through. A very salutary atmosphere has been created on this resolution by the speeches of the two leading Brahmin members on this side and I think all these details are not necessary at all. The main purpose of the resolution should be dealt with. I would request the honourable member to curtail his remarks.

Rao Bahadur S. K. BOLE: Very well, Sir. I will finish my speech in a minute. I was just going to point out that the first years of these students are wasted. Under the circumstances, some facility is required to be given to them. I hope Government will accept the resolution moved by my honourable friend Rao Saheb V. S. Patil.

Mr. A. N. SURVE (Bombay City, North): Sir, it is perhaps in keeping with the early hour at which we have met to-day that we are discussing a resolution of this nature. I do not want to take up much time of the House. Sir, I am going to reply to the points which have been raised in the debate and that, too, very briefly. If I am not much mistaken, the demand that is made in this resolution is already a part and parcel of the Civil Service Manual. I am, of course, subject to correction on this point. But I think there is rule in the publication mentioned by me extending the privilege to the Backward classes. I may mention that Government had actually passed a resolution about two or three years ago and that resolution was issued in the form of a press note by the Director of Information. Whether the extension of the age-limit refers to higher posts only or to all posts, I am not quite certain at this moment. If it refers only to higher posts, and not to the lower ones, then the demand that has been made in this resolution is a just one.

My another point is that there is no cry raised at this time that the efficiency of the public services is in jeopardy if this resolution is accepted by the House. I am therefore thankful to those honourable members who are in the habit of raising such objections.

The honourable member from Poona (Mr. Gokhale) threw out a suggestion that the forward classes should go into other fields of employment. Well, Sir, I will give a concrete instance in this connection. In Bombay we have the Victoria Jubilee Technical Institute where mechanical engineering, weaving and such other allied subjects are taught. Hardly a decade or two ago, that institution found great difficulty in attracting students. Scholarships had to be offered and these scholarships were all availed of by students belonging to the backward communities. At that time the qualification for admission was the passing of English

[Mr. A. N. Surve]

5th or 6th standard. What is the state of affairs at present? The advanced classes, thinking that Government service is no more a secure field for them, are crowding into that institution. An institution which did not obtain a sufficient number of students a decade or two ago, is now overcrowded. There are four classes and each class admits, I think, 40 students per year. So every year 160 vacancies occur in that institution. But we find that nearly 500 or more applications, most of them from advanced class students, holding degrees or possessing college qualifications are submitted every year. Scholarships have been abolished. The standard of admission has also been raised. No student who has not passed the matriculation examination is now admitted into the institution without passing an entrance test.

You will see, therefore, that the advice given by the honourable member Mr. Gokhale is already being followed and is coming in the way of the backward class students. It is always a question of self-interest. If you find the door closed at one end, naturally you will try to get in at the other. Formerly, nobody belonging to the forward classes liked to be a weaving master or a mechanical engineer. To-day we find that the posts which were formerly occupied by backward classes are being occupied by advanced classes.

Another point which was raised related to pension. I do not know why it was raised at all. When a man enters Government service, he is guided by the Civil Service Rules and retires at the age of 55. If at that time he does not get his maximum salary, he would be governed by the rules which govern the pension of a person allowed to retire before he completes his service. When a person of a backward community is given this privilege, it is saddled with the burden that he will not get his maximum pension.

There was a suggestion made that there are many communities which, though classed as advanced, are really very backward in education. In this connection, I would mention that it is not the Legislature that classifies a particular community as backward or forward in matters of education. The list is generally prepared by Government or by the Director of Public Instruction. That particular community should convince Government that they are really backward in education, and we will not in any way come in their way. I am informed, for instance, in Kanara the Brahmin community is entirely agricultural. And they are as backward as any other community. In that case it rests with them to convince Government of their backwardness and to demand some of the privileges extended to the backward communities, and I am sure Government will recognise their rights. I think the classification about forward and backward classes can be easily settled. I am very thankful to all honourable members who have joined in chorus in giving support to the resolution.

Rao Bahadur S. N. ANGADI (Belgaum District): Mr. President, I am very glad to find that this resolution has been very well received by every section of the House. I do not want to enter upon the ground

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which has already been covered, but should like to emphasise one or two new points.

I do not think there is any difficulty in the way of Government accepting this resolution. Even supposing that the resolution is accepted, the question is whether anything is going to happen. I do not think that even if the resolution is passed, any progress worth the name will be achieved, unless the officers vested with the power of making appointments keep on their tables the census figures and refer to them when making fresh appointments. Unless they look into these figures and stick to the proportion of every community to the total population, I do not think any considerable progress will be made. That is one point which I would like Government to remember. They must issue strict orders to the officers vested with the power of making appointments that they must always keep on their tables the census figures of every community. That is the best guide. Otherwise, even if we give the concession recommended in this resolution, it will not help the backward communities in any way.

I find that under the cloak of retrenchment great injustice is being done to the backward communities. This is a very serious matter for the consideration of Government, and I hope Government will take an equally serious view of what I am going to say. You remember, Sir, that under Government orders people from backward classes were appointed in some departments. All these people have entered Government service very recently. Take the case of the Excise Department. It was only during the last five or six years that men from backward classes entered this Department. In the name of retrenchment, the axe is made to fall upon the backward class men. Men who have been confirmed have been served with notices of discharge. They must leave the Department in December. That is a very serious position, to which I would like to draw the attention of the Honourable Minister for Excise. There was no chance for them to enter service previously, because no candidates were available at all. Because some people were taken up in the Department recently, they are going to be thrown out in the name of retrenchment. When we were discussing retrenchment, I made it perfectly clear that it was no use cutting down one clerk here and one peon there. That sort of retrenchment was vigorously opposed by this side of the House. That was why we proposed cuts in the salaries. We had suggested to Government that the candidates from backward communities who had been confirmed very recently, should not be asked to go away. I find this is being done, not only in the Excise Department, but in other departments also.

When this is the state of affairs, I do not know the meaning of passing this resolution. It will remain a pious resolution. I do not know whether any good is going to come out of this resolution. I do think every head of department ought to take this into very serious consideration. If you mean to do any good to the backward communities, you must see to it that people who entered Government service only recently and who have been confirmed, should not be asked to go home. What

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is the use of giving a thing with your right hand and taking it away with your left? That will be the position if Government do not accept my suggestion. Therefore, if Government are really sympathetic, they ought to see that the backward class candidates or servants are not, as far as possible, asked to go home in the name of retrenchment.

With these words, I give my whole-hearted support to the resolution that has been placed before the House.

The Honourable MOULVI RAFI UDDIN AHMAD: Sir, I am very glad that this matter has been mentioned in the Council by my honourable friend Rao Bahadur Angadi. It is a fact that many officers belonging to the backward communities, especially in the Excise Department, who are juniors, and who have been recently employed, have been axed, and it has been explained to me that the best way of carrying out the recommendations of the Retrenchment Committee would be to remove all the junior officers, who all belong to the Backward Classes. This matter, Sir, has been engaging my attention and I am not at all satisfied with the view which the department has taken of it, and I am very glad that the Legislative Council has had an opportunity of expressing their views upon this subject. As honourable members are desirous that no such injustice should be done to the junior members of the backward classes who have recently been taken in Government service in the Excise Department, I assure them that their views will be taken into consideration and that no injustice will be allowed in their case.

Rao Saheb V. S. PATIL (East Khandesh District) (Addressed the House in Marathi): Sir, the speeches made by honourable members belonging to the backward communities, as well as to the advanced classes, have, I am very glad to observe, been in support of my resolution. I therefore congratulate them upon the sympathy which they have shown to my resolution and beg to extend to them my sincere thanks for the help they have given me in getting this resolution passed by this honourable House. My only request now is to the Government, who, I pray, will be pleased to accept this resolution without opposition.

The Honourable Sir GHULAM HUSSAIN: Sir, I myself belong to a backward community, and I have every sympathy with the resolution. So, too, two of my honourable colleagues belong to backward communities—I mean two of the Honourable Ministers—and surely, Sir, when the Cabinet, which consists of seven members, has three members who belong to the backward communities, they must be alive to the difficulties and disabilities of the backward communities. Now, Sir, the resolution as it stands reads:

“This Council recommends to Government to increase the age-limit of 25 to 30 years for entry into Government service in the case of educationally backward communities wherever the age-limit is 25 years.”

I admire the enthusiasm of the honourable members who have been advocating the cause of the backward communities, and I am very much impressed with that enthusiasm; but I pity their ignorance in that they do not know that the age-limit for the backward communities is 28 years,

[Sir Ghulam Hussain]

not 25 years, and this brings me to the logical conclusion that all those advocates do not take much interest in the improvement of the backward communities. At the same time, I deprecate the spirit of inveighing against the advanced communities. I think it is for the backward communities to emulate the good example of the advanced classes. The advanced classes have risen by industry and application, and the backward classes must emulate their example and come to the top by that means instead of running them down—

Khan Bahadur M. A. KHUHRO: Is not the Muslim community in Sind backward?

The Honourable Sir GHULAM HUSSAIN: For all those who are backward, the age-limit is 28 years.

Khan Bahadur M. A. KHUHRO: They are not given that concession in Sind.

The Honourable Sir GHULAM HUSSAIN: I am not here to define who is backward and who is not. I am talking on the resolution as it is tabled. Now, Sir, 28 years for any community is a very fair age. If we increase it to 30 years, we will be putting a premium upon want of enterprise and on indolence. The backward communities should realise that these are days of competition and that they must also bestir themselves. Government, of course, are always ready to help them. Will it not be a pity if members of the backward communities cannot make themselves eligible educationally for a clerk's post up to the age of 28 years?

Then, Sir, in regard to some posts, e.g., sub-judges, even the age which the resolution desires for the backward communities has been exceeded by Government and backward classes are recruited up to the age of 33 years.

SYED MIRAN MAHOMED SHAH: That is not the case in Sind.

The Honourable Sir GHULAM HUSSAIN: Besides that, Sir, Government have the power and actually stretch a point in favour of the backward communities whenever a candidate from the backward classes is suitable, even if he is above the prescribed age. I think honourable members will agree with me that Government have been treating the backward communities very fairly.

As regards Sind, I will make enquiries and perhaps one of my Honourable Colleagues, who has been Commissioner in Sind, will enlighten the House as to whether the age-limit in Sind is 25 or 28 in the case of the backward communities.

I hope, Sir, that honourable members will realise that Government have been doing their very best with regard to the recruitment of the backward communities, and I trust, therefore, that the House will throw out the resolution.

Question put. The House divided : Ayes, 39 ; Noes, 30.

Division No. 5.

Ayes

ANGADI, Rao Bahadur S. N.
ASAVALE, Rao Bahadur R. S.
BALOCH, Mr. HAJI MIR MAHOMED
BANGI, Mr. A. K. J.
BOLE, Rao Bahadur S. K.
CHIKODI, Mr. P. R.
CHITALE, Rao Bahadur G. K.
DHALUMAL LILARAM, Mr.
DESAI, Mr. S. B.
GHULAM NABI SHAH, Khan Bahadur
GOVEE ROBA, Mr.
JAN MAHOMED KHAN, Khan Bahadur
KADRI, Mr. J. S.
KALE, Rao Bahadur R. R.
KAMAT, Mr. B. S.
KHUERO, Khan Bahadur M. A.
MODAK, Rev. R. S.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.

PATEL, Khan Bahadur A. E.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SHINDE, Mr. R. B.
SINDHA, Mr. MADHAVSANG JOBBHAI
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASABHAI
RAISINJI
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.

Tellers for the Ayes : Rao Bahadur R. S. ASAVALE and Mr. SYED MUNAWAR.

Noes

BELL, Mr. P. D.
BOWERS, Mr. P. L.
BRANDEB, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
DESAI, Rao Saheb B. G.
DIXIT, Dr. M. K.
EWSBANK, Mr. R. B.
GABRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
HUDSON, the Honourable Mr. W. F.
JAM JAN MAHOMED KHAN, Khan Bahadur.
KAMBLI, the Honourable Dewan Bahadur
S. T.

KARBHARI, Mr. M. M.
MACKLIN, Mr. A. S. R.
MIRZA, SAHEBADA M. A.
MODI, Sardar DAVAR T. K.
OWEN, Mr. A. C.
PRADHAN, the Honourable Sir Govindrao
RAFIUDDIN AHMAD, the Honourable
MOULVI
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SMART, Mr. W. W.
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sardar Sir RUSTOM
JEHANGIR
WILES, Mr. G.

Tellers for the Noes : Khan Bahadur SHAIKH YAKUB VAZIR MAHOMED and Mr. M. M. KARBHARI.

RESOLUTION re : A NEW ROAD IN RATNAGIRI DISTRICT.

Rao Bahadur L. V. PARULEKAR (Ratnagiri District) : Sir, I beg to move the following resolution :—

“ This Council recommends to Government to construct a new road from Hatkhamba-Poladpur road to Niwali-Devrukh road in the Ratnagiri district.”

I may say, in the first instance, that there may not be very many members in this Council knowing exactly the situation and the topography of the Ratnagiri district. This district is a long stretch of a narrow piece of land lying between the Arabian sea on the one side and the Sahyadri mountains on the other, about 25 to 30 miles in breadth. It is entirely a hilly and barren tract of country, traversed by creeks,

[Rao Bahadur L. V. Parulekar]

streams, rivers and water-courses, and hence communication has become extremely difficult. No doubt, for some time of the year, so far as the coast line is concerned, there are steamers plying, but advantage of that cannot be taken by all the persons, especially by persons who reside in the interior parts of the district. The soil is very poor. The greater portion of the land is rocky, a barren sheet, and only to the extent of about one-third there is some arable land. There are no pretensions of any kind, nor commercial activities of any kind, nor anything to attract the attention of the persons who can do anything for the amelioration of the condition of this district. Especially in the rainy season, it becomes extremely difficult for a man to go from one place to another in the district. The people from the Vengurla and Malwan talukas have to go to Ratnagiri, because it is the headquarters of the district where there is the District Court, the District Magistrate's Court, the Collector's office and the First Class Subordinate Judge's court with jurisdiction throughout the whole district. Now, in order to reach Ratnagiri these people have first to go to Belgaum, then from Belgaum to Kolhapur and from Kolhapur to Ratnagiri. One can easily see that in order to reach a place about 80 miles distant, these people have to travel a distance of more than 250 miles. That is the greatest difficulty. The man from Devgad taluka also has to go to Kolhapur first and from there proceed to Ratnagiri. Such is the situation, and such are the means of communication at present. Therefore, it has now become necessary for us to impress on the authorities to look at this question more generously for the purpose of ameliorating the condition of the people in the district.

Coming to this particular line, I may say that the road in respect of which I have moved the resolution, is one by which a man can go from Ratnagiri to Devrukh. Devrukh is a taluka station. There is a sub-judge's court and a mamlatdar's court there, and people have also to go from Devrukh to Ratnagiri. As I understand it, there are no less than 150 persons going by that road every day. But in the rainy season, if one has to go from Ratnagiri to Devrukh, he has to go to Sakarpa, a place about 30 miles on the road to Kolhapur and then go back again, say, about 13 miles and then reach Devrukh, which is not a simple journey. There are two rivers to be crossed, one of which is a small one and the other a big one which is not fordable; and the motor bus or other vehicle stops there. There is a small boat provided, but during the rainy season you have to go a distance of a mile in mud before you can cross the river and get on the road, which is extremely difficult. I think for a man like myself, with a disability, it is practically impossible to go to Devrukh in the rainy season. [Interruption.] A man must necessarily move about; he is not confined to his house as long as he is alive. That comes to nearly 40 to 45 miles. Then again, from the Sangameshwar side there is another approach, but that route also is intercepted by two rivers, and the man has to stop there, get into the boat, and then again walk a distance of 3 or 4 miles, and again cross

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the second river. So that, from that direction also a distance of something like 45 miles has to be covered. I do not suppose that under the present financial position of this Presidency it is possible to ask for, or get relief in the shape of, any bridges across these rivers. Therefore, what I propose is a road on which there will be no bridges necessary. The distance between Ratnagiri and Devrukh is only 28 miles, by this road, as compared with the distance of 45 miles by the other two routes which I have described. This road is a short cut, and there will be no necessity for constructing a bridge. The construction of a bridge must necessarily involve, as far as the understanding of a layman like myself goes, an expense of not less than a lakh of rupees each—it may be more, but not less. That is the situation. Besides, the road which I propose should be constructed, is about 14 miles in length. I said that the distance between Ratnagiri and Devrukh by this road is 28 miles, but from Ratnagiri to Niwali, which is a distance of 15 miles, there is a P. W. D. road, and it is not necessary to do anything for that distance. There remains only the road of 14 miles in length, and if any help is given for the construction of the road for these 14 miles, it will be a great blessing to the people of Ratnagiri and Devrukh. Even with regard to this road of 14 miles, I may say that about 8 miles of it have been already constructed by the local board, and really speaking there are only 6 miles of the road still to be constructed, and for the present, if attention is paid to these 6 or 7 miles, then of course it will be a great facility. People will be able to go from Devrukh to Ratnagiri and back to Devrukh even by motor. That is the position, and therefore I would request all my honourable friends to support this proposition.

It may be stated, perhaps, that in Ratnagiri some bridges have been constructed in the last 4 or 5 years. Government may say that they have spent so much and cannot spend any more. But my submission with regard to that is that it is only within the last 4 or 5 years that the bridges have been constructed, and they have been constructed on the main trunk road which goes from Bombay to Belgaum. No doubt, people can take advantage of them to a certain extent. But in the rainy season it is extremely difficult for people from the centre of the district to go to other taluka towns. You cannot go even as far as Malvan, Devgad, Vengurla and Chiplun; the road to Chiplun being intercepted by rivers, some bridges have been constructed across those rivers. If that is the argument which is advanced, then all I can say is this: During the last 40 years or so, when the Public Works Department undertook certain main roads and some other roads were constructed in the district, these principal roads have been neglected; and if at least one bridge had been constructed in ten years, the whole work would have been completed long ago, the construction of the bridges was long over-due and if these have been neglected for so long, it is no answer to say that Government paid some attention to the matter very recently. Therefore, my submission is that this road

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which I propose, is a very short one, not entailing very heavy expenditure. As I said, the cost will be Rs. 40,000 or so. That being so, I hope this small sum will not be grudged to this poor district. It may be argued that there is financial stringency. To that my answer is that many attempts have been made to raise money by cuts and other means, and out of that this small sum can be spared for that district. In spite of financial stringency, this sum ought to be given to that district, as the construction of the road is very urgent. I therefore hope that all honourable members will support the demand contained in my resolution.

The Honourable the PRESIDENT: Before I put the resolution in the form in which the honourable member has moved it, I should like to know the situation of the roads from him, because I have got an amendment with me. I understand there is a road which is a Government one, which runs from Hatkhamba to Poladpur. The honourable member wants the road which has been constructed from Tulsani for about eight miles, to be continued to join to Hatkhamba road at Niwali. That Tulsani road is a local board road. That portion which is left unfinished, should be taken up by the Public Works Department from wherever it was left unfinished, say 8 miles, and the construction of the road for the remaining 6 miles should be continued to join the Government road at Niwali. The resolution does not convey to me the idea that was explained by the honourable mover himself. I will put the resolution in this form:

"This Council recommends to Government to construct a new road to join the Hatkhamba-Poladpur Road at Niwali in extension of the unfinished road from Tulsani."

Mr. A. N. SURVE (Bombay City, North): Sir, I support the resolution moved by my honourable friend from Ratnagiri. I may just put it a little more graphically. Let us suppose that this book rack on the table is the provincial road, which is called in this resolution the Hatkhamba-Poladpur Road. To that road, this resolution recommends that a feeder road should be joined. The resolution, as it originally stood, wanted all these 14 miles to be constructed by Government. To that I had suggested an amendment, which has now been incorporated in the resolution itself. The local board has already constructed a road of the length of 8 miles. Now only about six miles from Tulsani to Niwali remains to be constructed. The resolution, therefore, asks that this remaining 6 miles of road should be constructed. The honourable member who spoke last, has already stated that the local board cannot undertake the construction of this road as it cannot spend the large amount that will be required on account of the hilly nature of the tract through which it passes.

There is another reason why this feeder road should be constructed. There is a river called Bav river, which intersects the Hatkhamba-Poladpur road. Government have now constructed a bridge over this river. So, the construction of this road has become more necessary. My

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honourable friend suggested that, in order to give facility to the inhabitants of Ratnagiri itself, this road should be constructed. He has already stated to the House that the Ratnagiri district is interspersed with hills, mountains and rivers. When the rivers are in floods, one taluka becomes isolated from another. If a case is fixed for hearing on a particular day, and if the river is in floods on that day, the party cannot attend the court.

Apart from that, another point is this. Ratnagiri is the principal district that supplies the labour to Bombay City. During the rainy season, the steamer communication is stopped,—I mean the ferry steamer communication. Then Ratnagiri practically becomes cut off from Bombay, to which it supplies labour. The prosperity of Bombay is dependent upon the labour supplied by Ratnagiri. You know that Bombay is an industrial city. All the industries must be run, so that Bombay may be prosperous. Therefore, if you give facilities to the labourers to come to Bombay even during the rainy season, I think the industry will not suffer. For several decades, the question of railway communication between Bombay and Ratnagiri has been hanging fire. If railway communication comes into existence, then these roads, whether provincial or local board, will not have much value. As there is no prospect of the railway communication coming into existence in the near future, the only way, under the circumstances, is to open up communication with the various parts of the district.

Another painful point is that, because Ratnagiri yields a smaller revenue, it has been treated in this fashion. As the mover of the resolution has complained, Government have neglected the roads in this district. If Government had been pleased to see that Ratnagiri district had had its quota along with other districts of the Presidency in the matter of provision for roads, this state of affairs would not have occurred. I am quite alive to the fact that, owing to the efforts of non-official members of this House, Government have awakened to a sense of their responsibility and have constructed several bridges. They are now trying to establish communication between Bombay and Goa by road. It will take many years for this scheme to be completed. Government have constructed these bridges, with that object in view, but it is necessary that all the feeder roads should be constructed; otherwise the object in view will not be achieved. For that reason, I very heartily support the resolution which has been moved by my honourable friend from Ratnagiri.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I support the resolution that has been moved by my honourable friend from Ratnagiri. The survey of this road took place in the year 1902 and the Public Works Department spent Rs. 8,500 over it. Since then it has been hanging fire. A sum of Rs. 8,500 was spent by Government in surveying the road in 1902-03. They surveyed only 11 miles. The distance from Niwali to Devrukh is only 14 miles.

[Mr. V. A. Surve]

The district board has already finished the road up to Tulsani. It now remains for the Government to complete their piece of work. They have left this undone up till now, and the result is that although the district local board has done their work, the road from Ratnagiri to Devrukh is not yet complete. The motors get punctured on the road. Year after year the executive engineer and the superintending engineer recommend the completion of this road to Government, but Government always plead financial stringency and leave this road unfinished. Their plea is that this is not an urgent work. It is a very urgent work from the point of view of the Ratnagiri district.

The Honourable the PRESIDENT: I just want to know one thing from the honourable member or any of the previous speakers. Is the road from Niwali to Devrukh complete ?

Mr. V. A. SURVE: The district board has done that.

The Honourable Dewan Bahadur S. T. KAMBLI: Sir, the honourable mover of this resolution has admitted that Government have been spending large sums of money in connecting Ratnagiri to Bombay. The construction of a big provincial road running right through the Ratnagiri district to Bombay is being undertaken for the last so many years. It clearly proves that the claims and interests of the district of Ratnagiri have been kept in view and have been attended to by the Government of Bombay. Not only that; I am going to quote certain figures in order to convince the honourable House that the district of Ratnagiri, for the last five years at any rate, has almost so to say monopolised the attention of P. W. D. in so far as its activities in the Southern Division are concerned. In the year 1926-27, a sum of Rs. 3,92,000 was spent on the construction and maintenance of roads and bridges in that district; in the year 1927-28 a sum of Rs. 3,60,000 was spent; in the year 1928-29 a sum of Rs. 4,31,000 was spent; in 1929-30, a sum of Rs. 5,08,000; in 1930-31, a sum of Rs. 5,46,000; and up to August last a sum of Rs. 1,31,982 was spent. These are the amounts spent in Ratnagiri District for improvement of communications in that district. If honourable members compare these figures with those for other districts of the Southern Division, they will be convinced that the claims of Ratnagiri District have been more than adequately met during the last five years. The Southern Division is composed of six districts—Belgaum, Bijapur, Dharwar, Kanara, Kolaba and Ratnagiri. In the last five years as stated by me, we have spent a sum of about 25 lakhs of rupees in Ratnagiri. In the same period we have spent in the district of Dharwar Rs. 53,700 for construction of bridges, culverts and new roads; in Bijapur, Rs. 30,000; in Belgaum, Rs. 1,15,500; and in Kanara, Rs. 3,02,900. If he compares these figures with the 25 lakhs of rupees spent in Ratnagiri alone, I hope the honourable mover of this resolution will admit that the claims of Ratnagiri have been met not only adequately, but to an extent which would be regarded as undoubtedly more than sufficient.

[Dewan Bahadur S. T. Kambli]

Coming to the particular road in question, we have to see whether it is of local importance only or of provincial importance. It will be readily recognised by the honourable House that the maintenance and construction of provincial roads ought to be the first care of Government. Roads of purely local importance can come only next in order of importance and urgency. I have already referred to the admission made by the honourable mover of the resolution that the Government of Bombay have been spending sufficiently large sums of money for the main provincial road in Ratnagiri which connects Ratnagiri District to Bombay. Now, this particular road from Devrukh to Niwali is only a road of local importance, and that it is so, will be seen from the fact that the district local board of Ratnagiri has already constructed eight miles of this road. This fact will convince the House that the road is not of provincial importance, but only of local importance. Having proceeded with the construction of 8 miles of the road, it behoves the district local board to continue its activities further and construct the remaining six miles. If the local board is financially unable to do so, it may approach Government for financial help and, if the finances of the Presidency allow, Government will be very glad to assist the local board in the matter of financing the construction of the remaining portion of this road.

Sir, there is another aspect of this question. Devrukh is at present connected to Ratnagiri not by one road, but by two roads. One is via Sakharpa and the other is via Sangamner. There are thus two roads already connecting Devrukh to Ratnagiri; still my honourable friend insists that Government should spend money for constructing or, to be more accurate, for completing a third one and that too a road of purely local importance. The fact that the district local board, having recognised that the road is of purely local importance, has constructed 8 miles of it, clearly proves that it is the duty of the board to complete the remaining 6 miles. And if the district local board thinks that it is beyond its financial ability to construct it, there is yet another remedy for it. It can approach the Bombay Government and ask them to provincialise the road. Then it will be considered by Government. It would be an obvious anomaly if the remaining part of the road—a feeder road—as has been described by the honourable member from Bombay (Mr. Surve), were to be completed and maintained by the local Government. There would then be two controlling bodies in respect of different parts of one and the same road, and that too a small feeder road. Either the whole road should be in the hands of the district local board or it should be handed over to the Provincial Government. No such step has been intended to be taken so far by the district local board. If such a proposal is made to Government, it will be considered along with similar proposals from different parts of the Presidency. The estimate for this work of constructing the remaining 6 miles of this road is, on a rough calculation, about Rs. 3 lakhs (of course, subject to a survey being made). If the resolution were to be accepted by the Government, then about

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3 lakhs of rupees will have to be spent on the construction of this road. Not only that, they will have to spend additional money in the future on its maintenance also. As I have already said, about Rs. 25 lakhs has been spent in the last five years on the construction of roads, culverts, new bridges etc. in the Ratnagiri district. We cannot go on spending money in the Ratnagiri district alone. I would remind the honourable the mover of this resolution that the Government has to look to the needs of other districts also. The figures which I have supplied, speak very eloquently of the efforts of the Bombay Government to provide for the needs of the Ratnagiri district. I think, therefore, that the honourable member representing Ratnagiri district will be well advised to withdraw his resolution. At the same time, I may assure him that if the finances of the Presidency allow, the Government will not be reluctant in further supplying the other needs of the Ratnagiri district. Situated as we are at present, and looking to the needs of other districts and especially to the poor condition of roads in Sind, the improvement of which I recognise as an urgent necessity, Government cannot accept the resolution, and the honourable member will be well advised to withdraw it. Government is bound to be impartial and is bound to look equally to the needs of all the different districts in the Presidency. They cannot be partial to one district alone. Taking all these facts into consideration, the honourable mover of this resolution will, I hope, reconsider his position and withdraw his resolution.

Rao Bahadur L. V. PARULEKAR (Ratnagiri District): Sir, the principal point stressed by the Honourable Minister was, as I had already anticipated, that something like Rs. 20 lakhs had been spent for the Ratnagiri district during the last five years. As I stated, this sum of 20 lakhs must be spread over 30 or 40 years, during which period Ratnagiri district had altogether been neglected. I wanted to have the figures for the last 30 years for my district, as well as for other districts, which the Honourable Minister has not placed before us.

A comparison has been made between Ratnagiri and other districts. But there are railway facilities in other districts.

The Honourable Dewan Bahadur S. T. KAMBLI: Kanara district has no railway facilities at all.

Rao Bahadur L. V. PARULEKAR: Let us see how much Kanara got during the last 30 years. That has to be taken into consideration.

This is not a provincial road, I admit. The provincial road linking Ratnagiri with Bombay and Belgaum is of no use, so far as travellers are concerned. People going from Bombay go via Chiplun and Mahad. That road may have been constructed for political reasons. So far as utility is concerned, that road has very little value. If we look to the convenience of the people, local board roads are better than provincial roads.

[Rao Bahadur L. V. Parulekar]

Now, it is, of course, the duty of the local board to construct the road in question, and they have fulfilled that obligation to a certain extent. The Honourable Minister in charge said that if a proposal is submitted by the local board, then it will be considered. He has not thought it fit to say that it will be favourably considered. If he had said that, it would have been some kind of consolation. If the Government can see their way to help the local board, it will not be difficult for them to send a reply. I do not think there is any objection or difficulty in the way of the district local board approaching the Government, and if a favourable reply is given to their request, it will go a long way towards alleviating the hardships to which the people are at present put. One day we may hope that the Government will come to the aid of the local board. Anyhow, it will not be proper for me to withdraw my resolution, because Government in that case will wait till they receive a request from the people. But my resolution will stand on the record, and I will see what fate it is going to meet.

The Honourable the PRESIDENT: One point was particularly emphasized by the Honourable Minister, namely, that there are two approaches from Devrukh to Ratnagiri. Has the honourable mover followed it?

Rao Bahadur L. V. PARULEKAR: These two approaches are not convenient at all. A man who has to go by those roads, has to wait for a boat and, if the river is not in floods, it is all right. Otherwise the roads are useless.

With regard to the cost, the sum of 3 lakhs is more than the sum required for even the construction of a railway. If a sum of Rs. 50,000 is handed over to the local board, we will manage matters independently of Government.

The Honourable Dewan Bahadur S. T. KAMBLI: I have no more remarks to offer, Sir.

Question put, and negatived.

**RESOLUTION re : NON-APPOINTMENT OF CERTAIN OFFICERS
AS EX-OFFICIO MEMBERS ON LOCAL BODIES.**

Mr. J. G. MORE (Sholapur District) : Sir, I beg to move :

“ This Council recommends to Government that Revenue officers and magistrates be not appointed as ex-officio nominated members on municipalities and local boards.”

The local bodies on which Government servants, as stated in the resolution, are generally nominated, are taluka local boards, district local boards, and minor and major municipalities. We see mamlatdars of talukas appointed on the taluka local boards as ex-officio nominated members. The mamlatdar is also appointed on the minor municipality as a nominated member. In the case of city municipalities and district local boards, the mamlatdars and the divisional officers are usually nominated members. As these officers are invested with magisterial

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powers, they are in a position to exercise undue influence over these local bodies in various ways and the spirit of local self-government, which ought to prevail in these local self-government bodies, is to a large extent hampered.

The second reason why I move this resolution is that these local self-governing bodies are primarily concerned with the construction and repairs of roads, buildings, wells and bridges, etc. Moreover, they are concerned with sanitation and health. These are the most important functions which these local bodies have to discharge. With regard to these functions, when the local bodies have to incur expenditure, they have to frame regular estimates and submit them to these bodies. As we know, the mamlatdars and other magistrates who are Government servants and who are nominated on the local bodies, are not qualified men who can know the pros and cons of estimating. So their position is just the same as that of other members, elected or nominated. From this point of view, the services of the Public Works Department officers, the services of medical officers and the services of health officers are highly needed. They can give proper advice and help. If Public Works Department officers are nominated on these bodies, they can go through the estimates, give advice and help to the local bodies, check these estimates and try to save the expenditure which otherwise might be unnecessarily sanctioned. Moreover, in a number of ways they may help the boards and the municipalities while the works are in progress. Suppose a Public Works Department officer is appointed on a taluka local board, when estimates are prepared and sent to the board, what will he then do? He will see that the estimates are correctly framed, he will see that proper rates are charged, that so much amount only should be spent and that so much amount ought to be reduced. That will be a help which will be of great value to these local bodies. So, from the point of view of importance of these works, it is highly necessary that these Public Works Department officers should be nominated. Officers of the Medical and Health departments should be appointed because their advice and help regarding sanitation and health will be valuable. If that is done, the administration of the local bodies will go on very efficiently.

With regard to the interference of these local Government servants who are revenue officers, and who are invested with magisterial powers, my experience is confined to the district local board, the municipalities and the taluka local boards that I see in my own district of Sholapur. When these officers are appointed by Government, no doubt they have to discharge certain duties which Government confidentially or otherwise ask them to carry out in these bodies. But apart from that, they have their own inclinations, they have their own personal interests to be gratified and for that purpose they play the greatest possible mischief in these local bodies. I may cite here certain instances which have occurred in my district in all these institutions. Take, for instance, the district local board of Sholapur. When the district local board which was constituted

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under the new Act in 1925 was in the hands of the Non-Brahmin party there, there was a party in opposition. There happened to be two sub-divisional officers nominated as members by Government. Everybody knows that the board was superseded for mismanagement for three years. I, as the president then of the taluka local board, was closely in touch with the administration of the district local board and I know from my own experience that these officers did their best to see that the management of the district local board was impeded in every way so that the Non-Brahmin party might go out of power. It is common knowledge that a vote of censure was passed against the then president and in that move these two officers who were there as Government nominees did play their part, not a small one! Another instance can be quoted where such Government officers made their influence felt. Recently, a sub-divisional magistrate has been transferred to Sholapur, about four months ago. He is there in the district local board as a nominated member, and as soon as he gets there, we see a relative of his is appointed as a clerk in the district local board office. How has this appointment come about? There are applications from so many candidates from the advanced classes, as well as from the backward classes, who have applied to the board for appointments, but their applications have not received the necessary attention, but when a sub-divisional magistrate comes there and requests or rather presses the president, the president has—nay, he cannot but comply with the request of the officer—to appoint the relative of the officer as a clerk and that clerk is still working there. I have got a number of such instances. I can cite another instance of a taluka local board of Karmala taluka where a contest for the presidential chair was gone through. The mamlatdar there wanted to have a particular person to be in the chair of the president. There was another competent man in the running, a Rao Saheb who was popular both with Government and the public. This Rao Saheb was declared unsuccessful by the mamlatdar, who acted as chairman. Votes were taken by ballot instead of as usual. The Rao Saheb himself actually got one vote more, but the mamlatdar was pleased not to show these papers to the members of the board. He declared that there was a tie and cast his casting vote in favour of the other candidate. Fortunately for this Rao Saheb, the voting papers were found. He carried them to the Collector before whom the grievance was laid. The Collector went through that matter and finally had to set aside the election—an election which was declared by the mamlatdar to be in favour of the other candidate wrongly. When the pressure of the mamlatdar on the members of the Board was off this Rao Saheb was duly elected. That is an instance which has taken place, which is in the records of Government and which cannot be denied by Government. That instance will go to show that these officers who are Government servants and who are expected to do their duties honestly and who are not expected to interfere in the administration with their private inclinations and with their private views, do not in practice do so.

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If we come to the Pandharpur municipality, there we see the mamlatdar of the taluka is appointed as a nominated member. The mischief that is being played by the mamlatdar is such that it cannot be said that Government is doing good to the public when it nominates such a person there. I know personally he is in favour of the present president. They always meet, they even conspire, and when election is held, the mamlatdar will go out, approach certain persons, ask them to give their votes in favour of particular candidates so as to help the president and his party. At the time of counting of votes, I have seen with my own eyes what happened. In the case of a certain ward, I have seen with my own eyes that the mamlatdar, when he found that a particular candidate of his choice was likely to get a low number of votes and fail, thought it fit to close the box and took it away into the municipal office without even sealing it and without declaring the result and a box of another ward was taken up for counting. The box of the first ward which was taken into the municipal office was not brought before the public until 5 p.m. Is it fair that such a procedure should be followed by ex-officio nominated Government servants ?

Rao Bahadur D. R. PATIL : What is that mamlatdar's name ?

Mr. J. G. MORE : The mamlatdar's name is well known to Government—Mr. Tongaonkar. The incident I have mentioned has actually taken place. The contact between the president and the mamlatdar is so much that the mamlatdar is prepared to go to any length to help the president and his party. In every way the mamlatdar is pleased to help the president and his majority even to such length as to go against the interests of the people. I will cite another instance to show how this mamlatdar plays havoc in the municipal affairs of that body. Recently, about a year ago, the election of the president took place just at a time when the civil disobedience campaign was in full swing. A gentleman from that place was arrested and was brought before a magistrate and convicted. He happened to be an elected member in the municipality. He was expected to give opposition to the present president and his party both in the interest of municipal administration and the people. He was punished for an alleged offence, but the people there had their own views. They thought that he had not committed any offence against Government and that he was punished only because the mamlatdar and the president were one and so in order to remove him from the municipality he was sent to jail. That was the people's opinion about this gentleman's conviction. The father of one elected member was so very much afraid that he went to the president, prostrated himself before him and said with a humble voice "Here is my son. Please accept him. He will not go against you. He will always obey your orders and I hand over my son to you. You may take care of him." That instance has actually taken place there and from that time the son of this old man has been still in the clutches of the majority party which is being ruled by the president.

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If the Government want to ascertain the truth of this, they are welcome to go there and make enquiries about that. In such ways, the administration of the local body is being carried on. What I want by this resolution is not that any Government servants should not be appointed but that I want that these revenue officers who are invested with magisterial powers should not be nominated by Government on these local self-governing bodies, because these magistrates in a number of ways abuse their powers and try to exercise their undue influence in various ways on the members of those local bodies and their administration. So, instead of nominating these mamlatdars and prant officers who are Government officers, Government may nominate Public Works Department officers, Health officers and Medical officers, whose services are really needed. The members of these local bodies are mostly laymen, and they are not expected to know the technicalities of estimates and other things, and these officers are sure to help the administration of the local bodies.

There is another aspect from which I wish the Honourable Minister will be pleased to see my point through. In the last session, a Bill was moved removing the disqualification of police patils. At that time the Honourable Minister said that these patils of villages are men of great experience, that they have got discretion, and if these persons are on the boards, the administration of the boards will be helped. I know that these patils and kulkarnis are of great use to these boards. They are in close touch with the local areas, and they know what the needs of the people are. But when you appoint a mamlatdar as a nominated member on the board, the position of the patils and kulkarnis becomes very precarious. We see that these patils are on almost all the taluka and district local boards, and if the mamlatdar or sub-divisional magistrate is also on the board, these patils being Government servants cannot but obey his orders. The mamlatdars and sub-divisional officers exercise improper influence over them as their subordinates. If they go against the wishes of the mamlatdar or sub-divisional officer, the position of these patils and kulkarnis is very precarious. Naturally, they have to succumb against their wishes, against their opinion, against their experience, to the wishes of this superior Government servant who happens to be there.

Sir, I think this is a simple matter. I am not asking the Honourable Minister for Local Self-government to dispense with nomination. There may be the necessity of nominations to safeguard the interests of the minority communities. I do not want that any interest should go unrepresented on these boards and other local bodies. All that my resolution asks is that instead of nominating these revenue officers who are invested with magisterial powers Government should please see that Public Works Department officers, health officers and medical officers are nominated on these boards. It is a small demand which will ease the situation, if conceded; so that these local self-governing bodies will go

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on smoothly and more efficiently without any impediments being thrown in their way. With these words, I hope that the Honourable House will be pleased to accept my resolution.

Question proposed.

Mr. M. M. KARBHARI (Thana and Bombay Suburban Districts): Sir, I wish the honourable mover had worded his resolution rather differently and adopted the line of least resistance. If the resolution had been worded that the time had arrived when nomination should be done away with in the interest of Local Self-government, I would have given such a resolution my wholehearted support. Some three years ago, a conference under the auspices of the Local Self-government Institute was held in Bombay, when a resolution of this nature was moved by me; it was duly seconded, but it was opposed by one of my honourable Sindhi friends. Eventually, however, it was carried. The resolution was to the effect that the sense of the conference was that the time had arrived when Government should do away with nominations. Here I find that the honourable member has tried to prevent the nominations of a particular class of Government officers, which I believe is not quite fair. It may be that a few of the mamlatdars or a few of the other Government officers may have done mischief. That does not mean that so long as nominations are there, every mamlatdar and every Government officer is an objectionable person. If the mamlatdars and sub-divisional officers commit mischief, I believe we are more responsible for it than these officers. It is for the members to see that they give no chance to these officers to cause mischief. On the contrary, these officers fall a prey to the machinations of the members themselves, because on account of the differences among themselves they try to represent the facts one way or the other, and it is but natural that a man may be misguided for a time; or it may just be possible that the mamlatdar or other Government officer may deliberately do it to gain a particular object. But that does not mean that their presence there is not quite necessary. If nominations are to be maintained, I believe the mamlatdars and other revenue officers that are at present being nominated to the local bodies are essential there, and they should be kept. If the honourable mover is prepared to word his resolution in the way I have suggested, I believe I shall be able to give him my support. But I cannot possibly support the resolution as it is, because I cannot brand each and every man for the mistakes or for the inefficiency of a few particular individuals, instances of which have been cited before this House.

Rao Bahadur B. R. NAIK (Surat District): Sir, I sympathise with the honourable mover of this resolution in his tale of woes, and yet I am very sorry that I cannot support the resolution. As long as the system of nomination is in the Local Board Act and as long as under the provisions of that Act half the nominated members are to be Government officials, I do not think any good purpose will come out

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even by passing this resolution. It is true that the revenue officers do possess a great deal of influence in the talukas and in the district, and that they sometimes exert their influence in getting on the board a man of their choice, as President or Vice-President, but it does not necessarily follow from that that all these officers are of that kind. Sometimes the men selected by them are fit and proper persons, and sometimes they are no doubt not of the right kind.

But, Sir, looking at the question from another point of view, namely, the point of view of the administration of the local boards, the mamlatdars and district deputy collectors are the people who can help the local boards in their administration if they intend to do so. It is the Revenue officers who know the condition of the different areas under their charge, who are in touch with the people, and who know the wants and requirements of the people concerned. Therefore, in spite of certain defects in the existing system, I hope the honourable mover will withdraw his resolution.

Sir, it has been argued that the Executive Engineer, the Civil Surgeon and the Health Officer will be of greater use to the local boards than the revenue officers. I agree but if my honourable friend goes through the Local Boards Act, he will find that in the Act it has been provided that when a subject pertaining to the medical department is about to be discussed in the local board, there is a provision to invite the Civil Surgeon of the district to take part in the discussion and give his advice. The same is the case with regard to agriculture, co-operation, public health, and public works. The heads of all these departments who are experts in their subjects are to be invited at meetings of the district local board where and when these subjects are to be discussed. Therefore, to appoint the heads of these departments on the boards in order to get the benefit of their advice, there is provision in the Act, and it is not necessary that they should come in to replace the mamlatdars and sub-divisional officers.

There is another grievance, with which I sympathise, that these mamlatdars, being revenue officers and magistrates, exert a great deal of influence, and therefore, it is stated they should not be nominated on the board, because by exercising their influence they get on the board men of their own choice as President and Vice-President. But I ask the honourable mover, do these officers exercise their influence only as members of the local board? As revenue officers and magistrates can they not exert their influence even when they are not on the board? If a mamlatdar wants to bring a man of his own choice as President or Vice-President on the board, he will be able to do so even when he is not a member of the board. In the same way, if a deputy collector wants to have a particular man as President or Vice-President of the local board, and if he desires to help him, he can exert his influence and do so even if he is not a member of the board. I therefore say that even if you exclude these revenue officers,—the mamlatdars and deputy

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collectors,—the evil which my honourable friend the mover of this resolution wants to be removed, will not be eradicated. On the contrary, I say that these revenue officers outside the Boards will do more mischief than while they are on the Boards as being members of the Boards they will think twice before they do anything prejudicial to the interests of the Boards.

Then, Sir, there is another thing. My honourable friend the mover includes magistrates. I do not know whether he intends honorary magistrates as well as stipendiary magistrates, or stipendiary magistrates only.

Mr. J. G. MORE: I do not want to include honorary magistrates.

Rao Bahadur B. R. NAIK: As the resolution is worded, the honourable member evidently includes the honorary magistrates also.

Mr. J. G. MORE: I am agreeable to accept any amendment to substitute the words "who are" instead of the word "and", or to add the word "stipendiary" before the word "magistrates".

Rao Bahadur B. R. NAIK: As far as that is concerned, I have nothing to say. Revenue officers, that is, the District Deputy Collectors and the mamlatdars do exercise powers of magistrates. I do not know much about the district which is represented by the honourable mover, but as far as the district from which I come (Surat) is concerned, I have not experienced the difficulty which has been mentioned by the honourable mover, that the mamlatdars and deputy collectors interfere with the administration of the local board. On the contrary, the complaint made to the Collector is that the revenue officers who are members of the board are not taking any interest in the administration, that they are apathetic, that they do not care. That has been my experience as president of the taluka local board for a long period, and also as president of the district local board and I have not experienced the difficulty which has been mentioned by the honourable mover to any appreciable extent. I do grant that these difficulties may be experienced in other districts, but so far as Gujarat is concerned, my honourable friend the Thakor Saheb of Kerwada will bear me out that revenue officers are not generally interfering with the administration of the district local boards; on the other hand, the complaint is that they are not taking as much interest in it as they ought to. Under the circumstances, I am inclined to oppose the resolution.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I rise to support the resolution moved by my honourable friend Mr. More. The Honourable Minister, I see, is smiling, perhaps because he thinks that I am in the habit of supporting every proposition that is moved in this House. But I may assure him that I support only such resolutions which I think are desirable and deserve support. In the Karachi Municipality, the City Magistrate is a nominated member. The result is that every nominated member votes with him.

The Honourable Sir GHULAM HUSSAIN: Was the honourable member an honorary magistrate?

Mr. HAJI MIR MAHOMED BALOCH (In English): Ten or eleven years ago I was an honorary magistrate, but I am not at present.

The DEPUTY PRESIDENT: Can the honourable member address the House in English?

Mr. HAJI MIR MAHOMED BALOCH (Continuing the Urdu speech): No, Sir. I learned a smattering of English in my career as a public worker and business man. I am not so well versed in English as to address the House in that language. So, in the municipality, the nominated members as well as those who want the honour of being appointed as honorary magistrates vote with the City Magistrate, who is the man to recommend persons for the appointment as honorary magistrates. They have not the courage to say that they would vote for the public view. So, officers should not be nominated as members of local bodies.

Then, again in the Karachi district local board, the deputy collector is a member of that body. There were three of them nominated as members. There are the zamindars who are members of the district local board. These zamindars are dependent upon them for many revenue matters such as applications for lease of Government lands and so on. These zamindars naturally vote with the deputy collectors.

The Honourable Sir GHULAM HUSSAIN: Not now.

Mr. HAJI MIR MAHOMED BALOCH: During last year, there were three deputy collectors as nominated members. Why should you go so far to Karachi? We see here in the lobbies what happened to the resolution on adult franchise.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The honourable member does not reply to the points raised by the honourable member Rao Bahadur Bhimhai, but he is traversing the same ground.

Mr. HAJI MIR MAHOMED BALOCH: These officers bring to bear their influence through the honorary magistrates, who invariably and without exception follow the dictates of these officers in whose hands vests the power of recommending persons for appointment as honorary magistrates.

Mr. L. R. GOKHALE (Poona City): Sir, I believe the grievance mentioned in the resolution of my honourable friend Mr. More is neither new or novel. It is a fact that salaried magistrates are not necessarily very convenient and perhaps very useful members on the municipalities and local boards. I therefore propose to move the following amendment:

"After the word 'and' and before the word 'magistrate' the word 'salaried' should be added."

If this amendment is accepted I believe much controversy upon this resolution will disappear. There are salaried magistrates who are well conversant with the situation of the place and also influential with the

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people and prepared to sacrifice their time for public cause. Perhaps one advantage will be that they will exercise their influence. Whether such influence should be exercised or whether it would be of value in bodies like the municipalities is a question about which there are two opinions. I must admit that a salaried magistrate is certainly well conversant in the municipal and local board laws. He has also varied experience in the administration of such bodies. Generally he is not interested in the local politics. So, he is free from party feelings which do prevail to a great extent in small municipalities and as a matter of fact in all municipalities and district local boards and other local bodies. These are the points which we have to consider in giving opinion whether the salaried magistrates should or should not be there. The other side of the question is that the salaried magistrates have their own hobbies to ride and will try to father upon the local bodies certain opinions. The salaried magistrate sometimes feels that the so-called advanced opinion about public questions should not be adhered to by the local bodies. Perhaps he has instructions from the higher authority in these matters. Naturally in the interest of this vast country, the higher authorities may require that a certain line should be pursued by the local bodies. Then, it becomes the duty of the salaried magistrate to insist upon that view. Suppose a salaried magistrate, say a sub-divisional magistrate or the District Magistrate comes into a municipality or a district local board; there are other members on those bodies who have to pay income tax, who have to pay assessment and there are patils and others connected with the revenue administration. How many of them will have the courage of their conviction to differ from the authoritative view of the salaried magistrate? This is the other side of the question. I am fully aware of the advantages of the sub-divisional magistrates or District Magistrates who tour round the district and are in charge of these departments being members. Naturally they have experience of every side of a question. But their opinions are generally misunderstood by the other members of the Council. These other members will never dare to express an opposite view in the presence of that mighty officer—all-powerful District Magistrate or sub-divisional magistrate. If you really want to have a local self-government, will this be a local self-government or a sub-divisional magistrate government? That is the question. Therefore, notwithstanding my admiration for the valuable services of these officers, I cannot see any corresponding benefit in their being retained on those bodies.

Another point of view will be this. Suppose we dispense with their presence on the local boards, what will be the loss? I am sorry I had not the good fortune of listening to the honourable member Rao Bahadur Naik when he insisted on the august presence of the salaried magistrates on the municipality. But from my point of view I think he is not such an indispensable person.

Rao Bahadur B. R. NAIK : I have said about local boards.

Mr. L. R. GOKHALE : Municipalities and local boards are included in the resolution. My honourable friend wants municipalities to be distinguished from the local boards. I take it to mean that as regards municipal boards he is of opinion that salaried officers should not be on the municipal board. Then, the only question that remains is about the district local boards. Sir, if there is any class of people who happen unfortunately to be under the thumb of the revenue officers, it is not the municipal councillors so much as the local board members. There are various reasons for it. I would, therefore, suggest that neither in the municipalities nor in the local boards, taluka or district, should you have these salaried officers on the board.

Sir, my amendment that the word "salaried" should be placed before the word "magistrates" is intended only to apply to the nominations of Government officials, with a view to remove occasions of misunderstanding which do often arise between the people and the Government officials. I know that in many cases these officers do not take sides but remain independent, but notwithstanding their character and independence they are misunderstood and people who are not scrupulous enough sometimes do take advantage of their presence in the municipal or board meeting. My view is that there is no advantage to balance this disadvantage. The resolution moved by my honourable friend Mr. More should, therefore, be accepted with the amendment that I have proposed.

Question proposed.

The Honourable the PRESIDENT : Now, I have to postpone the discussion of the resolution till Monday. The Honourable the Leader of the House wishes to make a statement.

STATEMENT re : BACKWARD COMMUNITIES AND AGE-LIMIT.

The Honourable Sir GHULAM HUSSAIN : Sir, while we were discussing the resolution regarding the backward communities and the age-limit, some of my honourable friends from Sind said that the rule of 28 years was not applicable to Sind. Now, I have the resolution which I want to read out to the honourable House. It is applicable to Sind as well as to the rest of the Presidency. It reads :

"This rule may be relaxed by the appointing authorities in the case of candidates for admission to Government service from the educationally backward classes, including Mahomedans, provided their ages do not exceed the prescribed age by more than three years, and provided further that for special reasons to be recorded in writing in each case, Government may appoint candidates whose ages exceed the prescribed age, irrespective of the class to which they belong or the number of years by which their ages exceed the prescribed age."

An Honourable MEMBER : Is it for the Educational Service only ?

The Honourable Sir GHULAM HUSSAIN : No ; for all services. So, Sir, this resolution which I read out confirms my contention that my

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honourable friends do not read these resolutions and do not take much interest in the recruitment of the backward communities.

SYED MIRAN MAHOMED SHAH: We only speak from our experience. That resolution is not being acted upon.

Mr. A. N. SURVE: You will see, Sir, that the Government resolution of 1930 has practically done away with the distinction which formerly existed between the backward and the advanced classes. The demand of the backward classes is that they should be given the privilege of the extended age-limit. But this resolution does away with the distinction between the two classes altogether. Even persons belonging to the educationally advanced classes now can get exemption under that resolution at the discretion of the appointing officer. That is doing favour with a vengeance, Sir.

The Honourable Sir GHULAM HUSSAIN: Nothing of the kind. That is a discretion given to Government. Otherwise, the Resolution is for the backward communities.

The Honourable the PRESIDENT: The House is now adjourned to 2 p.m., on Monday, the 5th October 1931.

Monday, the 5th October 1931

The Council re-assembled at the Council Hall, Poona, on Monday, the 5th October 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BIRADAR, Sardar MAHABOOBALI KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM HYDER SHAH, Mr.
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JITEKAR, Mr. HAJI IBRAHIM
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.

KARBHARI, Mr. M. M.
 KHUARO, Khan Bahadur M. A.
 KULKARNI, Rao Saheb P. D.
 MACLIN, Mr. A. S. R.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MIRZA, Sahebzada M. A.
 MODAK, Rev. R. S.
 MODI, Sardar DAVAR T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dt. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

QUESTIONS AND ANSWERS.

TALATIS, BELGAUM DISTRICT: APPOINTMENTS.

Mr. A. J. BANGI (Southern Division): Will Government be pleased to state the number of talatis appointed in the Belgaum District from the Advanced, Backward, Depressed and Muhammadan communities during the last five years?

The Honourable Mr. W. F. HUDSON: Nine, of whom three belong to the advanced classes, five to the backward classes and one to the Muhammadan community.

SYED MIRAN MAHOMED SHAH: Have any orders been passed for the recruitment of a proportionate number of Muslims?

The Honourable Mr. W. F. HUDSON: I do not know; I require notice.

PUBLIC PROSECUTORS AND ASSISTANT PUBLIC PROSECUTORS: MUHAMMADANS.

Mr. A. J. BANGI (Southern Division): (a) Will Government be pleased to state the number of public prosecutors and assistant public prosecutors in the Presidency proper?

(b) How many of these are Muslims and how many non-Muslims?

(c) If the number of the former is not in proportion to their population, what are the reasons for the same?

(d) How many Muslims applied for the office of the Public and Assistant Public Prosecutors during the last five years and how many of them were appointed?

The Honourable Mr. G. A. THOMAS: (a) and (b) The Honourable Member is referred to the Bombay Civil List.

(c) Appointments are made on the qualifications of candidates and not on communal considerations, although the latter are taken into account. It may, however, be mentioned that as these appointments are district appointments, it would be impossible for any Muslim to be appointed in any district in the Presidency proper on a population basis.

(d) The information asked for is not available.

IRRIGATION BILL: APPLICATION TO KARACHI DISTRICT.

Mr. GHULAM HYDER SHAH (Karachi District): Will Government be pleased to state—

(a) whether it is a fact that the Karachi District is often subject to floods;

(b) whether as a result of constant flooding, the lands in the district have become uneven;

(c) whether the district is included in what is called Kalhar Tract;

(d) whether the Commissioner in Sind in his circular No. 4 has agreed to treat the district specially on account of its peculiar agricultural conditions;

(e) whether it is a fact that the Karachi District will be affected after the opening of the Barrage Canals ;

(f) if so, whether Government think it advisable to apply the proposed Irrigation Bill to the Karachi District also ?

The Honourable Sir GHULAM HUSSAIN : (a) to (f) The honourable member's attention is invited to the reply given to a similar question put by Mr. Shaikh Abdul Majid.*

TAPEDARS' DUTIES : TRANSFER TO ABDARS.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District) : (a) Will Government be pleased to state whether it is a fact that a portion of the Tapedars' duties has been transferred to Abdars in Jamesabad and Mirpurkhas talukas in the Thar Parkar District, as an experimental measure ?

(b) If so, how far has this measure succeeded ?

(c) If this measure is working well, why should it not be generalised ?

The Honourable Mr. W. F. HUDSON : (a) Yes.

(b) The experiment is reported to be a success.

(c) It is proposed to introduce the scheme in all talukas of the Barrage area by April 1st, 1933.

ASSESSMENT OF GARDEN LANDS : SIRSI AND SIDDAPUR TALUKAS.

Mr. H. R. DESAI for Mr. V. N. JOG (Dharwar District) : (1) Will Government be pleased to state what recommendations regarding the assessment of garden lands in the Sirsi and Siddapur talukas of the Kanara District were made in the Revision Settlement Report of 1925 ?

(2) Did the settlement officer recommend the reduction of the assessment on garden lands in both these talukas ?

(3) If so, what was the amount of reduction recommended ?

(4) What are the reasons given by him for his recommendation ?

(5) Have Government taken action on the report ?

(6) If not, what are the reasons therefor ?

The Honourable Mr. W. F. HUDSON : (1) to (4) Copies of the reports containing the required information are placed on the Council table.†

(5) and (6) Yes. Pending the introduction of revision settlements, orders have been issued to give effect to the reductions on garden lands proposed by the Settlement Officer in the form of annual remissions.~

LAND REVENUE AND TAGAVI : ATTACHMENT FOR NON-PAYMENT.

Mr. J. S. KADRI (Northern Division) : Will Government be pleased to state the number of attachments of property made in various villages of Matar Taluka, district Kaira—

(a) for non-payment of land revenue of the current year ;

(b) for non-payment of land revenue of the past year ;

(c) for non-payment of Tagavi loans ;

(d) for non-payment of building loans ?

The Honourable Mr. W. F. HUDSON : (a), (b), (c) and (d) A statement furnishing the required information is placed on the Council table.

Statement showing attachment of property in Matar Taluka for non-payment of land revenue dues, etc.

Year	Attachments made for non-payment of land revenue dues		Attachments made for non-payment of tagavi dues		Attachments made for non-payment of house building loans	
	Moveable property	Immoveable property	Moveable property	Immoveable property	Moveable property	Immoveable property
1	2	3	4	5	6	7
1929-30 ..	6	..	..	..	6	2
1930-31 ..	128	1	114	1	95	1

PHOTOZINCO OFFICE, POONA : INDIANIZATION.

Mr. J. S. KADRI (Northern Division) : Will Government be pleased to state—

(1) whether it was decided by Government in 1924 that the Department of Photozinco, Poona, should be completely Indianised ;

(2) whether in pursuance of the proposed scheme of Indianisation, any steps were taken by Government during the last ten years to Indianise the superior post of the Assistant Manager, Photozinco, and if so, whether any suitable qualified Indian was not found available for the post ;

(3) what is the usual pay of the Assistant Manager and what pay and allowances are drawn by the present incumbent of the post ;

(4) who is the present Assistant Manager and what are his age, total service and qualifications ? When was he confirmed and promoted to the present pay ? What was his pay prior to his confirmation ;

(5) what are the name, qualifications, age, service and pay of the present Manager of Photozinco, Poona ?

The Honourable Mr. W. F. HUDSON : (1) Yes.

(2) Yes. After inviting applications Government appointed Mr. D. K. Pradhan as an apprentice in the Government Photozinco Press, and in 1926 sent him to England for training in Photozinco methods. On his return he was appointed as Assistant Manager.

(3) No regular scale of pay has been fixed for the post, but it varies with the qualifications of the incumbent holding it. The present incumbent draws Rs. 480 in the grade of Rs. 450—30—660 *plus* Rs. 100 as personal pay.

(4) The present Assistant Manager is Mr. Coombs. He is 34 years old and has put in 16 years' service. He has passed the Senior Cambridge Examination and served as an apprentice in the Photozinco Office for three years (1915—1918), has sixteen years' practical experience and has

worked in all departments of that office. He studied the latest processes of photography, offset printing and photogravure in England at his own expense for one year (1926-27). He was confirmed in his present appointment on 14th July 1930. His pay prior to confirmation was Rs. 450 *plus* a special allowance of Rs. 100.

(5) Mr. D. K. Pradhan, the Manager of the Press, is a B.A., B.Sc. (Bombay). He served as an apprentice in the Photozinc Office from June 1924 to January 1926 and was then sent to England for further training at Government expense. He studied Photo Engraving and Lithography at the Bolt Court School and holds a diploma in Photographic and allied processes of the Leeds Technical College. He had further practical experience in the Photozinc Office from January 1929 till his appointment as Manager in July 1930. He has put in 7 years' service. He is at present drawing Rs. 530 in the grade of Rs. 500—30—800. He is 31 years old.

TELEGRAPH OFFICE, RATNAGIRI.

Rao Bahadur L. V. PARULEKAR (Ratnagiri District):
(a) Will Government be pleased to state whether they are aware that a great inconvenience is felt by the public in the town of Ratnagiri on account of there being no facility of a telegraph office in the town proper, the telegraph office being at some distance from the town?

(b) If so, will Government be pleased to move the Government of India to remove the inconvenience?

The Honourable Mr. W. F. HUDSON: (a) Yes.

(b) The matter has been brought to the notice of the Postmaster General, Bombay.

✓ GAOTHAN LAND, ALIBAG TALUKA.

Mr. N. N. PATIL (Kolaba District): (a) Has the attention of Government been drawn to the fact that their proposal to levy non-agricultural assessment in certain garden villages of the Alibag taluka has been strongly resented by the residents of the respective villages?

(b) Have Government received any petition from the residents of the respective villages regarding the same, and if so, what is the attitude of the Government in the matter?

(c) What is the amount Government expect to collect every year as a result of these new proposals from each of the villages separately?

(d) What is the amount Government get every year as revenue from these respective villages, by the institution of the revised settlement of 1924 over the old rates?

(e) What will be the approximate increase in the incidence of taxation in the respective villages?

(f) When was the recent amendment to Rules 80 to 85 under the Land Revenue Code (Act V of 1879) made?

(g) When were the proposals for the new taxation initiated?

(h) Has the present site shown as Gaothan in the Garden Villages mentioned above been found to be sufficient for the present population of those villages?

(i) Were such sites exempted from any land revenue even before the British took possession of the taluka ?

(j) Has the right to exemption from assessment of *Pot Kharala* lands been recognised by the British Government up to now ?

The Honourable Mr. W. F. HUDSON : (a) and (b) Petitions of objections have been received from some of the residents of the villages in question.

(c) As the proposals are still under the consideration of Government, the information asked for cannot be furnished.

(d) The Honourable Member is referred to the revised appendix L to Selection No. DCXXXII—New Series, containing papers relating to the Second Revision Settlement of the Alibag Taluka of the Kolaba District for the information he requires. A copy of the Selection will be found in the Council Library.

(e) The attention of the Honourable Member is invited to the reply to clause (c).

(f) The rules in question were last amended in August 1929.

(g) The proposals were initiated on the expiry of the period guaranteed by the last revision settlement.

(h) No.

(i) Occupied gaothan lands were not assessed to land revenue in pre-British times.

(j) It is presumed that the Honourable Member refers to non-agricultural assessment of *Pot Kharala* lands. The answer is in the negative.

Mr. N. N. PATIL : May I know why no reply has been given to the last part of my question (b) ?

The Honourable Mr. W. F. HUDSON : I am sorry it escaped my notice. The answer is that the petitions are still under the consideration of Government. I cannot indicate the attitude of Government till orders are passed on those petitions.

Mr. N. N. PATIL : With regard to (g), will the Honourable Member state the year ?

The Honourable Mr. W. F. HUDSON : I must ask for notice.

Mr. N. N. PATIL : With regard to (h), if the Gaothan land is insufficient, may I know where the Government expect the residents of garden villages to live ?

The Honourable Mr. W. F. HUDSON : They should purchase some land.

Mr. N. N. PATIL : When there is no land available ?

The Honourable Mr. W. F. HUDSON : They must go elsewhere.

Mr. N. N. PATIL : With regard to (i), have the British Government followed the same practice in respect of Gaothan lands ?

The Honourable Mr. W. F. HUDSON : I must ask for notice.

Mr. N. N. PATIL : With regard to (j), the answer is this : "It is presumed that the honourable member refers to non-agricultural

assessment of *Pot Kharaba* lands. The answer is in the negative." I want to know whether Government have introduced any change under which the *Pot Kharaba* lands are now made liable to assessment ?

The Honourable Mr. W. F. HUDSON : I do not know what happened before the days of the British Government. Does the honourable member mean that, or does he mean during the course of the present Raj ?

Mr. N. N. PATIL : *Pot Kharaba* land was not assessed in pre-British times. I want to know whether the British Government have followed the same policy.

The Honourable Mr. W. F. HUDSON : I must ask for notice of that.

Mr. A. N. SURVE : With regard to the reply to (d), were the Selections formerly supplied to members of the Legislative Council ?

The Honourable Mr. W. F. HUDSON : I do not know how that arises. A copy of the Selections will be found in the Council Library.

Mr. A. N. SURVE : Were they supplied to members of the Legislative Council formerly ?

The Honourable Mr. W. F. HUDSON : I have not the least idea. I do not think they were, because they were very expensive. †

IRRIGATION BILL : APPLICATION TO KARACHI DISTRICT.

Mr. SHAIKH ABDUL MAJID (Karachi District) : Will Government be pleased to state—

(a) whether it is a fact that the Karachi District is often subject to floods ;

(b) whether as a result of constant flooding, the lands in the district have become uneven ;

(c) whether the district is included in what is called Kalhar Tract ;

(d) whether the Commissioner in Sind in his circular No. 4 has agreed to treat the district specially on account of its peculiar agricultural conditions ;

(e) whether it is a fact that the Karachi District will be affected after the opening of the Barrage Canals ;

(f) if so, whether Government think it advisable to apply the proposed Irrigation Bill to the Karachi District also ?

The Honourable Sir GHULAM HUSSAIN : (a) and (b) No.

(c) There is no such tract specified on the record.

(d) No. The circular referred to simply recognises the necessity for draining off Pancho water in Lower Sind and the Nara Valley, and makes no special concession for the Karachi District.

(e) Not necessarily ; the canals are, however, being remodelled to counteract any possible adverse effect on the river levels in the district when the Lloyd Barrage comes into operation.

(f) The matter has not yet been considered by Government.

SYED MIRAN MAHOMED SHAH : With regard to the answer to (d), does Pancho water affect the fertility of the soil in Lower Sind ?

The Honourable Sir GHULAM HUSSAIN : Not to my knowledge.

✓
LAND REVENUE CODE : SECTION 148.

Mr. SHAIK ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether they are aware that section 148 of the Land Revenue Code has been availed of by Tapedars and other revenue subordinates to exact Lapo and blackmail under the threat of enforcing the section ;

(b) in how many cases the above section has been applied in the various districts of Sind during the last two years and the amount of land revenue assessment realised in each district showing separate figures for the amount recovered as land revenue and as *chouth* ?

The Honourable Mr. W. F. HUDSON : (a) No such case has come to the notice of Government.

(b) In no district was section 148 of the Land Revenue Code applied during the revenue year 1930-31. During 1929-30 it was applied in 54 cases in Karachi District in respect of land revenue amounting to Rs. 1.409 and in 6 cases in Larkana District in respect of land revenue aggregating Rs. 856-6-0. In Karachi the fine (*chouth*) imposed amounted to Rs. 91. In Larkana it amounted to Rs. 25-8-0, but was subsequently remitted by the Collector.

STATISTICS BILL.

Rao Sahab R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether the Honourable the Finance Member has made any enquiry of the Government of India as to whether they intend to introduce the Statistics Bill for the whole of India ;

(b) if not, whether the Honourable the Finance Member intends to introduce it in the Bombay Council ?

The Honourable Sir GOVINDRAO PRADHAN : (a) and (b) No.

Rao Bahadur S. K. BOLE : Is it not a fact that Government had introduced this Bill in this Council twice and then withdrawn it ?

The Honourable Sir GOVINDRAO PRADHAN : It was once withdrawn, but I do not know whether it was withdrawn twice.

Rao Bahadur S. K. BOLE : I know it, Sir, because I have been in this Council for the last 10 years.

The Honourable Sir GOVINDRAO PRADHAN : If the honourable member knows it, he need not ask me about it.

Rao Bahadur S. K. BOLE : Was it not withdrawn on the ground that the Government of India was going to introduce a similar Bill for the whole of India ?

The Honourable Sir GOVINDRAO PRADHAN : That was their idea at that time.

Rao Bahadur S. K. BOLE : Then in that case, when the Government of India are not going to introduce that Bill, does the Bombay Government intend to introduce the Bill that was introduced by them formerly in this Council ?

The Honourable Sir GOVINDRAO PRADHAN: But we do not know that the Government of India do not intend to introduce the Bill.

Rao Bahadur S. K. BOLE: Will the Honourable the Finance Member be pleased to make enquiries whether the Government of India is going to introduce the Bill in the Legislative Assembly?

The Honourable Sir GOVINDRAO PRADHAN: That is a suggestion for action, Sir.

DISCUSSION ON Mr. MORE'S RESOLUTION—*resumed*

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars): Sir, I have been connected as President with the administration of district local boards for a period of 25 years and I should like to make certain observations on the resolution before the honourable House. In the first place, I must say that there must be only a few isolated cases in which the District Magistrate or the Deputy Collector is said to have used his evil influence in the affairs of the local boards, and I for one should like more evidence than has been given by the honourable mover, of the fact that these revenue officers exercise anything but a steadying influence on the operations of the district local boards on which they may be nominated.

The honourable the mover complains that a particular magistrate sided with one of the candidates for the presidentship of the taluka local board and voted for the candidate of his choice. The nominated Government member, I think, has only one vote and he cannot vote, therefore, for more than one candidate. Even if the magistrate voted for a man whom the people did not like to elect as president, I would put it down to indiscretion; but I see nothing wrong in the magistrate voting for the candidate of his choice who in his opinion seems best fitted to receive his vote.

The second charge levelled against the magistrate is that he did not vote in favour of the candidate for chairmanship who had one conviction against him. I am sorry the honourable mover has not made it quite clear as to whether the candidate in question was convicted of any offence in connection with the local board affairs, or with some other offence not connected with the local board affairs. Moreover, the candidate must have been convicted by a court of law. It was then up to the candidate to appeal against the conviction and to get the sentence set aside. Apparently, the candidate did not do so.

For these reasons, I do not think it would be right or proper on the part of the honourable mover to base his indictment of the policy of nominating revenue officers on such isolated cases which are few and far between, and to say that the influence exercised by deputy collectors or mamlatdars nominated by Government on local bodies is not to the good of the local bodies. It, of course, depends on the capacity and inclinations of the officers chosen by Government for nomination. If the local body is rent asunder with party feelings, then my experience is that such officers always exercise their influence in favour of the local boards.

[Sardar Bhasaheb Raisinhji]

They always place their advice and experience at the disposal of the local bodies whom they help in founding new schools or village panchayats, and so on. As far as my personal experience goes, I find that these revenue officers exercise a very steady influence on the affairs of the local boards. Sometimes it so happens, unfortunately,—it is of course painful for me to make a reference to this,—that some of the members who come as the people's representatives only consider that it is an honour to be elected members of the local bodies but do not realise that such election carries a certain amount of responsibility. I believe the election of a member to a local body is a very responsible thing, inasmuch as the local body is entrusted with large amounts of public money and in respect of which the members ought to consider themselves as trustees, whose first duty it should be to see that the money is spent well and not wasted. Especially where there is a strong party feeling, I consider that their presence is almost essential for the local board, for the simple reason that these officers are absolutely disinterested persons who can exercise a steady influence on the other members of the boards. We all desire, of course, that the principle of nomination should be done away with altogether; but, unfortunately, as things stand at present, I consider it would be folly to do away with nominations because it is absolutely necessary, for the good of the local bodies, to have such officers on their boards, as their absence from these boards will produce more harm than good.

With these remarks, I oppose the resolution.

Rao Saheb B. G. DESAI (Kaira District): Sir, I have listened with interest to the speeches made by the honourable member the mover of the resolution, as well as the honourable member who has proposed an amendment thereto, but I regret to say that I have not been convinced either by the arguments advanced by the proposer of the resolution or by the mover of the amendment. Considering the question from my connection with and experience of local bodies extending over a period of 12 years, I am bound to confess that the association of revenue officers and magistrates on the town municipalities and taluka local boards as nominated members has contributed to increase the efficiency of the administration of these local bodies, and has contributed to bring much useful experience and information which these local bodies, as they are constituted at present, do really and badly need in their own better interests.

As for the city municipalities, there is only one mamlatdar or revenue officer who is nominated, and I can say from my personal experience that the presence of this officer on the board is hardly noticed and he does not exercise anything but good influence on the working of the municipalities, if at all he does so.

As for the district local boards, I know something of Gujarat districts and I know not of a single instance in which the deputy collectors or revenue officers who have been so far nominated, have exercised any unwholesome influence on the district local boards.

[Rao Saheb B. G. Desai]

My honourable friend Mr. Baloch from Sind has depicted to this House a very poor picture of the very weak mentality of Sind zamindars who are represented as lacking in the sense of civic responsibilities and in public spirit. I do not know what the Sind zamindars, if they are present in this House to-day, will have to say against these remarks; but as far as Sind is concerned, I think there are now only a few district local boards which have revenue officers as nominated members—[*Honourable Members*: “Almost all have.”] It may be so in Sind, but as far as Gujarat is concerned, I can say that there is not a single district local board on which there is a magistrate or a revenue officer as a nominated member.

Rao Bahadur B. R. NAIK: May I correct the honourable member, Sir? Almost all the district local boards have district deputy collectors as nominated members.

Rao Saheb B. G. DESAI: All the district local boards?

Rao Bahadur B. R. NAIK: Yes.

Rao Saheb B. G. DESAI: I cannot accept that. I know for certain that no revenue officers or magistrates are nominated on the Kaira District Local Board for years past, and even in other districts in Gujarat where such nominations are still continued, these officers have contributed increased efficiency to these boards on account of their varied administrative experience and special knowledge of local conditions and wide information they are known to possess, and have almost invariably worked quite smoothly in co-operation with the non-official members.

The honourable member the mover of the resolution (Mr. More) has quoted some instances of the exercise of undue influence by nominated official members in his part of the Presidency. But they are really of so very rare and infrequent occurrence that we cannot accept a general proposition of such a sweeping character that these revenue officers and magistrates have exercised undue influence, and that their presence on these local bodies is therefore undesirable; nor can one agree to a wholesale condemnation of the revenue officers and magistrates as a class on the strength of such stray and individual instances.

Then there is another point. Even if these revenue officers and magistrates are not nominated on the local bodies, still they always naturally wield appreciable power and influence in the areas under their control, which they will continue to exercise from outside, if at all they choose to do so, and the resolution as proposed does not go far enough to devise any remedy to counteract or prevent these inevitable conditions and is hence unacceptable on that ground also.

It has been also suggested by the honourable member the mover of the resolution that, instead of these revenue officers, we may have medical officers and Public Works Department officers nominated on these local bodies. But there are ample provisions in the various Acts by which these local bodies are governed, empowering them to freely consult these medical

[Rao Saheb B. G. Desai]

and Public Works Department officers, whenever they choose to do so. Besides in certain cases these medical officers are servants of the local bodies and in such cases, on principle, it would hardly be advisable or proper to nominate them on these local bodies. With these few remarks I oppose both the resolution moved by the honourable member Mr. More, as well as the amendment moved by the honourable member Mr. Gokhale.

Mr. M. H. MEHTA (Panch Mahals District): Sir, I rise to oppose the resolution as well as the amendment. I have no experience of revenue officers in other parts of the Presidency, but so far as Gujarat is concerned, I may say that they do not exercise any undesirable influence in the administration of the local bodies. Of course, the time has now come when the system of nomination of members by Government on these local bodies should be done away with. But if these officials are to be nominated, then I do not know whether we could get any other officers for nomination in the talukas except the mamlatdars, because medical officers are the servants of the local boards, and there is hardly any officer of the Public Works Department in the taluka, and therefore only the revenue officer from the taluka has to be appointed. Now, we do know that the mamlatdars come in contact with the police patils, and in many cases the police patils are elected as members of taluka local boards. After all, the only influence exercised by the revenue officer may be in connection with the election of the president at the first meeting. Thereafter, there is nothing which would be affected by their influence; now even if the mamlatdars are not on the boards, still they can exercise their influence if they like. If they want that a particular candidate should be elected as president, even though the mamlatdars are not members of the taluka local boards, they are in a position to exercise their influence. Of course, it would be better if Government asks these officers not to influence the elections; but so far as the other work of the boards is concerned, I may say that these officers are of great use to the taluka local boards, because they are the officers who have to tour in the whole taluka, they come in contact with the people and know their needs, and from my experience I can say that they inspect all the works that are being carried on by the local boards, viz., wells and roads, and they very often give more information to the board than the individual members are in a position to do. Therefore, I say that the resolution should not be accepted.

SYED MIRAN MAHOMED SHAH (Hyderabad District): Sir, I would like to make a few remarks with regard to the subject matter of this resolution. I also, like my honourable friend the Thakor of Kerwada, claim to have something to do with these local bodies. I have had the opportunity of serving on every kind of local self-governing institution—municipality, local board, school board, etc. I would only place before my honourable friends my practical experience, and they may take any lesson they like and draw any conclusions they choose from it.

[Syed Miran Mahomed Shah]

Sir, my experience has been that the utility of the presence of these officers on the local bodies varies from locality to locality. It depends on the mentality of the members of the particular board, their outlook on the affairs of the board, and their consciousness of their powers and privileges. If the members have any grain of independence in them and they are conscious of their powers and privileges, they are certain to assert their opinion as against that of the officers. On the other hand, if they are docile and servile, and they do not know what their powers are and what the purpose of local self-governing institutions is, then the local officers do dominate the members and their influence is not questioned. Perhaps that is the case with the local body to which my honourable friend the mover belongs, and therefore he is also speaking from personal experience.

Now, so far as the district which I represent is concerned, my experience has been that these local officers have been very useful to me, at least, on many occasions. For instance, whenever there is any suggestion for the sanctioning of any scheme that we forward to Government, then these officers come forward to help us; they put up their notes to the Collector, and when the Collector supports us naturally the Commissioner also supports us, and in the ordinary course Government support the Commissioner, and thereby our object is achieved. So far as the knowledge of the local matters is concerned of course, members who are representatives of the people, knowing each inch of their constituency, are masters of the situation. Still, on technical matters, so far as the carrying on of the administration in accordance with the rules and regulations is concerned, certainly the advice of the local officers is very useful at times.

Apart from the utility which I have just mentioned, I would like to convey to you another piece of my experience, which has been a novel experience with me. But before I do that I would suggest that when we get self-government established in this country and we have the reins of the administration in our own hands and we are the masters of our own affairs, then we may effect any change we like; until such time, from my experience, which I am going to place before the House, I think it would be better to maintain the *status quo* and allow these officers to continue on the local boards. As to my novel experience—that is what it appears to me to be—I would say that it has a political significance. Speaking for the district local boards and taluka local boards where the members are mostly zamindars and agriculturists, when they come and hobnob with these officers on the same floor and on terms of equality then a spirit of equality develops in their mind, and that spirit of equality gives rise to a sense of independence which is the source of national awakening. Taking the case of two zamindars, one of whom is a member of such a board and the other is not, whenever any of them approaches the officers for his own private affairs or public affairs, his outlook on men and things and affairs of the country would be quite different from the outlook of the other; and there will be

[Syed Miran Mahomed Shah]

fundamental difference in the treatment that is meted out to the zamindar who is a member of a local body and the zamindar who is only a zamindar. Therefore, I think it has a political significance. I will give the House an example. Suppose that I am a zamindar and I am acting as president of the District Local Board. When the deputy collector and the executive engineer come to me as members of the district local board, they feel a certain amount of respect for me as the president, who has the power to call them to order. Consequently, in my private capacity my outlook, which otherwise may be narrow, becomes broader and I am made to feel as a representative of the people that I am in no way inferior to those officers. There is a sense of superiority or at least equality, created in my mind,—that means the triumph of peoples' own men over officialdom which has certainly got a political significance. This also is one of the advantages of the nomination of officials on Boards. I am also conscious that the presence of certain of these officers is detrimental to the administration of particular municipalities or local boards. But we have got to take into consideration the aggregate advantages that accrue from the nomination of these officers on local self-governing institutions. Taking all this into consideration, I have come to the conclusion that they are advantageous on the whole. Therefore, I appeal to the honourable the mover of this resolution to withdraw his resolution and allow the present system to continue for a couple of years more. If we get self-government by the grace of God all nominations from the Assembly right down to the taluka local boards will be wiped out, because we are asking for the introduction of the elective principle all round rather than selection and nomination. Everywhere there will be the elective principle and so we can afford to wait for two years. With these remarks, I again appeal to the honourable the mover to withdraw his resolution.

The Honourable Sir GHULAM HUSSAIN : Sir, as I read the resolution, I think we have side-tracked the debate. The resolution stands thus :

“ This Council recommends to Government that revenue officers.... ”
including the amendment—

“.... and salaried magistrates be not appointed as ex-officio nominated members on municipalities and local boards.”

The reasons why we appoint them as *ex-officio* members nobody has told the House. In such posts there are frequent transfers, and we cannot go on gazetting the names of the various officers holding that post. If we nominate them by name, we shall have to gazette the name of each officer holding the post in turn. So, we nominate them by their designation. I hope honourable members will appreciate the point of Government.

Then, the question has been discussed threadbare as regards the utility of the nomination of these officers, and most of the honourable members have nothing but praise for the good work of these officers. In view of the opinion of a large section of the House, I hope the honourable mover will withdraw his resolution.

Mr. J. G. MORE (Sholapur District) : Sir, it has been contended by some honourable members that the revenue officers or magistrates do exercise a certain amount of good influence in the administration of these local bodies. As I have already stated, my experience is that the influence exercised by these officers is not in the interest of the administration of the local bodies. The honourable member Syed Miran Mahomed Shah stated distinct cases where the people are conscious of their duties and privileges, the influence of the officers is helpful and where the people do know very little about their privileges there the influence of these magistrates has an adverse effect. So far as my own district and some other districts in the Central Division are concerned, where there are members elected from the backward classes who hardly know their privileges in the local bodies, what happens is that the magistrates who have their own views, influence the administration in such a way as to exercise improper influence over the minds of the representative members on those bodies. So, the fact is that they can exert their influence. Perhaps, fortunately, such influence is not exercised in some parts of the Presidency. So far as the Central Division is concerned, as I have cited a number of cases, these magistrates do exercise a good deal of influence, which impedes the administration of these local bodies.

It has been stated that we are to get self-government and then in our self-governing bodies nominations will be dispensed with. I do not know whether nomination will be altogether dispensed with. If it is to be dispensed with, why not begin with the dispensing with of these officers, in those districts at least where they exercise a certain amount of influence which is not good for the administration? Why not apply this principle to that part of the Presidency where they exercise a very undesirable influence? So, my demand is very simple and can be conceded by the House. I hope this resolution will be accepted by this honourable House.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir, in view of the overwhelming opposition which the resolution of the honourable member Mr. More has received, I think it is hardly necessary for me to make a long speech with a view to convince this honourable House that the resolution must be thrown out. Before I enter into the merits of some of the speeches made, I may be permitted to say that the honourable mover was not entirely happy in his anecdotes regarding the mamlatdars who, in some few stray cases, have been reported to transcend their limits with a view to perhaps have things done in their own way or with a view deliberately to arrest the operation of the legitimate activities of some public bodies. I think if we depend upon the experience of the honourable mover and accept the resolution, we shall be letting loose a very dangerous principle of generalising merely by taking into consideration only a few stray cases. This honourable House knows, Sir, that under the Municipal and Local Boards Acts, the power of nominating members on these public bodies rests only with Government and with persons who may be authorised by Government to act on their behalf. The Decentralization Commission of 1910-12, while proposing a reduction in the number of nominated members, stated that the nominated strength should be limited

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to a number just sufficient to provide for due representation of minorities and of official experience. In reducing the number of nominated members from half to one-fifth of the total number of councillors, the two principles just mentioned are taken into consideration. The first is to provide for due representation of minorities, and the second is to assist these bodies by giving them such help as they may require. Now, Sir, only in three cases the full number of officials allowed has been nominated, and in six cases only officials have at all been nominated to district local boards. The average of nominated officials is 27·5 per cent. in the case of district local boards instead of 50 per cent. of the total nominated members which could be nominated by Commissioners. In the case of taluka local boards, which number 222, there are only 8 boards where the number of official nominated members is equal to half of the nominated members. The average of official members is only 27·4 per cent., and on some taluka local boards no official has been nominated. It will be seen that on almost all taluka local boards, except six, there is only one official member, presumably the mamlatdar. Only three major municipalities have the full quota allowed of official members; on five there are none. The average is 22·4 per cent. instead of 50 per cent. There are 125 municipalities in the Presidency, and of these only 25 have the full quota of official nominated members. The average of official members is 32·5. It will thus be seen, Sir, that Government are themselves quite conscious of the fact that there is a public feeling that more officials than are absolutely necessary should not be nominated as members on these local bodies. I am glad to inform this honourable House that Government are trying to nominate just that number of officers which is considered to be absolutely essential in the interests of the various local bodies concerned.

The speeches made by some of the honourable members here—I would specially refer to those made by the honourable members Rao Bahadur Bhimbhai Naik and Syed Miran Mahomed Shah—are an effective answer to some of the arguments which have been raised by my honourable friend the mover. It will be admitted by almost every honourable member present here that the mamlatdar is about the only officer who knows the whole taluka, from south to north and west to east. There is not a single corner of the taluka which he does not know. Now, is it not necessary that a man of administrative experience, a man who knows the inhabitants of the whole taluka, should be on the board to assist the deliberations of the meetings that are held by these taluka local boards? According to the honourable mover himself, these taluka local boards are by no means very advanced in point of education, and it is particularly these backward boards which stand in need of guidance at the hands of men with administrative experience. In municipal boroughs, it is very seldom that deputy collectors are appointed. From the figures that I have given, it will be obvious that only such number as has been found to be absolutely necessary has been appointed. Their presence on the boards has been considered to be an advantage not only by Government,

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but also by the boards themselves. Sir, in view of what I have said, I hope the honourable mover of the resolution will think better of it and withdraw the resolution.

Question, "That the word 'salaried' be inserted before the word 'magistrates' in the second line," put, and negatived.

Question (original resolution) put, and negatived.

Mr. SHAIKH ABDUL AZIZ (Central Division) : Sir, I beg to move—

"This Council recommends to Government to request the Government of India to abolish the extra tax imposed upon yarn to protect the handloom industry from dying out completely and to either protect the production of saris below 20 counts by Indian mills or to impose 15 per cent. thereupon."

Sir, before stating the arguments in favour of the resolution, I have to thank the Honourable the President for having allowed my resolution to come into the present agenda. There was some mistake in the resolution, but I requested the Honourable the President to publish it in the agenda so that at the time of moving it in the Council I would correct it. The President kindly acceded to my request.

Now, Sir, coming to the resolution itself, I must say that it is rather technical. So, many words occurring in it are not likely to be intelligible to many honourable members, for example, "counts", "saris", etc. First, I will explain to the honourable members what these terms are and, secondly, what effect the passing of my resolution will have on the weavers.

In the Bombay Presidency there are nearly 10 lakhs of people who live upon the handloom industry. There are nearly 1 lakh handlooms and 10 lakhs of people earn their livelihood from this industry. They manufacture saris by using yarn which is sometimes of 10 counts, sometimes of 15 and sometimes of 20 or 40 counts. The term "count" is the number given according to the quality of the yarn. Yarn which is of 10 counts is not so thin as yarn of higher counts. The yarn used by the weavers for the manufacture of saris is generally of 20 to 32 counts. Of this yarn they weave cloth for "cholis", etc. The weavers belong to all communities—Hindus, as well as Muhammadans,—and you will find a number of them in Bombay, Sangamner, Poona, Sholapur and other places.

Formerly the duty upon the yarn used by these weavers was fixed at 5 per cent. *ad valorem*. In 1927 it was raised to 5 per cent. or 1½ annas per pound, whichever was more, which meant 12 per cent. The consequence of raising the duty from 5 per cent. to 12 per cent. was that the yarn which used to come from outside became dearer. This import duty was levied at the request of the millowners to protect them from the foreign competition.

Sir, I will now quote from the report of the Department of Industries for the year 1929-30. It says :

"The import duty of 5 per cent. *ad valorem* on yarn was altered in 1927 to 5 per cent. *ad valorem* or 1½ annas per lb. whichever was higher. For the coarse and medium counts used by the handloom weavers this meant an increase in the duty up to about 12 per cent. *ad valorem*, the exact percentage depending on the counts of yarn used."

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What was the result of this increase in the duty ? It was this ; formerly the weavers used to get their yarn from foreign countries and, when the duty was raised, that yarn became very costly. They, therefore, had to buy their yarn from the millowners. Formerly, when the duty on imported yarn was low, the weavers could compete with the mills in the manufacture of saris. But when the duty was raised to 12 per cent. and they were compelled to buy their yarn from the millowners, and consequently they could no longer compete with the millowners in the manufacture of saris. The result was that they had to lose their trade. Many of the weavers have left the industry and those who are continuing in it receive very low wages. When the duty was raised, Government asked the officials to make enquiries and ascertain the effect it had on the handloom industry. The result of the enquiry is given in the report of the Department of Industries for 1929-30. I will read it :

" It may be noted that the wages dropped in 1928 and again in 1929. There can be little doubt that this is largely due to the mill competition and trade slump. The former has no doubt been made keener by the advantages enjoyed by the mills in the form of increased duty on yarn."

The duty was raised because, as I have said, the millowners complained that they were unable to compete with the foreign manufactures and asked for a protective duty. I have here to bring to the notice of the honourable House that saris, for the protection of which I have brought the resolution, were not imported from outside India, though other kinds of cloth were imported from outside ; and if the millowners would have indulged in manufacturing those kinds of cloth which were imported, the weavers would have very little occasion to complain at all. But now they began manufacturing saris and competing with the handloom weavers, with the result that the latter have had to leave their profession. Naturally the question arises in what way these persons should be helped.

In this resolution I have suggested two remedies. I do not say that the increased duty should be abolished, because I know that it is to the advantage of the millowners, and every honourable member of this House wishes that the mills in India should thrive and make as much progress as possible. But with this I also wish that they should look to the welfare of persons whose only source of livelihood is the handloom industry. My suggestion is that they should discontinue manufacturing saris below a certain count and give a chance to the weavers to earn their living. The mills can manufacture so many other kinds of cloth that they can easily afford to discontinue the manufacture of saris. If the millowners think that this is not possible—I think it is possible—then I propose that some excise duty should be levied upon the saris manufactured by the mills out of coarse yarn, so that the handloom weavers will be able to compete with the millowners in the manufacture of saris of coarse yarn.

There are other ways in which the Government can protect the handloom industry, but they will require a lot of money and at present

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Government has not got any money. That is why I have suggested the remedies one of which Government can adopt. The loss to which the mills will be put, if they discontinue the manufacture of saris below 20 counts, will be most negligible; while 10 lakhs of people will be benefited. I therefore request this honourable House to pass my resolution and help the poor labourers who are dying. I am not exaggerating; I am not saying this only from my own experience, though I have experience in this matter more than the Department of Industries. I am quoting from the official report of the Department of Industries of 1929-30 :

“ Actually the weavers' wages per sari of 8 yards of 20's counts in the case of Parola went down from Re. 1-12-0 in 1927 to Re. 1 at the end of 1929. In the same period in the case of Dharangaon for 32's counts they went down from Re. 1 to Re. 0-10-0 and in the case of Kharda for 20's counts they went down from Re. 1-8-0 in 1927 to Re. 0-10-0 at the end of 1929.

In Broach and Chikhli saris are 5 yards in length and the yarn used are 20's and 32's counts. The wages per sari in Broach went down in the former case from 14 annas to 6 annas and in the latter case from Re. 1-2-0 to Re. 0-13-0 in the year 1927 and 1929 respectively.

In Chikhli in the same period wages per sari of 20's counts went down from Re. 0-11-0 to Re. 0-6-8 and for 32's counts from Re. 1-5-4 to Re. 0-13-4.”

I would request the honourable House to consider how it is possible for a family to subsist on a wage of 6 annas per day. Further, a weaver takes on the average $1\frac{1}{2}$ days to prepare a sari of 8 yards, and his wages are 6 to 10 annas per day. Every one will admit that this is a deplorable condition. I hope Government will take this into consideration and accept the resolution. My resolution is a sort of recommendation to the Government to request the Government of India to do something in this matter. I request the honourable House to pass this resolution by wholeheartedly supporting it.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, there is a great deal to be said in favour of the resolution which though recommendatory in character has a substantial value in itself. The honourable mover was not and has not been very happy in the phraseology which he has chosen, but his object is clear. But that object I am not sure will be completely achieved by the resolution as it is at present framed. The point is that a large number of people, which number is daily increasing, is now trying to live on handloom industry and on yarn of smaller counts. You will remember, Sir,—at least those of us who are old will remember,—that in the old days the mills never produced saris which were used by our women-folk. It is only latterly, say within the last 25 or 30 years, that this work which was done by handlooms and at home, has been taken up very largely by mills, thus killing this cottage industry which was to be found in many villages scattered in almost all districts. The position, of course, is that whenever a powerloom takes into its clutches an industry of this kind, a handloom weaver can never hope to compete. The only drawback yet in the case of mills is that they cannot weave saris with silk borders, because it is not yet found quite possible and feasible to compete with that particular type

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of silk border sari, with the result that a large part of the trade is in artificial silk border saris and even of dyed yarn saris. The consequence has been, at least during the past years, in my district so far as I know, that there is the economic crisis which does not give these weavers, even though equipped with handlooms which are up-to-date, even a daily wage on which they can live, let alone the financial crisis owing to which the sowkars do not at present finance the industry. I am not quite sure, however, whether the mover was right in assuming that a large part of the lower counts was really imported. I know it is being imported from Japan on a very large scale during the last two or four years; but, so far as I know, the yarn for this handloom industry of the lower counts was drawn from our Indian mills. In the campaign of non-co-operation of 1921-22, you will remember, Sir, that the khadi distribution and yarn thereof first came into existence for a few months, and in the last nine or ten years, specially in the last couple of years or three years, since the Spinning Association has been started with a floating capital of 30 to 35 lakhs of rupees, the handloom industry is now using on a larger and larger scale yarn which is produced on that method either at home or in several centres. The result of it has been that the industry is in a very struggling state, and so long as even the Indian mill industry is allowed to compete with this handloom industry, which is to be found in all these villages spread all over the country, it is possible that the people cannot hope to live long on a staple industry which has been there for centuries. It is necessary to note that one of the financial proposals before the Government of India is the imposition of excise duty on Indian mill products and, therefore, this is a very opportune moment for sending a recommendation of this Council that all yarn which is used for manufacturing saris and which is produced locally should be exempt from the excise duty, and that the finished products from the mills should be caught; that is to say, if the Sholapur mill which is now manufacturing on a very large scale this kind of goods is able to compete with the market with a piece on an average, say, at a value of eight annas to a rupee per piece or per sari, then the weaving industry, which is a struggling industry, should be encouraged and put on a par with the price which a handloom weaver would like to sell at. The position is rather complicated, but I know it as a matter of fact that in many of these centres the people are now starving, and they do not get a living wage, and as the result of this resolution, even if accepted or passed, is only recommendatory, I do not think any purpose will be served by making a very long speech. I therefore think that it must be left to the Government Member in charge to look into the matter from the point of view which is now placed before the Council, and if he does that, then the purpose of bringing this resolution will be served.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I had no intention of speaking on this resolution because it does not

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directly concern me, but I am rising with a view to get some more information from the honourable mover—

The Honourable the PRESIDENT: Is the Honourable Minister in charge?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: I am not in charge, but my honourable colleague the Moulvi Saheb is.

The Honourable the PRESIDENT: In an important question like that the House is interested in knowing who is in charge. The question of extra taxation and recommendation to Government would, I think, be replied to by the Honourable the Leader of the House; but the Honourable Minister may speak, certainly.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, my object is to get some more information from the honourable mover of the resolution, because I must candidly admit that the resolution is not at all clear to me. The honourable mover remarked that the yarn that was used for the manufacture of saris, so far as the handloom industry is concerned, is below 20 or about 20 to 24.

Mr. SHAIKH ABDUL AZIZ: Above 20, 22.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: 22. Even assuming that 40 counts is used for the manufacture of saris in the handloom industry, the resolution I understand recommends that a duty on 20 locally spun counts, be imposed. I do not think, Sir, that the yarn of 20 counts is imported from outside India in any large quantity, because we can get cotton in any part of the country which would enable the millowners to manufacture 20 counts, and I do not think it would be worth the while of the foreign exporters to export yarn 20 counts and under. If it does come, it would be in very small quantities.

My second point is that I think we should all be very glad to encourage the handloom industry, but I fail to see how it would be possible to prevent the millowners from manufacturing any goods that they choose to do. It is a public limited liability company where large capital is involved, and it would be the object of every millowner to see that he gets the very best advantage out of his investment, and I do not think that it would be practical politics to impose any kind of restriction upon the mill industry.

In the second place, how will it be possible for any mill to distinguish between yarn produced under 20 and over 20? It will be very difficult, indeed, particularly when it enters into the process of weaving.

Another point is that, in any case, it will be extremely difficult for a handloom weaver to compete with the cloth manufactured in mills. The honourable mover just said that one handloom weaver takes about a day and a half to produce one sari, whereas in a mill of even small dimensions some hundreds and thousands of saris are produced. I do not think that the imposition of duty of 15 per cent., as recommended in the resolution, would alleviate in the least degree the hardship which

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probably is caused to the handloom weaver at the present moment. These are my difficulties, and I thought that I should point them out, in order that the honourable mover may be good enough to enlighten the House, in order to enable us to give our opinions.

Rao Bahadur S. N. ANGADI : On a point of information. I also feel some difficulty in understanding the resolution. It says "to either protect the production of saris below 20 counts by Indian mills or to impose 15 per cent. thereupon." I do not at all follow whether the honourable mover of the resolution wants to protect the saris manufactured by Indian mills or he wants to give protection to the handloom industry. It is rather vaguely worded. I have not been able to extract any reasonable meaning out of the resolution as it stands.

The Honourable the PRESIDENT : The honourable member would remember that when he tabled the resolution, he was asked by the office to explain the very point raised here, and as the time for the ballot was drawing near, I suppose he wished me to allow the resolution to stand as it came, and said he would explain matters when he moved it. That is also one of the necessary points that he has to bear in mind while replying.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City) : Sir, it is with considerable reluctance that I rise to oppose the resolution, not because I do not wish to see the condition of handloom weavers ameliorated, but because I feel that the remedies suggested are impracticable and hardly calculated to give relief to that class of people for whom they are mainly intended. In the first place, it is an all-India question. The first part of the resolution is worded in this wise : "This Council recommends to Government to request the Government of India to abolish the extra tax imposed upon yarn to protect the handloom industry," etc. Now, Sir, as the procedure is laid down, this Council can only make a recommendatory resolution, and it is for the Government of India to take action upon it. They may consider it advisable or they may not consider it advisable to consult the Legislative Assembly, whose sanction will ultimately have to be taken, because it is a taxation proposal.

Honourable members may well be aware that an *ad valorem* duty of 5 per cent. was imposed upon imported yarn in the year 1922. As this duty was considered to be inadequate to give adequate protection to the Indian mill manufactured yarn, the basis of this duty was altered in the year 1927 in this way : A 5 per cent. *ad valorem* duty or a minimum specific duty of 1½ annas a pound of yarn, whichever was higher, was fixed. It was meant to afford adequate protection to the yarn manufactured by Indian mills. This, I beg leave to remind the House, was not merely an isolated act on the part of the Government of India, but one passed in pursuance of that policy of discriminating protection which the Government of India had adopted for some time past. In the first place, the duty on imported piecegoods was raised from 5 per cent. to 7½ per cent., and again from 7½ per cent. to 11 per cent. in 1917,

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excise duty remaining at the old level of $3\frac{1}{2}$ per cent. Then, Sir, came this duty on yarn in the year 1922. This yarn was imported duty free till the year 1922. Then came the abolition of the excise duty of $3\frac{1}{2}$ per cent. in the year 1926, and finally in the year 1930 the import duty on all textiles imported was raised from 11 to 15 per cent. in the case of British manufactured goods and to 20 per cent. in the case of non-British goods. All this, Sir, was in response to the persistent and clamant demands on the part of Indian mills, as well as in pursuance, as I stated, of the Indian Government's declared policy of discriminating protection. Such being the case, I do not think that it would be proper for this House to pass even a recommendatory resolution, because it would hit the Indian textile industry, which is the only staple industry of this country. Protection, of course, connotes some kind of sacrifice on the part of the consumer, but that sacrifice is willingly borne in the larger interest of the industry of the country. In all countries, notably in Germany and Japan, industries have been built up precisely in this way. Protection is given by the State. A tariff wall is erected, and whenever a tariff wall is erected to prevent the entry of foreign goods, it goes without saying that the level of prices on the other side of the wall is bound to rise, and some temporary hardship is sure to be inflicted on local consumers. But, as I said before, the consumers would be willing to put up with this hardship in the larger interests of the industry of the country. The industry will be gradually gaining strength and will not only be able to supply the domestic needs of the country, but will in time be strong enough to extend its operations far beyond its own territorial bounds, and to capture foreign markets. It was precisely with a view to building up our textile industry in this way that a duty on yarn and piecegoods was imposed. This duty of $1\frac{1}{2}$ annas per pound on imported yarn was first imposed in 1927 for a period of $2\frac{1}{2}$ years. That period expired on the 31st of March 1930, and the Member for Commerce and Industry in the Government of India then obtained the sanction of the Legislative Assembly to a further period of three years; that is to say, the duty will remain in force up to 31st March 1933. Such being the case, I do not think that it would be expedient for this House even to send to the Government of India a recommendation of the nature desired by the honourable mover, because this increase of duty on yarn and cotton-goods was the culminating point in that series of legislative measures which were designed to afford protection to the Indian textile industry.

I also want to bring to the notice of this honourable House that the honourable mover has rather overstated his case. He has referred to ten lakhs of handloom weavers. He has thereby given an impression to the House that all the ten lakhs of weavers are engaged upon the manufacture of saris only. But such is not the case, I submit. Only a small proportion of these ten lakhs of weavers are engaged in the work of making saris, and the rest of the weavers presumably manufacture other sorts of cloth, e.g., *dhotis*, *chaddars*, and so on. It is open to them to manufacture any variety they like.

[Mr. Pestanshah N. Vakil]

The fact of the matter is that the pitiable plight of the weavers of Parola, Chikhli, and the other places which the honourable mover has mentioned, is but another illustration of the penalty which industrialism exacts from those who practise it. When once a country adopts industrialism, a certain number of people are bound to be thrown out of employment. The path of industrialism is everywhere strewn with the dead bodies of its victims. When machinery is first introduced into a country, large numbers of people, particularly those engaged in handicraft, are bound to be thrown out of employment, but they are gradually absorbed in that large army of workers in mills and factories which that industrialism necessarily creates. But the intervening period is perhaps the most trying period in the history of industry, since this process of gradual absorption is somewhat slow and taxes the patience of the people thus displaced. It is for these reasons, Sir, that I am inclined to look askance at the resolution, and I should hardly have ventured to place my views before this honourable House if I had not been impressed by the peculiar mood in which I have noticed it working. In such a mood of altruism, the House would perhaps be prepared to pass any measure whose utility might ultimately be called in question. We have leaders here who will not lead, and it is futile to expect anything like guidance from the opposite benches. Under these circumstances, I am compelled to place my views before the House, because, really speaking, the first part of the resolution is absolutely impracticable. The period of operation of this duty of 5 per cent. or alternatively of $1\frac{1}{2}$ annas a pound has been absolutely fixed. It would be impossible, during that period, for the Government of India to do anything at all, and it would not, as I have just stated, be very desirable on the part of this House to forward any recommendatory resolution. As for the other half of the resolution, it would be re-introducing the hated excise duty. As to how even that could be done, neither the honourable mover nor those who have come forward to support him, have thrown any light on this aspect of the question. A duty of as much as 12 per cent. on certain products of mills manufactured from yarn of 20 counts and under is proposed. As to whether this is a feasible or practical proposition I have very serious doubts, because it is not possible to discriminate against one particular class of goods, viz. saris of 20 counts and under. As I said before, the weavers or, for the matter of that, any other class of people engaged in handicrafts are bound to be crushed under the *Juggernaut* car of industrialism, and however much we may commiserate the condition of those affected by the progress of industrialism, there is, really speaking, no remedy for it. It is futile to order, Canute-like, industrial progress to stop and say, "Thus far and no further." Nor is it possible to reverse the process. It would be as sensible to expect the sun to rise in the west and set in the east as to force industrialism to retrace its steps in the fond hope of propping up a small class of people struggling to make a living by handicrafts. Under these circumstances, Sir, I suppose the honourable mover would be well advised to withdraw his resolution.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I have considerable sympathy with the object of the resolution, though it is not clear, either from the resolution as worded or from the speech of the honourable mover of it, as to what he wants. It is true that we have to give protection not only to the mill industry, but also to the handloom industry. But one thing at a time we can achieve; and never two things at a time. I have great sympathy for the handloom industry; I want it to thrive; but the increase in the prosperity of the mill industry does not mean the salvation of the handloom industry. I know capitalists are a very shrewd people and they will kick up a row if they are hit in any manner. So, I would like to suggest to the honourable the mover of the resolution that the remedy lies in the hands of the people themselves. Instead of moving a resolution like this for which he may not have much sympathy in this House—which is a House of capitalists—if the honourable member appeals to the fair sex to wear only saris made by handlooms and never to wear under any circumstance saris manufactured by mills, the ten or twenty lakhs of weavers will get back their lost occupation.

Rao Bahadur B. R. NAIK (Surat District): Sir, I do not understand the clear intention of the honourable mover of this resolution, probably because the resolution has not been properly worded. However, I fully sympathise with the object of the mover of this resolution. It seems he wants to give some protection to the handloom industry. I do not know whether his proposal can be given effect to at this juncture. But it is an admitted fact that the agriculturists are not in a position to make both ends meet, and they are in great distress. So much so, that the question is whether it is not necessary or advisable for Government to do something for the revival of the home industry which is practically dead now. The agricultural income ought to be supplemented by means of home industry which should be revived. Though I am not able to understand the resolution as it is not happily worded, I infer that his object is to encourage home industry. But he only mentions saris; but I would go further and say all home industries and handicrafts must be encouraged.

In this connection, I would like to bring to the notice of the opposite benches that in Japan the home industry known as cottage industry has thriven to such an extent that it is able to compete with the world and with the up-to-date machineries of other countries. [Interruption.] The honourable member the Finance Secretary asks whether the handloom industry in Japan has revived. I have personal knowledge that the manufacture of underwears and hosiery is a home industry and this industry is a great success now. Their home industry, handicrafts and handloom industry have gone up considerably. [Interruption.] As a business man, I know and have imported underwears from Japan, which cost about one and half anna each. In the open Council I ask the honourable members on the opposite side to contradict my statement if it is wrong.

[Rao Bahadur B. R. Naik]

Apart from that, it is an admitted fact that India in olden days had a good deal of handicrafts, handlooms and other cottage industries, and the agriculturists were prosperous not on account of the income from agriculture alone but being supplemented by the income from some home industry. It has been said times out of number not only in this House but outside also. At present, it is practically dead. So, it becomes necessary for the State and for every man and woman to encourage home industry. I cannot say by what means this should be done, whether by imposing an excise duty on mill industry—which is impossible—or by imposing a duty on particular article or exempting it from duty. I support the resolution in the general sense that the home industry should be supported somehow. The honourable mover says that there should be an excise duty on the saris manufactured by mills—this cannot be done nor is it advisable to do so—or he wants to prohibit the mills from manufacturing saris under 20 counts yarn. This also cannot be done as there will be protests from the mills. It is not possible to impose excise duty on one article only nor I say is it advisable. But if Government want to help the home industry, they can give bounty to such industry and this can be done—if there is a will there is a way. They can give some subsidy to the manufacturers of these saris and hand works, so that they can compete with the mills. With these words I resume my seat.

The Honourable MOULVI RAFI UDDIN AHMAD : Sir, the mover of this resolution is a representative of the weavers in this Council and is himself a member of a distinguished weaving family of Malegaon. He is, however, practising the profession of a lawyer. Though he has double qualifications, I was sorry to find that he did not move an intelligible resolution, nor did his explanatory speech throw any light upon the problem that he has brought before the Council. However, as Minister of Industries, I was very glad to hear what the mover and other honourable members had to say regarding the progress of the weaving industry in this Presidency. With regard to the question of a bounty from Government, raised by an honourable member, I must say that it is involved with finance and Government are not in a position to respond to such a demand at the present time. But with Mahatma's charkha, the industries connected with it will make great progress. Government are willing to do everything in their power to encourage the weaving industry, but the fate of the resolution is in the hands of my honourable colleague the Leader of the House, who will deal with it in his reply.

Rao Bahadur R. R. KALE : May I know whether it is not a fact that Government are paying special attention to handloom industry? We would like to have some information on the state of the weavers.

The Honourable MOULVI RAFI UDDIN AHMAD : May I invite the attention of the honourable member to the literature that the department has published with regard to the weaving industry? If he would be so good as to ask the department for any information, he would meet with a ready response.

Rao Bahadur R. R. KALE: On the floor of this House, can the Honourable Minister give any information?

Mr. J. S. KADRI (Northern Division): Sir, I would suggest one solution to this difficult problem. The honourable member Rao Bahadur Angadi suggested that the fair sex should be appealed to favour saris manufactured by handlooms instead of saris manufactured by mills. I think the best solution would be to approach the President of the National Congress to bring about a settlement between the handloom weavers and mills. As the Congress stands for the masses and workers, it will be in the fitness of things to approach the Congress to bring about an amicable settlement and understanding between the parties concerned.

I think it would be very inadvisable to approach the Government of India on the question of fresh taxation, which would hit the Indians themselves. No doubt, this question affects thousands, nay lakhs, of sari-weavers in Gujarat, Malegaon, Yeola and other places. Certainly their wages have gone down by 50 per cent. and most of them are almost starving. It is quite fair that these sari-weavers should be assisted by Government, as far as it lies in their power. The matter cannot be solved so satisfactorily between workers and Government, as it can be by bringing about a settlement between the millowners and the weavers themselves. That is my suggestion.

Rao Bahadur S. K. BOLE: Sir, I rise to extend my sympathy to the mover of the resolution and support it. Though it is not properly worded and moved in an eloquent speech, he has shown how he feels for those who are suffering. During the war time, the women weavers of Madanpura could not get dyes, as there was then control over it. As a result of this, many weavers were thrown out of employment and we who are in the labour movement approached the officer who had the control of the dyes. That officer showed sympathy and offered to remove this grievance, and he did so. In the same way, I appeal to Government members to extend their sympathy for these poor people. With these words, I support the resolution.

Mr. R. R. BAKHALE: Sir, it is very difficult to speak unsympathetically about this resolution the contents of which affect the fair sex, the members of which, though not present in the body of this House, make their influence felt from the galleries. I feel that the resolution is very clumsily worded and is not intelligent to me at any rate. It seems to me that the honourable mover of this resolution—

The Honourable the PRESIDENT: May I interrupt the honourable member? The honourable mover has approached me for permission to change a few words. Let the House see if that makes better sense:

“This Council recommends to Government to request the Government of India to abolish the extra tax imposed upon yarn to protect the handloom industry from dying out completely and to either prohibit the production of saris below 20 counts by Indian mills or to impose 15 per cent. on the saris manufactured by the mills.”

Mr. PESTANSHAH N. VAKIL : That makes the sense more clear. If, however, he puts " 15 per cent. excise duty," that will make it still more clear.

The Honourable the PRESIDENT : Does he mean that ?

Mr. PESTANSHAH N. VAKIL : Yes.

Mr. R. R. BAKHALE : What the honourable member seeks to recommend is that the customs duty on yarn should be abolished. This seems to be his first demand. If the customs duty is abolished, he is under the impression that the abolition of that duty will help only the handloom industry. I should like to have some figures from Government to show that imported yarn below 20 counts is used exclusively by the handloom industry and not by the mills. If the imported yarn is used both by the mills and by the handloom industry in certain proportions, the abolition of the customs duty is bound to help the mills as well as the handloom industry. And, therefore, the object which the honourable member the mover has in view is not likely to be achieved by the abolition of the customs duty on yarn. I would, therefore, like to have some figures supplied by Government to show that the imported yarn is used exclusively by the handloom industry. If that is the case, I can understand his position ; otherwise, I am afraid his object will be defeated.

Secondly, he wants to prohibit the production of saris below 20 counts by Indian mills or in the alternative to impose an excise duty of 15 per cent. on saris produced by mills. Well, only the other day we condemned the Government of India, and possibly we shall have to condemn this Government also, for the imposition of new taxes in the present situation of the country. Is it proper, when we are being taxed so heavily, is it proper at this time, that a non-official member of this House should come forward and ask us to support a taxation which is bound to affect the consumers' interests at least to the extent of 15 per cent ? It is for this House to consider that. I cannot possibly sympathise with a proposition of this kind.

I should like this House to understand the full implications of this demand. If the abolition of the customs duty on yarn is not carried out by the Government of India, he wants us to prohibit the production of saris by Indian mills or in the alternative to impose an excise duty to the extent of 15 per cent. In other words, he wants protection to the handloom industry. I do not know, Sir, whether protection by this method will help the workers in the handloom industry. No doubt, it will help the employers in the handloom industry, but I more than doubt whether those who produce these saris, the handloom workers, are going to be benefited as desired by the honourable mover. Our experience of grant of protection to many of our industries in India has been that, although the employers have gained considerably and made more profits than they used to do in the past, the workers' condition in certain directions has remained what it was before the protection was granted. Even to-day, the honourable member will admit, the wages of the workers in the handloom industry are lower than the wages of the workers in the Indian mills. He cannot possibly deny that fact. I am not talking

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only of nominal wages ; even as regards real wages, I am pretty certain that the mill worker gets a little more than the handloom worker. If, therefore, protection is to be granted at all, I am prepared to consider the proposition on the clear understanding that the benefits of protection will go to a very great extent to those who work in the handloom industry. If this is going to happen, then certainly I am prepared to consider this resolution sympathetically.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I have full sympathy with the resolution, but with the first part of it—

The Honourable the PRESIDENT: Only with the first part ?

Rao Bahadur R. S. ASAVALE: Only with the first part. I do not sympathise with the second part of the resolution. If the second part of the resolution is accepted, not only will it do no good to the weavers themselves, but it will do harm both to the weavers and the whole of the population that uses the saris.

The Honourable the PRESIDENT: Which is the first part and which the second ?

Rao Bahadur R. S. ASAVALE: Abolition of the customs duty on yarn is the first part and the increase of 15 per cent. duty on the saris produced by mills is the second part. Now, the honourable mover has rightly stated that Government should support the handloom weavers. The present-day tendency in India is to favour protection to the handloom industry, because there is great unemployment in the country, and the handloom industry will help cottage industry a great deal. The agriculturists who do not get sufficient work all the year round will take to this cottage industry and help themselves for their maintenance. But, Sir, at the same time we do not want more taxation to be levied from us. We should not ask the Government of India to tax us more either directly or indirectly. If the excise duty is levied as demanded in the resolution, it will fall not only on the producers of yarn, i.e. the Indian mills, but also upon the consumers of the saris. So, I hope that the honourable the mover of the resolution will be well advised to drop the second part of the resolution and only press the first part, which will be acceptable to the House.

Mr. SHAIKH ABDUL AZIZ (Central Division): Sir, only a few members who are concerned in mills have opposed my resolution. My honourable friend from Ahmedabad (Mr. Vakil) says that it is the duty of the consumers to bear some hardship of extra taxation to help the mill industry. I at least am not going to accept this theory. When the millowners were unable to compete with the foreigners, they went to Government for help, and thus this extra duty was imposed upon foreign yarn. Now, Sir, in the same way, I say that the handloom industry should be protected. As the mills have got some advantage from the increased duty, they should give a little of that advantage to the handloom weavers. They can do that by two means—firstly, by dropping the manufacture of saris or by paying a 15 per cent. duty

[Mr. Shaikh Abdul Aziz]

on the saris manufactured by them, so that they may not be able to compete with the handloom industry. There is no other way. If Government are willing to abolish the customs duty, so much the better. If not, they should impose a duty of 15 per cent. on the production of saris by mills. As the millowners have been given protection against the foreigners, they should now agree to giving a little advantage to the cottage industry of handloom weaving, by accepting a duty of 15 per cent. on production of saris manufactured by the mills. There is no other way. I have brought forward this resolution with the hope that nobody on this side of the House will oppose it. It helps to save ten lakhs of people from starvation. I am not quoting that figure from imagination, but from the report of Government. Government themselves have admitted that there are ten lakhs of people subsisting on this industry,—[An Honourable Member: "Not all the ten lakhs."] and allied industries. The major portion are living on the production of saris, at least seven or eight lakhs of those ten lakhs, and at least that number will be saved. That is the only object with which I have moved this resolution. I hope Government will consider the matter sympathetically.

The Honourable the PRESIDENT: The honourable member the Finance Secretary is probably preparing some figures on the subject for the House.

Mr. G. WILES: My figures, Sir, are not for publication.

The Honourable Sir GHULAM HUSSAIN: Mr. President, we have every sympathy for the handloom industry, and in fact Government have translated that sympathy into action by starting weaving schools and by demonstrations. Honourable members of this House know that the present resolution is a mere recommendation to the Government of India through this Government. Government are not going to take any part, either in the debate or in the voting, on this resolution. Government are prepared to carry out the wishes of this House. If the resolution is carried, Government will forward the proceedings of this debate to the Government of India.

The Honourable the PRESIDENT: The resolution, as I have permitted it to be amended, reads:

"This Council recommends to Government to request the Government of India to abolish the extra tax imposed upon yarn to protect the handloom industry from dying out completely and to either prohibit production of saris below 20 counts by Indian mills or to impose 15 per cent. excise duty on the saris manufactured by the mills."

Question put, and declared as negatived.

Mr. SHAIKH ABDUL AZIZ: I ask for a division, Sir.

The Honourable the PRESIDENT: May I ask those honourable members who support the resolution to stand in their places?

Mr. SHAIKH ABDUL AZIZ: I think, Sir, that a regular division should be taken.

The Honourable the PRESIDENT: Very well; the tellers will be the honourable members Mr. More and Rao Bahadur Bole for the "Ayes" and Mr. Vakil and Mr. Chikodi for the "Noes".

Question put. The House divided: Ayes, 24; Noes, 11.

Division No. 6.

Ayes

ALLAHBAKSH, Khan Bahadur
BALOOH, Mr. HAJI MIR MAHOMED
BANGL, Mr. A. K. J.
BIRADAR, Sardar MAHABOOBALI KHAN
BOLE, Rao Bahadur S. K.
CHITALE, Rao Bahadur G. K.
DHALUMAL LILARAM, Mr.
DESAL, Mr. S. B.
GHULAM HYDER SHAH, Mr.
GHULAM NABI SHAH, Khan Bahadur
GOKHALE, Mr. L. R.
GOVKE RORA, Mr.
JAM JAN MAHOMED KHAN, Khan Bahadur

JITEKAR, Mr. HAJI IBRAHIM
MATCHESWALLA, Mr. G. E.
MORE, Mr. J. G.
PATEL, Khan Bahadur A. E.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SHANKARRAO JAYARAMRAO ZUNARRAO, Mr.
SOLANKI, Dr. P. G.
SYED MIRAN MAHOMED SHAH
TALPUE, MIE BANDEH ALI KHAN
THAKOR OF KERWADA, Sardar BHASABER
RAISINGHI

Tellers for the Ayes: Mr. J. G. MORE and Rao Bahadur S. K. BOLE.

Noes

BAKHALE, Mr. R. R.
CHIKODI, Mr. P. R.
COLLACO, Dr. J. A.
D'SOUZA, Dr. J. ALBAN
KARBHARI, Mr. M. M.
MEHTA, Mr. M. H.

PATEL, Mr. C. N.
PRADHAN, Rao Bahadur G. V.
SINDEHA, Mr. MADHAVSANG JOBBHAI
TOLANI, Mr. S. S.
VAKIL, Mr. PESTANSHAH N.

Tellers for the Noes: Mr. PESTANSHAH N. VAKIL and Mr. P. R. CHIKODI.

Mr. R. B. SHINDE (Satara District): Sir, I beg to move the resolution standing in my name:

"This Council recommends to Government that the emoluments that are at present being paid to the officiating Revenue and Police Patils of the Central Division be doubled."

Sir, the institution of village patils is an old one. It has not been abolished even though so many governments have come and gone. It has taken a very deep root in the soil of India. The different governments of India, realising the necessity and importance of this institution for the sake of their own existence, had tried to make it permanent. Even the British Government in India is fully aware of this fact, namely, that this institution is most important and that the Government departmental machinery depends upon the foundation stone of this institution. We cannot think of the village administration unless we think of the revenue or police patil. He is the eye through which both sides, the people and the Government, try to look at each other. It is an admitted fact by the Government as well as the people that the patil is one of the important servants of Government. He is the person who always resides in the same village, he is one of the villagers themselves having vested interests in the village itself, and, being acquainted with all the circumstances of his village, he is taken to be responsible for the welfare of the village. So he is a man who has to do manifold duties. If we

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look to the work of the different departments which Government have started, we find that the help of the village patil is found to be quite necessary. Take, for example, the Judicial Department. If any summons and notices are to be served, the bailiffs and the police find it very difficult to serve them upon persons unless they get the help of the village patil for their identification. So also, as regards the police department. If criminal investigation is to be carried on in a village, or an arrest is to be made of a defaulter or a criminal suspect even the Superintendent of Police or the Deputy Superintendent of Police or the Inspector of Police has to take the assistance of the village patil in whom they find a person acquainted with local conditions and by whose persuasion, these high officers find, the villagers are easily induced to render such information as the investigating officers are in search of. Take any department you like, Sir, for example, the Excise Department, Forest Department, etc. In all the Departments the patil's help is always sought and found to be of very great importance. Take the Revenue Department. The village patil plays a great part in the collection of land revenue in his village. Land revenue, as we know, is the most important item of revenue to Government who entrust the task of revenue collection so far as the whole district is concerned to the District Collector and the Collector, in his turn, looks to the village patil in so far as the collection of land revenue from his village is concerned. In the absence of the patil, even the District Collector or the Deputy Collector finds it very difficult to make the collection of land revenue. It will not be too much to say that the Collector stands no comparison with the village patil, so far as the collection of land revenue is concerned. The premier object of creating the various departments of Government is, I believe, the benefit to the public and the Government must see that this benefit is extended up to the lowest strata of the people. This object can only be achieved through the medium of the village patil and without whose assistance and co-operation we think the people may be deprived of the advantages which are intended to accrue to them from the various departments of Government. This patil himself on his own part has to treat under him many petty servants in the village for the benefit of Government, for example ramoshis, rakhwaldars, talatis and so on to do various services allotted to them pertaining to the village. The times are now changing and these petty services of the village are losing charm and the people find it convenient to earn more by visiting industrial centres of the Province, such as Bombay, Karachi, Sholapur, Ahmedabad, Belgaum, etc., and these petty servants find no longer any charm in village service. The result is that these various services which were formerly done by these petty servants have now to be done or got done by the village patils who are held responsible for them. That is why I say that the patil is a man who is the eye through which both the Government and the people look at each other and come into contact with each other. He is the foundation stone of the departmental machinery of Government and is a man with manifold duties and responsibilities and yet we find that he is lowly paid. I have got so many

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instances in my district of Satara where some patils get an annual pay of Rs. 1-8-0. This is the condition in which the patil finds himself. The activities of Government departments are increasing, the revenue settlements are gone through, the assessment is already increased, prices have on the other hand gone very low, to all of which the satyagraha movement is adding its quota and we find that people are joining the satyagraha movement in large numbers. In spite of all these untoward circumstances the patils have proved themselves to be loyal but if they are to be left uncared for still and their pay is not increased, we apprehend that the patils too may fall a prey to the persuasion of the satyagraha agitators who will find very useful means of dislocating Government machinery. I may quote here the instance of Bardoli where the patils had struck work during the satyagraha movement. The District Collector during his visit to those places is reported to have been unable to find even milk for his morning tea and he was forced to take all his supplies from the district headquarters town. I believe Government will do well to take an example and a warning from this one fact. These loyal servants are still willing to prove their loyalty to Government.

In the year 1925 this subject came up before this Council in the form of a resolution moved by my honourable friend Mr. Navle of Ahmednagar. The minimum pay which he proposed was Rs. 25 and the resolution pertained to the patils of his district only. The honourable member Mr. Navle made out a very strong and able case in favour of his proposition with the result that the resolution was accepted in its spirit and not in its letter, because the then Commissioner, Central Division, who was a member of this Council, expressed his sympathy for the object of the mover of the resolution and promised to put up recommendations to Government to the effect that the emoluments of the patils should be increased, because the then prevailing scale was incommensurate with the work that the patil had to do. He said that he would put up such cases to Government with the recommendation that increased remuneration should be given either in the form of cash or land. In the course of his speech the then honourable member Mr. Hatch made a reference to the Wingate Scale which has been in force for the last 45 or 50 years. I may remark here that this Wingate Scale was framed in quite different times from the present, and it is high time now that that scale was revised and put upon a proper basis so as to suit the present circumstances. The loyalty of the patils is begun to be doubted owing to the machinations of the present day satyagraha agitators. This is one more reason why the Wingate Scale should be revised without further delay.

In 1922, Sir, a resolution was brought forward by an honourable member representing East Khandesh, but that was not accepted. In 1925 Mr. Hatch, the then Commissioner, Central Division, made an authorised statement which was subscribed to by the then Revenue Member, Sir Chunilal Mehta, who accepted the spirit, not the letter, of the resolution because he said that the resolution applied to one district

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only and if it was accepted with respect to that one district, he would find it extremely difficult to apply it to the rest of the Presidency. On that ground the mover of the resolution the honourable member Mr. Navle was persuaded to withdraw the resolution.

So, I think Government have got so many proofs of the urgent necessity of increasing the emoluments of the village patils, but I am sorry, Sir, that up till now they have not done anything to grant them any relief, and they seem to have slept over the matter.

The Honourable the PRESIDENT: Is the honourable member likely to take long?

Mr. R. B. SHINDE: Yes, Sir.

The Honourable the PRESIDENT: Then he may continue his speech after recess. ✓

(After recess.)

ELECTION OF MEMBERS ON BACKWARD CLASSES BOARD.

The Honourable MOULVI RAFIUDDIN AHMAD: Sir, I beg to move:

"That this House do proceed to elect three members of the Bombay Legislative Council from among the non-Backward Class members to represent general interests on the Backward Classes Board constituted by Government Resolution in the General Department No. 8697, dated the 30th September 1931."

I hope honourable members have already read the Resolution of Government that I have just mentioned. A Backward Classes Board has been constituted and Government have been pleased to nominate two members of this House belonging to the backward classes, namely, Dr. Ambedkar and Dr. Solanki. Three other members have to be elected by the Council as stated in the motion.

Question proposed.

The Honourable the PRESIDENT: There is one matter which may be explained by the Honourable Minister if he likes. I am told, on enquiry, by the Secretary of the General Department that Government have reconstituted the list of the communities in a new classification; that is to say, the "backward classes" would in future mean the depressed classes and other allied classes, and those classes which were so far called backward classes, as understood generally, would be the intermediate classes, and then the advanced classes. I suppose that is the classification?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes, Sir; that is the classification.

The Honourable the PRESIDENT: That being so, the two members, according to that classification, whom Government have selected out of this House are the two honourable members Dr. Ambedkar and Dr. Solanki. Therefore, the three members who have to be elected, would be from the remaining members, that is, Brahmins, non-Brahmins and the other backward classes, *minus* the two members already appointed. As to voting, Dr. Solanki will have the right to vote in the election of the three members from the non-backward classes. I would wish the

[The President]

names to be submitted by two o'clock to-morrow, so that the election might take place either at the end of the day or immediately after the Council assembles on the following day. There is an adjournment motion, of which notice has been given, regarding the Wakf Resolution of Government, and it may possibly come on for debate at 4 o'clock. If that comes on, the House will have to adjourn at half past three for tea. If the debate on the adjournment motion takes place, the House might adjourn, according to that, at six o'clock. But the House may sit even after that. If that is possible, and if that is the wish of the House, then the election might take place after that. Otherwise, the election would take place on the following day. About that, I would be able to inform the House at two o'clock to-morrow.

Rao Bahadur R. R. KALE: May I suggest that the nomination papers may be given to-morrow and the election may take place the day after to-morrow?

The Honourable the PRESIDENT: What I am thinking of is, after six o'clock, after the adjournment motion is voted upon, there would be time enough for election. However, that will be decided to-morrow.

✓ DISCUSSION ON THE RESOLUTION—*Resumed.*

Mr. R. B. SHINDE: Sir, this question has been discussed on the floor of this House on two previous occasions, once in 1922 and again in 1925. On both these occasions Government gave assurances that the question would receive their sympathetic consideration and asked the honourable movers to withdraw the resolutions.

Now, Sir, the resolution may be objected to on the ground of financial difficulty. I know there is a deficit budget facing us and in spite of the feverish activities of the Retrenchment Committee to fill up the gap, the deficit is increasing by leaps and bounds. I think the Retrenchment Committee have suggested so many proposals for cuts, but in spite of that we do not know to what amount the deficit will rise by the time of the next Budget session. At the same time, agitation is going on. Under these difficulties, if these patils are left alone uncared for, if their pay is not increased, it will be difficult to manage hereafter. There is an apprehension in our mind that the Government machinery may be dislocated and we cannot say that the apprehension is completely unmeaning. If the argument of financial stringency is to be at all levelled, it should be levelled against those persons who are well-placed in authority and who receive sumptuous and high salaries, but they, unmindful of the finance difficulty, are sitting tight upon their nest. If their nest has to be preserved intact, naturally the finance of the Presidency ought to be set right, and the work of collecting revenue should be properly conducted. In order to have this work properly done, the patils who make these collections ought to be given some sort of inducement in the shape of an increment in their pay. So, I wish to commend my resolution for the sympathetic consideration of this honourable House, especially the consideration of the Government benches. It is no time to sleep over the matter. We must try to have the situation in our

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hand. We know in what condition the country is. It is in a transitional period, and if at all we want to set right everything, if at all we do not want that these patils should be duped by the *satyagrahis* who try to dislocate the Government machinery, of course we must pay these patils better. We cannot keep these patils continuously knocking at our door. If we do that, I think we will be playing with fire. We know that many of these patils are uneducated and mute. If these persons are put off, naturally they will become still more dissatisfied, and Government will eventually suffer. Under these circumstances, I sincerely commend my resolution for the sympathetic approval of Government, and I hope that Government, instead of adopting the tactics of putting these people off, will accept this resolution and do something at once for the patils.

Question proposed.

The Honourable the PRESIDENT : An amendment to the resolution has been placed in my hands by the honourable member Mr. Gokhale. He wishes to add after the word "patils", the words "and the kulkarnis and other village officers, such as village Mahars and village watchmen." If the Honourable the Revenue Member has anything to say about it, I should like to hear him, before I decide whether the amendment is admissible or not.

The Honourable Mr. W. F. HUDSON : I think the honourable member will understand that I am not prepared for this amendment. If he expects me to produce figures, I am afraid I shall have to disappoint him. I have no objection to the case being discussed on its merits. At the same time, the House will understand that the kulkarnis have nothing to do with patils, except that they are village officers. I do not expect that the House will accept the amendment, and I do not think that the honourable mover desires it also.

An Honourable MEMBER : It includes all village officers.

The Honourable Mr. W. F. HUDSON : As I said, I am prepared to discuss the question of patils, but I am not prepared to discuss the question in detail of other village officers.

The Honourable the PRESIDENT : Since the Honourable the Revenue Member does not seriously object to the amendment—

The Honourable Mr. W. F. HUDSON : I shall oppose the amendment, of course, but I have no objection to its being discussed.

The Honourable the PRESIDENT : The point is whether the amendment goes beyond the scope of the resolution. That is the technical point.

The Honourable Mr. W. F. HUDSON : I submit, Sir, that it does undoubtedly go very considerably beyond the scope of the resolution. But, if you have no objection, I have none.

The Honourable the PRESIDENT : I have to decide the point. I think, strictly speaking, the amendment certainly goes beyond the scope of the resolution. Although it would be irrelevant, after that ruling, for any honourable member to refer to that, I would not mind

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a passing reference on that point, namely, the other officers of the village. The amendment is not allowed.

Mr. L. R. GOKHALE (Poona City): Sir, I thank the Honourable the Revenue Member and the Chair sincerely for having allowed a reference to the other village officers of the Revenue Department. I fully agree that the remuneration that is permissible under the rules to the patils of the villages is a very, very meagre one. When the honourable mover said that it was in some cases Rs. 2 or Rs. 1-8-0 he was not in the least wrong. In some cases it is even less than that.

Then the same principle advocated in the case of patils should be extended to the kulkarnis, the Mahars and the watchmen. As regards the kulkarnis I am not very keen, for various reasons. As regards the Mahars I believe their case is pitiable. They have to carry on their head loads of revenue sometimes hundreds of rupees from the village to taluka treasury. They are most faithful and there has never been a case where a Mahar has committed fraud of even a farthing of Government revenue. On the other hand, they get a pittance—a very miserable pittance. So also about watchmen and other people. If at this time the House accepts the principle of double payment to the patils, a day will come, if not in this session, at the next session when the principle of laying down remuneration for the other village officials will have to be considered.

One point I wish to make about the double payment to patils is this. My idea is that there ought to be a better scale as regards the payment. "Doubling" is only a rough method which is not desirable. There ought to be a minimum laid down and from that minimum onwards patils ought to be paid. This is a point well worth consideration by the House as well as by Government. Suppose a revenue patil or a police patil gets Rs. 2 or Rs. 3, and if that is doubled, he will get Rs. 4 or Rs. 6. What is the meaning of this? Are we to understand that this is taken to be a sufficient remuneration? I support the resolution, because I support the principle, which is that the payment is inadequate. I quite agree that they ought to be paid adequately. If the Revenue Department accepts this, they ought to lay down a minimum and rules must be framed to raise the pay according to circumstances and the work they have to do. I would suggest that they should be paid Rs. 60 a year, which is a most reasonable figure to be proposed. This figure should be increased according to the work of individual patil. With these words, I heartily support the resolution that has been moved.

Rao Bahadur R. R. KALE (Bombay University): Sir, I welcome the opportunity that this resolution affords for giving expression to my views on the principle underlying the motion that has been moved by my honourable friend Mr. Shinde from Satara. Sir, the village is the unit of self-government. The position of the patil was really that of the head of the administration of the whole village, if we take into account the past. Then, their status and position were certainly far superior to that at present. I know that the resolution is being brought at a time when the Presidency is suffering from financial stringency and any proposals that

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are likely to affect the finances of the Presidency will not be favoured by Government or, for the matter of that, by the non-official members.

The point I am going to make is that the whole machinery of the village administration should be overhauled. Then the village government will be, as it was, more economical than at present. These village officers consist of patils, the kulkarnis, the village Ramoshis, the village Mahars and the village watchmen, and they are called by different names in Gujarat and other parts of the Presidency. They form a complete machinery, keeping law and order, collecting the revenue, equalising inequalities there may be in particular years and so on. Really speaking, they were rendering a most useful and important service. From the point of view of economy, as was pointed out on a previous occasion, the system of talatis is being worked on a very expensive basis on account of their being paid like other Government servants. The reason for that is that the village officers and servants like the patils, kulkarnis, Ramoshis and Mahars possessed their watan in the villages. The unfortunate circumstance is that a properly constituted watan service is almost disappearing. If the whole village system had been continued with this improvement that the man who is going to officiate must possess certain qualifications, the whole thing would have gone on very well. An illiterate and ignorant patil cannot carry on the administration of the village efficiently. There are provisions in the Watan Act enabling Government to disqualify such persons from officiating. An enlargement of even the present provisions would have offered a great inducement to these people to stick on to their office and that is why, in spite of the low remuneration of Rs. 5 or Rs. 2 or annas 8, they have stuck to their post. I am told even in Gujarat, during the civil disobedience movement, the patils who had resigned applied to be reinstated, in spite of the harassment by the villagers, the picketers and other people. That is my information and I hope an honourable member from Gujarat will be in a better position to enlighten us on the point. So, Sir, I say that we must look at the question as a whole. For instance, I have seen when I was doing criminal work as Public Prosecutor, it was the village police or the village Ramoshi who had the most important work to do in the detection of crimes. I can place many such instances before the House for such treatment as they wish to give them. These are the people who know the condition of the village and, without their assistance, the district police would not be in a position to do any real and substantial work. I am sorry to say that not only their position has not been raised, but their status has been so reduced at present that nobody pays them any respect. Formerly there were occasions when they used to receive a *pugri* as a mark of their appreciation at the hands of the district officer. I do not know whether the system is at present in existence. Because he was considered to be influential he used to receive that simple reward. Still that sense of honesty remains with the Mahar. As has been stated, he is entrusted with money to be carried from the village to the taluka treasury. I do not remember a single case in which the Mahar committed criminal breach

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of trust in respect of the amount entrusted to him, though there were cases against the patils and kulkarnis.

So, my submission is that the principle underlying the resolution is worth while being investigated. We are on the eve of constitutional changes and the question of village administration is mixed up with the administration of the country as a whole. It has been centralised too much. Everything proceeds from the centre. When Lord Elphinstone took charge of this Presidency as Governor, he circulated a request asking whether the village administration should be revived. The village administration by then had deteriorated. Except the panchayat and jury system introduced by the Peshwas, all the other systems had disappeared. Still he wanted to investigate the whole question from the point of view whether it could be resuscitated. For some reason or other the British administrators decided upon a policy of centralisation.

I know the honourable member (Rao Bahadur Patil) is impatient to pass his resolution. But excuse me, this is a very important resolution and without its being discussed from every point of view, we should not allow it to pass. Let there be a full discussion. At the same time I would urge upon the Members of Government to consider whether the taluka police can be reduced in case the investigation is entrusted to the village police, thereby reducing the cost; and whether the cost of the increased scale of pay of the village officers can be met in this way. In this way the question requires a great deal of consideration as it is part of the whole administration and it cannot be decided all at once. With these few words I support the principle underlying the resolution and have great pleasure in supporting it.

Mr. A. N. SURVE (Bombay City, North) : Sir, I have great pleasure in seconding the resolution that is before the House. In this case history is repeating itself. As the last two speakers who have spoken in support of this resolution, have also spoken in support of other village servants, I would just like to mention how history is repeating itself. Sir, this question, so far as the reformed Council is concerned, was before this House in the year 1922. At that time too, a step similar to that which was taken by the honourable member from Poona was taken. At that time the honourable member Sardar Mutalik tried to amend a similar resolution in a similar way. To-day the attempt was on behalf of the kulkarnis and other village servants. As regards kulkarnis, the honourable member has stated that he is not so very keen. From the last two speeches to which we have just listened, it is clear that the other village servants, namely, the Mahars, are still before the minds of these honourable members. Sir, at that time, the then President, sternly disallowed the amendment, just as you have done it to-day. I may just state how that amendment fared in 1922. I am reading from Volume VI, page 499. The original resolution was about the revision of the Wingate scale, of which we have heard so much to-day, and the amendment was :

“With a view to give adequate remuneration to the village officers, this Council recommends to Government that the Wingate scale in force may be revised.”

[Mr. A. N. Surve]

The then Revenue Member, Sir Ibrahim Rahimtools, very correctly pointed out to the then Honourable the President that the amendment was beyond the scope of the resolution. He said :

" Sir, I rise to a point of order, and that is why I wanted you to hear me in order that the Chair may decide whether the amendment is in order or not. It is necessary to put before the House the fact that the resolution deals with patels only, while the amendment deals with all village officers. Patels are not the only village officers."

The Chair at that time ruled :

" Then, I rule the amendment out of order."

So, you will see, Sir, how the old tactics—I shall not use the word "tactics"—the old methods, are being re-used for, I shall not say "defeating," but at least for complicating the issues that are before the House.

The Honourable the PRESIDENT: Order, order. I think that is a very ungenerous remark. Those two speeches, if they had been followed in the right spirit, should not have evoked a remark like that.

Rao Bahadur R. R. KALE: Hear, hear.

Mr. A. N. SURVE: I bow to your ruling. I only wanted to point out this fact, that the scope of the resolution is being widened. The point under consideration is made more complex, and the chances of its being defeated are made more certain.

The Honourable the PRESIDENT: That has been overruled. The honourable member may speak on the resolution.

Mr. A. N. SURVE: Sir, I am only placing before this House this fact, that everybody in this House has the greatest sympathy for village servants other than patils. Any honourable member can bring a substantive resolution in his own name and try to show his practical sympathy for the Mahar. At that point I leave that question.

Then, Sir, I shall refer to the way in which this question is hanging fire since the year 1921. The position in the year 1922 has been summarised by the then Revenue Member, Sir Ibrahim Rahimtools, in these words :

" As a matter of fact, the attention of Government has been drawn to the fact that there is a widespread feeling as regards the inadequacy of the remuneration and they therefore called upon the Commissioners to submit a joint report on the subject. That report has been received, and is now under the consideration of Government."

Further on he said :

" I can only say at present that the matter is being carefully considered by Government on the report from the Commissioners and as soon as they arrive at any decision they will place it before the House."

That was on the 31st July 1922, more than nine years ago. From the extract quoted by the honourable mover of the resolution from the discussion on a similar resolution moved in the year 1925, the only progress that appears to have been made was this. The then Commissioner, Mr. Hatch, said that wherever he found that the patel was seriously overburdened with duties and that his remuneration was not commensurate with his labours, he would put up the case to Government and the salary in those individual cases would be revised. The general scale was not to be touched. How many patels were fortunate enough to benefit by that decision of Government, I do not know. But from the year 1922 to the year 1931, practically nothing appears to have been done.

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Sir, perhaps you will be amused to hear that the lordly, princely or magnificent salary which the patel receives, varies from a few annas to thirty or forty rupees in a year. The police patel, so far as the village is concerned, is as important an officer as the mamlatdar for the taluka. In the village area he is the representative of the Crown. The fact that that servant of Government gets only a few annas in a year goes to show how unjustly that Government servant is being treated by Government. That has been the treatment meted out to him not only for the past five or six years, but since 1875. From that time, several improvements in the scales of salaries of other servants have been introduced. Formerly, there were graded salaries; we have given the go-by to them and we have introduced a time-scale. But the poor patel has not got the time-scale. In the case of the higher servants there was a generous officer, named Lee, who came before the Government and made recommendations which go under the name of Lee recommendations, but that kind of generous officer did not come to the rescue of the poor village servants who are the mainstay of Government. The village is the unit in our administration. If the patel does not collect the revenue, the mamlatdar, the Collector, the Commissioner and the Honourable the Revenue Member will find it very difficult to recover that revenue which runs into several crores, and that revenue will not flow into the Government treasury. Such a servant deserves more sympathetic consideration at the hands of Government. Sympathy for this class of Government servants is not wanting. A resolution in their favour is moved in this House; the honourable occupants of the benches opposite are very generous in their sympathies, but somehow we find that that sentiment is not given practical shape. For that reason, I request Government and also honourable members of this House this time at least not to stop short at giving expression to their generous sentiments of sympathy, but to show it in some more practical form.

Then, Sir, there is another point to which I want to draw the attention of the House, namely, that there is a distinction between the police patel and other servants of Government. A clerk in a Government office goes to his office at about 11 o'clock; when the clock strikes five he has his eye on the clock and the moment it strikes half past five, he leaves the office.

The Honourable the PRESIDENT: One minute more.

Mr. A. N. SURVE: I shall try to be very brief. I was saying that every other Government servant has limited hours of duty. The police patel has a long list of duties to perform and they are to be performed whenever he is called, be it day or night. Some of his duties are, collection of revenue, when the harvesting season comes he has to inspect the amount of the crop that is likely to be obtained, registration of births and deaths, investigation of suspicious or unnatural deaths, enforcement of orders of civil and criminal courts. He has also to help Government officers from the Commissioner and Collector down even to the pattewala. The list of this Government servant's duties runs into several dozen items. Even if the mamlatdar's pattewala comes to the village, he has to receive him hospitably and see that he is comfortably lodged. Then

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he has got his duty under section 45 of the Civil Procedure Code and also has to act as a magistrate acts in his court under the Village Police Act.

So, Sir, he has to do all these duties not only at the appointed hours but at odd hours of the day or night. Let it be day or let it be night, let it be dry weather or wet weather, he has to go wherever his duty calls him. Owing to the political state of the country, his duties have greatly increased. Up to now he has been faithful to Government, and though he has been receiving a very small salary, he has been carrying out his duties loyally and faithfully. For all these reasons, I request the benches opposite to be more sympathetic and accept this resolution.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi): Sir, I rise to support the resolution moved by my honourable friend Mr. Shinde. Though this resolution refers only to the Central Division, I suggest that it should be made to apply to the whole Presidency.

The district of Ratnagiri is one of the most backward districts in the Presidency. There are in this district 1,332 patils. The salary paid to these patils ranges from Rs. 3 to Rs. 24 and only in 12 or 14 cases the patils are paid Rs. 40 to Rs. 45 annually. Every honourable member will admit that this is wholly inadequate if the amount of work they have to do is taken into consideration. Then there are 50 to 60 Mahars in each village whose average salary amounts to a few pies per year. This state of affairs disproves the assertion that the British Government does not get its work performed free of charge. If the work at present done by the patils is to be done by somebody else, then you will have to appoint a clerk on Rs. 25 a month.

He has to submit various kinds of registers and returns on the 3rd of every month. If the returns are not submitted on the 3rd, on the 4th he receives an order to explain the cause of the delay. He is asked to go to the headquarters of the taluka and submit his explanation. The village is generally situated at a distance of about 10 to 12 miles from the taluka, and he has to spend from his own pocket to go to the taluka and submit his explanation. Government is only too ready to suspend him for a small mistake.

If some subordinate officer of Government happens to visit the village, then his annual salary is not sufficient to meet the expenses he is put to, to provide for the needs of that subordinate officer. Of course, when such high officials as the Collector visit the village, he is not put to so much trouble. But the subordinate officers do not care for the orders on this point and expect the patils to provide every comfort during their stay in the village.

He has to purchase whatever stationery he requires for his official work.

If a crime is committed in the village, he has no rest for days together.

The patils tried their best to get an increase in their salaries. The Government's reply to their request was that they had to do only fixed duties, namely, keeping birth and death registers. The patils then decided to refuse to do any other work besides the maintenance of birth and death registers. As Government were put to great inconvenience

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on account of this, the officials called all these patils together and consoled them, and asked them to continue the other duties also.

I suggest that the salary should be fixed on a population basis. For example the patil of a village with a population of less than 1,000 may be paid Rs. 35 or Rs. 40 ; and a patil of a village with a population of more than 1,000 may be paid Rs. 60. They deserve a better salary than they get at present. In the Ratnagiri District, for example, a sum of about Rs. 12 lakhs is deposited in the Government treasury without Government spending a pie for transport of that huge sum. How? The mahars carry the huge sums to the Government treasury for a salary of a few pies per year.

I therefore request that this resolution should be passed unanimously. I hope Government will accept it.

The Honourable the PRESIDENT : There will be two more speakers. So far there has not been any opposition. The honourable the mover may not rise to reply. The Honourable the Revenue Member will give the final reply. That would complete the session for to-day.

The Honourable Mr. W. F. HUDSON : I do not think it will take half an hour for me to reply. I hope it will be very much less.

Rao Bahadur B. R. NAIK (Surat District) : Sir, there is no question as to the inadequacy of the remuneration paid to the patils—both police and revenue. I do not know whether the remuneration varies in different divisions of the Presidency. But I doubt whether even if it is doubled it will be adequate, considering the amount of pay that they get. I fully sympathise with the resolution ; but I feel that this is a very important question and cannot be solved by a mere resolution of this nature.

I will just say how the system of patils was established and under what conditions, after the advent of the British Government. Everybody knows that the village of this country was a self-contained unit. It had a panchayat of its own with a respectable resident as its headman. This headman was the leader of the whole village and he did not get any remuneration from the village. After the advent of the British Government the village panchayat disappeared, and I believe that a system was introduced by which a man of dignity and position was to be appointed by Government as an honorary and part-time worker with a nominal remuneration. So far as I know, even to-day, village patils are not considered full-time servants of the State. They are only part-time servants of Government. This can be seen by a reference to the Local Boards Act which lays down that patels should not be taken to be full-time Government servants but to be part-time workers, and that they can become either members or even presidents of local bodies such as local boards and municipalities. I am not one of those who believe that the patels are working for mere pay which is given to them. Besides the pay, there are some advantages attached to their posts. The patel of a village is entitled to and gets, besides his pay, certain respect as he is considered the headman of the village. As the headman, he becomes the leader of the village and often he gets his fields cultivated in time by the labourers, I do not say

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free of charge but he gets preference over others. His social status automatically goes up and he gets some power, and this is the main reason why people are found ready to take up the posts of village patels in spite of such a meagre pay. I am afraid that there will be no end to this question unless Government and this honourable House begin to take it up seriously and solve it once for all. That cannot be done by a resolution. In the Northern Division, some of the patels get as low as two rupees a month, while in some of the biggest villages the patel gets from Rs. 8 to Rs. 10. So even if Government were to double or treble the present remuneration, I do not think that it would be sufficiently attractive to induce respectable men from the villages to come forward to take up the posts of patels if the other advantages attached to the posts are not there. The patels perfectly well know that the salaries paid to them are insignificant and yet they accept the posts for the reason that they are compensated in other ways, such as increased social standing, etc. I entirely agree with the honourable member Rao Bahadur Kale that instead of raising the pay of the patels, Government ought to raise the dignity of the patels. I know, Sir, that during the last year's civil disobedience movement several of the patels resigned their posts in the Kaira District, and when they were asked the reasons why they resigned, they replied that among other reasons one was the undignified treatment of the higher officers of Government such as mamlatdars and so on, and I know it for a fact that the Collector of the district had to issue a circular to all mamlatdars and deputy collectors to the effect that whenever the village patels attended their kacheries, they should be offered chairs to sit on. I am not opposed to the resolution, but I give my candid opinion that even by doubling or trebling the pay of the patels this problem will not be solved. But if Government or the Honourable the Revenue Member take upon themselves to try to raise their dignity and status to what the patels in the olden days enjoyed, then I am sure the patels will be satisfied and not by any increases of pay which they may get.

The system of payment of patels was not based on rupees, annas and pies. I know, as a matter of fact, that in the Northern Division most of the patels spend more money than they get, on the hospitality of Government officers such as mamlatdars, *fouzdars*, police inspectors, etc. They do not, therefore, care for what pay is allowed to them by Government. They look to the dignity and status which they derive from being appointed patels of their villages. That fact explains why Mahatma Gandhi, when he came to an agreement with the ex-Viceroy Lord Irwin, stipulated that all those patels who had resigned their posts should be at once reinstated in their old posts. Mahatma Gandhi knew that the chief attraction to these patels was not the emoluments as allowed by Government, but the advantages which came to the patels from the mere fact of their being appointed as patels of their villages. They derive a certain amount of prestige, power and honour, and also other advantages such as prompt labour for their fields and so on, at least so far as the Northern Division is concerned. I do not speak of the Central or Southern Divisions—

An Honourable MEMBER : In those Divisions the remuneration paid is about Rs. 4 a month.

Rao Bahadur B. R. NAIK : Even if you were to double or treble that remuneration, it would not improve matters much. As the honourable member Rao Bahadur Kale said, there ought to be a thorough and searching enquiry made in such a way that it will solve the problem once for all. We know why these patils' and mahars' watans are so much sought after, because they instantly confer a certain amount of higher status and prestige on the recipients in their own community. Even if two or three acres of land are given to these village servants, they will be satisfied, and satisfied far more than if their pecuniary remunerations were to be doubled or even trebled. This is all that I say. I do not oppose the resolution, but I have indicated the lines along which Government may direct their investigations with a view to mending the existing state of things.

Rao Saheb B. G. DESAI (Kaira District) : Sir, I rise to support the very laudable object and principle of the resolution moved by the honourable member Mr. Shinde. These police and revenue patels are considered to be the representatives of the Government and do represent Government in their own humble way in so far as their respective villages are concerned and, as such, they are called upon to perform various and multifarious and important duties and functions. It has been suggested by the honourable member from Surat that the police and revenue patels in the Kaira district resigned their offices during the last non-co-operation agitation owing to the ill-treatment given to them by higher officers. But as far as I know, the statement is rather incorrect, for as is well-known, in most cases they resigned under extreme pressure, sentimental emotions and want of moral courage and backbone to face and withstand the agitation that was raging all around them. This will also be proved by the fact that as soon as the peace pact was promulgated they hastened to apply for reinstatement to their original posts which they had so resigned, which fact has thereby given ample proofs of their anxiety to revert to their duties. But the emoluments of these revenue and police patels are hardly commensurate with the nature and extent of their duties, and the necessity of increasing the emoluments of these village servants has been recognised by this honourable House on several occasions with various expressions of sympathy and appreciation time and again, and I believe the time has now come for the House to translate those expressions of sympathy and appreciation into practical shape and action by voting solidly in favour of this resolution which recommends a small increase in the remuneration allowed to these village patels at present. With these words, I whole-heartedly support the resolution moved by my honourable friend Mr. Shinde.

The Honourable Mr. W. F. HUDSON : Sir, I feel I ought to apologise to my honourable friend Rao Bahadur Patil for venturing to occupy the floor for a few moments, as I would much rather listen to a speech from him than make one myself, but unfortunately the procedure of the House makes it necessary for me to make some attempt to reply to this

[Mr. W. F. Hudson]

resolution. If I was rather slow in getting on to my feet, it was because I was waiting for some more champions from the other parts of the Presidency, who I thought would point out to the honourable mover the invidious distinction he had made on behalf of the Central Division. I was also waiting for a member of the Retrenchment Committee to get up and rebuke the honourable mover for his rashness in bringing forward a resolution of this kind at this particular juncture, when they are engaged, so far as I understand, on endeavouring to reduce the remuneration of every one in Government service. I was also waiting for my honourable friend Rao Saheb Vandekar to explain to us why in his resolution (which is next in order) he proposes to confine this measure of extravagance to two districts, one in the Central Division and one in the Southern Division. Well, Sir, none of these things have happened, and it remains for me, as far as I can, to explain to the House what the position is, and I hope to induce the honourable mover to withdraw his resolution.

Before Government could agree to accept a resolution of this kind, it will obviously be necessary for us to ask, is such a step as is suggested either necessary or desirable? It is perhaps scarcely for me to repeat what has been so well said by my honourable friend Rao Bahadur Naik, who asked the House to bear in mind the fact, which seems to me to have been rather lost sight of in some of the speeches, namely, that an ordinary patel has not got a whole-time job and Government never pretends he has, and, as far as I know, Government never pretended that his remuneration was whole-time remuneration. Certainly these instances which have been quoted are unfortunately true and in some cases the remuneration is as low as Rs. 2. These instances show clearly, first of all, that Government does not expect the man to live on it, and that no one does live on it. There is no reason in a great majority of cases why the patel should not engage in trade or agriculture, and, as a matter of fact, we all know perfectly well that there is a large number of instances in which he does engage in agriculture, and it is only in his leisure time that he does work for Government. It has been said by an officer of great experience who has gone into the subject very carefully, that in a great many cases a patel could perfectly well do the work of five villages, but, unfortunately, as things stand, owing to the watan system, he does not do so.

Now, it is true, Sir, as has been pointed out by my honourable friend Rao Bahadur Naik, that a patel does get a return for his labours quite apart from the actual cash. A patel is a human being and, like all human beings, I suppose likes to exercise a little authority. We have again the evidence of the same honourable member that the post of patel gives the holder a certain social status in his village and that there are cases, at any rate some cases, of certain tangible perquisites being attached to the office of patel.

Then, Sir, we must remember, when considering this question, that during the last few years the cost of living has gone down and this has

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unquestionably affected the patels. Therefore, in that particular regard also, they are better off than they were seven or eight years ago.

My honourable friend Rao Bahadur Kale was perfectly right when he drew the attention of the House to the important institution of the patilki services. There is no question that we could not carry on the administration as at present without them, and it gives me great pleasure on this occasion to pay a tribute to the wonderful and steadfast loyalty which was displayed by a very large number of patils during the troublous times last year. [*Applause.*] But, Sir, this is clearly a business proposition: we ought not to pay more for service than is necessary. The best test of that is recruitment. If you cannot get a man on Rs. 10, you obviously have got to pay Rs. 12, but you are a fool if you pay Rs. 12 if you can get a man on Rs. 10. We have no difficulty whatever, I may say, in recruiting patils. Only last year, as has been pointed out by my honourable friend Rao Bahadur Naik, a great many of these patels in a fit of misguided zeal resigned their offices, and we all know how they came trooping back as soon as they decently could do so. In the past no difficulty has been experienced in the recruitment of patels and none whatever, I am sure, will be experienced in the future. Whenever an appointment falls vacant, in almost every case there are several suitable applicants, and the difficulty of the district officer is to decide which of them should hold the appointment. Now, that being so, the question arises, what would this proposal cost? I am confining myself for the present to the proposal of the honourable mover, that is to say, this measure of doubling the pay in the Central Division. But I am sure the House will agree with me that, if we double the pay of the patils in the Central Division, we should have to double it everywhere. It would be impossible to make this particular distinction, and that is one of the reasons why I am going to ask the House not to accept this resolution, because, if carried out, it would be obviously unfair.

Well, now, in the Central Division there are 12,000 patils, and their cost is about Rs. 4½ lakhs. If we double the remuneration, it makes another Rs. 4½ lakhs, and I do not think that the Chairman of the Retrenchment Committee or the Finance Member would be glad if I presented them with a bill for another Rs. 4½ lakhs next year, only for the Central Division, telling them at the same time that there is more to come. I have not been able to calculate what it would cost to double the remuneration throughout the Presidency, but I think you may take it that it would be in the neighbourhood of about Rs. 9,00,000. And what should we have gained? Surely, the House will agree that this will be the most unsatisfactory and unscientific method of dealing with this question. In some cases, undoubtedly, doubling the remuneration would make a considerable difference. But what is the use of doubling a man's pay of Rs. 3 to Rs. 6 per annum? It is no use whatever; it is merely a waste of money. Therefore, I would suggest to the House that not only would this be a very expensive experiment, but it would do very little for the people whom it is intended to benefit.

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Now, that of course sounds rather unsympathetic, but I would like at the same time to remind the House that a good deal has been done in the desired direction in the past 10 years. My honourable friend from Bombay who deals with ancient history, almost always forgets any little good deeds that Government have done, but I am going to remind him what they are, even at the cost of wasting the time of the House. In 1923 the scale in Ratnagiri was entirely revised. The original scale figure for villages with a certain population was Rs. 4; that was raised to Rs. 12 per annum. That is not very much, but still it is something. Rs. 6 was raised to Rs. 24; Rs. 12 was raised to Rs. 30, Rs. 16 in villages of over 1,000 was raised according to the population up to a maximum of Rs. 48; that is, all villages could rise to a maximum of Rs. 48. This revised scale involved an extra cost of Rs. 7,000. In Kolaba, the fixed allowance based on population was raised by 50 per cent., at a cost of Rs. 4,000. In the case of Bijapur the remuneration was raised in two ways, by amalgamating the patilkis and kulkarnikis of certain villages, and secondly by increasing the cash remuneration by 50 per cent., from a minimum of Rs. 13 to a maximum of Rs. 72. Then, as a result of the discussion in the Council, to which my honourable friend from Bombay referred, it was decided that, in certain places, especially in the Khandesh District, where officiating village officers and village servants useful to Government were obviously inadequately remunerated, land should be retained for grant to them on yearly tenure while officiating, and waste lands in West Khandesh have been given out to the patils on yearly tenure, which, I am sure, is a much better way of remunerating them than by giving them small increases of salary such as are now proposed. Then, the Commissioners were given permission to sanction extra allowances up to Rs. 50 in villages which were large centres of traffic, or where there are important railway stations. These cases come gradually under review, and although I am not contending for a moment that every case has been dealt with, I assure the House that Government are not unmindful of these hard cases, and when a hard case is brought forward, it is attended to. In Nasik in 20 cases, during the period 1920-23 the remuneration was raised; in Satara 3 cases recently, in Ahmednagar 3 cases in the last few years. Those are the ones that I have been able to find; I am sure there are others of the same nature. I do not suggest that what has been done is very much, but I do say it is something, and if any honourable member will bring to our notice any specially bad case where a man has to do a great deal of work—I am making that a condition, because most of these men have very little work to do—and he has got very little remuneration, it certainly will receive our sympathetic consideration. In the meantime, I must oppose this resolution on the ground that it is, in the first place, too expensive for us in our present state; secondly, that it makes, in my opinion, a very invidious distinction between the Central Division and other Divisions; thirdly, that it will do very little good if we carry it out; and, fourthly, that it is quite unfair in its incidence. Having said that much, I venture to hope that my honourable friend will feel

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that he has done his duty in drawing attention to this matter and that he will withdraw the resolution. ✓

Question put. The House divided : Ayes, 18 ; Noes, 38.

Division No. 7.

Ayes.

ASAVALE, Rao Bahadur R. S.
BOLE, Rao Bahadur S. K.
DESAI, Rao Saheb B. G.
DESAI, Mr. H. R.
DESAI, Mr. S. B.
GOKHALE, Mr. L. R.
KALBHOR, Mr. G. M.
MORE, Mr. J. G.
NAMDEORAO BUDHAJIRAO, Mr.
PATIL, Rao Bahadur D. R.

PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
SHANKARRAO JAYARAMRAO ZUNZAR-
BAO, Mr.
SHINDE, Mr. R. B.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
TOLANI, Mr. S. S.
VANDEKAR, Rao Saheb R. V.

Tellers for the Ayes : Mr. J. G. MORE and Rao Bahadur S. K. BOLE.

Noes.

ALLAHBAKSH, Khan Bahadur
BAKHALE, Mr. R. R.
BELL, Mr. R. D.
BOWERS, Mr. P. L.
BRANDER, Mr. J. P.
BRISTOW, Mr. C. H.
BROWNE, Mr. D. R. H.
CLAYTON, Mr. H. B.
COLLACO, Dr. J. A.
COLLINS, Mr. G. F. S.
EWBANK, Mr. R. B.
GARRETT, Mr. J. H.
GHULAM HUSSAIN, the Honourable Sir
HUDSON, the Honourable Mr. W. F.
JAN MAHOMED KHAN, Khan Bahadur
JITEKAR, Mr. HAJI IBRAHIM
KADRI, Mr. J. S.
KAMBLI, the Honourable Dewan Bahadur
S. T.
KARBHARI, Mr. M. M.
KHUHO, Khan Bahadur M. A.

MACKLIN, Mr. A. S. R.
MEHERBAKSH, Mr. S.
MODAK, Rev. R. S.
MODI, Sardar Davar T. K.
NAIK, Rao Bahadur B. R.
OWEN, Mr. A. C.
PRADHAN, the Honourable Sir GOVINDRAO
RAFIUDDIN AHMAD, the Honourable
MOULVI
RESALDAR, Mr. A. K.
SHAIKH YAKUB VAZIR MAHOMED, Khan
Bahadur
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SYED MIRAN MAHOMED SHAH
THOMAS, the Honourable Mr. G. A.
TURNER, Mr. C. W. A.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sirdar Sir
RUSTOM JEHANGIR
WILES, Mr. G.

Tellers for the Noes : Mr. PESTANSHAH N. VAKIL and Mr. M. M. KARBHARI.

Rao Bahadur D. R. PATIL (East Khandesh District) : Sir, after so many obstructions—

Rao Bahadur R. R. KALE : I take exception to that expression of the honourable member.

Rao Bahadur D. R. PATIL : On account of the importance of the subject—

The Honourable the PRESIDENT : Order, order. The honourable member is wrong. So far the scheduled business of the House has gone on and indeed been conducted under strictly proper procedure.

Rao Bahadur D. R. PATIL : If that is so, I do not want to use those words.

The Honourable the PRESIDENT: The honourable member must withdraw that expression.

Rao Bahadur D. R. PATIL: I am willing to withdraw that expression, Sir.

On account of the kindness on the part of some honourable members to cut short their speeches on the last resolution, I got the chance of moving my resolution.

Sir, I beg to move the following resolution:

"This Council recommends to His Excellency the Governor in Council that he be pleased to convey to the Secretary of State for India and His Majesty's Government in England through His Excellency the Governor General in Council that it is the emphatic opinion of the Bombay Legislative Council that in the contemplated revision of the Government of India Act by the British Parliament after the deliberations of the Round Table Conference are over, due provision be made for adequate representation of the rural areas on the Local Legislature of the Province of Bombay and that the rural franchise be so lowered and the number of seats for the constituencies be so increased as to carry out the aforesaid object."

I am sure that all the honourable members on this side of the House have at heart the interest of the agriculturists, because a majority of them—a very large majority indeed—have been returned by rural constituencies. So, I take it that it is the heartiest wish of every member of this House, especially on this side of the House, that the rural areas ought to have adequate representation on the local legislature of this province when the Government of India Act will be revised by the British Parliament. It is a well known fact that India lives in its villages and not in its towns; and the largest part of the financial burden falls upon those who reside in rural areas. When we take that point of view into consideration, I am sure that the House will agree that the rural areas ought to have adequate representation on the local legislature of Bombay.

When I consider the present constitution of members that are represented in this Council, the rural areas get only 57 seats; while the urban areas get 16 seats, leaving aside the special interests which get 13 seats. My submission to this honourable House is this. Look at the population of the rural areas and look at the population of the urban areas. I realise that the interests of the urban areas should be protected. But if we take the case of Bombay alone, we find that for non-Mahomedan urban constituency, Bombay gets 6 seats while for non-Mahomedan urban constituency of Bombay 2 seats are given. In short, out of 16 seats for the urban constituency, Bombay alone gets 8 seats. If we take into consideration other interests, commercial, labour, university and others, we find that Bombay enjoys a very unique position in so far that more than 8 representatives are elected from that city itself. I may submit that the agriculturists are the real pillars and benefactors of the country. It is they upon whom Government is carried on, as they contribute a major portion of revenue to the exchequer of the Government of Bombay; it is they from whom pleaders get their fees; it is they upon whom everybody feeds himself. That is the unique part played by the agriculturists. A very large part of the revenue is paid by the agriculturists. So, I think the agriculturists will be perfectly entitled to demand that their

[Rao Bahadur D. R. Patil]

interests must be adequately represented on the local legislature. I do not want to take much time of this honourable House, because I am sure that every honourable member on this side of the House will agree with the soundness of the demand, which I have made in my resolution. I most humbly request all honourable members of this House that looking to the importance of the interests of the rural areas, they will do their best not to make speeches at all. If they want, let there be one or two speeches by one or two important honourable members, because the recommendations which I have incorporated in my resolution may be communicated to the British Parliament, before the Government of India Act is revised. I am sure, of course, that all honourable members of this House will support my resolution. I do not feel the least doubt about it; and I am equally sure that Government also will be pleased to convey this resolution to His Majesty's Government in England and to the Secretary of State for India in the way in which I have requested Government. So, with these few remarks I commend this resolution for the acceptance of this honourable House.

Question proposed.

The Honourable the PRESIDENT: The honourable member Rao Bahadur Bole has given notice of an amendment.

Rao Bahadur S. K. BOLE: Sir, I beg to move the following amendment to the resolution moved by my honourable friend Rao Bahadur Patil:

After the words "rural areas" add the words "and of labour in the urban areas".

I hope the honourable mover will accept my amendment. In the future constitution of India, all interests, particularly labour and rural areas, should be represented. In the present constitution, Gujarat has got more representatives in this Council than Maharashtra and Karnatak which have got inadequate representation. So, the allotment of seats has not been made on the basis of population. If in the future swaraj, labour is going to have the same down-trodden position as at present and if the capitalists are going to be the bosses, I should say that such swaraj is not worth having. So also we do not want oligarchy. We want democracy incorporated in the Act that will be framed by the British Parliament. With these words I move this amendment.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, this is a resolution about which the honourable mover is in a hurry. There is no definite proposal contained in it, because the form of the constitution is yet to be settled. The Federal Structure Committee is going on and the question as regards the provincial constitution has yet to be settled. In this state of fluidity the honourable member Rao Bahadur Bole brings in an amendment to give representation to urban labour.

[At this stage the lights in the hall temporarily went out.]

The Honourable the PRESIDENT: The House is in darkness as regards the honourable member Rao Bahadur Patil's resolution. [Laughter.]

Rao Bahadur R. R. KALE: So, the amendment brought by the honourable member Rao Bahadur Bole introduces an element which is likely to be considered along with the general adjustment of the electorate. Supposing some seats are allotted to commerce and so on, there are bound to be separate electorates and some seats for labour as such. Otherwise, as I said in the discussion of the amendment proposed to the City of Bombay Municipal Act Amendment Bill to introduce adult franchise, if adult franchise is introduced, there should be no separate electorates of any kind. If you once accept the principle of adult suffrage, there should be no separate electorates for Commerce, Industry or Labour, not even for any class or community. Therefore, it is difficult to support at any rate the resolution as it is proposed to be amended by the honourable member Rao Bahadur Bole. The whole matter is in a fluid condition. Unless we get at least an outline of the structure of the future constitution, it will not be possible to accept the principle of the resolution as amended.

As regards the original resolution, however, regarding representation for rural areas, I do not think there will be two opinions. It is a vague statement that the rural areas should be adequately represented. I would certainly agree with that, coming as I do from rural areas, but at the same time there must be some principle on which the franchise will be settled and the number of seats will be allotted. Therefore, I think that the honourable mover of the resolution would be well advised to agree to have his resolution carried over to the next session. [An Honourable Member: "By that time, it will be too late to send the recommendation."] If he does that, we will get a better opportunity of expressing our views. If we are to maintain our intellectual honesty, we cannot give a vote on this resolution without hearing all expressions of views.

Mr. A. N. SURVE (Bombay City, North): Sir, I have every sympathy for the resolution that is placed before this House. But I would like to request the honourable mover of the resolution to consider the practical side of this question. Sir, we all know that the demand which he makes, that adequate representation should be given to rural areas, is just. I do not think that anybody on the floor of this House will find fault with the demand that is made. But whether the way which the honourable member has adopted is in keeping with the Government of India Act, whether it is in harmony with the experience of the past, has to be taken into account. Sir, the Home Government and even the Parliament is concerned only with things as a whole and not with the details. I would, therefore, respectfully draw his attention to section 72A of the Government of India Act. That section reads as follows:

"(1) There shall be a legislative Council in every governor's province, which shall consist of the members of the executive council and of the members nominated or elected as provided by this Act."

[Mr. A. N. Surve]

The second clause runs as follows :

“The number of members of the governor's legislative councils shall be in accordance with the table set out in the First Schedule to this Act;”

From the First Schedule, you will find that the number for each Presidency is fixed. For instance, Madras has 118, Bombay 111, and so on. So far as the Parliament and the Home Government are concerned, they concern themselves only with the fixing of the number of the Council. They do not concern themselves with the question of allocating seats to the different interests. This is done under the Bombay Electoral Rules, and the Bombay Electoral Rules are made by the Government of India. I think that the same procedure will be followed for the next reforms. Therefore, our request in this particular instance should be addressed to the Government of India, because it is in their hands to allocate the seats. Generally what takes place is, after the Government of India Act is passed, a franchise committee is set up and the franchise committee goes into all these questions as to what shall be the qualification for franchise, the number of seats etc. I am placing this point before the honourable mover, because people of the backward classes should not consider that their duty has ended with the moving of a resolution like this in this House and then go to sleep. Our duty, if we want more representation for the rural areas, is to be wide awake when the franchise committee begins its work. With that object in view, I request the honourable mover of this resolution to consider whether this is the proper moment to move this resolution.

The honourable mover has taken exception to my constituency : he said that Bombay has sixteen seats. But he has failed to take into account the different interests that are there. The special constituencies which he has mentioned, the University Constituency, the Chamber of Commerce constituency, the Millowners constituency, all these constituencies are as much interested in the agriculturists as any one in the rural tracts. Supposing that the produce that is brought into the market is not taken by these merchants, where will the agriculturists be ? For that reason, when he mentions that Bombay has sixteen seats, I think he is totally losing sight of these various interests. The real fact is, nobody will ever come in the way of rural representation. They must have it adequately. But the difficulty here is that we cannot do away with these other interests.

Another point is that, when the Council is enlarged, automatically the number of rural representatives will increase. I may bring to the honourable mover's notice the actual arrangement as it exists today. The urban area, apart from communal electorates—I am not questioning communal electorates—has eleven seats in the general constituency—six seats for Bombay, one for Karachi, one for Ahmedabad, one for Surat, one for Sholapur and one for Poona. These are the urban constituencies so far as the general electorate is concerned. As against that, the rural constituencies are 35 in number. That is the proportion, 11 against 35. If you want, I shall give the whole list. Ahmedabad, 2 ; Broach, 1 ;

[Mr. A. N. Surve]

Kaira, 2; Panch Mahals, 1; Surat, 2—that is, 8 for the Northern Division. Thana, 2; Ahmednagar, 2; Khandesh East, 3; Nasik, 2; Poona, 2; Khandesh West, 1—12 in all in the Central Division. Satara, 2; Belgaum, 2; Bijapur, 1; Dharwar, 2—

The Honourable the PRESIDENT: But the whole House knows all that.

Mr. A. N. SURVE: The seats in the general constituency are 35 in all. Therefore, you will see that even as matters stand to-day, as against 11 seats for the urban constituencies, the rural constituencies have 35 seats. With these observations, I would request the honourable mover of this resolution to see whether what he is asking for is the right thing.

Rao Bahadur D. R. PATIL: Right.

The Honourable the PRESIDENT: Now, the question is rather difficult. There are two minutes; after that, the period allotted to private business will be over and the time of to-day's sitting also finishes there. If there are many speakers who wish to speak on this subject—

Mr. M. M. KARBHARI: I will take only two minutes, Sir.

The Honourable the PRESIDENT: All wishing to speak will claim two minutes, and we might have to sit till eight. Either this resolution gets talked out within two minutes or we come to some conclusion. If no other honourable member speaks, then I shall allow five minutes more. That is all.

Rao Bahadur D. R. PATIL: As my resolution is not sufficiently discussed, it may be postponed to the next session.

The Honourable the PRESIDENT: It is not for me to suggest that. That suggestion was made by the honourable member Rao Bahadur Kale about fifteen minutes ago, and it was open to any honourable member to propose that the discussion be adjourned to the next session. In fact, there was an honourable member who made a reply—as we were working in the dark, I could not see who it was—that it would be too late if the next session came next February and then it would be no good. If there is no motion before the House, I cannot act under that Standing Order. How many honourable members would like to speak on the subject? [*Several members rose.*] It is impossible.

Rao Bahadur R. S. ASVALE (Bombay City, North): Sir, I beg to move—

"That further consideration of Resolution No. 1 by Rao Bahadur D. R. Patil be postponed till the next session."

Question put, and agreed to.

BUSINESS OF THE HOUSE.

The Honourable Sir GHULAM HUSSAIN: Sir, the period of six days allotted for non-official business is over to-day. From to-morrow onwards, we will proceed with official business. We shall first take up Bills which have been shown on the Agenda for first reading. Then there is a Bill

[Sir Ghulam Hussain]

for second reading. I think the report of the Select Committee on this Bill (Village Sanitation Act Amendment Bill) has been placed in the hands of honourable members. There are one or two Bills which have not been shown on the Agenda but have been published. They will also be taken up.

The Honourable the PRESIDENT : I would like the Honourable the Leader to be specific about it, so that honourable members may have no grievance. Bill No. XXXI is the next—a Bill further to amend the Bombay District Municipal Act. Then come Bills Nos. XXXII, XXXIII and XXXIV. Does the Honourable the Leader mean that they will be taken in order ?

The Honourable Sir GHULAM HUSSAIN : Yes, Sir.

Mr. R. R. BAKHALE : Can we get some idea as to when the session is likely to close ?

The Honourable the PRESIDENT : It is not possible to say definitely when the session is going to close.

The House is now adjourned to 2 o'clock to-morrow, Tuesday, the 6th October 1931.

Tuesday, the 6th October 1931

The Council re-assembled at the Council Hall, Poona, on Tuesday, the 6th October 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ALLAHBAKSH, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASAVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BALOCH, Mr. HAJI MIR MAHOMED
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BIRADAR, Sardar MAHABOOBALI KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 DA GAMA, Dr. A.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM HYDER SHAH, Mr.
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JAN MAHOMED KHAN, Khan Bahadur
 JITEKAR, Mr. HAJI IBRAHIM
 JOG, Mr. V. N.
 JONES, Major W. ELLIS

KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.
 KAMBLI, the Honourable Dewan Bahadur S. T.
 KARBHARI, Mr. M. M.
 KHUHRO, Khan Bahadur M.A.
 KULKARNI, Rao Saheb P. D.
 LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MATCHESWALLA, Mr. G. E.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 YAKIL, Mr. PESTANSHAH N.

VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Sahab R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

NEW MEMBER SWORN.

Dr. Accacio da Gama made the prescribed oath of allegiance to His Majesty the King-Emperor, and took his seat in the Council.

QUESTIONS AND ANSWERS.

BANK HOLIDAYS.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state the number of bank holidays in the year fixed for each community?

The Honourable Sir GOVINDRAO PRADHAN: The information is contained in Government Notification No. P. 189-F-1, dated 11th October 1930, a copy of which is placed in the Council Library.

RETIREMENT OF GOVERNMENT SERVANTS.

Rao Bahadur S. K. BOLE: Will Government be pleased to state—

(a) whether according to Government Rule Government servants are required to retire after 30 years' service irrespective of age;

(b) whether the same rule is applicable to all servants in the Bombay Municipality, Bombay Improvement Trust and the Bombay Port Trust?

The Honourable Sir GOVINDRAO PRADHAN: (a) No.

(b) No information is available on the point.

AGRICULTURAL PROGRESS: PUBLICITY BUREAU.

Mr. B. P. WADKE for Khan Bahadur D. B. COOPER (Satara District): (a) Will Government be pleased to state what action has been taken to give effect to the following Resolution passed at the meeting of the Provincial Board of Agriculture, at the meeting held at Poona on 26th and 27th September 1927, page 50 of the proceedings, Resolution No. 1:

“This Board recommends to Government that a special publicity bureau should be established in the office of the Director of Agriculture, Poona, with a view to keep the press, both English and vernacular, in touch with progress made in the Agricultural and associated Departments interested in rural progress”?

(b) If this has not yet been done, what is the reason therefor?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) and (b) In view of the financial position, Government have been unable to give effect to the proposal.

BULLS : REGISTRATION AND CONTROL.

Mr. B. P. WADKE for Khan Bahadur D. B. COOPER (Satara District) : (a) Will Government be pleased to state what action has been taken in regard to the following Resolution passed at the meeting of the Provincial Board of Agriculture held in Poona on the 26th and 27th September 1927, page 78 of the proceedings, Resolution No. 1 :

“ This Board recommends that early action should be taken to secure that all entire bulls over 2 years of age, including both ox and buffalo bulls, must be kept under control, that all entire bulls be registered and those not passed as breeding bulls approved by the Agricultural Department pay a fee of Re. 1 per annum ” ?

(b) If no action has been taken in the matter, what are the reasons therefor ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) and (b) Action on the lines recommended by the Provincial Board of Agriculture cannot be taken without legislation. Government were advised that the best method of eliminating the undesirable or scrub bull was the compulsory castration of such bulls and the licensing of all bulls found suitable for breeding purposes. There are not sufficient bulls available to insist on such a measure. The advisability of castration is, however, demonstrated to the cultivators by the Agricultural Department at the shows and fairs held by that Department.

SOIL WORKING BY IMPLEMENTS : FUNDAMENTAL RESEARCH.

Mr. B. P. WADKE for Khan Bahadur D. B. COOPER (Satara District) : (a) Will Government be pleased to state what action has been taken to put into effect the following Resolution which was passed at the meeting of the Provincial Board of Agriculture held in Poona on the 26th and 27th September 1927, page 81 of the proceedings, Resolution No. 1 :

“ This Board recommends to Government the placing at the disposal of the Director of Agriculture adequate funds for the carrying out of fundamental researches on the physics of the working of the soil by implements ” ?

(b) If this has not yet been done, what are the reasons therefor ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) and (b) Government are in entire sympathy with the object of the Resolution in question, but funds are not available.

DISTRICT JUDGES IN NORTHERN AND SOUTHERN DIVISIONS.

Rao Bahadur B. R. NAIK for Dr. M. K. DIXIT (Surat City) : (a) Will Government be pleased to state the number of District Judges in the Northern and Southern Divisions ?

(b) How many District Judges are conversant with the local vernaculars in each of the divisions ?

Mr. G. F. S. COLLINS : (a) Five in the Northern, and five in the Southern Division.

(b) All in the Northern, and four in the Southern Division.

COLLECTOR, THAR PARKAR : POWERS UNDER SECTION 68,
CIVIL PROCEDURE CODE.

Khan Bahadur GHULAM NABI SHAH (Thar Parkar District):
(a) Will Government be pleased to state whether it is a fact that the Collector, Thar Parkar, has powers under section 68 of the Civil Procedure Code to protect the lands of the zamindars from being sold in cases of decrees sent to him for execution by the Sub-Judge?

(b) If so, how far has the Collector, Thar Parkar, exercised his powers with a view to benefit the agriculturists of this district?

(c) If he has not exercised those powers, what are the reasons therefor?

Mr. G. F. S. COLLINS: (a) Yes.

(b) In 10 decrees out of 21 sent for execution.

(c) Does not arise.

SYED MIRAN MAHOMED SHAH: What were the reasons that prevented the Collector from taking action in the remaining 11 cases?

Mr. G. F. S. COLLINS: I should like notice of that question.

MOSAM BRIDGE : TRAFFIC STOPPAGE.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether they are aware that extreme inconvenience is caused to passengers of Malegaon owing to the unsafe condition of the Mosam Bridge and the stopping of the traffic through the old unsafe Mosam Bridge;

(b) whether they propose to take the work of a new bridge immediately in hand?

The Honourable Dewan Bahadur S. T. KAMBLI: (a) Yes.

(b) The question whether the existing bridge should be strengthened or whether a new bridge should be constructed is under consideration.

Rao Saheb R. V. VANDEKAR: Have Government prepared estimates for the repairs of the bridge and also for the construction of a new bridge, and if so, what are the estimates for both?

The Honourable Dewan Bahadur S. T. KAMBLI: Estimates for strengthening the existing bridge are ready, but estimates for constructing a new bridge are not yet ready. Estimates for strengthening the existing bridge amount to about two lakhs of rupees.

G. I. P. RAILWAY : ACCIDENTS.

Mr. B. P. WADKE (Bombay City, South): Will Government be pleased to state—

(a) how many persons lost their lives on railway lines by accidents between Poona and Kirkee, and Victoria Terminus and Kurla during the years 1929, 1930 and up to the end of August 1931;

(b) what steps, if any, Government have taken or propose to take to prevent such accidents in future;

(c) whether there were such accidents on the B. B. & C. I. Railway between Church Gate and Bassein during the same period;

(d) whether it is a fact that the B. B. & C. I. Railway have provided central gratings between lines in station areas to prevent people from crossing the railway lines ?

The Honourable Mr. W. F. HUDSON : (a)

Year.	Number of persons killed between Victoria Terminus and Kurla.	Number of persons killed between Kirkee and Poona.
1929	50	8
1930	40	1
1931 (up to end of August)	15	2

These figures are exclusive of fatal cases of electrocution.

(b) The Railway Administration is making every effort to minimise such occurrences, but most of the accidents to the public are due to their own negligence.

(c) Yes. The figures are as under :

Year.	No.
1929	19
1930	16
1931 (up to end of August)	6

(d) The Bombay Baroda and Central India Railway have provided fencing between tracks at the following stations :

- | | |
|-----------------------|------------------|
| (1) Elphinstone Road. | (8) Virar. |
| (2) Dadar. | (9) Navsari. |
| (3) Mahim. | (10) Champaner. |
| (4) Bandra. | (11) Chanchalao. |
| (5) Andheri. | (12) Nagda. |
| (6) Borivli. | (13) Bharatpur. |
| (7) Bassein Road. | |

DEVELOPMENT DEPARTMENT CHAWLS : EXPENDITURE.

Mr. B. P. WADKE (Bombay City, South) : Will Government be pleased to state the total expenditure that has been incurred up to the last official year by the Development Department for construction of 207 R. C. C. chawls ?

The Honourable Sir GHULAM HUSSAIN : The total capital expenditure on the Development Department chawls to the end of March 1931 was Rs. 3,48,59,810. The above figure is subject to modification, if necessary, in the final accounts for the year 1930-31.

Mr. B. P. WADKE : What is the total expenditure on the 207 chawls referred to in my question ?

The Honourable Sir GHULAM HUSSAIN : I refer the honourable member to this year's budget in which he will find the figures he wants.

**STATEMENT re : APPLICATION OF WAKF ACT TO
DAWOODI BOHRA COMMUNITY**

The Honourable **MOULVI RAFIUDDIN AHMAD** : Sir, I desire to make a statement. The Government of Bombay, after a very careful consideration of the representation of the Dawoodi Bohra community recently presented to me against the application of the Wakf Act to them, have come to the conclusion that the Act shall apply to them as to every other sect in Islam, and that the exemption hitherto enjoyed by that community from the operation of the Act should be withdrawn on the 16th instant as has already appeared in the Government Notification of the 30th of September last. [*Hear, hear.*]

Mr. SYED MUNAWAR : I desire to express my thankful appreciation of the very satisfactory and definite announcement made by the Honourable Minister on behalf of the Government.

The Honourable the **PRESIDENT** : I do not think that is at all necessary. I presume, in view of that statement, that no leave will be asked for moving the adjournment motion.

Mr. SHAIKH ABDUL MAJID : In view of the statement made by the Honourable Minister, I beg your permission not to move my adjournment motion.

The Honourable the **PRESIDENT** : The honourable member is not moving it; is that so?

Mr. SHAIKH ABDUL MAJID : Yes, Sir.

**NOMINATIONS FOR ELECTION TO THE BACKWARD
CLASSES BOARD**

The Honourable the **PRESIDENT** : Order, order. The nominations for the elections to the Backward Classes Board, about which I spoke yesterday, have been received. Papers will be distributed as usual when the election takes place. The nominations are as follows :

Name of Member	Proposed by	Seconded by
Rao Bahadur S. K. Bole.	Rao Bahadur S. N. Angadi. Dr. P. G. Solanki.	Mr. V. N. Patil. Rao Saheb V. S. Patil.
Rev. R. S. Modak.	Dr. P. G. Solanki.	Rao Saheb V. S. Patil.
Mr. J. S. Kadri.	Dr. P. G. Solanki. Sardar Mahaboobali Khan Biradar.	Rao Saheb V. S. Patil. Mr. M. H. Mehta.
Mr. M. M. Karbhari.	Mr. R. B. Shinde.	Mr. N. N. Patil.
Mr. R. R. Bakhale.	Rao Bahadur G. V. Pradhan.	Rao Bahadur G. K. Chitale.

These are the five names and three have to be elected, as the honourable House knows. The election will take place after tea when the forms will be distributed. Each honourable member has three votes. Those three votes can be given to three candidates, one to each individual, or two to one and one to another if the honourable member so chooses, or he can divide the three votes in any way he likes.

As I said yesterday, those honourable members who have been nominated on the Board already and who are members of this House, for instance Dr. Solanki, have a right to vote in this election.

BILL No. XXXI OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901, THE BOMBAY LOCAL BOARDS ACT, 1923, AND THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925)

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I beg to introduce Bill No. XXXI of 1931 (a Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925).*

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,
First Reading. I move that Bill No. XXXI of 1931 (a Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925) be read a first time. It will be seen from a perusal of the Statement of Objects and Reasons attached to this little Bill that it contemplates merely to remove a technical difficulty in regard to the interpretation of section 53 and section 178 (3) of the Bombay District Municipal Act and the corresponding sections of the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. It will be seen that this Bill does not introduce any new principle at all. As I have stated, some serious difficulty has been experienced as regards the interpretation of the sections I have mentioned, and I hope that the honourable House will not take this as a controversial Bill at all.

Perhaps, the House would be interested to know how the need for the introduction of this Bill has arisen. In 1929 the Dohad municipality were in arrears in respect of the payment of the allowance due to the head masters and first assistants of the primary schools. In the interest of the teachers, Government were forced to intervene, and the Commissioner, Northern Division, under instructions from Government, passed an order in March 1930, under section 178 (1), fixing a period of two months from the date of the receipt of the order within which the municipality was required to make payment to the teachers of all arrears of pay and allowances up to the 28th February 1930 due to them. The municipality failed to carry out the order, and did not make payment. Consequently, the Commissioner passed an order in December 1930 under section 178 (2), appointing the Senior Deputy Educational Inspector of Panch Mahals to perform the said duty of payment, and directed that the expenses of performing the said duty shall be paid by the Dohad municipality. The municipality for the second time failed to give effect to the orders of the Commissioner. Consequently, the Commissioner had to pass order under section 178 (3), directing the Managing Director of the

[Sirdar Sir Rustom Jehangir Vakil]

branch of the Co-operative Bank at Dohad to pay up the amount of Rs. 2,008-5-8 to the Deputy Educational Inspector from such moneys belonging to the municipality as he may have in his custody. The Managing Director of the Bank, however, pleaded his inability to comply with the order, and as his ground for doing so he said that the legal advisers of the Bank had interpreted the section in a different manner altogether, and that, in accordance with the interpretation put by the legal advisers, the order of the Commissioner could not be complied with. The Advocate General was consulted by Government, and he also came to the same conclusion, and held the same view that was held by the solicitors of the bank in question. This Bill is therefore introduced to-day, with a view to rectify that particular phraseology of the section, and I feel that this House will not find any difficulty in passing this Bill, which is before it now for its first reading.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, there are two matters which are involved in this amending Bill. The first relates to the question of getting at the money deposited in a bank by a local body. When, I suppose, the local body itself is obstinate—I do not know exactly the circumstances—or refuses to pay the money and deposits it in a bank, Government, under the powers vested in them, want to take action, under certain particular circumstances, by which to enforce the payment. Of course, the Honourable Minister has stated the case which has given rise to this proposal of taking such power, but I would like to know the circumstances under which the municipality in question had refused to make payment. After all, the money was there; it was with a bank. So, how is it that the Government were unable to get the money from the municipality, and how were they forced to apply to the bank, as the agent of the municipality, which position was negatived by the solicitors of the bank? I must ask why the Dohad municipality refused to make the payment and whether it is the intention of Government to take action against either a municipality or a local board under any particular section, in spite of the fact that the municipality or local board is unwilling or refuses to make payment. That is my first doubt.

Secondly, with regard to the question of eliminating the words "at interest" which forms the subject of the second amendment, I am quite agreeable to change the old designation "The Bank of Bombay" to the new designation "The Imperial Bank of India." But I fail to see why the provision that enables the local body to deposit money in the Imperial Bank or any other bank with the sanction of Government "at interest" is to be amended by omitting the words "at interest." I think it is a salutary provision which imposes an obligation on the local body, either a municipality or a local board, to deposit their money in the bank so as to get some interest on it. Why should we compel a local body to deposit the money with a bank which pays no interest on current accounts? I do not understand whether it is the intention of the Government that the local body should invest its money in the Imperial Bank which pays

[Rao Bahadur R. R. Kale]

no interest on current account, though it pays interest on fixed deposits. My submission therefore is that the local bodies should be allowed to open current accounts with banks that pay interest on current deposits. Perhaps there is security of deposit in the Imperial Bank of India ; but there is the safeguard "with the sanction of the Government." If that safeguard is there, I believe there are banks like the Central Bank of India, Bank of India or Co-operative Bank) which I think are now considered as almost standard banks, where there are transactions to a great extent in current deposits. These banks pay interest on current deposits. In fact, great facilities are given by the Co-operative Bank, which has got branches everywhere throughout the Presidency. If the local bodies invest their money in these banks they will earn some interest. I therefore think that this second amendment to delete the words "at interest" will not secure the support of this House. I do not see how it is necessary to delete these words which existed in the previous three Acts, so that the local bodies will be enabled to invest their surplus money in the Imperial Bank of India which pays no interest on current deposits. I therefore think that this clause is objectionable and hope the Honourable Minister will take into account this aspect of the case.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City): With your permission, Sir, I should like to inform this House that as a member of the Ahmedabad Municipality I know that very large sums are deposited with banks other than the Imperial Bank of India and their total yield of interest is very respectable. I cannot understand on what grounds the Honourable Minister proposes to delete the words "at interest." The House will be much obliged to him if he enlightens the House on this rather interesting point.

Mr. R. B. EW BANK : Sir, the honourable member Rao Bahadur Kale asks how it was that the Dohad municipality refused payment in the case of headmasters' and assistant masters' allowances which they were called upon to pay. Of course, this honourable House is aware that there has been for some time quite a strong feeling among the local authorities that these headmasters' and assistant masters' allowances ought to be abolished. As a result of that, the Dohad municipality refused to make the payment. The position is that these masters, when they were transferred under the Primary Education Act, were given a statutory guarantee that they should receive the salary and allowances which they received before the transfer, until that salary and allowances had been altered with the sanction of Government. Government informed the local authorities last year that they might abolish the headmasters' and assistant masters' allowances, but they could not give retrospective effect to it. It is for this reason the Dohad municipality was called upon by the Commissioner to pay up the allowances which were overdue, but they have been informed that they might abolish them in future. The municipality did not agree to pay. The machinery provided by the legislature then comes into effect. The Commissioner fixes a time within which the obligation must be

[Mr. R. B. Ewbank]

fulfilled. If the local authority fails to fulfil the obligation, an officer is appointed to recover the amount and the municipality is required to pay the expenses from its funds wherever they may be. The principle involved in this Bill is not a new one and is already implicit in the law as it stands. This provision only comes into force when Government is required to get the municipality or the local board to carry out the obligations imposed upon them either under the Municipal Act or any other enactment in force at the time. Section 218 of the Bombay City Municipalities Act makes it clear :

" If the expense and remuneration are not so paid, the Commissioner may make an order directing any person who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer, banker, or otherwise to pay such expense....."

The intention is clear. Again, if we look to the City of Bombay Municipal Act, section 520, the provisions are quite clear :

" And if, within fourteen days from the delivery of any such requisition, the same is not complied with, Government may, by a written order signed by one of their Secretaries, authorize and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order."

The provision which is now introduced is already in the City of Bombay Municipal Act and in the Municipal Boroughs Act, but it is intended to make explicit what is at present perhaps only implicit.

There is one further point which the honourable member Rao Bahadur Kale raised. He asked, why is it proposed that municipalities should be allowed to deposit money in banks which do not allow interest? Now, it is true that many banks allow interest on current accounts. The Imperial Bank of India used to allow it, but does not now. The reason why we are omitting these words " at interest " is in order to give municipalities a reasonable latitude and not to force them to change their accounts when a Bank ceases to pay interest. Circumstances may so alter that the Imperial Bank will begin paying interest again on current accounts, while the other banks which now allow interest on current accounts may cease to pay interest on current accounts. It is a matter depending on fluctuations in the money market. Whenever a bank ceases to pay interest on current accounts, it is unreasonable to force a municipality by statute to withdraw its money from that bank. It is proposed to allow them a latitude under the Act to choose their banks. Variations in the rates of interest and non-payment of interest will depend on the fluctuations of the money market.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I do not think it is necessary now to say anything more except this, that the abolition of the words " at interest " does not in any way take away the power which already exists so far as the local bodies are concerned ; it does not mean that they must put their money where they can get interest or where they do not get interest. It is merely, as the honourable member the General Secretary (Mr. Ewbank) explained, to give greater latitude, greater discretion, to the local bodies concerned, that this deletion has been found necessary. I do not think it is necessary at this stage to add anything more.

[Sirdar Sir Rustom Jehangir Vakil]

Bill read a first time. Question put, and agreed to.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir,
 Second Reading. I move that Bill No. XXXI of 1931, A Bill further
 to amend the Bombay District Municipal Act, 1901,
 the Bombay Local Boards Act, 1923, and the Bombay Municipal
 Boroughs Act, 1925, be read a second time.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Rao Bahadur R. R. KALE (Bombay University): Sir, in clause 2, there are two sub-clauses, and sub-clause (i) has two parts (a) and (b). Part (a) of sub-clause (i) proposes to delete the words "at interest." Although the Honourable Minister has explained the position so far as this part is concerned, I want to oppose the deletion of the words "at interest." I want to know whether it would be in order if you put this sub-clause (i) (a) separately. Sub-clause (i) (b) is a formal amendment, because the Bank of Bombay has ceased to possess that designation and goes now under the name of "The Imperial Bank of India." I object to part (a) of sub-clause (i); there may be others also holding the same view. I shall have to object to that part of the sub-clause.

The Honourable the PRESIDENT: The clause as a whole has to be put; the sub-clause cannot be separated. The honourable member is at liberty to table an amendment or oppose it as it is.

Rao Bahadur R. R. KALE: I entirely oppose part (a) of sub-clause (i); I have no objection to the other part of the sub-clause.

The Honourable the PRESIDENT: The honourable member can table an amendment to delete that part.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, it is not quite clear to me—

The Honourable the PRESIDENT: The amendment is not before us now.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: The honourable member (Rao Bahadur Kale) said that he had objection in regard to the words "at interest." It is not clear to me whether he opposes the deletion of the words "at interest" because he is against vesting the municipalities and the local boards with greater discretion, or whether he is not satisfied with the order or phraseology of the amendment. That is what I want to know.

Rao Bahadur R. R. KALE: My point is, it should not be left to the municipalities to place their moneys where they do not get interest; they must place their moneys where interest will accrue. If we omit these words "at interest" the municipalities will be able to place their moneys not only in current account, but even in fixed deposits without interest. It is an enabling clause, I know, but the municipalities will not be under an obligation to place their moneys where they will get interest,

[Rao Bahadur R. R. Kale]

and they might place large amounts in banks where they will not get any interest.

The Honourable the PRESIDENT : I suppose the honourable member wishes to table an amendment drawing a distinction between current and fixed deposit accounts, and giving option to the local bodies to place their money in the current account either at interest or without interest and compelling them, in the case of fixed deposits, to deposit it with banks at interest.

Rao Bahadur R. R. KALE : The point is that in the case of fixed deposits interest is paid. Even in the case of current accounts interest is paid by all other banks except the Imperial Bank. Some banks pay 2 per cent., some 2½ per cent. and some 3 per cent. on current accounts. Even the Imperial Bank pays interest on current accounts provided the deposit is more than a certain amount. The present amendment is intended to enable local bodies to deposit their money without any interest in the Imperial Bank. The object of the law in imposing an obligation upon the local bodies was that they should so deposit their money that they would get some interest on it.

The Honourable the PRESIDENT : Will the honourable member table an amendment ?

Rao Bahadur R. R. KALE : My amendment may perhaps be :

“ Delete sub-clauses (i) (a) and (b) of clause 2.”

“ Omit the figure (ii) in sub-clause (ii).”

The Honourable the PRESIDENT : That would be a consequential amendment. I suppose the difficulty in which the honourable member has thrown the House is due to his not having been prepared to move an amendment beforehand and he is now trying to draft it on the spur of the moment. However, I will take the Bill clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of Bom. III of 1901*).

In the Bombay District Municipal Act, 1901 :—

(i) In sub-section (1) of section 53—

(a) the words “ at interest ” shall be deleted ; and

(b) for the words “ Bank of Bombay ” the words “ Imperial Bank of India ” shall be substituted ;

(ii) For sub-section (3) of section 178, the following shall be substituted, namely :—

“ (3) if the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person ; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person.”

Rao Bahadur R. R. KALE (Bombay University): To clause 2, Sir, I move an amendment as follows:

"Delete sub-clause (i) (a)."

Question proposed.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I should like to bring to the notice of the honourable member that by deleting this sub-clause he is placing the local bodies in a difficult position, when the local bodies have not got a large choice of banks. To give an instance, Sir, suppose in a place there are three or four banks and two of them do not pay any interest on current accounts, while the other two pay interest, but the latter are considered to be not as safe as the former two banks which do not pay interest. If you compel the local bodies to place their money at interest only, the result will be that they will have to deposit money in banks which are not safe.

The Honourable the PRESIDENT: I wonder if the Honourable Minister indirectly means or argues that the local bodies should be forced by this amendment to deposit their money in the Imperial Bank. If this argument is seriously put forward, then the conclusion would be that it is an indirect method of forcing local bodies to deposit their money in the Imperial Bank alone.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: No, Sir. I beg to differ from you. It is left to the option of the local bodies. According to the proposed amendment, it is entirely at the option of the local bodies to invest their money in any bank they choose. But by the deletion of this sub-clause (i) (a) as proposed by the honourable member Rao Bahadur Kale, the local bodies will be compelled not to deposit their money in banks which do not pay any interest. My point is that there may be places where there are banks which are absolutely unsafe and which pay interest, while a safe bank situated in the same place refuses to pay interest for the time being. In such cases, the amendment of the honourable member Rao Bahadur Kale compels local bodies to risk their money by putting it in unsafe banks, whereas if we allow the clause to remain as it is, we leave the matter entirely to their discretion.

Rao Bahadur G. V. PRADHAN (Nasik District): Sir, section 53 of the District Municipal Act, which we are trying to amend, lays down:

"(1) It shall be lawful for the municipality to deposit at interest with the Bank of Bombay, or such other Bank as may hereafter be appointed to conduct the business of His Majesty's treasury at Bombay, or with the sanction of the Governor in Council, in any Bank in the Presidency of Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in public securities. . . ." etc.

So, the Honourable Minister's fears that the money will be placed by the municipality in any unsafe bank is without foundation, because, it is with the sanction of the Government of Bombay that the bank is to be selected; and, if any bank is unsafe, the Minister of Local Self-Government will certainly prohibit any municipality from placing its deposits with that bank. The Honourable Minister's fears are therefore unfounded and even against the law.

The Honourable Sir GHULAM HUSSAIN : Mr. President, I quite agree with the last speaker that the local bodies are required to keep their deposits in banks which are approved by Government. The present amendment, as I understand it, aims at giving the local bodies wider discretion. It is their money ; it is for them to decide whether they should invest their money in any banks approved by Government. It does not mean that they should necessarily deposit the money in the Imperial Bank. They possess a list of approved banks ; and it is for them to invest their money in any bank. If they want to earn interest, they may invest their money in banks which pay interest. If they do not want any interest for reasons best known to themselves, they may keep it in banks which do not pay interest. The discretion should rest with the local bodies. It is not for us to decide, because they know their interests much better than any one of us. They know in which bank to invest and in which not to invest their money.

Mr. B. S. KAMAT : Sir, there is one point which the honourable member Mr. Ewbank raised and which seems to have been overlooked, namely, the result of the amendment of the honourable member Rao Bahadur Kale would be to force every local body to place its money at interest. The honourable member Mr. Ewbank has pointed out—

Rao Bahadur R. R. KALE : That is the law at present.

Mr. B. S. KAMAT : That means the honourable member wants to restore the *status quo* to the present position of the law. If that is done, the honourable member Mr. Ewbank has pointed out that a position may arise when according to the state of the money market all the banks may perhaps refuse to give interest on current accounts. In such a case, if every local body, according to the amendment now proposed, is compelled to place its money at interest, it will be impossible for it to do so unless it places its money in a Government treasury. That will be the only alternative open to the local body. On the other hand according to the Honourable Minister's motion, sufficient latitude and option would be left to the local bodies ; they may get interest if they care to on current accounts but if owing to the position of the money market they cannot get it in the future, still they can place their money in any bank approved by Government ; they need not go to the treasury. So I think the arrangement suggested by the Honourable Minister is preferable and in favour of the local bodies than the amendment proposed by the honourable member Rao Bahadur Kale.

Mr. PESTANSHAH N. VAKIL (Ahmedabad City) : Sir, on a careful consideration of the question, I am inclined to think that the deletion of the words "at interest" will not make the slightest difference to the position of the municipalities. At present they are compelled to deposit their money at interest. The changed phraseology, that is to say, the deletion of the words "at interest," would only invest them with wider discretion, for instance, on an occasion which may conceivably arise when they may be compelled to deposit their money without interest. But such occasions are likely to be few and far between. I think the object of the honourable member Rao Bahadur Kale could only be that

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the retention of the words distantly conveys some sort of injunction to these public bodies that they should be very careful of their deposits, in other words, they should be made to earn some interest. I do not think that that object is likely to be served by the retention of the words. These municipalities and other public bodies are responsible corporations and they have always got to be very careful of their funds, and it is to their interest to see to it that their deposits do fetch interest. I trust that on reconsideration the honourable member will not object to the deletion of the words, for the simple reason that, if anything, it improves upon the present situation, inasmuch as it gives a little more discretion to the municipal bodies.

Rao Bahadur R. R. KALE (Bombay University) : Sir, the honourable member Mr. Kamat says that it gives a discretion when there is a contingency when no banks will be able to pay interest. I say there is a provision that money may be placed in the Government treasury. So I mean to say there is no difficulty in meeting that situation. The only question is, when there is an obligation placed in the Act upon the local bodies that they should place their money in banks so as to earn interest, whether that provision should go and whether any reasons have been made out for that. My submission is that it is a salutary provision because the municipalities will be bound to deposit their money in banks giving interest. We have now inserted in the Municipal Acts provisions by way of amendments about the liability of the municipal bodies when they fail to take care of their money or fail to invest them properly, etc. Here my point is that the municipalities will not be liable if they allow their money to remain in a bank which pays no interest. I can cite the instance of the Bombay University. About a year and a half ago, I raised the question why such very large amounts were placed in the Imperial Bank in current account which carried no interest. I mean to say such a contingency is likely to arise—I do not say it will arise—but why make a change in the Act and remove a provision which I submit is a salutary one and there is no inconvenience? The only inconvenience will be when there will be no bank which will pay any interest. If a situation like that arises, the municipalities are at liberty to place their money in Government treasuries. So, that contingency need not arise and under the law as it is, I think there should be an obligation upon the local bodies that they should always place their money where they are able to earn interest on it. The other objection that they will invest money in banks which are not safe is met by the fact that no bank, unless it is sanctioned by Government, can be utilised by any local body. There is a provision in the Act itself to that effect. I submit, therefore, that the law should be allowed to stand as it is, and that the local bodies should not be relieved from the obligation to place their money where they can earn interest.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir, I am opposed to the amendment moved by the honourable member Rao Bahadur Kale.

[Sirdar Sir Rustom Jehangir Vakil]

I can assure my honourable friend Rao Bahadur Pradhan that I was not unaware of the fact that every bank where money has to be deposited by a local body, has to be approved by Government. What I was trying to make out was that a bank which has been approved by Government may become unsafe at any time, and if a municipality or district local board, has to withdraw its money and to put it in a bank which is very safe but does not give interest, it cannot do so, with the result that the money has to remain without interest in an unprotected place. My point is that the deletion of those words "at interest" is not at all harmful. On the other hand, as the Honourable the Leader of the House has explained, we are giving a wider discretion to the local bodies.

Amendment put, and negatived.

Mr. V. N. JOG (Dharwar District) : Sir, I wish to move the following amendment :

Add the following proviso to new sub-section (3), section 178, in sub-clause (ii) of clause 2 :

" Provided such moneys are not earmarked for any other purpose by the municipality and provided also that they are due for payment."

The Honourable the PRESIDENT : I should like to understand from the honourable member one thing. As I have said, these Bills were notified for all the three readings and honourable members should have tabled their amendments in time, as otherwise they inconvenience the procedure and make it very difficult to understand the object of the amendments if they are handed in the House like that. Does the honourable member desire to impose a further injunction on the banks not to part with the money if it is not meant for a particular purpose or earmarked to be spent for a particular object ? Is that the idea ?

Mr. V. N. JOG : It is not an injunction on a bank. What I beg to submit is this, that there are many funds in the municipality or the local board ; for instance, if there are waterworks, there is a depreciation fund. Every year, in certain municipalities, out of their revenues, a certain amount is set apart to replenish the machinery which goes out of order. So also there is a statutory obligation that on account of roads the whole of the toll tax and the wheel tax should be spent. For instance, if in a particular year the whole amount is not spent, that amount is kept in deposit to be spent for the next year, that amount is earmarked in certain municipalities and kept in deposit in various institutions such as banks. Therefore, it should not be within the power of the Commissioner to give an injunction to take money out of such funds. If there are funds available in current deposits or funds which are not earmarked for any specific purpose of the local bodies, then only such order should be executed ; otherwise not. Take the instance of the Education Fund. Now, there is a statutory obligation to separate the Education Fund from the other general revenues of the local bodies. Suppose the Education Fund is separate and kept in fixed deposit with a certain bank. Then, if the Commissioner wants to execute certain works other than educational, he can pass an order under this clause and say, " Pay out of those funds

[Mr. V. N. Jog]

which are in fixed deposit." So, what I submit is that it should not be within the power of the Commissioner to touch any fund if that fund is earmarked for any particular purpose of the local body for any specific purpose, and if there is a fund which is for general purposes, that fund can be touched, because the other fund will have been developed from time to time for a particular set purpose and it may be kept in permanent deposit in safe banks. This is why I wish to move that amendment. Otherwise, what will happen is this : As I have given an instance of the education fund, similarly the local body may have other separate funds. If there are such separate funds earmarked for education, the Commissioner may say, "Give the amount from the education fund for some drainage purposes" if certain work is to be executed. There are also general revenues which are kept in the savings banks at current account. The Commissioner should only have power to give order against these funds and not those which are earmarked. That is the object which I want to achieve by this amendment. Otherwise, so many difficulties might arise in the administration of the local bodies and funds which have been developed from time to time might be taken away from purposes for which they have been created. This is too general an authority. For instance, there are also moneys received as deposits from servants such as the Chief Officer and certain Cashiers. These servants pay security in cash and place money in the provident funds. All these funds are kept in the name of the municipalities or the local bodies in whose employment they are. The Commissioner may say, "Give money from these accounts." They are funds which have been built up by these servants. The provident fund also is kept in the banks in the name of the local body, not in the name of the servants. They are kept in the municipality's name and not in the servants' name. I am saying this from practical experience.

The Honourable the PRESIDENT : Would the honourable member formally move the amendment now ?

Mr. V. N. JOG : Sir, I beg to move the following amendment :

In clause 2, line 24, after the words "bank or person" add the following :
 "Provided such moneys are not earmarked for any other purpose by the municipality and provided also that they are due for payment."

Sir, I have already explained the object of the first proviso. The object of the second proviso is that if the deposit is for one year, until the deposit is ripe for payment, the order should be incapable of being executed. If it is a current account or a savings bank account, there will be no difficulty. But if a sum is on fixed deposit, and it is to mature after 4 months, the bank should not be forced to make payment until the deposit matures. That is the object of the second proviso.

Question proposed.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Sir, as regards the amendment proposed by my honourable friend Mr. Jog, I am not quite clear in my mind as to what is intended to be done. The position is this. No doubt, there are several amounts to the credit of several

[Rao Bahadur G. K. Chitale]

funds in the municipal accounts. There are several heads, for instance, Provident Fund, Pension Fund, Sinking Fund, Water Charges Fund and so many others, but they are for the purposes of keeping accounts so far as the municipality is concerned, in order that the municipality may know from time to time what balances are available under these several funds. But so far as the amount deposited in the bank is concerned, the amount is one. The municipality can deposit the amount in its own name, or, it may be, in the name of the Chief Officer. The account is one, and I am not quite sure whether the practice at Dharwar and other places is that the banks have allowed several accounts to be opened under the various heads corresponding to the heads which the municipalities carry in their own account books. If there are no separate accounts in the bank maintained for the municipality, and if the total sum available to the municipality and standing to the credit of their account in the bank is, say, Rs. 1,25,000, all that this section requires is that the Commissioner or other officer, after the injunction is served and the other procedure is observed, is in law allowed to draw upon that money or that deposit which may be with the bank. Therefore, the difficulty to my mind is that when the account is one and indivisible, the amendment will not as a matter of fact work in practice at all, because the bank will not be in a position to know from which fund to pay. Therefore, unless the difficulty which I have mentioned is explained away in the course of the discussion, in my opinion the phraseology now used in the section is much better than the amendment which seeks to improve upon it.

There is one more point, that such cases are fortunately very, very rare, and the amounts involved in such cases are also altogether disproportionate to the amount of balances which the municipalities and local boards usually build up and keep to their credit. Naturally, therefore, it follows that, whatever the balance may be, that balance will be reduced only by the proper expenditure which the municipality was bound to incur under the law. I may illustrate my point. Take the instance which was put before us by the honourable member the Secretary of the General Department. Suppose the amount in the Education Fund was about Rs. 50,000. That is a separate fund altogether. These poor teachers were not paid for three months, or six months for the matter of that; and the Commissioner makes an order that these servants should be paid; then the Commissioner would certainly draw upon the Education Fund which, under the law, is required to be a separate fund. He will not touch the other balances, and therefore, as at present advised, I do not see whether the phraseology proposed in the amendment will at all be an improvement. As far as I am concerned, I think it is much better to accept the phraseology now used in the section than to have to put up with the complications which will arise if the amendment is adopted.

The Honourable Sirdar Sir RUSTOM JEHangir VAKIL: Sir, the main difficulty has been very clearly explained by the honourable member Rao Bahadur Chitale. That is, as I stated, the principal difficulty. The

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second point that I want to make out is that it is only when a local body has failed or defaulted to carry out the statutory obligations imposed upon it by the Act that the application of this provision becomes necessary, and in such a circumstance I think we should ignore every time any earmarking or any other arrangement that may have been arrived at. I do not think that there will be any difficulty more serious than the one contemplated to be removed by the provision of this particular clause which is inserted in the Bill, and which must be given precedence over any other. For these reasons, I beg to oppose the amendment.

Amendment put, and negatived.

Clause 2 ordered to stand part of the Bill.

Clause 3 (*Amendment of section 127 of Bom. VI of 1923*):

In the Bombay Local Boards Act, 1923, for sub-section (3) of section 127, the following shall be substituted, namely:—

“(3) If the expense and remuneration are not so paid the Government may make an order directing the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest to pay such expense and remuneration from such moneys as may be standing to the credit of the local board in such treasury or bank or society or as may, from time to time, be received from or on behalf of the local board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer, bank or society from all liability to the local board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the local board in such treasury or bank or society.”

Mr. V. N. JOG (Dharwar District): Sir, I beg to move the following amendment.

The Honourable the PRESIDENT: The amendment, as I understand it, is the same which has just been dealt with by the Council. The principle has been considered by the House and rejected. Is it worth while moving the amendment?

Mr. V. N. JOG: I had no mind to press it, but I think my honourable friend Rao Bahadur Naik is going to support it. I do not know if it will meet with the same fate which overtook my last amendment. But as there is going to be some support for it, I want to move it.

Mr. L. R. GOKHALE: I want some information from Government. Are the Government aware that there is in some municipalities more than one *khata* in the bank, and that that is the case with some of the local boards also? I find that in some municipalities there are various *khatas*. The appropriateness of the amendment will depend upon this. If there is one *khata*, the amendment will not be a convenience, but if there is more than one *khata*, the amendment may be considered.

The Honourable the PRESIDENT: The point was raised by the honourable member Rao Bahadur Chitale when the last amendment was being discussed, and no remarks were made by the Honourable Minister on it. So, I suppose the House may presume that the views of the honourable member Rao Bahadur Chitale were accepted by the Honourable Minister, that the amount usually stands in one *khata* in the bank. However, the honourable member Mr. Jog may move his amendment.

Mr. V. N. JOG : I move the following amendment :

In clause 2, section 127 (3), line 15, after the word 'society' the following words be added :

" Provided such moneys are not earmarked for any other purpose by the local board, and provided also that they are due for payment."

Question proposed.

The Honourable the PRESIDENT : I think it would be more useful to the House if honourable members who have any personal experience of deposits made in banks, speak on the subject.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I know the fate of this amendment, but still I wish to point out that it is not correct to say that the local bodies are not allowed to open separate accounts with banks for three or four separate heads. Apart from that there is no account of the municipality or the local board which the Commissioner cannot inspect. There are separate accounts such as education, medical, communications, vaccination and so on, required to be maintained. Before going to the bank, the Collector can cause enquiries to be made as regards the balance of the accounts of the municipality and local board. It is not correct to say that it is not possible. Those who are connected with the administration of local bodies know very well that separate accounts have to be maintained. There is a provision under the Account Code to that effect. The honourable member Rao Bahadur Chitale asked whether separate accounts can be opened in banks. My reply to him is in the affirmative. This difficulty can be solved, if the Honourable Minister accepts the amendment of my honourable friend Mr. Jog. There are certain local bodies which open only one account and there are others which open various accounts. I wish to give an instance. I received Rs. 50,000 ryot contribution from two villages and I have deposited the amount in the Bank of Baroda earmarking it for that particular purpose. The amendment seeks to provide that if there is no general balance, money could not be drawn from other earmarked heads. These are the difficulties which have been shown by the honourable member Mr. Jog. The difficulty pointed out by the Honourable Minister is that the banks are not carrying out their orders. Otherwise the provision is there. Now it is intended to make it obligatory on the banks to carry out the orders of Government. But it must be ascertained that the Government should not take out money from any other head earmarked, if there is no balance in the general fund. Under the Local Boards Act, it is obligatory to maintain a minimum balance and the Collector or Commissioner will have no difficulty in getting money from such balance. I therefore support the amendment.

The Honourable Sir GHULAM HUSSAIN : Sir, I agree with the last speaker that under the Act as it stands, the local authorities are allowed to keep their monies for the various departments as various accounts. Now, Sir, there are two methods—either all the monies of a local body are kept in one account, or, as the last speaker said, separate accounts are opened for education, roads, sanitation and so on. First, I take the case where one account only is opened. Then there does not arise any difficulty. In the case where there are various accounts,

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we will have to look into the question as to which obligatory duties the local body has not performed. This necessitates the intervention of the Commissioner for getting that money. He has to perform that duty. He gives sufficient notice. If he fails, then he gets the money out of the money deposited in the banks or anywhere else. If for any duty which is obligatory on the local bodies they have no accounts and no funds, what will be the consequence? The municipality has committed a default in the first instance in not performing the duty and secondly they cannot pay for it. The only course would be that either the Commissioner should be allowed to recover the money from the municipality for performing that duty on behalf of the municipality or the drastic step under section 79 will have to be taken. Either face suspension, therefore, or allow the Commissioner to withdraw the money. If they have not got any money in the general balance and no funds are earmarked for education and other obligatory duties, then the municipality is bankrupt. In that case, the Government will have to take the drastic measure of suspension.

Rao Bahadur B. R. NAIK : If there are no funds at all, Government can recover the amount from the grant which they have to pay.

Khan Bahadur ALLAHBAKSH : There is the minimum balance.

The Honourable Sir GHULAM HUSSAIN : I started with the premiss of the last speaker that all funds are earmarked and there was no general balance. If there is a general balance, there will be no difficulty and no necessity for the amendment.

Rao Bahadur B. R. NAIK : There is a compulsory provision in the Local Board Act for maintaining a minimum balance.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : My honourable friend has not appreciated the point which I wanted to make. I too have worked for a long time, for more than seven years in a district local board. I have worked in such a way that even though it is six years since I left off, I know the affairs full well. May I ask him one question? I know there are several heads of accounts which are kept in the district local board accounts. I know that amounts are deposited and drawn from these several heads. But when you go to the treasury there will be only one account in the name of the district local board—in the case which I have in mind—in the name of the President of the Ahmednagar district local board. Even as regards education, say a provision of Rs. 1,70,000 is made. As soon as all the bills under education are received, the president of the district local board draws a cheque in his name making it payable to the chairman of the school board. But I have to bring to the notice of the House another instance. We had a large famine balance, which was a distinct head, which was allowed to be put in the treasury by a special resolution of Government. In the years 1918–20, we had about two lakhs of rupees borrowed and given to us by the Bombay Presidency Fund. We were entitled to put it in the treasury. By a special resolution of Government, we were allowed

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to put it in the Government treasury in the name of the president of the district local board and we were allowed to operate the account. Therefore it follows that the whole money is to be in the name of the district local board. I know also that sometimes the provident fund of teachers and servants is kept up to a certain minimum, say up to Rs. 5,000, and then the district local board as practical bodies take out that money and purchase cash certificates, so that these poor people may get more interest. But the money is in a lump. For instance, if we examine the accounts of several local bodies, we find large amounts, but they are in lumps. I am not gainsaying the practice that in the case of contributions made by people as in the case of famine they are put in the name of the district local board for a particular purpose. I am quite sure that the Commissioner cannot touch it. Though in the Ahmednagar district local board we had no funds of our own, we had large funds. Sometimes we were not paid regularly by Government and we used to be paid at the end of February or March. But I have not yet heard of accounts being kept by banks in several names. It is in the name of the district local board or president of the district local board that the account is kept. To that account the whole amount is available.

This new section allows the Commissioner or any officer who may be appointed to bring a certain pressure to bear on the local body concerned to perform a particular duty for which it has no funds. The bankers refuse the authority of the Government to disclose the account, because it is a private one. Therefore Government now wants to take power as regards these local bodies which are semi-Government institutions. Such contingencies arise very rarely. There are not even half a dozen cases in the last 25 years in which Government have used this power. In view of the legal difficulty pointed out by the Advocate General, they want this power to draw upon the balance, whatever that may be, a penal measure, so that they may be able to recoup a particular amount for the performance of those obligatory duties. I do not think that any good purpose will be served by this amendment.

Rao Bahadur R. R. KALE (Bombay University): Sir, I may point out that the proviso which is sought to be added is not a proviso which touches the bank at all. The question is whether before passing the order the officer should not see whether there is any fund which is not earmarked for a particular purpose. Government are going to bring in a Bill (No. XXXIV) to make it obligatory on local boards to earmark the cess on water-rate for the purpose of spending on roads. Here is an instance where the local boards will be obliged under a provision of an Act to set apart a certain cess for a particular purpose. The banks may have only one fund; the treasury will have only one account. They do not recognise all these heads. At the same time, the local boards will have to maintain separate accounts for these funds.

Rao Bahadur B. R. NAIK: They are even now maintaining such accounts under the Account Code.

Rao Bahadur R. R. KALE : When there is a statutory obligation to earmark the proceeds of particular cesses for particular purposes, they certainly will have to do it. In the bank or the treasury, those funds may be amalgamated with the general fund. We have nothing to say to that. The bank does not know what sum is earmarked for what purpose. The proviso that the honourable member (Mr. Jog) seeks to add does not enable the bank to undertake this examination. Whenever the Commissioner has to make an order directing that a certain amount of money should be made available, he can ascertain whether there is a fund which is not earmarked and which is available for the purpose. Only when there is such a fund, the Government can lay their hands on it.

The Honourable Sir GHULAM HUSSAIN : If there is no such fund ?

Rao Bahadur R. R. KALE : In such extreme cases, you may do anything you like, stop the grant or suspend the municipality. Why do you want power to appropriate funds which are meant for specific purposes ? You may perhaps be justified in taking any drastic measures. But when you are seeking to lay hands on the funds of the local body, you should see whether there is any fund which is not earmarked for a particular purpose. If there is such a fund, then you can pounce upon it, order the bank and the bank will pay.

There is nothing impracticable in the amendment proposed. I think there has been some misunderstanding. The proviso is not sought to be added in respect of the banks' obligation to pay, but it is being added in respect of the local body's obligation to pay. When the Commissioner passes an order he can ascertain from the records whether there is any fund available, and in case there is one he can proceed to make the order, order the bank to pay and the bank will pay. I therefore think there is much to be said in favour of the amendment of my honourable friend Mr. Jog.

The Honourable Sir GHULAM HUSSAIN : If there is no such fund, should the municipality be suspended ?

Mr. R. B. EW BANK : Sir, I wish the House to fully appreciate the effect of amending the Bill in the manner proposed. At present the whole of the local fund is chargeable in respect of the demand. If we divide the local fund into various items, items earmarked for various purposes, we are opening the door very wide to evasion. The prescribed procedure is a slow procedure. The local board knows very well that the Commissioner has to fix a period in which it has to carry out one of its obligatory duties, and it knows very well what course will be followed under the Act. It has ample time to put any balance it has into any of these various earmarked accounts. With regard to the educational fund, I am not quite sure what the legal position is. I believe that it is a statutory fund. Therefore, money once paid from the local fund into the educational fund has gone out of the local fund and it cannot be touched. It is possible that the local board might take all its funds and put them into the educational fund.

Rao Bahadur B. R. NAIK : May I know from the honourable member the General Secretary whether there is any provision in the Local Boards Act that a minimum balance has to be maintained by every board ?

Mr. R. B. EW BANK : As far as I know, there is no provision in the Act to prevent their putting the minimum balance into the various earmarked accounts. If they spread out the general fund under the various earmarked items, under the proposed amendment, it will not be possible for the Commissioner to seize that.

With regard to the honourable member Rao Bahadur Naik's remark that the money of poor agriculturists may be seized as money in the local fund, I draw attention to the definition of local fund under the Act. Such money cannot be seized.

Rao Saheb P. D. KULKARNI (Poona District) : Sir, I rise to make one important point more clear. There is the idea now prevailing here that all the moneys of the local bodies are kept in one account in one and the same treasury. The statement made by Rao Bahadur Chitale to-day in this connection is far from the solid truth. The days of which Rao Bahadur Chitale is speaking are gone long ago. He is speaking of his experience of about ten or fifteen years back. The auditors have made much progress since then and they have put many restrictions on the keeping of accounts on usual lines. Eventually the bodies like district local boards etc. have now to keep accounts accordingly. They keep their balance in the name of those accounts separately. That is the real state of things I am telling from experience. I would quote as an instance the case of the District Local Board, Poona. They have kept separate accounts of the provident fund and the Belha fund etc. The municipalities of pilgrim centres have to keep two accounts, one of the general fund which is in the name of the president, and the other in the name of the president in his capacity as chairman of the pilgrim committee. The tax which is collected from the pilgrims is deposited in this separate account. Therefore, the statement made by the honourable member from Ahmednagar Rao Bahadur Chitale is somewhat misleading. I have given these instances to clear the point for the right understanding of this honourable House.

The money that is deposited with the municipality by the poor servants or the money that is earmarked by the municipalities for the purpose of discharging their obligatory duties, I submit, should not be taken away by the Commissioner for the fault of the municipality in not doing one of its obligatory duties. If there is no general balance left with the local boards or municipalities as is told by the Honourable the General Member, they have their moveable and immoveable properties, and if the Commissioner wants to defray any expenses chargeable to the municipal fund, he can lay claim on them and easily defray those expenses by the sale of these moveable and immoveable properties if necessary. With these words, I support the amendment of the honourable member Mr. Jog.

Mr. V. N. JOG (Dharwar District) : Sir, as has been explained by the honourable member from Satara, the object of my amendment is to make

[Mr. V. N. Jog]

it obligatory on the Commissioner first to inquire whether there is any fund which is not earmarked and which is available. If after his inquiry he finds that there is a balance in the general fund which is not earmarked for any specific purpose, then he can issue an order in respect of that amount. The Honourable the Leader of the House said that the municipality may distribute all its funds for various earmarked purposes and try to thwart the purpose of Government. I submit, Sir, that this is rather questioning the *bona fides* of the local bodies. There are very few instances in which the municipalities or local boards have defaulted. I do not think that the municipalities have been trying to build up separate funds deliberately to cheat. Once they put funds into an earmarked account, they know that they cannot touch them. So, they will be very careful not to earmark funds like that. Funds are earmarked only when there is an obligation on the local body to maintain such a fund. I will give a few instances. We take securities from our servants; are we not to make provision for those securities? Similarly, we have to maintain the provident fund. There is also a separate fund for water-supply. There is an obligation on municipalities to maintain water works. The local bodies earmark only when there is an obligation to earmark. Sometimes Government make earmarking compulsory. Even now, the honourable member the General Secretary knows that Government have been insisting upon the various municipalities separating their education fund. I think scarcely any municipality, except a few, has done that. If such an occasion arises in which funds are earmarked, I submit that the Commissioner should find out from the accounts which of the funds are earmarked and touch only those funds which are not earmarked.

As regards the argument of the Honourable the Leader of the House that there would be no remedy in cases where there are no funds whatsoever and where the local bodies are bankrupt, I do not think such a contingency will ever arise. Ever if the contingency occurs, Government can charge the expense to the next year's revenue, if they find that the current year's revenue has been spent. The general revenue of the current year can be caught hold of next year. I submit that no real difficulty will arise in such cases. It is a difficult question, because the section has not provided for such contingencies. I think, therefore, that if we add the proviso which I have suggested, there will be no difficulty in the way of Government getting the demand satisfied from the bankers of the local board. With these words, I resume my seat.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I have already made it very clear that this Bill does not alter the law as it stands at present. Section 127, sub-section (3), of the Local Boards Act lays down:

"If the expense and remuneration are not so paid, the Government may direct the officer in charge of the treasury or bank or society in which the local fund is kept, or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands."

[Sirdar Sir Rustom Jehangir Vakil]

We are not altering this particular provision of the Act; we are merely removing a difficulty. Besides, I do not know whether the amendment itself is in order.

Now, I want to know as to why even funds earmarked should not be seized by Government when there has been a distinct default. If funds are allowed to be earmarked, then almost every pie available may be earmarked for some purpose or the other in the accounts of the district local board with which Government have nothing to do. The local boards may keep as many accounts and earmark as many of them as it suits them. It is a matter of internal arrangement altogether. So far as the bank is concerned, I do not think that more than a few accounts could be allowed to be kept separately in the name of one public body in a bank.

Before I conclude my remarks, I may be permitted to observe that it is rather inconvenient to be faced with amendments which are put in at the last minute, because we do not get any time to consider them very carefully and are taken at a disadvantage.

In view of the explanation which I have given, I hope this honourable House will reject the amendment.

Question put. The House divided.

Division No. 8.

Ayes.

ALLAHBAKSH, Khan Bahadur	KULKARNI, Rao Saheb P. D.
BALUCH, Mr. HAJI MIR MAHOMED	MEHTA, Mr. M. H.
BIJARAN, Khan Bahadur SHEER MUHAMMAD KHAH	MODI, Sardar Davar T. K.
DHALUMAL LILARAM, Mr.	MORE, Mr. J. G.
DESAL, Mr. H. R.	NAIK, Rao Bahadur B. R.
GHULAM HYDER SHAH, Mr.	NAVLE, Mr. N. E.
GHULAM NABI SHAH, Khan Bahadur	PATEL, Mr. C. N.
GOKHALE, Mr. L. R.	PATIL, Mr. N. N.
GOVER RORA, Mr.	PRADHAN, Rao Bahadur G. V.
JAN MAHOMED KHAN, Khan Bahadur	SHAIKH ABDUL MAJID, Mr.
JITEKAR, Mr. HAJI IBRAHIM	SHINDE, Mr. R. B.
JOG, Mr. V. N.	SURVE, Mr. A. N.
KALE, Rao Bahadur R. R.	SURVE, Mr. V. A.
KARBHARI, Mr. M. M.	TALPUR, MIR BANDAHI ALI KHAN
KRISHRO, Khan Bahadur M. A.	TOLANI, Mr. S. S.
	VAISHAMPAYAN, Dr. V. G.

Tellers for the Ayes: Khan Bahadur ALLAHBAKSH and Rao Bahadur B. R. NAIK.

Noes.

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur	BRISTOW, Mr. C. H.
ABERCROMBIE, Mr. J. R.	BROWNE, Mr. D. R. H.
BAKHALE, Mr. R. R.	CHITALE, Rao Bahadur G. K.
BANGI, Mr. A. K. J.	CLAYTON, Mr. H. B.
BELL, Mr. P. D.	COLLACO, Dr. J. A.
BIRADAR, Sardar MAHABOOBALI KHAN	COLLINS, Mr. G. F. S.
BOLE, Rao Bahadur S. K.	COOKE, Mr. G. H.
BOWERS, Mr. P. L.	DA GAMA, Dr. A.
BRANDER, Mr. J. P.	DESAL, Rao Saheb B. G.
	EWBANK, Mr. R. B.

Noes—contd.

GARRETT, Mr. J. H.	RAFIUDDIN AHMAD, the Honourable
GHULAM HUSSAIN, the Honourable Sir	MOULVI
HUDSON, the Honourable Mr. W. F.	SHAIKH YAKUB VAZIR MAHOMED, Khan
JAM JAN MAHOMED KHAN, Khan Bahadur	Bahadur
KADRI, Mr. J. S.	SMART, Mr. W. W.
KAMAT, Mr. B. S.	SOLANKI, Dr. P. G.
KAMBLI, the Honourable Dewan Bahadur	SYED MUNAWAR, Mr.
S. T.	THOMAS, the Honourable Mr. G. A.
LELY, Mr. W. G.	TURNER, Mr. C. W. A.
MACKLIN, Mr. A. S. R.	VAKIL, Mr. PESTANSHAH N.
MODAK, Rev. R. S.	VAKIL, the Honourable Sirdar Sir
OWEN, Mr. A. C.	RUSTOM JEHANGIR
PATEL, Khan Bahadur A. E.	WILES, Mr. G.
PRADHAN, the Honourable Sir GOVINDRAO	

Tellers for the Noes : Rev. R. S. MODAK and Major W. ELLIS JONES.

The Honourable the PRESIDENT : Order, order. Before I announce the result of the division, I would like to point out one important omission on the part of honourable members. When the division bell rings, honourable members, in their zeal, rush into the House without bowing to the Chair.

The result of the division is that there are 31 for the Ayes and 42 for the Noes. The amendment is lost.

Clause 3 ordered to stand part of the Bill.

Clause 4 (*Amendment of Bom. XVIII of 1925*) ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir,

Third reading.

I move that Bill No. XXXI of 1931 (A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925) be read a third time and passed.

Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT : The Bill is now read a third time and passed into law.

BILL No. XXXII OF 1931 (A BILL FURTHER TO AMEND THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923).

The Honourable Mr. G. A. THOMAS : Sir, I introduce Bill No. XXXII of 1931 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923).*

The Honourable the PRESIDENT : The Bill is introduced.

The Honourable Mr. G. A. THOMAS : Sir, I move that Bill

First reading.

No. XXXII of 1931 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) be read a first time. This amending Bill is a purely consequential one

[Mr. G. A. Thomas]

and the reasons for introducing it are explained in the statement of objects and reasons. I move the first reading.

Bill read a first time. Question put, and agreed to.

The Honourable Mr. G. A. THOMAS: Sir, I move that Bill No. XXXII of 1931 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) be read a second time.

Second reading. Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of section 13 of Bom. XI of 1923*) ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Mr. G. A. THOMAS: Sir, I move that Bill No. XXXII of 1931 (A Bill further to amend the Bombay Prevention of Prostitution Act, 1923) be read a third time.

Third reading. Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT: The Bill is now read a third time and passed into law.

**BILL No. XXXIII OF 1931 (A BILL FURTHER TO AMEND
THE CITY OF BOMBAY IMPROVEMENT TRUST
TRANSFER ACT, 1925).**

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I introduce Bill No. XXXIII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925).*

The Honourable the PRESIDENT: The Bill is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, I move that Bill No. XXXIII of 1931 (A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925) be read a first time.

Sir, this Bill is brought here with a view to regularise a technical objection in regard to the preparation of the budget and accounts of the Bombay City Improvement Trust in the year 1932-33. Under section 88 (3) of the City of Bombay Improvement Trust Transfer Act, 1925, the deficits in the General Account can be debited to Capital Account up to a limit of only 15 per cent. on the aggregate Capital debt of the Board, and there is a further provision that the net aggregate amount of the deficits in the General Account of the Trust debitable to the Capital Account should not exceed 15 per cent. It is intended by this Bill

[Sirdar Sir Rustom Jehangir Vakil]

to increase the limit from 15 per cent. to 16½ per cent. The position is that in 1932-33 the total outstanding debt of the Trust will amount to 16 crores 95 lakhs and its net aggregate deficit in the General Account up to that time will amount to 267 lakhs. The percentage of this total amount of deficit will work out at 15·7 per cent. of the total debt and will thus exceed the limit of 15 per cent. To regularise this position and to leave a margin to be on the safe side in view of the uncertainty of the market and the exact financial effect of it in the next year, it is proposed to alter this percentage from 15 to 16½ per cent. The Municipal Corporation of Bombay have also been consulted in the matter and they have agreed, and this Bill is introduced at the request of the City Improvement Trust themselves. If it is necessary at a later stage to give the exact figures, I shall be glad to do so, but perhaps that may not be necessary. Now I request this honourable House to pass this Bill with a view to enable the City Improvement Trust to carry on.

Question proposed.

Mr. A. N. SURVE (Bombay City, North) : Sir, the nature of this Bill is such that it is impossible to oppose its passing, but the question before us is whether we cannot make the situation safer. So far as I know, I think it would be in the interest of all the parties concerned—I mean Government, the City Municipality and the City Improvement Trust itself—if a period is fixed during which this Act shall remain in force. The Bill, as it is framed, will, if passed into an Act, can remain in force for any length of time, but, Sir, from the provision that is made in the Bill itself, it will be very unwise to give a blank cheque of that nature to anybody. Sir, the exact state of the affairs of the City Improvement Trust has been the subject of a question and answer during this very session. I am referring to the fourth list of questions and answers, page 7. There the honourable member Mr. Wadke has asked about the Bombay Municipality and the Improvement Trust amalgamation. Incidentally, that answer contains a tabular statement showing the assets and liabilities of the City Improvement Trust. If you will go through that table, you will see, Sir, that the Improvement Trust owes the various bodies, including Government, 16 crores of rupees, and its assets are liable to different interpretations. Within the table itself, as it is shown, there is a clear deficit of 69 lakhs, but I say that the items which are given here are subject to various interpretations and as I read them, I think the assets of the Improvement Trust are altogether disproportionate to the liabilities it owes.

Then, Sir, the second point which I would like to urge before this House is that though the statement of objects and reasons takes it for granted that by the 31st of March 1933 these two bodies will be merged, I might as well draw the attention of this House to the answer that is given by the honourable mover of this Bill. He says that the Government are not in a position to state the exact date when these two bodies will be merged. Under these circumstances I think, Sir, that we should fix a limit to this Bill. We also know, Sir, that the Bombay Municipal

[Mr. A. N. Surve]

Corporation takes an inordinately long time to come to a decision. If in the course of one year these two bodies are not merged, what would be the consequences? At present you see that we are passing the safety margin, and under section 88 of the City Improvement Trust Act, if there is a net deficit, the Improvement Trust can draw to the extent of 15 per cent. from its Capital Account, but now we are trying to increase that margin to 16½ per cent. That means practically that the affairs of this body will be conducted out of, not its revenues but, its Capital Account, and as a proposition of finance it is very unwise. For this reason, I for one would urge this House to see that a clause is added in this Bill which will limit its duration for only one year; otherwise, the affairs of this body are likely to get into a more unsatisfactory condition. With these remarks and subject to the condition which I have mentioned, I support the first reading of this Bill. I shall now move my amendment as under :

Add at the end of clause 1 the following clause :—

“ And it shall remain in force till 31st March 1933 or the repeal of the City of Bombay Improvement Trust Transfer Act, 1925, whichever occurs first.”

Question proposed.

Dr. J. A. COLLACO (Bombay City, South): Sir, this increase from 15 per cent. to 16½ per cent. is what I would call a necessary evil. We have been trying to debit our deficits to the Capital account, and this is to carry the Improvement Trust on till its amalgamation with the Bombay Municipality. There have been deficits for several years now. Last year there was a deficit of Rs. 32,00,000, and next year we expect a deficit of Rs. 35,00,000 in the Improvement Trust. If the Bombay Municipality takes over the administration of the Improvement Trust, it will have to provide Rs. 35,00,000, plus the deficit of Rs. 25,00,000 of the municipality, and we do not know from where to get this amount. I hope Government will follow in the footsteps of the Bengal Government which made a substantial lump sum grant to the Calcutta Improvement Trust. Otherwise, it will not be possible to carry on the administration of the Improvement Trust. The Bombay Municipality has sent to Government a method of raising new taxation. They want to tax the professions and even railway tickets. Sir, this Improvement Trust was originally the child of Government, but it has now been thrown on the municipality of Bombay for its maintenance. Government have treated the Improvement Trust in a very bad way. The Improvement Trust was created for making available land for building and for widening the streets. But Government started a rival institution in the shape of the Development Department. They started schemes in Khar, Chembur, Santa Cruz and other places, and all the people that would otherwise have taken up the Improvement Trust land bought in places where these development schemes were started by Government, and therefore the Improvement Trust could not sell their land. Therefore, I hope that Government will give a substantial sum for carrying on the

[Dr. J. A. Collaco]

administration of the Improvement Trust when it is amalgamated with the Bombay Municipality.

Rao Bahadur R. S. ASAVALE (Bombay City, North): Sir, I agree entirely with what has fallen from the honourable member who preceded me (Dr. Collaco). He is a member of the Improvement Trust and also a member of the Corporation. I am also a member of those bodies. We know very well how the city of Bombay will be burdened when the amalgamation of the Improvement Trust with the Bombay Municipality takes place. But, Sir, there is no other way but to amalgamate these two bodies. The Municipality themselves passed a resolution that both the bodies should be amalgamated as early as possible, in order to reduce expenditure and save them from more and unnecessary expenditure being incurred expenditure by those bodies year by year. When the amalgamation takes place, I am quite sure that the deficit that is going to be thrown on the head of the Bombay Municipality will be reduced considerably. No sooner the amalgamation takes place, then the expenditure of the Improvement Trust will be reduced to a great extent. It would therefore be better if Government give early sanction to the amalgamation and hand over immediately possession of the Improvement Trust to the municipality, as there will thereby be a large saving and there will be less burden on the citizens of Bombay. I would therefore like to request Government once more that they should be kind enough to issue early orders for the amalgamation of the Improvement Trust with the Municipality.

I am quite sure that more taxation is to be imposed on the City of Bombay to wipe off the deficits. The question is now before the Corporation as to what new taxes should be imposed and how to improve the income of the Municipality. There is only the question as to how this deficit is to be made up and with what taxes. This question will come before this House soon for its sanction. So I would like to ask honourable members to support this motion, in order that the City of Bombay may not be put under greater burden. If the amalgamation is objected to, or if this question of [Interruption.] I do not think that at this stage we should accept the amendment, because the question of the new sources of taxation in the City of Bombay is still before the Corporation. Government should bring about the amalgamation as soon as the new taxation question is settled by the Corporation.

Mr. B. P. WADKE (Bombay City, South): Sir, the members of the Bombay Municipal Corporation who are in this House have already expressed their views, and the honourable member Mr. A. N. Surve has drawn attention to the real point by adding his amendment which will save the city if the present amending Bill which has been brought forward by the Honourable Minister for Local Self-government, to increase the limit from 15 per cent. to 16½ per cent. is passed. Sir, whether this percentage is right or wrong is to be decided by each honourable member. It has been stated in the Statement of Objects and Reasons that in the year 1932-33 the percentage will be increased by .7. So, already they have

[Mr. B. P. Wadke]

decided to go beyond the limit prescribed in the section. But, anyhow, if the Honourable Minister is going to give us an assurance that he will get a report from the Corporation within a very short time, I have no objection, but if he is not sure about it, as is indicated in the reply to my question which I asked the other day, wherein it is stated that Government are not in a position to state the exact date of amalgamation, then I shall oppose this amendment of the Act, because it means something like the proverb "*Khaneku hum, ladhneku thum*" (We are for eating and you are for fighting). The members of the Corporation, who are capitalists, are supposed to guide the people and to look after the welfare of the poor classes, but really speaking they do not do their duty. Sir, really speaking, the city in which we live a common life for a noble end should be like other European cities. I may quote the example of Germany, where there are 500 cities which have taken measures for the improvement and development of the cities and have repaid their debts; and instead of asking for more taxation, they are giving dividends every Christmas to their citizens. But in Bombay, Government and the capitalists, who are generally forward people, in the name of city fathers, or leaders of the people, generally look after their own welfare and the poorer people in the city are burdened with further heavy taxes. In the first place, when the Improvement Trust was first started, it was meant only for 15 years. But it has now been in existence for more than 30 years, and yet it remains as it was. Instead of making improvements, it has incurred a large amount of debt, while the slums in certain localities are to-day the same as they were 30 years ago; and considerable amounts have been spent in opening up unnecessary areas, and the people are not in a position to buy lands there, over which such huge sums of money have been spent. Therefore, I submit that at least it is the moral duty of Government to look to the welfare of the poor citizens. It is necessary that the House should be consulted before Government agree to this increase from 15 per cent. to 16½ per cent. Anyhow, the Honourable Minister has already told me that he is asking the Bombay Municipality to see to it that the amalgamation takes place very soon. I have no desire to oppose the Bill, but while supporting it I would request the Honourable Minister to give a promise that before the end of this year the whole thing will come to its end.

(After recess.)

BACKWARD CLASSES BOARD : ELECTION OF REPRESENTATIVES.

[Voting papers were distributed for the election of three representatives on the Backward Classes Board.]

The Honourable the PRESIDENT: Have all honourable members received the voting paper? *[After a pause.]* Is there still any voting paper to be submitted? One of the elections in the past had revealed to us some strange difficulty and we could not find out how the voting

[The President]

did not go right. I had a mind to ring the bell before the distribution of the voting papers for two or three minutes and close the doors after that. But that would probably be an innovation and would not have suited some honourable members, and so that was not done. But I hope each honourable member has put in only one voting paper.

The scrutineers will be the honourable members Mr. N. E. Navle, the Deputy President, and Mr. A. N. Surve.

Now the discussion on the first reading will proceed.

CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT AMENDMENT BILL.

(Discussion resumed.)

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I very much appreciate the object which the honourable mover of the amendment has in view in moving his amendment. If I were convinced that that object would be achieved by accepting the amendment, I should be the first to accept it without any hesitation. I am sorry to say that the position of the City Improvement Trust is really very unsound and I hope you will believe me when I say that nobody would be more pleased than myself to see the amalgamation between the Bombay Municipal Corporation and the City Improvement Trust brought about as early as possible. But I really feel that by fixing the period of one year we should be no wiser. Now, I want this House to consider what the position would be after the expiration of 12 months, if we were to accept the amendment. I hope that the amalgamation will take place before the end of March 1933. But suppose, for the sake of argument, that all the formalities have not been gone through by the end of that period and if there is a time-limit fixed, the inevitable result will be that City Improvement Trust will cease to function. This House will again be troubled with a request for an extension of the period. I do not think, therefore, that by accepting the amendment of the honourable member Mr. Surve we will be tiding over the difficulty.

I think it is not correct to say that the limit of 15 crores has already been reached this year, as has been remarked by the honourable member Mr. Wadke. There is still a small surplus of Rs. 12,89,199 at the end of the current financial year. As I have already stated, this new provision is introduced in order to enable the City Improvement Trust to carry on till the end of March 1933 by which time it is hoped that the amalgamation will have taken place.

I suppose the honourable member Mr. Wadke will realise that it is impossible for me to give him any assurance as to when the amalgamation will take place. But I can assure him that I am trying to expedite it and no pains will be spared, so far as Government is concerned, to bring about the amalgamation at an early date. It rests entirely with the Bombay Municipal Corporation, which has ultimately to take over all the liabilities, and I suppose it is they themselves that should realise the

[Sirdar Sir Rustom Jehangir Vakil]

necessity of bringing about the amalgamation at an early date, because, as the honourable House knows, the ultimate liability rests on the Municipal Corporation. In view of these remarks, I hope the honourable member Mr. Surve will reconsider his amendment and see his way to withdraw it.

Mr. A. N. SURVE: Sir, I am not going to withdraw.

The Honourable the PRESIDENT: Has the honourable member any remarks to make? He has got a right of reply.

Mr. A. N. SURVE: I may briefly point out —

The Honourable the PRESIDENT: The honourable member has not heard the Honourable Minister. What is he going to reply to?

Mr. A. N. SURVE: I was out of the Council Chamber, rendering service to this honourable House, under the commission you, Sir, were pleased to issue, viz., the counting of the votes recorded.

The Honourable the PRESIDENT: I will tell him that the point the Honourable Minister made against the amendment was that, if for some reason the amalgamation were not to take place by 1933, then the Trust would cease to function. That is the only important argument he made against the amendment.

Mr. A. N. SURVE: About that point, I would only say that if my amendment is carried, then the Government will have a second opportunity of approaching this House as it has done now and the period can be extended. If my amendment is not accepted, it will be giving a blank cheque to Government. This House has to see that the money which has been lent out, 16 crores, is not in danger. In the Fourth List of Questions and Answers, in answer to a question of the honourable member Mr. Wadke, Government say:

"Government are awaiting the final views of the Corporation in connection with their proposals for opening up fresh sources of taxation."

The opening up of new sources of revenue is a very knotty point, and it is very likely, judging from our experience in the past, that that matter will not be settled early. The municipality can shoulder this burden only if further sources of taxation are given to them. Whether Government will be able to give them those sources of taxation is a very moot point, and I submit that it cannot be decided in the course of a year. For that reason, I say that if my amendment is carried, there will be pressure on both the Government and the Corporation to come to a quick decision. Taking it for granted, however, that no decision is arrived at, there is still an opportunity for Government to approach this House and get the period of the duration of the Act extended by one more year. For these reasons, I submit that the amendment which I have proposed is a very reasonable one and is in the interest of all parties, the Government, the Municipality, the Improvement Trust, and the taxpayers of Bombay. For this reason, I just place my amendment before the House for its acceptance.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, may I just explain ? The honourable member is under a misapprehension when he thinks that a blank cheque is being presented. When we raise the limit from 15 per cent. to 16½ per cent., provision is made only for 12 months more with a slight margin. In any case, even if we do not fix the limit, this question will have to be brought before the House in the event of the amalgamation not taking place. So, the fear of the honourable gentleman is not well founded.

Amendment put, and negatived.

Question, "That the Bill be read a first time," put, and agreed
Bill read a first time. to.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir,
Second reading. I move that Bill No. XXXIII (A Bill further to
amend the City of Bombay Improvement Trust
Transfer Act, 1925), be read a second time.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*), ordered to stand part of the Bill.

Clause 2 (*Amendment of section 88 of Bom. XVI of 1925*), ordered to stand part of the Bill.

The preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir,
Third reading. I move that Bill No. XXXIII (A Bill further to
amend the City of Bombay Improvement Trust
Transfer Act, 1925), be read a third time and passed.

Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT : The Bill is read a third time and passed into law.

**BILL No. XXXIV OF 1931 (A BILL FURTHER TO AMEND
THE BOMBAY LOCAL BOARDS ACT, 1923).**

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, I introduce Bill No. XXXIV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923).*

The Honourable the PRESIDENT : Bill No. XXXIV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923), is introduced.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir,
First reading. I move that Bill No. XXXIV of 1931 (A Bill further
to amend the Bombay Local Boards Act, 1923), be
read a first time. Sir, this Bill is framed mainly in the interest of the agriculturists. It has often been stated by the honourable members of this House that the interests of the agriculturists are not adequately looked after. I, therefore, feel confident that this Bill will receive the wholehearted support of this honourable House. In the irrigated tracts there is a crying need of good communications. The construction of

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irrigation canals has converted many streams which used to be dry in the fair season into perennial streams which require bridge crossings and other facilities. Intensive cultivation and the consequent increase in population necessitate the construction of good roads. The want of good roads adds greatly to the cost of transporting the crops to the markets, and this acts as a handicap to agriculturists.

Now, Sir, in addition to the ordinary cess under section 93, the people of the area have to pay a cess under section 95. This cess they are supposed to pay for the purpose of utilising the proceeds in improving communications in that particular area. The district local boards at present are not compelled to utilise the cess for the roads in the irrigated areas; they can merge the proceeds in the general fund. It has been suggested to us that there must be some kind of restriction imposed upon the district local boards whereby the cess that is realised for this particular purpose will be utilised for that purpose. Now, if the proceeds of the cess are merged in the general fund and not spent on the improvements of communications in the irrigated areas, the result is that the roads in that particular area are not attended to. This question was raised some years ago by the Commissioner of the Central Division, and Government took it up and found that it was true that the people who paid the tax did not derive the benefit that should accrue therefrom. It is, therefore, proposed that after section 80 of the Bombay Local Boards Act, the following section shall be inserted, namely :

"In any district notified by Government in this behalf, the whole of such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, shall be utilized towards the improvement of communications in irrigated tracts in that district."

The power is left to Government to determine whether the particular district local board should be required to utilise a portion of the proceeds from that cess exclusively for the improvement of communications in that particular area.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) : Does this refer to water-rate cess or cess on land revenue ?

The Honourable the PRESIDENT : This cess is in addition to the ordinary cess, raised obviously for the purpose of improving communications in the irrigated areas.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I do not think that at this stage I need go into the details of this Bill.

The Honourable the PRESIDENT : This refers, I suppose, to the cess which is already being levied under section 95 ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Yes, Sir.

The Honourable the PRESIDENT : And a portion of it or the whole of it may be used, under this Bill, for the improvement of communications in the irrigated tracts.

Rao Bahadur S. N. ANGADI : Is it consistent with the policy of not earmarking the proceeds of a tax or a levy—I mean the policy so

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repeatedly and so emphatically enunciated by Government on the floor of this House ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : What policy is the honourable member referring to ?

The Honourable the PRESIDENT : The policy, so often enunciated in this House, that no amount or revenue realised would be earmarked for any particular purpose.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : That refers to general revenues. But this is a special kind of tax imposed for a specific object, and the proceeds are merged in the general funds.

SYED MIRAN MAHOMED SHAH : Does the provision extend to Sind also ? There is no water rate in addition to land revenue in Sind.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : I know that most of the land revenue realised in Sind is in the irrigated areas. But if this Act is made applicable to Sind also, it will enable the district local boards to earmark a certain portion of the cess.

The Honourable the PRESIDENT : If this Act is applicable to Sind, then the pertinent point raised by the honourable member Syed Miran Mahomed Shah is that there is no water rate cess as a separate cess in Sind besides the land revenue cess. Then, how would the Honourable Minister propose to utilise any cess for the construction or improvement of roads in the irrigated areas there ?

The Honourable Sir GHULAM HUSSAIN : So far as I know, water rate is not levied in Sind separately. Land revenue includes water rate. Therefore, there is no cess on water rate in Sind.

The Honourable the PRESIDENT : Therefore, the question arises, how can the whole of the cess or any portion of it be earmarked there ?

The Honourable Sir GHULAM HUSSAIN : It will not be ; there is no separate water rate and the provision will not apply.

SYED MIRAN MAHOMED SHAH : The Bill refers to the cess levied under section 95 of the Act, but the cess levied in Sind is under section 93, which is land revenue cess. I therefore ask whether this Bill will apply to Sind also ?

The Honourable Sir GHULAM HUSSAIN : It applies to Sind, but as no water rate is levied there, therefore, no cess is collected.

Rao Bahadur R. R. KALE : Under section 95, water rates are leviable under the provisions of the Bombay Irrigation Act which applies to Sind also. If water rates are levied, then this provision will apply to Sind.

The Honourable Sir GHULAM HUSSAIN : Yes ; but not at present. Question proposed.

Mr. J. G. MORE (Sholapur District) : Sir, by this amending Bill Government want to assume or rather take back the powers of the local boards and ask them to utilise, towards the improvement of communications in irrigated tracts, the whole or such portion of the cess levied under

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section 95, as may be determined by Government. This is a mandatory provision and not a recommendatory one, as suggested by the Honourable Minister. Under this section, Government can ask the local board to set aside the whole of the cess or a portion of it and the local board will have to do it.

This provision in the amending Bill, I submit, is inconsistent with the provisions of the existing Local Boards Act. Under section 80 of the Act, local boards are asked to set apart a sum equal to not less than one-third of the revenue described in clauses (b) and (c) of section 75 for educational purposes. The revenue described in clause (c) of section 75 is "the net proceeds (after deducting the expenses of assessment and collection) of the cesses in the district authorised by sections 93 and 95." So, you will see, Sir, that the boards are asked, under section 80, to set aside not less than one-third of the cess collected under section 95 for educational purposes. That also is a mandatory provision. Now, if the boards are asked to set aside this sum, namely, one-third—the boards may set aside one-half or even the whole of it—for educational purposes, how can Government come forward and ask them to set aside the whole or a portion of the same cess collected under the same section 95 for improvement of communications? I think that if this Bill is passed, the provision in this Bill will be inconsistent with the provisions already existing in the Act.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: On a point of information, Sir. What section is the honourable member referring to?

Mr. J. G. MORE: Section 80 of the Act.

Honourable MEMBERS: There are no copies of the Act on our tables, Sir.

The Honourable the PRESIDENT: The honourable member may proceed.

Mr. J. G. MORE: I submit, Sir, that if this Bill is passed, it will be inconsistent with the provisions which already exist in the Act.

Secondly, the Bill is unnecessary, because under section 126, the Collector, as a matter of emergency, can ask the local board to spend a particular portion of its revenues for the improvement of communications in the irrigated tracts; and under section 128, Government themselves can interfere with the administration of the board and ask it, on complaint or otherwise, to spend a particular portion of its income, for the improvement of communications in the irrigated tracts. So, this amending Bill is not only unnecessary, but is inconsistent with the provisions of the existing Act. For these reasons, I request the Honourable Minister to withdraw the Bill.

Rao Bahadur R. R. KALE (Bombay University): Sir, what has fallen from my honourable friend the last speaker (Mr. More) seems to me to be justified. In the first place, the procedure laid down in the Bill is contrary to the usual policy of not earmarking in the Act any portion of the revenue for any particular work. However, that is another point.

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Section 75 of the Local Boards Act defines what a local fund is, and it includes, under item (c), the net proceeds of the cess described in section 95. And the only provision which says that a certain proportion of the entire revenue of the local board should be spent on education is in section 80. The entire revenue of the local board consists of the sources described in items (a) to (n) of section 75. Among these items is included the net income from irrigation cess. Section 80 says that not less than one-third of the income from items (b) and (c) (land revenue cess and irrigation cess) shall be set apart for expenditure on education. That is a mandatory provision. That is the only way in which the revenue is distributed. Now, if this amending Bill is passed, the whole of the revenue cannot be spent on the improvement of roads, because already a portion has been set apart for educational purposes. Therefore, there remains the residue, and it is a question whether it can be laid down that the residue of this particular cess should be spent upon roads. The general policy underlying this Act, I submit, is that the local fund shall be a fund consisting of various sources of income and that whole income shall be spent for purposes mentioned in the Act, of which education is one. The expenditure on education is to be met not only from land revenue cess, but also from irrigation cess. That being so, it seems to me that there is an inconsistency between the existing provisions and that which the amendment is seeking to make by introducing section 80A, by which it is going to be made obligatory on the local boards to spend out of this water cess or irrigation cess the whole for the purpose of roads. And it seems to me, Sir, it is necessary for the Honourable Minister to explain this inconsistency before we proceed with the further progress of this Bill.

Mr. P. R. CHIKODI (Belgaum District): Sir, I want to draw the attention of the Honourable Minister to one thing, namely, that section 76 of the Local Boards Act, 1923, lays down how the local fund should be expended. Sub-section (2) of this section clearly says, "the remaining portion of the fund shall be available for expenditure by or under the direction of the district local board for the purposes of this Act." This is the section which is offended by the Bill introduced by the Honourable Minister, as Government want to take for themselves the authority now vested in local boards to say what particular amount should be spent out of the revenue. I would like to know how the Honourable Minister can reconcile the two conflicting things.

The Honourable the PRESIDENT: How is that affected by the amendment of the Act?

Mr. P. R. CHIKODI: Section 76, sub-section (1), lays down:

"The local fund of a district shall be available for expenditure by or under the direction of each taluka local board for the purposes of this Act as follows:—

(a).....

(b).....

(2) "The remaining portion of the fund shall be available for expenditure by or under the direction of the district local board for the purposes of this Act."

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This is mandatory and now by the amending Bill Government intend to take power for themselves to determine what amount should be spent and what amount should not be spent.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, apart from the inconsistencies pointed out by my honourable friends, the question arises whether it would not be advisable to leave this matter for the decision of the local boards themselves. In the first place, it was not pointed out by the Honourable Minister that there were any complaints that roads and communications were not given due attention, and that therefore he had been obliged to bring this amending Bill. He has not told us that complaints have been received either by Government or the boards, or by the Commissioners or by the Collectors, and therefore I think that, so long as there is no such complaint, it is to be presumed that the needs of this area have been properly and adequately looked after. I take it that it has been done even in the past and that it will be done also in the future. I may also point out that one of the important canons enunciated and emphasized by this House is that no proceeds of a particular tax should be earmarked for any particular and specific purpose. Again, apart from the question that this Bill is going to offend against the important canon which has been very much emphasized by the Government benches themselves, I think this is a matter which can be very well left to the discretion of the boards themselves. I do not think that the boards are so very impervious to the needs of their own people and, if really the people living in particular areas find that their roads and communications are neglected by their taluka boards, they can make their complaints either to the district local board, or to the Collector or Commissioner, and if complaints reach those officers, those complaints certainly come back to the boards when they are bound to be considered and attended to. The Honourable Minister has not pointed out a single instance in which a complaint was made to any of these officers and in which a district local board was inattentive to the needs of irrigated areas. Besides, as was pointed out by previous speakers, not less than one-third of this cess is to be reserved. There is nothing to prevent the board from setting aside the whole of the cess for a particular purpose. Taking it for granted—of course, I do not think that it will be ever done by any board—that a board takes it into its head to set aside the entire fund for some specific purpose, say of education for that particular area, and that the board does not want to spend any money for either roads or communications, how is that board going to be compelled not to do so? The board may decide to set apart not merely an amount of one-third, but the whole fund, and I do not see any authority in the Act which can prevent that board from doing so. Under the circumstances, I fear that this Bill is really not going to work very satisfactorily; besides it offends against the mandatory section of the Local Boards Act. For this reason, I do not know whether to support such a Bill or not. Anyway, I would request the Honourable Minister to tell us whether he has received complaints.

Mr. L. R. GOKHALE: On a point of information, Sir. Were any local boards consulted before this Bill was framed and their opinions taken? If they were, what are their opinions?

The Honourable the PRESIDENT: That information may be given in his reply to the debate or just now if the Honourable Minister is ready.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: The district local boards of the Presidency were consulted in the matter. Seven have replied in the affirmative, i.e. in favour, and seven have replied in the negative, i.e. against, while others have not replied.

Rao Bahadur B. R. NAIK: On a point of information, Sir. My honourable friend Mr. Chikodi has quoted section 76 of the Local Boards Act. May I know from the Honourable Minister whether this cess is not to be levied under the Irrigation Act of 1879?

Mr. N. E. NAVLE (Ahmednagar District): Sir, I rise to oppose the first reading of this amending Bill, and while doing so, I enter a very emphatic protest against the amendment that is sought to be introduced in the Act.

What does this amendment ask for? Coming as I do from an irrigated tract, namely, the Ahmednagar District, in which we have the Godavari and Pravara Canals, Right and Left, which are irrigating large tracts of land, I know what this problem really means, and I shall enlighten the House with some useful information. If honourable members go and visit this irrigated tract—at least those who come from this tract know it very well—they will find that in constructing the Deccan Canals Government has committed a great mistake. When the Government constructed the canals in the Deccan, namely, the Nira Left, the Pravara Right and Left, the Godavari Right and Left, the Government engineers committed a mistake in not constructing side by side with the canals a drainage system, and that has resulted in water-logging of lands under private ownership to a very large extent. Times out of number honourable members have tabled questions in this House about the water-logging of these private lands, and Government have been requested to compensate the agriculturists who are put to a great loss. Government all the while, I must humbly submit, kept on giving evasive replies and also said that they were not responsible for this water-logging. Now, Sir, if their engineers have committed a mistake in not constructing a drainage system side by side with the canals, so as to take out the water that comes out of their own Government canals, then who is responsible? Not the district local boards nor the agriculturists. The result has been that all roads to villages and to various other places have been spoiled altogether. This water-logging has made those roads impassable. How can the district local board be held responsible for what Government engineers have done? Sir, I have myself put questions to Government in this matter and their replies were that the district local board was responsible. Not at all. These roads have been spoiled by there being no drainage; and so it is the primary duty of Government and their engineering department to spend money to repair roads and to remove the water-logging that has spoiled these roads.

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Now Government comes forward with this amending Bill passing the liability on to the shoulders of the district local board. Is that fair? The irrigation cess or the local fund cess is meant for distinct purposes under the Act, and, as my honourable friend from Satara has read out, at least one-third of that cess ought to go for education. When the irrigation cess and the local fund cess are meant for the general purposes of expenditure of the district local board, how can you earmark by an amending Bill the cess from irrigation to a particular purpose, namely, the repairs and construction of these roads and communications? That is not fair. That would be going against the spirit of the policy laid down under the Act. That would be going against the very letter of the Act. This is a new liability and it is being skilfully shifted from the shoulders of Government on to the shoulders of the district local boards. Is that not unfair treatment to be meted out to local bodies? I therefore oppose the first reading of this Bill.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, there is a bit of misapprehension in the minds of several members of this House. I was the first to impose this cess in the year 1923; ever since then this cess is being collected, and therefore it is necessary for me to put before this honourable House certain information. Honourable members here will realise how difficult it is to induce any body of people to submit to taxation, and it was one of my duties, a very responsible duty it was, to induce my people to submit to taxation in order that they might be able to get the benefits of primary education, and I may say that I was the first in the whole Presidency to impose an additional cess of one anna—

Rao Bahadur R. R. KALE: No, no. Satara was the first district local board to do so.

Rao Bahadur G. K. CHITALE: Satara never put in this irrigation cess.

Rao Bahadur R. R. KALE: The local cess.

Rao Bahadur G. K. CHITALE: I am speaking of the irrigation cess. I made a distinct understanding with them, when they unanimously supported my proposal, that at least half of it would be spent for the purpose of those areas wherein that cess was collected. In 1925 I left the district local board and left the strings, and it has been the constant complaint of those people that my promise has not been kept by my successors, because nothing has been spent in that area—neither on the Godavari nor on the Pravara canal—even for removing certain small things, such as pools of water, over which even the country carts cannot pass. The point that is now raised here is the reading of several sections. I would just pass for a moment and draw the attention of this House to this Chapter VI styled "Revenue and Expenditure." In this "Revenue and Expenditure" chapter, all these sections are drawn up. It will be remembered that when the compulsory Primary Education Act was passed, one-third share was put upon the district local boards for the purposes of primary education, and the two-thirds share was to be borne by Government. It is necessary to point out, however, that at that time in all these areas Government were bearing from 80 per cent. to 85 per cent. of the

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expenditure on primary education, and those grants on the particular scale of the datum line—it is not yet fixed, however, but that is another story—were borne as a charge by Government, and the responsibility of the district local boards was limited to the extent of their having to spend one-third of the revenue which was raised by the local fund cess. The House will remember that in section 75 this is called “Income of Local Fund.” In this section there are several sources of revenue given to the local boards, but for the purposes of my argument I will concentrate only on clause (c). You will remember, Sir, that the land revenue cess or the one anna cess is provided for in other sections, but there is no doubt that the net proceeds of this irrigation cess, after it is imposed under section 95, become part of the local fund which is to be at the disposal of the district local board. Section 75, however, it may be noted, says :

“The local fund of a district shall be available for expenditure by or under the direction of each taluka local board for the purposes of this Act as follows :”

The provision there is more in the interest of the taluka local boards than the general fund itself, and it is necessary to note that even as this apportionment was not being made by the district local board to the taluka local boards, orders making these taluka local boards more independent and self-reliant have been passed by Government only recently. The point is that if the local fund cess is Rs. 100, it is the compulsory duty of the district local board to set apart Rs. 33 for purposes of education, and it may be noted as a practical proposition that at present at least Government are paying more than 66 per cent. of the amount that is needed for primary education purposes. The rest of the amount, therefore, which comes into their local fund is available for expenses incurred for other purposes. I do not mean to say that the discretion of the district local boards should be hampered in a way which is likely to be an obstruction in an up-to-date administration. Where, when the cess is imposed with the consent of the people for a particular purpose, on the condition that a part of it at least would be utilised for their benefit, and for years together you do not find that purpose being achieved by the several district local boards, is it or is it not the duty of Government to step in and direct the local boards to spend a portion of the fund for providing amenities to the people from whom the cess is levied ? In addition to it, they pay this one anna cess on the irrigation rate. Coming to figures, my own district (Ahmednagar) by way of this irrigation cess has contributed about Rs. 40,000 a year to the coffers of the local board. Nobody says that the whole of this amount should be used for ameliorating the condition of the people there. As I have said, they have paid the one anna local fund cess already, which is available for the general purposes of local board administration, but are they not entitled, in equity, in fairness, in justice, to a portion of this additional cess which they themselves have paid for being spent on interests which are neglected ? The honourable member Mr. Navle says that it is the duty of Government. He says that because Government have built these canals and there is water-logging, therefore it is the duty of Government

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to see that that mischief is remedied. I am prepared to go with him part of the way ; but let him not forget that a large amount of money is spent by Government to stop these percolations in those very areas to which he has referred. No doubt, Government have done their best. No doubt, Government are bound by certain rules ; but does it stand to reason to say that you will appropriate for other purposes the entire proceeds of the cess when, as a matter of fact, the cess is not recovered for purposes other than the amelioration of the condition of the people on whom the cess is imposed ? I think you have no case. It is neither logical, nor equitable, nor reasonable. As I said, Rs. 40,000 per year is being recovered from these people since the year 1923. During the last eight years they have paid more than Rs. 3,00,000, and, as I said, not a pie of the amount has been spent for their amelioration. Here I may say that Government in the Irrigation Department have spent lakhs to stop this percolation. Areas round about Kopergaon and other places were water-logged and a motor or country cart even could not pass over those areas. But in order to stop percolation, the canal banks are now being made water-tight, and the accounts will show that at least several lakhs of rupees have been spent by Government on it. Therefore, Sir, what the Government ask for is only a power to intervene in cases where the district local boards are not doing their duty. If the district local board is doing its duty, I am quite sure Government will not say that they want to step in and ask the district local board to do certain things. But in cases where the district local board is not catering for the necessities of those particular people on whom this cess is imposed, I think Government will be right if they intervene. The proposed new section says :

"In any district notified by Government in this behalf, the whole or such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, shall be utilized towards the improvement of communications in irrigated tracts in that district."

I should think, Sir, that this section is worded in a guarded way. Government do not say that the whole cess should be so used. The section says, that the whole or such specified portion,—it may be one-third, one-fourth, one-eighth or one-sixteenth, —shall be so utilised.

An Honourable MEMBER : Better make it whole.

Rao Bahadur G. K. CHITALE : Why not even the whole ? If the district local board has gone on neglecting the interest of the very people on whom the cess is imposed, for the last 8 or 9 years, Government will be certainly justified in making the district local board spend Rs. 3,00,000 for the purpose in the next three years. Why not ? [Interruptions.] I do not want any red herrings drawn across the trail. The point that I was making is this, that Government are only asking for this power in such cases wherein negligence is proved. In the particular case of Ahmednagar, I say negligence is proved to the hilt, and people meeting in conferences and in other places have been asking, as far as Ahmednagar district is concerned, that at least half of the irrigation cess should be spent in that particular area. When these people approached the proper

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authorities, they were told " You have got your amount there. Why not induce the district local board, which consists of your own men, and ask them to spend some amount at least for your amelioration ?" I have tried to get this grievance redressed for the last 9 years and as a matter of fact failed absolutely. I therefore think that the proposed provision is a very wholesome one. I do not think that Government would be so stupid as to impose this liability or to impose this expenditure on those district local boards which are doing their duty properly. I therefore support the first reading of the Bill.

Mr. N. E. NAVLE : On a point of information. The honourable member for Ahmednagar (Rao Bahadur Chitale) says that when this irrigation cess was levied on the irrigators of the Ahmednagar district, he gave a certain promise as the then president of the district local board. Is that promise in writing, and is it on the records of the district local board ?

Rao Bahadur G. K. CHITALE : Oh, yes.

The Honourable Sir GHULAM HUSSAIN : Sir, I endorse almost every word of the last speaker. It is a very wholesome provision, and the necessity of this provision has been established by the honourable member Mr. Navle, who has admitted in unequivocal terms that his district is an irrigated area and the roads there are in a very bad condition, and the district local board has been neglecting them. He himself has admitted it.

Now, Sir, Government want to have this power only in the case of such local boards as have been neglecting their obligatory duties under section 50. The construction and maintenance of roads is one of the primary duties of the boards, and here we have the admission of no less a person than the Deputy President of our Legislative Council—and he is a prominent member of the district local board where such a cess is levied—that they do not apply any portion of that cess for the maintenance and construction of roads there, and the roads are in a very bad condition.

Now, Sir, I will refer honourable members of this House to the history of the cess. Honourable members who are familiar with the old Local Boards Act of 1884 know that, under that Act, the district local boards had the power to levy only a cess on land revenue. They had no authority then to levy an irrigation cess, and after that the irrigation cess was introduced mainly with the object that in irrigated areas that cess or at least a part of it should be utilised for the construction and maintenance of roads. Otherwise, the whole position becomes illogical. In ordinary districts, which are not irrigated districts, only one cess is levied. Why should two cesses be levied in irrigated areas ? It is clear from the fact that in irrigated areas two cesses are levied, one on the land revenue and the other on water rates, that the additional rate is to be used for the benefit of the irrigated area, for construction and maintenance of roads. In other districts which are not irrigated, the ordinary cess that is levied on land revenue is used—whether it is

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one anna or two annas — for constructing roads, for primary education, and for every other purpose. This additional cess was levied especially for the benefit of irrigated areas.

Now, I come to some of the sections against which, in the opinion of some of the previous speakers, the new section in the amending Bill offends. I must frankly admit that this clause is not happily worded. I would have said "some portion, or a specific portion of the net receipts"; and that would remove all the difficulties.

The Honourable the PRESIDENT: The words "the whole or" should be deleted.

The Honourable Sir GHULAM HUSSAIN: Yes, Sir. Section 80 requires that one-third of this cess should be earmarked for education purposes. Then we can, after deducting one-third of the water-cess, spend the remaining amount on the repair and construction of roads. I do not see much force in the contention of the honourable member opposite, Mr. Chikodi. He has been the president of the district local board for a long time and he still continues to be so. I must tell him that I also was president for some time. He has defined what the local fund is and the remaining fund will be administered by the district local board.

Mr. P. R. CHIKODI: "Shall be".

The Honourable Sir GHULAM HUSSAIN: It will be administered by the district local board—

Mr. P. R. CHIKODI: "Shall be available for expenditure." It is something different.

The Honourable Sir GHULAM HUSSAIN: Expenditure means expenditure on roads, education or anything else. It is to be left to the district local board for expenditure. No Government agency will come there. Honourable members will see that it was the original intention of the legislature that the irrigation cess should be used on roads. The object was to give them better amenities in the shape of roads. This is a measure in the interest of the poor agriculturists, about whom we hear so much in this House. When we bring any measure in the interest of the poor agriculturists, honourable members on the opposite side oppose it. It is the poor agriculturists that pay the cess on irrigation. When Government want to utilise that money for the benefit of the agriculturists, I am sorry to see that there should be objection to such a laudable object. The agriculturist will be able to cart his produce on good roads to the market. I hope, therefore, honourable members will support the Bill and pass the first reading.

Rao Bahadur G. V. PRADHAN (Nasik District): Sir, in connection with section 95 of the Act about which we are discussing, I think it would be well to look to the objects and reasons mentioned in the year 1915 when this section was first introduced into the Act so as to throw much more light than seems to have been done up till now. This proviso was first

[Rao Bahadur G. V. Pradhan]

introduced in 1915. I am reading the statement of objects and reasons under section 95 :

“ The construction of canals in various parts of the presidency especially in the Deccan, has converted many streams which used formerly to be dry in the fair season, into special perennial streams. Considerable sums have been spent by Government in repairing damage done in this way to roads by new irrigation works. In numerous places paved crossings and bridges across such streams are very necessary for local traffic and the imposition of this cess will, by enhancing the resources of the boards, make it easier for them to provide for such causeways and bridges”.

Clearly, therefore, the cess on water charges was introduced with the specific object that the money realised therefrom shall be used for maintaining roads and bridges spoilt on account of canals. When this section was introduced in 1915, there was an additional clause and the additional clause was this :

“ That the net proceeds of the cess in each district (after deduction of expenses of assessment and collection), should primarily be spent on the improvement of the means of communication in the neighbourhood of the canals in the district”.

Distinctly, the present object of this Bill was the object placed then before the Council in specific terms. But the last portion was omitted and the reason is given thus :

“ In view, however, of the difficulties in connection with the ensuring that these proceeds were so spent, this clause was omitted.”

It was apprehended at that time, it appears, that it was difficult to control the expenditure of the local boards so far as this cess was concerned—in order to see that this was spent for canal irrigation roads. When this section was introduced, section 80 which reserved one-third of the local cess for education was already there and it was not even then thought that an education cess was to be deducted from this. It was called levy of cess on water-rates. It is entirely different. It does not appear that it was contemplated that when this cess was levied, one-third of this cess was to go for education, because section 80 was already there and this section was introduced later on for a specific purpose that this money would be spent for roads in canal areas. That seems to be the clear object of the enactment then. As the Honourable the Leader of the House has suggested that the word “ whole ” should be deleted, I see no reason for opposing the Bill. In Ahmednagar and Nasik districts this cess is levied. As the honourable member Rao Bahadur Chitale put it, this cess is not being used particularly for roads in the canal area. It seems, therefore, it is high time that such restriction should be placed, that money realised by this cess should be spent for the purpose for which it is meant.

Mr. L. R. GOKHALE (Poona City): Sir, I support this Bill with great pleasure. The purpose of this Bill is to allocate certain amount of the cess under section 95 towards improving communications in irrigated tracts. I take it that we are considering the principle of the Bill now and, therefore, I say that the principle involved in the Bill is that Government should interfere in certain cases where the district local boards have not performed their duty as regards communications in a particular locality. I certainly will be very glad if a clause is added to this in some such manner—“ as may be determined by Government in

[Mr. L. R. Gokhale]

consultation with the district local board." The authority is given to Government to lay down arbitrarily that a certain line of communication should be improved or newly built. I think it is a desirable provision. No doubt, if the district local board does not accept the suggestion, Government should then have certain powers to enforce their desire upon the district local board. But generally speaking, Government should do this with the consent of the district local board. Therefore, I think these two provisions have to be made—that a part of this cess and not the whole should be allocated for this purpose, and that Government should consult the local board whenever they select the road for construction or repair. As a matter of fact, the old village roads have become impassable. In the rainy season, on account of the percolation of these canals, there is excess water and the access to villages becomes very difficult. Also, several of the villages have no bridges for the cart traffic for some time, say for a month or three weeks, in the months of June and July. In such cases there ought to be provision made for communication.

There is another point of view. In these villages there has been water-logging no doubt. As a consequence of this, there is malaria in many villages where there are irrigated lands. For 10 or 15 miles round about the city of Poona, villages like Nanded and Vadagaum are full of malaria. The number of deaths in these villages is abnormal. Seventy per cent. of the people suffer from enlarged spleens. This is due to malaria on account of water-logging, because they are irrigated areas. So, especially in these villages dispensaries are necessary. Along with the evil of water-logging, this evil of malaria affecting the health of the people has come. So, this money should be devoted for this purpose. Section 50 lays down :

"(a) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication.....

(b) the construction and repair of hospitals etc.

(c) any other local works or measures likely to promote the health, safety, comfort or convenience of the public....."

In this case also Government should take into consideration the necessity of having dispensaries for villages round about Poona. For these reasons I support the principle underlying the Bill. When the right time comes, if the honourable mover of the Bill does not make the amendments I have suggested, I may send an amendment to delete the words "the whole or" and I may add the words "as to be determined by Government in consultation with the district local boards"—

The Honourable Sir GHULAM HUSSAIN : Suppose the local board does not agree.

Mr. L. R. GOKHALE : Then there is the word "shall." The power will vest in Government.

The Honourable the PRESIDENT : This is for communications. That must be understood.

Mr. L. R. GOKHALE : I quite see. I do not think dispensaries should be included in this, because when the word "whole" is deleted, part of it will be available for other purposes.

With these words I support the motion.

SYED MIRAN MAHOMED SHAH (Hyderabad District) : Sir, I rise to support the principle underlying the Bill. Sir, this Bill does not specifically apply to Sind as long as there is no water-rate there, but, so far as the administration of the local board finances is concerned, I can have a say in the matter. The opposition from this side of the House is based mainly on the fear that Government may use this Bill to fetter the discretion of the district local boards in the matter of the allocation of their finances. I think that is the only ground on which they have based their adverse criticism of this Bill. But if the advice of my honourable friend Mr. Gokhale is accepted by the Honourable Minister, I think the whole of the opposition will be withdrawn.

I wish to remind honourable members of this House that if we search our hearts and express our honest opinion, we have to admit some defects in the matter of local self-government. My experience in the local boards has been that there is a growing tendency to spend more and more on education, both primary and secondary—

Mr. N. E. NAVLE : Is it to be deprecated ?

SYED MIRAN MAHOMED SHAH : I do not deprecate that ; that is a noble tendency. But we must have a sense of proportion, and we must look to all kinds of obligatory duties and adjust our expenditure to the duties imposed upon us. For instance, we cannot afford to neglect communications. I saw lately an advertisement of the Burmah Shell Company saying "No communications, no Swaraj". That is true, because the progress of a country depends on its communications. Even in the Lloyd Barrage and Canals Construction Scheme they have provided 4½ crores of rupees for communications to facilitate the marketing of the produce. The other day there was a question about want of communications for the purpose of facilitating the marketing of fruits. So, communications is an important matter which we cannot afford to neglect. We ought to change our tendency, if there is that tendency, of concentrating solely on education. We must exercise our powers of discrimination. My honourable friends who opposed the Bill have not any grounds now to oppose it, in view of the arguments advanced by my honourable friend the Leader of the House and in view of the passage read out by my honourable friend Rao Bahadur Pradhan showing that this cess was levied for the specific purpose of maintenance and construction of roads in those areas. In view of the original purpose for the levy of the cess, I do not think there can be any objection to the principle of the Bill, which is the only thing involved in the first reading. When the second reading is taken up, I hope that the suggestion of the honourable member Mr. Gokhale will be accepted by Honourable the Minister and that this honourable House will unanimously support the Bill.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, after so many speeches in support of the Bill, I do not think I need

[Sirdar Sir Rustom Jehangir Vakil]

go into the details of the Bill again. But I should like to repeat that section 95 is clearly intended for the benefit of the people residing in the area under irrigation and who are asked to pay an additional tax. The object of the tax also has been made very clear by my honourable friend Rao Bahadur Pradhan. The omission of the words "the whole or," as suggested by the Leader of the House, will be made, and I do not see any objection to accepting the suggestion of my honourable friend Mr. Gokhale when the time comes. I hope that this honourable House will now pass the Bill without any further comments.

Bill read a first time. Question, "That the Bill be read a first time," put, and agreed to.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I move that Bill No. XXXIV of 1931 (A Bill further to amend the Bombay Local Boards Act, 1923) be read a second time.

Second reading. Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*New section 80A of Bom. VI of 1923*).

After section 80 of the Bombay Local Boards Act, 1923, the following section shall be inserted, namely:—

"80A. *Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.*—In any district notified by Government in this behalf, the whole or such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, shall be utilized towards the improvement of communications in irrigated tracts in that district."

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I beg to move—

In new section 80A (clause 2 of the Bill), delete the words "the whole or," and in line 5 thereof, after the word "Government" insert the words "after consultation with the district local board concerned."

Question proposed.

Mr. V. N. JOG (Dharwar District): Sir, I beg to move an amendment to the amendment, namely:

Add the words "not exceeding two-thirds" after the words "specified portion" in new section 80A.

The object is to see that the new section does not conflict with section 80. "Specified portion" may mean three-fourths or four-fifths. It should be made clear that it should not exceed two-thirds.

The Honourable Sir GHULAM HUSSAIN: The clause is quite clear; the addition is quite unnecessary.

Mr. V. N. JOG: When the words "the whole" were used, the argument against it was that it was not permissible under section 80 to use the whole, because one-third was to be set apart. Even though the

[Mr. V. N. Jog]

words "the whole or" may be deleted, "specified portion" may cover three-fourths or four-fifths. So, we should insert the words "not exceeding two-thirds."

Rao Bahadur S. N. ANGADI : When it is done in consultation with local bodies, why do you want your amendment ?

Mr. V. N. JOG : The board's advice may not be accepted. At any rate, it is the right of the people that is concerned.

Question proposed.

The Honourable the PRESIDENT : The new section as amended by the amendment of the Honourable Minister and by the amendment to that amendment, proposed by the honourable member Mr. Jog, will read—

"In any district notified by Government in this behalf, such specified portion not exceeding two-thirds of the net proceeds of the cess levied therein under section 95, as may be determined by Government after consultation with the district local board concerned, shall be utilized towards the improvement of communications in irrigated tracts in that district."

Rao Bahadur R. R. KALE (Satara District) : Sir, I am afraid that the amendment of the honourable member Mr. Jog is unnecessary. The inconsistency that we pointed out has been removed by the deletion of the words "the whole or." It is unnecessary now to fix any proportion because one-third having been set apart statutorily under section 80, if you take more than two-thirds, you will be acting contrary to the provisions contained in section 80. I do not think either the Government or the board will be in a position to commit this illegality. The inconsistency having been removed, discretion should be left both to the Government and the Board to fix the proportion to be allotted for education and for roads. I therefore oppose the amendment.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I also oppose the amendment, both for the reasons given by the honourable member Rao Bahadur Kale and for another reason. The honourable mover says that the amendment is going to protect the interests of the people. He says that the local board and the Government may take away the rights of the people. I do not see how his amendment is going to protect the rights of the people. On the contrary, it is curtailing those rights. For this reason, I oppose the amendment.

The Honourable the PRESIDENT : Is the honourable member pressing his amendment ?

Mr. V. N. JOG : I am not withdrawing it.

The Honourable the PRESIDENT : The Honourable Minister does not accept that amendment, I suppose ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, I am not accepting it.

The Honourable the PRESIDENT : I shall first put the amendment to the amendment to the House.

Amendment put, and negatived.

The Honourable the PRESIDENT: Now I will put the amendment to the clause. The amendment is:

"In new section 80A (clause 2 of the Bill), delete the words 'the whole or' and in line 5 thereof, after the word 'Government' insert the words 'after consultation with the district local board concerned'."

Amendment put, and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir,
I move that Bill No. XXXIV of 1931 (a Bill further to amend the Bombay Local Boards Act, 1923) be read a third time and passed.

Third reading.
Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT: The Bill is read a third time and passed into law.

BILL No. XXXV OF 1931 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888, AND THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT, 1925).

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I introduce Bill No. XXXV of 1931 (A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925).*

The Honourable the PRESIDENT: Bill No. XXXV of 1931 (A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925) is introduced.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, I move that Bill No. XXXV of 1931 (A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925) be read a first time.

First reading.
This Bill, Sir, has been introduced at the instance of the Bombay Corporation. I think it is but right that the first municipality, not only in this Presidency but in India, should have its president styled as Mayor. The same practice is being followed in the Calcutta Corporation, and in view of the fact that there have always been very eminent men as presidents in the Municipal Corporation of Bombay, I hope this House will pass this measure without any difference of opinion at all.

Question proposed.

The Honourable the PRESIDENT: My suggestion to the honourable members is that if the principle and details of the Bill are acceptable to them, they should allow the Honourable Minister to go through the three readings without making any speeches, because the speeches on the

[The President]

elevation of the president of the Corporation to Mayorship can go on at any length. After the third reading, I think they would do well to hail it with cheers.

Mr. A. N. SURVE: On a point of information, Sir. May I request the Honourable Minister to state why the president is to be styled only as Mayor, and not as Lord Mayor as asked for by the Corporation?

The Honourable the PRESIDENT: I do not allow that question. It need not be answered.

Bill read a first time. Question, "That the Bill be read a first time," put, and agreed to.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, Second reading. I move that the Bill be now read a second time.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 3 (*Amendment of section 7 of Bom. XVI of 1925*) ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: Sir, Third reading. I move that Bill No. XXXV of 1931 (A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925) be read a third time and passed.

Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT: The Bill is read a third time and passed into law. [*Cheers.*]

BILL No. XXXVI OF 1931 (A BILL TO AMEND THE KARACHI RENT RESTRICTION ACT, 1929).

The Honourable Sir GHULAM HUSSAIN: Mr. President, I introduce Bill No. XXXVI of 1931 (A Bill to amend the Karachi Rent Restriction Act, 1929).*

The Honourable the PRESIDENT: Bill No. XXXVI of 1931 (A Bill to amend the Karachi Rent Restriction Act, 1929) is introduced.

The Honourable Sir GHULAM HUSSAIN: Sir, I move that Bill First reading. No. XXXVI of 1931 (A Bill to amend the Karachi Rent Restriction Act, 1929) be read a first time.

[Sir Ghulam Hussain]

The Karachi Rent Restriction Act, 1929, is due to expire on the 31st December 1931. Hence the necessity of bringing in this Bill, so that the people of Karachi may have the benefit of it for 12 months more, up to 31st December 1932.

This is what I may call a poor man's Bill. Every clause is in the interests of the poor man—the artisan, the clerk, the petty shop-keeper and trader. If you look to clause 3 of the Bill, you will see that the expression "standard rent" has been defined so as to benefit them. The other clauses are also intended to protect the poor tenants. Clause 5 aims at protecting the tenants from the provisions of the Karachi Small Cause Court Act to which landlords occasionally resort for the recovery of arrears of rent by means of distress warrants. The section in the Karachi Rent Restriction Act has been amended so that before they can resort to that provision, the landlords must produce a certificate from the Rent Controller. It is accordingly proposed that no distress warrant shall be issued in the case of premises which are controlled under the Act, and that no suit shall be entertained in the case of such premises, unless the plaintiff annexes to his plaint an order of the Rent Controller fixing the standard rent of the premises in question. Honourable members have always pleaded and supported the cause of the poor man. This Bill is purely in the interests of the poor man, and I trust, therefore, this honourable House will pass the measure.

Question proposed.

Rao Bahadur R. R. KALE (Bombay University): Sir, the principle underlying this Bill, namely, the curtailment of the freedom of free contracts and the restriction on the rights of the people is an exception rather than the rule. As a war measure, these Rent Restriction Acts were enacted for the City of Bombay and also for Karachi. After the war was over, they have been continued from year to year. My submission is that the principle itself is not sound. People should not be restricted in their transactions. I therefore think that it would not be proper to pass this Bill. Of course, the Bill is going to be passed, I know. But I must sound a note of warning against the extension of this Act from year to year. You must remember also that these are measures of a temporary character and should be used only as exceptions and not as the rule.

Bill read a first time. Question put, and agreed to.

The Honourable Sir GHULAM HUSSAIN: With your permission,
Second reading. Sir, I move that the Bill be now read a second time.

Bill read a second time. Question put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of section 2 of Bom. III of 1929*) ordered to stand part of the Bill.

Clause 3 (*Amendment of section 3 of Bom. III of 1929*) ordered to stand part of the Bill.

Clause 4 (*Amendment of section 26 of Bom. III of 1929*) ordered to stand part of the Bill.

Clause 5 (*New section 27 of Bom. III of 1929*) ordered to stand part of the Bill.

The Preamble ordered to stand part of the Bill.

The Honourable Sir GHULAM HUSSAIN : Now, Sir, I move that the
Third reading. Bill be read a third time and passed.

Dr. V. G. VAISHAMPAYAN : Sir, I have to point out that there is not a single honourable member from the Karachi constituency present in the House.

Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT : Bill No. XXXVI of 1931 (A Bill to amend the Karachi Rent Restriction Act, 1929) is read a third time and passed into law.

ELECTION OF REPRESENTATIVES TO BACKWARD CLASSES BOARD.

The Honourable the PRESIDENT : Order, order. Now, I have to announce the result of the election. The following honourable members have secured the following number of votes in the serial order in which they are mentioned :

Rao Bahadur S. K. Bole	..	78
Mr. R. R. Bakhale	..	57
Mr. J. S. Kadri	..	54
Rev. R. S. Modak	..	35
Mr. M. M. Karbhari	..	19

Three members are to be elected. Therefore, the honourable members Rao Bahadur Bole, Mr. Bakhale and Mr. Kadri are declared duly elected.

The House is now adjourned to 2 o'clock to-morrow, Wednesday, the 7th October 1931.

Wednesday, the 7th October 1931

The Council re-assembled at the Council Hall, Poona, on Wednesday, the 7th October 1931, at 2 p.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur
 ANGADI, Rao Bahadur S. N.
 ASVALE, Rao Bahadur R. S.
 BAKHALE, Mr. R. R.
 BANGI, Mr. A. K. J.
 BELL, Mr. R. D.
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN
 BIRADAR, Sardar MAHABOOBALI KHAN
 BOLE, Rao Bahadur S. K.
 BOWERS, Mr. P. L.
 BRANDER, Mr. J. P.
 BRISTOW, Mr. C. H.
 BROWNE, Mr. D. R. H.
 CHIKODI, Mr. P. R.
 CHITALE, Rao Bahadur G. K.
 CLAYTON, Mr. H. B.
 COLLACO, Dr. J. A.
 COLLINS, Mr. G. F. S.
 COOKE, Mr. G. H.
 COOPER, Khan Bahadur D. B.
 DA GAMA, Dr. A.
 DHALUMAL LILARAM, Mr.
 DESAI, Rao Saheb B. G.
 DESAI, Mr. H. R.
 DESAI, Mr. S. B.
 D'SOUZA, Dr. J. ALBAN
 EWBANK, Mr. R. B.
 GARRETT, Mr. J. H.
 GHULAM HUSSAIN, the Honourable Sir
 GHULAM NABI SHAH, Khan Bahadur
 GOKHALE, Mr. L. R.
 GOVER RORA, Mr.
 HUDSON, the Honourable Mr. W. F.
 JAM JAN MAHOMED KHAN, Khan Bahadur
 JOG, Mr. V. N.
 JONES, Major W. ELLIS
 KADRI, Mr. J. S.
 KALBHOR, Mr. G. M.
 KALE, Rao Bahadur R. R.
 KAMAT, Mr. B. S.

KAMBLI, the Honourable Dewan Bahadur S. T.
KARBHARI, Mr. M. M.
KHUCHRO, Khan Bahadur M. A.
KULKARNI, Rao Saheb P. D.
LELY, Mr. W. G.
MACKLIN, Mr. A. S. R.
MEHERBAKSH, Mr. S.
MEHTA, Mr. M. H.
MODAK, Rev. R. S.
MODI, Sardar Davar T. K.
MORE, Mr. J. G.
NAIK, Rao Bahadur B. R.
NAMDEORAO BUDHAJIRAO, Mr.
NAVLE, Mr. N. E.
OWEN, Mr. A. C.
PARULEKAR, Rao Bahadur L. V.
PATEL, Khan Bahadur A. E.
PATEL, Mr. C. N.
PATIL, Rao Bahadur D. R.
PATIL, Mr. N. N.
PATIL, Mr. V. N.
PATIL, Rao Saheb V. S.
PRADHAN, the Honourable Sir GOVINDRAO
PRADHAN, Rao Bahadur G. V.
RAFIUDDIN AHMAD, the Honourable MOULVI
RESALDAR, Mr. A. K.
SHAIKH ABDUL AZIZ, Mr.
SHAIKH ABDUL MAJID, Mr.
SHAIKH YAKUB VAZIE MAHOMED, Khan Bahadur
SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.
SHINDE, Mr. R. B.
SINDHA, Mr. MADHAVSANG JORBHAI
SMART, Mr. W. W.
SOLANKI, Dr. P. G.
SURVE, Mr. A. N.
SURVE, Mr. V. A.
SYED MIRAN MAHOMED SHAH
SYED MUNAWAR, Mr.
TALPUR, MIR BANDEH ALI KHAN
THAKOR OF KEBWADA, Sardar BHASAHEB RAISINGHI
THOMAS, the Honourable Mr. G. A.
TOLANI, Mr. S. S.
TURNER, Mr. C. W. A.
VAISHAMPAYAN, Dr. V. G.
VAKIL, Mr. PESTANSHAH N.
VAKIL, the Honourable Sirdar Sir RUSTOM JEHANGIR
VANDEKAR, Rao Saheb R. V.
WADKE, Mr. B. P.
WILES, Mr. G.

QUESTIONS AND ANSWERS.

SIND FRONTIER REGULATION AND JIRGAH ACT, LARKANA DISTRICT.

Khan Bahadur M. A. KHUHRO (Larkana District): Will Government be pleased to state—

(a) the number of persons convicted under section 20 of the Sind Frontier Regulation in each year commencing from January 1926 to December 1930 in Larkana district;

(b) the number of cases (criminal as well as civil) referred to *jirgahs* in each of the above years, along with the names of the District Magistrates who ordered the *jirgah* proceedings;

(c) in how many cases in each of the above years the *jirgahs* recommended punishment of imprisonment or fine as the case may be, and in how many cases each year the District Magistrate has enhanced the punishment, and in how many cases he has disagreed with the recommendations of the *jirgahs* and discharged the accused persons;

(d) in how many cases (civil or criminal) the *jirgahs* were sanctioned although the parties were non-Baluchis, in each of the above years;

(e) whether it is a fact that the people residing outside the jurisdiction of the Frontier Regulation and the Jirgah Act have been tried under the Frontier Regulation and the Jirgah Act;

(f) whether it is a fact that even in trivial offences falling under sections 323, 352 and 506, Indian Penal Code, the District Magistrates have sanctioned proceedings under *jirgah*, and, if so, in how many cases and by which of the District Magistrates of Larkana;

(g) in how many appeals the Commissioner in Sind has reversed the orders passed by the District Magistrate under the *Jirgah* proceedings, in each of the above years;

(h) the talukas in the Larkana district to which the Jirgah Act and Frontier Regulation are applicable?

The Honourable Mr. G. A. THOMAS: A statement giving the information asked for is placed on the Council table.

Statement showing details of cases under Sind Frontier Regulation in Larkana District for the years 1926 to 1930.

	1926	1927	1928	1929	arrears of
(a) The number of persons convicted under sections 20 and 21 of the Regulation.	59	.....	2		owing to want of money and have asked for instalments. The Government object to the condition of 2 months of the receipt of money and the remaining arrears of
(b) The number of cases referred to <i>jirgahs</i> with names of District Magistrates who ordered the <i>jirgah</i> proceedings.	Mr. J. B. Irwin, 3. Mr. Hamid A. Ali, 14.	Mr. Hamid A. Ali, 32. Mr. A. S. V. Acott, 8.	Mr. A. S. V. Acott, 14. Mr. Hamid A. Ali, 5. Mr. A. D. Gorwala, 6. Mr. D. MacLachlan, 1.		do they not show the part of the Pandhar-
Civil ..	3	12	12		
Criminal ..	14	28	14		MAD: They do. That

	1926	1927	1928	1929	1930
(c) In how many cases the jirga recommended punishment of imprisonment or fine as the case may be and in how many cases the District Magistrate enhanced the punishment and in how many cases he disagreed with the recommendations of the jirgas and discharged the accused persons.	12	22	The recommendation of the Council of Elders on this point was not invited as it was not required, the discretion being with the District Magistrate.		
(d) In how many cases (Civil or Criminal) the jirgas were sanctioned although the parties were non-Baluchis.	..	2	..	..	1
(e) Whether it is a fact that the people residing outside the jurisdiction of the Frontier Regulation have been tried under the Regulation.	No.	No.	No.	There was one such case but the offence was committed within S. F. E. area.	There were three such cases but the offences were committed within S. F. E. area.
(f) Whether it is a fact that even in trivial offences falling under sections 323, 325 and 506, Indian Penal Code, the District Magistrate has sanctioned proceedings under Jirga, and if so, in how many cases and by which of the District Magistrates.	No.	No.	No.	No.	No.
(g) In how many appeals the Commissioner in Sind has reversed the orders passed by the District Magistrates under the Jirga proceedings.	NIL.	In two cases the orders were reversed and in one case modified.	In four cases the orders were modified.	Reversed in one case.	NIL.
(h) The talukas in the Larkana District to which the Frontier Regulation is applicable.	Talukas of Sehwan, Johi, Kakar, Warah, Kamber (except dehs Elchi, Duabo Potho Ibrahim, Ratokot Jagir, Khairpurjuso, Pakho, Bhola Kalhore, Ghohgare Nathir and Sherifani which were transferred to this Taluka from Larkana Taluka) and Mirokhan (except dehs Kalar, Jalil Kalhoro, Mahomed Gujrani and Lashkrikhan Chandio which were transferred to this Taluka from Larkana Taluka).				

Khan Bahadur M. A. KHUHRO: With regard to (c) the remark is made in the statement as regards the years 1928-30 that the recommendation of the Council of Elders was not invited. May I know the special reasons why no recommendation was invited?

The Honourable Mr. G. A. THOMAS : The Council of Elders is only required to give its opinion on a question of facts and it was considered to be inconvenient to call upon it for an expression of opinion as to what the punishment should be.

Khan Bahadur M. A. KHUHRO : With regard to (d), as regards the years 1929 and 1930, is it not a fact that.....tribes and they are not non-Baluchis ?

The Honourable Mr. G. A. THOMAS : The Regulation is applicable to non-Baluchis as well as to Baluchis.

Khan Bahadur M. A. KHUHRO : Is it not a fact that the Baluchis and non-Baluchis do not agree ?

The Honourable Mr. G. A. THOMAS : That is a matter of opinion.

PRIMARY TEACHERS, PANDHARPUR : ATTENDANCE ALLOWANCE.

Mr. J. G. MORE (Sholapur District) : (a) Will Government be pleased to state how many years' attendance allowance of the Primary Teachers at Pandharpur has not been paid to them by the Pandharpur Municipality ?

(b) What is the total amount of the attendance allowance unpaid ?

(c) What action did the Commissioner take under the Municipal Act in regard to this ?

(d) Has the amount of attendance allowances due to the School Teachers been spent by the Municipality on any other Municipal works ?

(e) What action do Government intend to take in the matter ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) and (b) Government understand that the allowance is in arrears from 1st April 1925 to 30th September 1929 and from 1st July 1930. The total amount of allowance due up to April 1931 to the teachers is about Rs. 16,300.

(c) The Commissioner issued an order under section 218 (1) of the Bombay Municipal Boroughs Act, 1925, calling on the Pandharpur Municipality to pay within a period of three months the arrears of the allowance to the teachers concerned.

(d) Government do not know.

(e) The Pandharpur Municipality have represented that owing to want of funds they are unable to pay all the arrears at once and have asked for permission to pay the arrears in three annual instalments. The request of the Municipality has been granted subject to the condition that one-third of the arrears is paid within four months of the receipt by the Municipality of the orders of Government and the remaining two-thirds in April 1932 and 1933 respectively.

Mr. J. G. MORE : With regard to (a) and (b), do they not show the existence of gross negligence of duty on the part of the Pandharpur municipality ?

The Honourable MOULVI RAFIUDDIN AHMAD : They do. That is negligence, certainly.

Mr. J. G. MORE : With regard to (c), what is the date on which the Commissioner issued his order ?

The Honourable MOULVI RAFIUDDIN AHMAD : About a year ago.

Mr. J. G. MORE : With regard to (e), when did Government issue their orders ?

The Honourable MOULVI RAFIUDDIN AHMAD : About a month ago.

Mr. J. G. MORE : Will Government be pleased to see that when they give educational grants to the municipality they deduct the amount of attendance allowance from those grants and pay the attendance allowance direct to the teachers separately ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is a different matter. When we have made certain arrangements with the municipality, how can we go against them ?

Mr. J. G. MORE : With regard to (d), have Government made enquiries ?

The Honourable MOULVI RAFIUDDIN AHMAD : That question should be addressed to my honourable colleague the Minister in charge of Local Self-Government.

Mr. J. G. MORE : Have not enquiries been made ?

The Honourable MOULVI RAFIUDDIN AHMAD : That is not my department.

Mr. J. G. MORE : Is it not the duty of Government to make enquiries when a question has been tabled ?

The Honourable the PRESIDENT : The question must be directed to the Honourable Minister or Member who is in charge.

Mr. J. G. MORE : The question was directed to the Minister in charge.

The Honourable the PRESIDENT : The Honourable Minister for Education says that he is not responsible for that portion of the answer.

BARSI LIGHT RAILWAY : FENCING.

Mr. SHAIKH ABDUL AZIZ (Central Division) : Will Government be pleased to state—

(a) whether there is any fencing along the Light Railway running from Pandharpur to Barsi ;

(b) whether on account of the absence of fencing considerable harm is done to animals and there is a great danger of accident to human being ;

(c) whether complaints have been made to the department about it ?

The Honourable Mr. W. F. HUDSON : (a) The Railway line is fenced on both sides from the Willingdon Bridge (mile 31) to Pandharpur Station Yard and on the north side only where it passes the village of Papnus at mile 7/15 and from mile 20/12 to Barsi Station Yard.

(b) There have been 8 accidents involving loss of human life since the beginning of 1930 and in all cases, except one, the persons who were killed were to blame for being on the line. As regards animals, 37 were killed and 46 injured since the beginning of 1930.

(c) No.

Mr. SHAIKH ABDUL AZIZ : When even one human life was lost on account of the absence of fencing, will Government be pleased to take suitable steps to make the railway put up sufficient fencing on its line ?

The Honourable Mr. W. F. HUDSON : That is a suggestion for action which Government are not able to adopt.

Mr. SHAIKH ABDUL AZIZ : In view of the loss of a human life, is not fencing considered to be necessary ?

The Honourable Mr. W. F. HUDSON : It would be quite impossible to fence all the light railways.

Dr. V. G. VAISHAMPAYAN : What is the area to be fenced ?

The Honourable Mr. W. F. HUDSON : I must ask for notice.

**POONA SUBURBAN MUNICIPALITY : ADMINISTRATIVE
OFFICER.**

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) the reasons why Mr. Ghule's application to the Poona Suburban Municipal School Board for the post of Administrative Officer was rejected by Government when he was selected by the Local Authority ;

(b) why Mr. Mhaskar was appointed as Administrative Officer of that School Board ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Because he is ineligible under the rules to be even a Supervisor. The Director of Public Instruction informed Government that he could not recommend him as Administrative Officer.

(b) Because he was considered fit for the appointment.

PRIMARY EDUCATION CONFERENCE, POONA, AUGUST 1931.

Mr. SYED MUNAWAR : Will Government be pleased to state—

(a) whether it is a fact that a conference of representatives was convened by Government in Poona in the second week of August 1931 to discuss the desirability of amending the Bombay Primary Education Act in certain respects ;

(b) the interests represented at the conference ;

(c) whether backward, depressed and labouring classes were represented, and if so, by whom ;

(d) the decisions taken or the conclusions reached at the conference ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (b) and (c) A Conference of officials and non-officials, engaged in the working of the Bombay Primary Education Act, 1923, was held in August last to discuss

various problems connected with the Act. The invitations to the Conference were not issued on a communal basis.

(d) The proceedings of the Conference are still under the consideration of Government, and it would be premature to give them publicity.

Rao Bahadur R. R. KALE : May I know the basis on which the invitations were issued ?

The Honourable MOULVI RAFIUDDIN AHMAD : The reply says that officials and non-officials engaged in the working of the Act were invited.

Rao Bahadur R. R. KALE : May I know whether the Honourable the Minister for Education is aware, or whether the Education Department is aware, that at the last meeting of the Local Self-Government Institute a committee was appointed to consider the question in the light of a certain article which was contributed to that Institute's quarterly by myself and that that committee included members of this Council ?

The Honourable MOULVI RAFIUDDIN AHMAD : I am afraid I do not always read what the honourable member writes to the newspapers.

Rao Bahadur R. R. KALE : I am not talking of what is written by myself. I am asking whether the Honourable Minister is aware that a committee was appointed to consider the question of amending the Education Act and it included members of this House.

The Honourable MOULVI RAFIUDDIN AHMAD : I am not aware.

Rao Saheb R. V. VANDEKAR : May I know if the chairmen or vice-chairmen of district local boards or municipal school boards were also invited ?

The Honourable MOULVI RAFIUDDIN AHMAD : Some were invited, not all.

Mr. SYED MUNAWAR : Who were the non-officials who were invited to the conference ?

The Honourable MOULVI RAFIUDDIN AHMAD : I would require notice of the question.

Mr. SYED MUNAWAR : Were all the non-officials connected with the working of the Primary Education Act invited ?

The Honourable MOULVI RAFIUDDIN AHMAD : I think they were.

CIVIL COURTS, SATANA AND BHIVANDI : ABOLITION.

Rao Saheb R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state whether they intend to abolish the civil courts at Satana in the Nasik District and Bhivandi in the Thana District ?

(b) If so, were there any proposals for such abolition from the Judicial or other departments on the ground of there being very little work ?

(c) Have they consulted public opinion in the matter ?

(d) If not, do they now intend to consult the public concerned before arriving at any decision in the matter ?

The Honourable Mr. G. A. THOMAS : (a) Government have no such intention at present.

(b), (c) and (d) Do not arise.

DIRECTOR OF INFORMATION : ANNUAL REPORT.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) whether the Director of Information annually publishes his report ;

(b) if so, whether copies of the report are supplied to the members of the Legislative Council ;

(c) if not, the reasons therefor ?

The Honourable Mr. G. A. THOMAS : (a) No.

(b) and (c) Do not arise.

**BILL No. XXX OF 1931 (A BILL FURTHER TO AMEND
THE BOMBAY VILLAGE SANITATION ACT, 1889).**

(As amended by the Select Committee.)

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir, I beg to present the report* of the select committee appointed by this honourable House to consider this Bill. I do not think it is necessary at this stage to enter into the details of the Bill as amended by the select committee, as the provisions of the Bill have been very carefully gone through by this House even before they were referred to the select committee, and they are in a position now to suggest if any further amendments are necessary.

I may, Sir, take this opportunity of inviting the attention of this honourable House to the personnel of the select committee. Out of the 12 members, no less than six were or are the presidents of district local boards, two are Divisional Commissioners who have got very wide experience of the working of district local boards, one is the Secretary to Government in the Local Self-government Department with very wide experience of the working of village sanitary committees and boards as Collector, and there were other important members on it. In view of the fact that almost every one of them is well acquainted with the working of village sanitary committees and boards, I hope the House will now be pleased to accord the authority of their sanction to this Bill and pass it into law.

Sir, regard being had to the magnitude of the dangers involved in requiring the inhabitants of villages to accept responsibilities heavier than they would be prepared to undertake or efficiently discharge, the committee was almost unanimously of the opinion that the less complicated the provisions of the Bill, the better for the inhabitants of the

* Vide Appendix 14.

[Sirdar Sir Rustom Jehangir Vakil]

village, for whose benefit this Bill is intended. Consequently, the preparation of the electoral roll, as suggested by the honourable member Mr. A. N. Surve, was not made obligatory. The possibility of the claims and rights of a voter being ignored is very remote, in view of the fact that there will always be the police patil or other village officers and leading members of the communities of the village present at the election to help to regularise the elections, and it was recognised that the insertion of a provision for the preparation of an electoral roll would be rather too elaborate a machinery for a village sanitary board. If, however, this honourable House insists upon such a provision being inserted, I have no objection, but my only request to this honourable House is that we must try and make this Bill as simple and as economical in working as possible.

With regard to the preparation of model rules, suggested by the honourable member Mr. A. N. Surve, I can assure him that we shall take very early steps to make model rules, and in course of time the work of the preparation of model rules will be taken in hand.

I am not at all clear as regards the minute of dissent of my honourable friend Rao Bahadur Bhimbhai Naik who says :

“ I however reserve the right of moving an amendment or amendments to any section or sections of the Act, which are not sought to be amended under this Bill if I will be allowed to do so.”

It would have been very much more convenient if the honourable member had brought this fact to the notice of the select committee. But he was quite silent on that point, and now, at this late stage, he has chosen to send in this minute of dissent, and it is left to you, Sir, to decide whether the amendment of the sections which have not been contemplated by the Bill would be in order.

After this short resume of the salient features of the report of the select committee, I hope, Sir, that the report will be accepted by this honourable House.

The Honourable the PRESIDENT : The report of the select committee is presented.

Mr. V. A. SURVE (Ratnagiri District) (Addressed the House in Marathi) : Sir, I rise to a point of order. Under Standing Order VIII, 6 (4), the select committee's report has to be translated into the various vernaculars and published in the *Government Gazette*, and the select committee itself has recommended into what vernaculars the report and the Bill as amended should be translated. We have not yet received copies of the translations, and I submit that until the translations are made available to us, the Bill should not be proceeded with.

The Honourable the PRESIDENT : There is no point of order, but I think there is a very substantial grievance. There is no doubt that honourable members who cannot follow the English language are entitled, under the Standing Orders, to the translations of the Bills and the select committee's reports. But in the present case the fault may be traced

[The President]

back to the House, if I may be allowed to say so. The House remembers that the select committee was called upon to report during the session,— within seven days from the date on which the Bill was referred to the select committee. The seven days expired yesterday (may I request some honourable members to explain to the honourable member Mr. Surve in his vernacular after I finish), but I understand that before that the Council Office hurried on and prepared cyclostyle copies of the Bill as amended and of the report of the select committee, and distributed them among the honourable members, and the printed copies were received yesterday. According to the recommendation of the select committee, the Bill has been sent to the Oriental Translator to be translated into the various vernaculars, and he has been asked to send the translations on to the Government Central Press for printing.

Ordinarily, I should think that the request of the honourable member that the Bill should not be proceeded with further until he is in possession of the translation would be reasonable, but the circumstances of this particular Bill were different. Besides, he might try to follow the Bill through the translation of the original Bill which has already been supplied to him, and the few alterations here and there could be pointed out to him by his colleagues sitting by him. We could thus get on with the Bill. However, it must be borne in mind by the House that they themselves called upon the select committee to make the report within seven days. They must see now that the difficulty which comes in the way of the honourable member who makes this grievance is of their own creation. Government also should see that they do not insist upon hurrying up a Bill, when all honourable members cannot be ready with the details of those Bills. I do not know how I can help the honourable member, unless the Minister is agreeable to postponing the Bill to a further date in this session until the translation is received. I think the honourable member will help the House by expediting the proceedings, under the circumstances I have stated, and agree to the proposal to go on with the Bill as best as he can.

Mr. V. A. SURVE: If I do not get the translation to-morrow, I will ask for a further postponement.

Rao Bahadur R. R. KALE: On page 234 of the Manual the Standing Order relating to this says:

"The Secretary shall cause every report of a select committee, with any minutes of dissent thereto and the Bill, if amended, to be printed, and copies thereof shall be made available for the use of each member of the Council. The report, with minutes of dissent and the Bill, if amended, shall be published in the *Gazette* in such languages as the Select Committee may direct."

My point is whether the second reading of the Bill could be moved before this requirement is complied with. The select committee has recommended that it should be translated. The peremptory provision is that it should be published in the languages recommended by the select committee. The Bill is published in the *Gazette* in English; but the translations have not been published. It is for the benefit of the

[Rao Bahadur R. R. Kale]

members that the translations should be published. I do not think that the spirit of the Standing Order is that the Bill may be proceeded with, even though this requirement has not been complied with.

The Honourable the PRESIDENT : I think this very same point was raised in the last Council, if I remember rightly, by Mr. Nariman. It was pointed out by me then that the further progress of a Bill under the Standing Order as it stands cannot be impeded, because of that fact. Although in spirit and in fact the honourable member from Satara (Rao Bahadur Kale) is right, as was Mr. Nariman, that the translations should be published before the Bill is taken up for second reading, I had pointed out then, and I repeat it again, that it is up to the House to amend the Standing Order and make it compulsory that the second reading shall not be proceeded with unless this provision is complied with. There is a further difficulty. On page 235, Standing Order VIII, 8 (2) (a) says :

“ That the Bill as reported by the select committee be read a second time either at once or on some future date to be then stated ; provided that no such motion shall be made unless copies of the report, of minutes of dissent and of the Bill, if amended, have been despatched to each member 15 clear days before the date appointed for the session of the Council at which the report is presented, unless the President in exercise of his power..... ”

Now, the House itself decided, within its right and in spite of the provisions of this Standing Order, that the select committee should report on the Bill within seven days. If that is the mandate of the House, the President has to waive the provisions of this Standing Order and allow the Bill to be taken up for the second reading. All Standing Orders are to be taken in their practical light. There are difficulties which stand in the way of certain sections of the House and there are difficulties which facilitate the action of certain other sections of the House. But I think, if honourable members are serious, as they appear to be, they should take the first opportunity to amend the Standing Order.

Mr. V. A. SURVE : I request you, Sir, to at least postpone it till to-morrow. I shall try to get it translated to me by some of my honourable friends.

The Honourable the PRESIDENT : I would again ask the honourable member to consider the matter seriously. If he wishes to do so, he can move under Standing Order IV, 4.

Mr. V. A. SURVE : I move, under Standing Order IV, 4, that the further consideration of the Bill be adjourned till to-morrow.

The Honourable the PRESIDENT : What has the Honourable Minister to say ?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : It is for your department, Sir, to say whether the Bill will be ready to-morrow with the translations. If it is not possible, there is no meaning in postponing the consideration of the Bill till to-morrow.

Rao Bahadur G. V. PRADHAN : The honourable member Mr. Surve said that he would get the Bill translated for him by some of his friends.

The Honourable the PRESIDENT : I am sorry I misunderstood him. I thought he said so.

Rao Bahadur G. V. PRADHAN : Later on he said that he would get it translated by some of his friends.

The Honourable the PRESIDENT : It would serve his purpose if the amended clauses of the Bill are translated to him. That would not take much time. If the Honourable Minister would agree to postpone the second reading for a few hours, the honourable member would get himself ready with the changes that have been made in the Bill by the select committee.

The Honourable Sir GOVINDRAO PRADHAN : Government business which still remains, consists of supplementary grants and the motion about Public Accounts Committee Report, which may take about a couple of hours. So, we thought that the session might be over this evening. If within two hours the honourable member will be ready, we can in the meantime proceed with other Government business.

Mr. V. A. SURVE : I want to be present for the remaining Government business also.

The Honourable the PRESIDENT : It will be inconvenient to the whole House. I shall put the question.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir I have one remark to make, namely, that if the present session is likely to be over to-day, would it be worth while to have one more day for this Bill ? [*Honourable Members* : "No, no."] Of course, I have no objection whatever if the consideration is postponed for a few hours or even taken up after tea. But it is for you to consider, Sir, whether it is worth while postponing it till to-morrow.

The Honourable Mr. G. A. THOMAS : May I know what will be the cost of postponing it if an extra day's session is the consequence ?

The Honourable the PRESIDENT : All these points are for the House to consider. The motion must be put under the rules, and if the House agrees with the views expressed on the Government side, they will not postpone the consideration till to-morrow.

Question put, and negatived.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir,
 I move that Bill No. XXX of 1931 (A Bill further
 Second reading. to amend the Bombay Village Sanitation Act, 1889)
 be read a second time.

Question proposed.

Rao Bahadur B. R. NAIK (Surat District) : Sir, before you take up the Bill clause by clause, I wish to know whether I will be in order in moving the amendment to section 8 of which I have given notice to the Secretary. It is no doubt an amendment to a section which was not sought to be amended by the original Bill. But the statement of objects and reasons says that the principle of the Bill is to introduce the elective principle into these institutions. My amendment seeks to introduce the

[Rao Bahadur B. R. Naik]

elective principle into the sanitary committees as well as in the sanitary boards. As regards the remarks of the Honourable Minister that the matter was not raised in the select committee, I may state that I did raise the question whether it would be in order to propose amendments to sections which were not sought to be amended by the Bill, and he said "No". Therefore, I could not press this point in the select committee. If I am within my rights in proposing this amendment, I hope the Honourable Minister would be glad to accept it. The Honourable Minister has extended the elective principle to sanitary boards; why should he not extend it to the sanitary committees also?

The Honourable the PRESIDENT: The Honourable Minister was perfectly right in saying "No" to that amendment in the Select Committee.

Rao Bahadur B. R. NAIK: He said that no amendment to any section that was not sought to be amended could be moved.

The Honourable the PRESIDENT: He was perfectly right there. The amendment which the honourable member seeks to move goes beyond the scope of the Bill. The Bill does not lay open the whole Act. The preamble is our guide. It says: "Whereas it is expedient further to amend the Bombay Village Sanitation Act, 1889, in manner hereinafter appearing." As I said the other day, if the preamble is what they call technically an open preamble, laying the whole Act before the House, then any section can be taken into consideration. But here the preamble says "in manner hereinafter appearing," and, therefore, no section other than that which is indicated can be touched. Therefore, the amendment goes beyond the scope of the Bill. The second reason is, the principle of the original Bill is the introduction of the elective principle into the sanitary boards. The honourable member's amendment aims at extending that principle to the sanitary committees also. So, the amendment is an amendment of principle, and should have been moved at the first reading and not at the second reading. The amendment is evidently out of order.

Rao Bahadur R. R. KALE (Bombay University): Sir, I understand the motion for the second reading is before the House. I should like to make a few remarks. It is very unfortunate that the Act is supposed to be amended only in certain particulars. But, as a matter of fact, the Act contains only 46 sections, and the Bill has taken stock of almost all sections, beginning from section 5 up to section 45. I presume, therefore, that this is not merely an amending Bill in the sense that it proposes a change here and there, but a Bill which seems to overhaul the whole Act. If my contention is right, the honourable member from Surat should have the right to move his amendment. Anyhow, as the President has ruled that it cannot be done, that furnishes another ground for me to oppose the second reading of the Bill. I had opposed the first reading also, because, in my opinion, this measure is very halting and out of date, and we are afraid that although the Honourable Minister for Local Self-Government has stated that he is going to introduce the

[Rao Bahadur R. R. Kale]

Village Panchayats Bill, if we pass this Bill, the Village Panchayats Bill will be delayed. If we refuse to pass this Bill now, the revision of the Village Panchayats Bill will be expedited and the provisions of this Bill can be incorporated in that enactment. I do think, therefore, that even at this stage the Bill should not be proceeded with. The Act has come to be amended after forty years, but after passing the first reading the select committee is asked to report in seven days. Apart from the hurry, the honourable member, from Ratnagiri who does not know English has had no translation furnished to him. I do feel that the Standing Order relating to the publication of the Bill in the *Gazette* in the various vernaculars is intended to give full notice to the public, as well as to honourable members of the report and of the amendments made by the select committee. Considering all these things, I do not see why the Honourable Minister for Local Self-Government should be in a hurry to carry the second reading in this very session. I know it means delay. But if a Council session is going to be held before February, Government should not have decided to hold a session in September at all, because we find that the measures which have been placed before us at this session are not of an urgent nature, and they could very well have waited till Government were ready with their other Bills. We are told that the expense of holding a session is enormous. I think, therefore, that Government would have been well advised in convening the session when they were ready, for instance, with the Succession Duty Bill or the Retrenchment Committee's Report. Those were the more important items. What Government business have we done during this session? Only formal Government business. I submit that there was no hurry about calling the session, but, having called it, I do not think there is any hurry about passing the second reading of this Bill. And, as I said, these provisions can be incorporated in the Village Panchayats Act which is still under the consideration of Government. The whole machinery requires to be overhauled. This measure, as I remarked at the first reading, is a sort of attempt to resuscitate a measure which is almost moribund. I therefore think that the House will be well advised in opposing the second reading of this Bill.

Mr. B. S. KAMAT: Sir, I am inclined to agree with my honourable friend from Satara (Rao Bahadur Kale) in his criticism about this Bill. He emphasised the point that there was no urgent necessity of bringing in this Bill. Apart from the question of urgency, even supposing the Honourable Minister were to bring in this Bill before this House, say, two or three months hence, still I would object. My objection to the Bill is not on the ground that it has been rushed through this session, but on the ground that if this House passes the Bill, it is tantamount to saying that when the Village Panchayats Bill comes in, that Bill may not be as comprehensive as it should be.

I cannot conceive, Sir, that two agencies—a dual control—in a village, are possible. If you have sanitary committees with certain powers, such as are given in this Bill, and if also you have Village Panchayats

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functioning in the district, I do think there may be certain spheres of work in the villages where these two agencies will overlap. Or, on the other hand, if really the sanitary board functions with success, it means so much of detraction of the powers and the functions to be allotted to the Village Panchayats. You are giving certain limited powers to the sanitary committees—powers of only looking after the sanitation of the village—and these powers again are subject to so much of control by the Collector. Even the budget, for instance, to be framed by the sanitary committee is to be submitted to the Collector and he has to modify it between January and March each year, and it is that modified budget which the sanitary committee can enforce. Now, if these are the powers of the sanitary committees, limited as they are, when the Village Panchayats are introduced in certain areas, it means they function without these powers. It is tantamount to saying that, so far as sanitary powers are concerned, it will be no concern of the Village Panchayats.

Then, again, you are providing under this Bill that the power of holding, changing, buying and transferring property, will vest in the sanitary committees. I take it then; *ipso facto* the Village Panchayat will have nothing to do with holding, changing, buying, or transferring property in certain areas in the district. I cannot conceive of a Village Panchayat without these absolutely necessary powers.

Rao Bahadur S. N. ANGADI : May I correct the honourable member, Sir? The idea is not to give a Village Panchayat and a sanitary committee to the same village.

Mr. B. S. KAMAT : Yes, but there might be villages where both sanitation and other activities of village life may have to be looked after. In that case, the two kinds of institutions might overlap. On these grounds, Sir, I think that the House need not be in such a hurry to give its assent to this Bill before they see the Panchayats Bill. This Bill can be held up for two, three or six months till the Village Panchayats Bill is ready. With that Bill before us we shall be in a better position to see whether we cannot give comprehensive powers to the same organisation without unnecessary overlapping or undermining the authority of either of the institutions, viz., a Sanitary Committee and a Panchayat.

Rao Bahadur G. K. CHITALE (Ahmednagar District) : Mr. President, I am sorry to see, Sir, that there is a good deal of misapprehension on this point. It appears to me to be quite clear. The functions of the sanitary committee, or, for the matter of that, the sanitary board and of the Village Panchayat are quite different; and I take it that by this Bill it is intended to set up sanitary committees or sanitary boards in those small villages which may not be ripe for the planting of Village Panchayat institutions.

The objection that has been raised, namely, that there will be dual control, will not hold, because the Village Panchayats Act contains this very power under the chapter which describes sanitary committees and sanitary boards, just as we find that in the Local Boards or Municipal Acts there are certain chapters governing these particular duties, namely,

[Rao Bahadur G. K. Chitale]

sanitation, etc. It is from that motive that I have consented to and signed the report. I ask the other side who are opposing the second reading: Do they think that the time will come when all villages will be ripe at one and the same time for the village panchayat system, even if the Village Panchayats Bill is passed in accordance with the desire of every one? I speak with a certain amount of experience, because I know the system very well. There are about 1,750 villages in my district. I think the villages having a population of 1,000 and over may be said to be ripe for village panchayat system. There are some villages having a population of 400 to 450 and 500 to 1,000, and with a few exceptions, they cannot be said to be ripe to have this system. These small villages are scattered all over the district. Can we expect that such small villages, with a few exceptions, will ever be ripe all at once to have the panchayat system? The system will break down. I will ask, and rightly ask, will they be ripe to have village sanitary committees? There my answer is an unequivocal "Yes." What is, after all, a sanitary committee? Why do you bewilder yourself by saying that the sanitary committee is such a technical institution that people will not understand it? After all, sanitation is one of the first necessities of life, wherever you may live. That is understood very well even by the nomadic tribes who have small tents and small huts put up in vacant land when they move about after a day or two. What is intended by this is nothing more than to put in certain simple clauses controlling them wherever necessary. That at least I suppose is the scope of this Bill. Read it wherever you like, what does it say? It says that there shall be a certain fund. They give it a very big name and call it a budget, and so on. I myself was just seeing that word in the Act itself, but I do not know how that word got in again. I thought that it was likely to bewilder the House and I suggested a phraseology more in keeping with statement of revenue and expenditure—statement of revenue and expenditure of the assets that are collected and of the expenses that are going to be made on sweeping, putting up small things, and cleaning up the houses in villages with small populations. It is suggested that the Collector will be overburdened with having to look into so many budgets. I take it that these are all imaginary difficulties which will not bewilder the administrative officers. In the Central Provinces, I may tell the honourable House, the budgetary control of municipalities and local boards is centralised in the Government. They have to look into all these budgets; they got their freedom since the enactment of the first Act, and I am surprised that it is still maintained that these small statements of expenditure and revenue are going to bewilder administrative officers like Collectors. For instance, may I put a cross question, namely, when the district local boards are supposed to look after the budgets of these village panchayats when started, are they bewildered? They are simple statements of revenue and expenditure which are passed on and looked into in the office to see whether they come within that particular grant or not and so on, and if any particular necessity arises for special sanction, that is usually given. I should think, therefore, that now that the Bill is introduced,

[Rao Bahadur G. K. Chitale]

we should go on with it. If it was not introduced at all, if the second reading was postponed, I would not have very much minded it as I said at the first reading, but now that the first reading is over and the select committee has reported, and has spent its brains on it, let us pass it—

Rao Bahadur G. V. PRADHAN : Brains ?

Rao Bahadur G. K. CHITALE : Yes. Let Government plant these institutions if they like. One may ask why I want to make it an obligatory duty on Government to put in these institutions after the passing of this Act. I say it does not matter much to me. If it is true that this Sanitary Act is being passed in the interests of the villages and that Government is in such a hurry, I agree to it ; only let that experiment be made on as large a basis as possible.

I was told that the scope of the Bill was one of a voluntary character and, therefore, I was not able to enlarge it into one of compulsion. I was certainly silenced, but I am not without hope. Even though the voluntary character may be there, if the Government wishes and if all of us are really willing to help the villagers, then I say the thing could be achieved. I am told, "who is going to listen to me?" I say "all those who wish to do good work in all these villages." With these remarks I support very heartily the second reading of this Bill.

Rao Bahadur R. R. KALE : May I know how many sanitary committees are functioning in the Central Division from 1888 to 1931 ?

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : Sir, after what my honourable friend Rao Bahadur Chitale has spoken in reply to certain of the honourable member Mr. Kamat's observations, I do not think it is necessary for me to repeat the same thing, except to say that the honourable member Mr. Kamat is obviously working under a very erroneous notion with regard to the functions of the village sanitary committees, and the sanitary boards and the village panchayats. Wherever one is existing, the other would not come in. That is one thing certain. [Interruption.] If the Village Sanitation Act is to be applied to a certain area where there is a village sanitary board or committee, then the latter will cease to function—the latter will yield place to the former—that is very clear, and so there is no question of overlapping.

The Honourable the PRESIDENT : What is the authority for the statement which the Honourable Minister has made ? I mean we have not the Panchayats Bill before us. Probably the Honourable Minister himself has not seen the final draft of the Panchayats Bill and I do not know whether the Honourable Minister has finally decided to commit himself to any statement. I mean that is creating an impression on this side of the House which cannot strictly be justified.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL : That is what is happening to-day. Even now there is a Village Panchayats Act in existence, and wherever the Village Panchayats Act applies, the Village Sanitary Committees or Boards cease to exist. The same principle will continue when the new Village Panchayats Act is brought into being.

[Sirdar Sir Rustom Jehangir Vakil]

My honourable friend Mr. Kamat again seems to assume that the powers conferred by the Village Panchayats Act will be less than the powers now given to the village sanitary committees and village sanitary boards. That is not the case. The village sanitary committee is the smallest thing; then comes the village sanitary board and then comes last the village panchayat. So, the village panchayat will contain much wider powers. I do not think I need say anything more than that.

Bill read a second time. Question, "That the Bill be read a second time," put, and agreed to.

Bill read clause by clause.

Clause 1 (*Short title*) ordered to stand part of the Bill.

Clause 2 (*Amendment of section 12 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 3 (*Amendment of section 16 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 4 (*Amendment of section 17 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 5 (*Amendment of section 18 of Bom. I of 1889*).

For section 18 of the said Act, the following shall be substituted, namely:—

"18. *Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.*—Any sum of money of which the expenditure is authorised by the Sanitary Committee may be raised by voluntary subscription or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source:

Provided that—

(1) the aggregate amount to be recovered by such rate from the inhabitants of any village in any year shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from such village;

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector, whose decision shall be final."

Mr. R. B. EWBANK: Sir, I have two amendments to move to clause 5 of the Bill as it has emerged from the select committee. It has been brought to the notice of Government that though, on the second day of their sittings the select committee made two additions to the two provisos of clause 12, they, possibly by oversight, did not make corresponding additions to the two provisos of clause 5 which correspond to the provisos of clause 12. I therefore move the following amendments:

"In clause 5, line 3 of the first proviso to the proposed new section 18, after the word 'not', add the words 'except with the permission of the Collector (for reasons to be recorded by him)'. "

"In clause 5, last line of the second proviso to the proposed new section 18, for the word 'whose', substitute the words 'within thirty days of the said inhabitant being notified thereof and the Collector's'."

The reason for these amendments is that the additions which were made on the second day should be carried back to the provisos which were passed on the first day, and this point has been overlooked.

Question proposed.

Mr. A. N. SURVE (Bombay City, North) : Sir, I would like to ask one question and it is this, that the present amendment is being moved by the honourable member Mr. Ewbank, who was a member of the select committee and who has signed the report without showing any disassociation with the contents of that report, and therefore I would like to know whether he could, under the existing practice, propose an amendment to the provisos which were settled by the select committee. Of course, if I were to move an amendment, I think it would be in order, because I have signed the report subject to a minute of dissent, but that is another matter. Therefore, I submit that as the report was fixed in the select committee, and the honourable member the General Secretary was a signatory to it without dissent, he cannot move an amendment at this stage.

The Honourable the PRESIDENT : What is the honourable member's authority for the objection ?

Mr. A. N. SURVE : There is no specific authority. I am relying on the practice, namely, that if we want to move amendments, we always sign the report subject to a minute of dissent.

The Honourable the PRESIDENT : I do not think that there is anything in the Standing Orders against it. I think there have been instances in the past where Government members have followed a similar course. I think, in the case of the University Bill, the Honourable Minister in charge (Dewan Bahadur Harilal Desai) moved amendments and they were allowed. This is, as has been stated by the honourable member the General Secretary, an after-thought. The matter has been brought to the notice of Government, and this is merely an attempt to remove an inconsistency. That is all.

Amendments put, and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 5A (*Insertion of new section 18A in Bom. I of 1889*) ordered to stand part of the Bill.

Clause 6 (*Amendment of section 19 of Bom. I of 1889*).

For section 19 of the said Act, the following shall be substituted, namely :—

"*Constitution of Sanitary Boards.*—(1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than two-thirds shall be elected; provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub-tenant a building or other immovable property therein and not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting shall be given by posting it at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president :

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf."

Mr. A. N. SURVE (Bombay City, North) : Sir, I beg to move an amendment to clause 6, which reads as follows :

In paragraph 19 (4) to the last sentence, between the words " meeting " and " shall " add the following words, viz., " together with a list of persons eligible to vote at it ", and in the last line between the words " posting " and " at " insert the word " them " for the word " it ".

The whole sub-section, as amended, will read as follows :

" The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting, together with a list of persons eligible to vote at it, shall be given by posting them at the chavdi at least fifteen days before the date of the election."

The point involved is this. The procedure as contemplated for holding elections is that the Collector is to frame rules for regulating elections, but there is no obligation that an electoral roll shall be prepared, and when an election is to take place, the mamlatdar will put up a notice at the chavdi that an election will be held on a certain date and he will call the electors there, but there being no list of electors, it will be difficult to know who is or is not an elector. Again, Sir, it will be seen that under sub-paragraph (5) of paragraph 19 the election is to be either by a show of hands or by ballot. Of course, if it is by ballot, there will be some sort of record, but if it is by a show of hands, there will be no record at all. The difficulty would be this. If there is no list of electors prepared, then the electors will come to the election station and there will be confusion as to whether a person who has come there has the right or has not the right to vote, and if there is such a confusion it means that the election will be thrown into disorder. Supposing the man has the right to vote, but the mamlatdar says that he is not eligible, then under the last sentence of sub-section (6) it is open to the man to appeal to the Collector. Suppose he does go and appeal and wins the appeal, and the Collector says that he is eligible to vote, by that time the election will have taken place. In that case, where is the use of his succeeding in an appeal ? But the greatest difficulty is this, that the agents of a candidate may bring in persons who are not residents of the village itself, and there is every likelihood of abuses being practised.

[Mr. A. N. Surve]

For that reason, I submit that if the election is to take place, there should be an electoral roll. It adds to the safety of the electors. I have never come across any election in which the persons entitled to vote are not registered. You cannot have a third list under which anybody who comes there and satisfies certain qualifications laid down by the Collector is eligible to vote. In all the Acts under which elections take place in this Presidency there is an obligation placed that there shall be a list of electors. The Bombay Electoral rules, the rules of the Bombay City Municipality, the rules under the Local Boards Act etc., prescribe that a list of voters shall be prepared. Therefore, simply to say that because this is a small unit and therefore there should be no electoral roll is a thing which I cannot understand. With these words, I place my amendment before the House, and leave the matter in the hands of the House.

Question proposed.

The Honourable Sirdar Sir RUSTOM JEHangIR VAKIL: Sir, as I have already explained, this amendment is not quite necessary. Sub-section (3) gives the qualifications of a voter. It says:

“ Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub-tenant a building or other immoveable property....”

Now, a person possessing all these qualifications is not likely to be lost sight of in a village. However, it is an innocuous amendment, and I have no objection to accept it.

The Honourable Mr. G. A. THOMAS: Sir, I propose an amendment to the amendment. It is purely a matter of English. The amendment is:

For the words “ between the words ‘ posting ’ and ‘ at ’ insert the word ‘ them ’ for the word ‘ it ’ ” substitute the words “ for the words ‘ given by posting it ’ substitute the word ‘ posted ’.”

That makes it very much better English.

Mr. A. N. SURVE: I accept the amendment to my amendment.

The Honourable the PRESIDENT: The amendment will now be:

In paragraph 19 (4) to the last sentence, between the words “ meeting ” and “ shall ” add the following words viz., “ together with a list of persons eligible to vote at it,” and in the last line, for the words “ given by posting it ” substitute the word “ posted ”.

Question put, and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (*Amendment of section 21 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 8 (*Repeal of section 26 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 9 (*Amendment of section 27 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 10 (*Amendment of section 28 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 11 (*Amendment of section 29 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 12 (*Amendment of section 30 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 13 (*Insertion of new sections 30A to 30G in Bom. I of 1889*) ordered to stand part of the Bill.

Clause 14 (*Amendment of section 31 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 14A (*Amendment of section 32 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 15 (*Repeal of section 39 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 16 (*Amendment of section 40 of Bom. I of 1889*) ordered to stand part of the Bill.

Clause 17 (*Amendment of section 41 of Bom. I of 1889*) ordered to stand part of the Bill:

The Preamble ordered to stand part of the Bill.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL : Sir,
Third reading. I move that Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889) be read a third time and passed.

Bill read a third time. Question put, and agreed to.

The Honourable the PRESIDENT: The Bill is read a third time and passed into law.

DEMANDS FOR SUPPLEMENTARY GRANTS.

Excess grants* to cover excesses shown in Appropriation Accounts for 1929-30.

The Honourable Sir GOVINDRAO PRADHAN : Sir, to regularize the accounts of the year 1929-30, as pointed out by the Accountant General and the Auditor General, certain supplementary demands have got to be made. These demands were placed before the Public Accounts Committee. The members of that committee have seen the reasons and have sanctioned that the demands should be made in the House, and they have consented to the regularisation. So, I make a demand for Rs. 50,255 under 6-Excise (Transferred). I make a demand for Rs. 914 under 9-A-Scheduled Taxes (Reserved). I make a demand for a supplementary grant of Rs. 73,605 under 24-Administration of Justice (Reserved). I make a demand for a supplementary grant of Rs. 29,746 under 32-Medical (Transferred). I make a demand for a supplementary grant of Rs. 13,988 under 42-Bombay Development Scheme (Reserved).

* Vide Appendix 15.

[Sir Govindrao Pradhan]

I make a demand for a supplementary grant of Rs. 30 under 52-Extraordinary Charges (Reserved). I make a demand for a supplementary grant of Rs. 48,825 under 60-B-Commuted Value of Pensions (Reserved).

Question put, and agreed to.

Token grant of Rs. 10 in connection with reconstructing the sidewalls of the Karachi-Malir Road.

The Honourable Dewan Bahadur S. T. KAMBLI: Sir, I move for a token grant of Rs. 10 under 41-Civil Works, partly reserved and partly transferred. All the circumstances and facts relating to the demand for this grant are fully and amply described in the printed statement* that has been circulated to honourable members. I do not think that it is necessary for me to add anything to what is contained therein. I hope the House will agree to the grant being made.

Question put, and agreed to.

Construction of a Feeder channel to supply water to certain canals in the Khairpur State.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a token grant† of Rs. 10 under 55-Construction of Irrigation Works (Reserved)—Lloyd Barrage and Canals Construction.

Question proposed.

Khan Bahadur M. A. KHUHQRO (Larkana District): Sir, in the note it is shown that 43·8 miles of feeder canal are to be constructed for the Khairpur state authorities. It is stated:

“ Provision was, however, made in the sanctioned project for such a channel (Khairpur Feeder West) for a length of 1·4 miles only on the understanding that the remaining length (43·4 miles) would be constructed by the State at their cost. It now transpires that this understanding was based on a misapprehension of the intentions of the State at the time the project was prepared. The State authorities have now represented that the full length (44·8 miles) of the feeder is required to maintain the full supply of water to the State canals which they were getting before the Barrage was constructed and as this situation has arisen wholly on account of the construction of the Barrage, the entire cost of the total length of the feeder should be borne by Government.”

So far as I remember, it was originally understood that the Chief Engineer of the Lloyd Barrage, Mr. Harrison, had discussed the matter with the State authorities and that it was decided that a feeder of 1·4 miles only should be constructed. It is for the first time we learn in this House that the whole length of 44·8 miles should be constructed by this Government, which is entirely for the benefit of the State lands. I think that Government should stick to the original understanding that only 1·4 miles of the feeder canal should be constructed. The total cost of constructing the 44·8 miles of feeder canals is stated to be Rs. 10,47,620, although about two lakhs are to be expended this year. This is a fairly large sum and, in the present financial stringency, the Government of Bombay would not be justified in spending this amount on behalf of the Khairpur State. Perhaps the mistake was that Mr. Harrison did not draw up a written agreement with the State authorities. I hope the honourable member will further explain this point.

* *Vide* Appendix 16.

† *Vide* Appendix 17.

Rao Bahadur G. K. CHITALE (Ahmednagar District): Sir, though this is a token grant, it should not be allowed to be sanctioned without a vigorous protest from this House. The whole history of this including the financial aspect is given in the note. I wonder how it was such a misunderstanding could have arisen over the discussion on such important matters. It is stated on page 13:

Secretary, Political Department, explained that the early negotiations in the matter of the use of the Khairpur lands and for the sharing of Khairpur in the Barrage project took place demi-officially between His Highness the Mir and the Chief Engineer, and no official agreement was ever passed. This accounted for the misunderstanding to which the note refers. He pointed out that the construction of the Western Feeder was essential for the success of the State subsidiary canals which had been deprived of their command of water by the Barrage canals. Not only would the State canals fail to get their old supply, but it would be impossible for the additional cultivation, which had been estimated for, being taken up. There would therefore be no security for the repayment of the debt which the State already owed to the Bomlay Government on account of their share in the construction of the Barrage itself. The cost of the Western Feeder will therefore have to be debited to the Barrage estimates. The State, after the Bomlay Government had refused to undertake the construction of this Feeder, had demanded arbitration, and Government were now advised that the evidence of the agreement with the State to undertake this work itself was insufficient. The Bomlay Government had therefore decided to accept the liability.

Having regard to the carefulness with which these estimates are drawn up and reported with the forecast of the financial aspect, I fail to see how such a mistake could have occurred, when the Bombay Government had made itself responsible only for building a feeder of 1·4 miles. Now it is asked to take upon itself the construction of a feeder of 44·8 miles at a cost extending over 10 lakhs. Perhaps in order to recover the debt due from the Khairpur State this is undertaken. It is stated in the note:

In reply to questions from the Committee about the security for the existing debt, the Secretary, Political Department, stated that a legal agreement was now being drawn up. The State had definitely accepted the debt incurred. It was expected that the debt would be fully recovered from the increased State revenues due to the introduction of new canals.

We do not know what the amount of the total debt is. I have a faint impression that it might be between 40 and 50 lakhs. In order that our debt may be repaid, we are making a present of 10 lakhs of our revenue under the present state of our finances. I may as well point out that this mistake could not have remained unnoticed until now. The Barrage is being built for a long time. So, it stands to reason to assume that the Barrage authorities including the engineers were oblivious of the fact that there was no legal binding—legal agreement—with the State when they opened the canals which guaranteed water supply to a certain area of land and promised the Khairpur State to give them some feeder to which they were entitled. The House has not been taken into confidence with regard to any correspondence or any original agreement there might be. On page 57, in paragraph 219 of the Report on Rohri Canal Project including Khairpur State Feeders, it is stated:

" Each British Canal has been debited with a share of the total cost of the Barrage plus accumulated interest during construction in proportion to the total final anticipated area of cultivation, Kharif plus Rabi, to be done by each such canal.

220. In the case of the Khairpur State, the area on which its share of the Barrage has been calculated, has been taken as the Kharif cultivation only, no charge being made for the very valuable boei Rabi which is allowed for.

[Rao Bahadur G. K. Chitale]

Thus the area charged for is 303,000 acres of Kharif cultivation. Details of the charge are shown in Part XII of this Volume, Statement B-1 of Financial Forecast."

May I know from the Honourable Member in charge whether this amount is going to be added to the debt or is it going to be a free gift to the State in order to get out of the liability which Government themselves think they are liable for? I do not see why they themselves should not accept the proposal of arbitration. If there were any doubts between the State authorities and themselves, why should they have taken it upon themselves to decide when the Khairpur State was good enough to offer them an arbitration? It raises a doubt unnecessarily in the mind of the House when a token grant of this kind is asked for and, if it is given without any protest, I think it will be a bad precedent. I therefore oppose this.

The Honourable Sir GHULAM HUSSAIN: Sir, before the infection spreads, I wish to intervene at this stage to make a few remarks. When the Bombay Government proposed to undertake the Lloyd Barrage, they asked the Khairpur State whether they would like to have the benefit of the Barrage. The Khairpur State said that they did not care whether this Government moved in the matter or not. As a paramount power they moved in the matter and thought if they did anything and asked the State to contribute, they would do so to some extent. But from the beginning, they were unwilling to contribute. For the headworks, it was a very clear understanding that they should pay 41 lakhs. As regards these feeders, East and West, there was a certain amount of correspondence, and we thought that the Khairpur State was bound to pay us 10 lakhs for the feeder for which I have brought this token grant. We placed all the correspondence and the papers before the Legal Remembrancer and asked his views. Before that we had written to the Khairpur State a number of times. We consulted our legal advisers and they said that we had absolutely no case. [*An Honourable Member*: "But in the beginning Government made a mistake."] In the beginning they did make a mistake. I admit that frankly. They did not take any agreement from the State. Our legal advisers told us: "Do not submit to arbitration. You will lose your case, and you will have to pay the cost of arbitration." Therefore, we have brought this token grant. The work has already started, because the Sukkur Barrage will operate from 1932, and if this work is not undertaken, the canals in the Khairpur State will be affected and they will be entitled to damages. They may refuse to pay us our 41 lakhs. They will say: "As our canals are affected, we are not able to supply water to our zamindars to enable them to carry on their cultivation operations properly." I do not see how Mr. Harrison is responsible. [*Interruption.*] The whole mistake had been committed before Mr. Harrison was there. We placed all our papers before our legal advisers and they said that there was no case.

Rao Bahadur B. R. NAIK: On a point of information, Sir. Supposing any irrigation work is to be constructed in the British area and any State territory is affected thereby, are we to pay compensation to them?

The Honourable Sir GHULAM HUSSAIN: In this case, we have taken the canals actually through their territory.

Rao Bahadur B. R. NAIK: With their permission, and they have benefited.

The Honourable Sir GHULAM HUSSAIN: For those works they are prepared to pay 41 lakhs of rupees.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, I want to make the position clear. I was a member of the Finance Committee, and this very difficulty was raised in the Finance Committee by several members, The honourable member Mr. Turner, who was in the Finance Committee. was questioned by us why the Government of Bombay, having accepted one position, shifted from that and were proposing to pay ten lakhs. First of all, it was explained by him that the previous position was taken up under a misunderstanding. How that misunderstanding arose has been explained to us. It was also pointed out to us in the Finance Committee that the Khairpur State was almost on the verge of bankruptcy, that the State treasury was absolutely empty, there was not a pie left in it, that that State was indebted to Government to the tune of 41 lakhs, and that if that money was to be recovered from that State, there was no other way than spending these ten lakhs and pushing this scheme through. Apart from the legal difficulties pointed out, this point was also placed before us, that unless the scheme was pushed through it would mean that the forty-one lakhs which the State had to pay to the Bombay Government would not be paid at all. That was how the matter was put before us by the Secretary of the Department, the honourable member Mr. Turner. It was only after that explanation was offered by the Secretary and the Honourable the Leader of the House that the Finance Committee agreed to this demand. [*An Honourable Member*: "What is the guarantee for the payment of that 41 lakhs?"] We are trying to have an agreement. They admit their liability for that 41 lakhs.

Rao Bahadur G. K. CHITALE: May I draw the attention of the Honourable the General Member to the statement at page 53, paragraph 183? It is stated there:

"In paragraph 7 of his letter, His Highness the Mir states that he is willing to bear his share of the cost of the Barrage, whatever it may amount to, and in paragraph 11 His Highness hopes that Government would charge a fair and equitable percentage of the expenditure."

Does not that expenditure refer to expenditure incurred as part of the Barrage works?

The Honourable Sir GHULAM HUSSAIN: Headworks.

Question put, and agreed to.

Transfer of Suitors' Fee Fund and Pleaders' Examination Fund.

The Honourable Mr. G. A. THOMAS: Sir, I move for a token grant of Rs. 10 under "24-Administration of Justice," for reasons stated in the statement* of demand.

Question put, and agreed to.

Reorganisation of the Police Force in Dadu District.

The Honourable Mr. G. A. THOMAS : Sir, I move for a token grant of Rs. 10 under "26-Police" for reasons stated in the statement* of demand.

Question proposed.

Khan Bahadur M. A. KHUHRO (Larkana District) : Sir, in regard to this demand, I would submit that the Council opposed the creation of a new district for Dadu, but in spite of that Government have ordered the creation of a new district. The cost in a full year is Rs. 14,000 to Rs. 15,000. There is no strong case for increasing the police in the current year. As extra money has been provided in the last budget for the reorganisation of the police in the Larkana district, the Dadu district which is to be formed out of the talukas of Larkana will automatically get more police. I speak from memory, and I believe that part of the money provided for Larkana was to go to the new district of Dadu. Apart from that Rs. 27,000 was provided in the last budget for the creation of the new district of Dadu, and that provides ample funds. As everybody knows, the financial position of Government is not very happy. Government should have waited till the next budget year, instead of incurring this expenditure of Rs. 14,000 in the current year. There does not appear to be any need for providing this extra expenditure in the current year. Even for the creation of the new district there was not sufficient justification. In their present financial condition, Government should not have pushed on with the creation of a new district, but waited till the next year. In the face of non-official opposition to the measure, the decision of Government to put the scheme into force in the current year was unexpected. Therefore, I hope that this demand for an expenditure of Rs. 14,000 will not be agreed to by the Council at this time.

Rao Bahadur B. R. NAIK (Surat District) : Sir, I agree with the previous speaker. I was one of the members who were asked by the Retrenchment Committee to submit proposals regarding retrenchment, and I remember I particularly mentioned in my memorandum that a new district should not be created at Dadu in the current year. When there is financial stringency, the Government of Bombay do not take the House into their confidence or accept the suggestions made by members on this side of the House. I am told—I do not know if my information is correct—that the Retrenchment Committee have also suggested that there should be no hurry in creating the district of Dadu in the current year and that that scheme can wait for a year or two. So, the recommendations of the Retrenchment Committee do not seem to have been given effect to. Members who were consulted in the matter have also

[Rao Bahadur B. R. Naik]

given their opinion distinctly that no money should be spent on the creation of a new district at Dadu. I therefore oppose the motion, on the ground that Government do not care to listen to the members of this House.

The Honourable Mr. G. A. THOMAS: Sir, I fail to understand what the honourable member Rao Bahadur Naik means when he says that Government are not taking the House into their confidence. That is what we are doing by asking for this token grant. I do not quite see how my honourable friend Khan Bahadur Khuhro can say that in forming the new district of Dadu Government are acting against the wishes of this House. The scheme was sanctioned by this House. How does he say that the House did not sanction the scheme?

Khan Bahadur M. A. KHUHRO: The House was given to understand that the Retrenchment Committee would be consulted on the question.

The Honourable Mr. G. A. THOMAS: The honourable member Khan Bahadur Khuhro was the last person from whom I expected any opposition to the reorganisation of the police force in any part of Sind, particularly in those two mahals, Manjhand and Kohistan. His own district, the district of Larkana, has got the reorganisation scheme. Why should he advise that other parts of Sind should not have it? He is also inaccurate in connection with his facts. I am not making a demand for the total cost of Rs. 14,000 for the current year. I am only asking for Rs. 6,268.

Khan Bahadur M. A. KHUHRO: I said Rs. 14,000 in a whole year.

The Honourable Mr. G. A. THOMAS: He said Rs. 14,000 in the current year. It may have been a slip of the tongue. The whole point is that this House had agreed to a reorganisation scheme of the police force in the whole of Sind, but owing to lack of funds it was put into force only in three districts. Next year we hope to extend it to middle Sind and the year after to the rest of Sind. When the original proposal for the creation of a new district by splitting up the Larkana district was placed before this House, it was sanctioned by the House. It was not proposed then to include in the new district of Dadu the Kotri sub-division of the Karachi district. Now we are expanding the district by the inclusion of the Kotri taluka and the two mahals Manjhand and Kohistan. That is done for administrative convenience. It is very anomalous for one portion of a district to have police on one basis and another portion on another basis. Therefore, we propose to introduce the reorganisation scheme into these two mahals and Kotri in the current year instead of waiting till the next year or the year after.

Question put, and agreed to.

The Honourable Sir GOVINDRAO PRADHAN : Sir, I beg to move—

“ That the Report of the Committee on Public Accounts on the Appropriation Accounts of the Government of Bombay for the year 1929-30 and the Report of the Accountant General thereon be recorded.”

Question proposed.

Rao Bahadur R. R. KALE (Bombay University) : Sir, I rise to bring to the notice of the House that several honourable members on this side think that they will not be in a position to do justice to this item because they have not had sufficient time to go through this report. And, besides, the report of the Accountant General was not available to us in time. Some time must be given to consider this report. I therefore suggest that it should be taken up to-morrow. [*After consulting honourable members.*] The general opinion is that further consideration of this report should be postponed till the next session.

The Honourable Sir GOVINDRAO PRADHAN : I have to point out to the honourable member that in order that honourable members might have sufficient time to go through the Accountant General's report, it was placed on the table last Friday. The report of the Public Accounts Committee was placed on the table on Monday, so as to give an opportunity to honourable members to be ready to discuss it to-day. So far as I can understand it, the object of this motion is this : The Public Accounts Committee is an audit committee appointed by the non-official members of this House. They examine the Accountant General's objections and make a report which has got to be placed before the House for any observations that honourable members may choose to make. That is the only object of this motion, and accordingly the report has been placed before the House.

As regards the postponement of further discussion on this report, I do not know whether there will be another session before the next Budget session. If there is not going to be any session during the intervening period, then it will be very difficult to allot any day during the Budget session for the consideration of this report.

Mr. B. S. KAMAT : Sir, to be of any value to the Finance Department or to the Honourable the Finance Member, any criticisms from this House must come before November, and if the question is to be postponed beyond November, it is not worth while making any observations on the report in February next during the Budget session. I would like to know, therefore, whether there is going to be a session in November ; if not, we would like to go through the discussion during this session rather than postpone it to the Budget session.

Rao Bahadur R. R. KALE : I do not know if I am wrong, but I do not find the Auditor General's report here.

The Honourable Sir GOVINDRAO PRADHAN : The Auditor General's report is contained in that book. I think, Sir, we can proceed now, as we have 2 hours and 35 minutes still.

Rao Bahadur R. R. KALE : The general desire on this side is that it should be taken up to-morrow.

Rao Bahadur S. N. ANGADI : From the reports in the newspapers, it seems very probable that there will be a session in November.

The Honourable the PRESIDENT : There is no definite motion for the postponement of the consideration of this motion, and I am not putting it to the House. Supposing the Council goes over to to-morrow, I shall have to adjourn the House till 10 o'clock to-morrow, and finish the work as early as possible, so that we will be free at 2 o'clock.

The Honourable Sir GOVINDRAO PRADHAN : Of course, you know, Sir, that this motion is just to invite observations from honourable members. Time was when three years' reports were submitted together. I remember it—it was when Sir Henry Lawrence was Finance Member. If honourable members desire that consideration should be postponed till next year, I have no objection. If you want that it should be taken up to-morrow, then also I do not wish to go against their wishes. But I would just like to point out that we have sufficient time at our disposal to-day. In order that honourable members should not be taken by surprise, we took care to place the report of the Accountant General in their hands on Friday.

Rao Bahadur R. R. KALE : But the report of the Public Accounts Committee was placed in our hands the day before yesterday.

The Honourable the PRESIDENT : What was done in the past may not be very relevant, if it is the wish of the House to discuss these things seriously and minutely. After all, they get one chance to discuss all that the Finance Department does or the Administration does.

The Honourable Sir GOVINDRAO PRADHAN : They get many chances during the Budget session.

The Honourable the PRESIDENT : The law has intended a motion of that kind for the purpose of giving an opportunity to honourable members to make observations with regard to the work of the Finance Department. Now, I would like to know what the motion is.

Rao Bahadur R. R. KALE : I move—

“ That the discussion on the motion be postponed till to-morrow.”

Question put, and agreed to.

NEW PROCEDURE REGARDING QUESTIONS.

The Honourable the PRESIDENT : Before adjourning, as there is time, I should like to refer to a matter which has been engaging my attention for some time past on a reference made to me by the Retrenchment Committee. That is the question of seeing as to whether anything can be done by the House to prevent expenditure and labour in the matter of the number of questions that are tabled and answered every

[The President]

time in the Council. I thought over the matter and had a few honourable leaders on either side to advise me on the question, and I am glad to say that they have agreed with me. I have the authority to take steps in the matter under Standing Order VI, 6 which says :

“ Questions shall be put and answers given in such manner as the President may, in his discretion, determine.”

I find that the Councils of all the provinces, and the Assembly, have one system, namely, the system of starred and unstarred questions. Except the Bombay Council, all other Councils follow that system. When questions are tabled by honourable members, they star a certain number of them, meaning that those questions should be orally answered and on them supplementary questions would be asked. Unstarred questions are questions to which oral answers need not be given. That is the system followed in other Councils. But the unstarred questions go into the proceedings as if they have been answered. Under our system, if a question is called and the honourable member who has tabled it is absent at the time for some reason—perhaps for very good reasons—then that question is not answered and it lapses. Then it has to be tabled at the next session. If the question is asked again, then there is duplication of printing expenses. If it is not asked, all the time and labour spent by Government in collecting information is wasted. Therefore, the system of starred questions is being introduced according to my decision. Honourable members will have the discretion to star as many questions as they think they need ask supplementary questions on, and the rest of them would be questions which would be taken as answered and included in the proceedings. That would save the trouble of repeating the same questions over again.

The circular which I propose to issue through my Secretary is this :

“ In supersession of this office circulars Nos. 961, dated 29th June 1921..... ”

in the First Council,

“and 2317, dated 6th August 1921..... ”

honourable members must have seen those circulars,

“ I have the honour to inform you that the Honourable the President has been pleased to pass the following orders under Standing Order VI, 6 of the Standing Orders of the Bombay Legislative Council :—

“ 1. Any member..... ”

this is important,

“ who desires an oral answer to his question must distinguish it by an asterisk. All such starred questions put in the Legislative Council shall be answered orally by the Member or Minister in charge of the Department concerned or, in his absence, by any person duly authorised by him to do so. Upon the Secretary calling out the name of the member in whose name the question stands, the member will rise and state the number of his question and the answer will then be read out. Supplementary questions, if any, must be put immediately after the principal question to which they relate.

“ 2. A question purely asking for information and in respect of which the member tabling the question does not expect to put supplementary questions should not be starred.

[The President]

Questions not starred will not be called in Council, but they will be printed with their answers and placed on the tables with the list of starred questions. They will be printed in the Official Report among the unstarred questions and answers of the day. Oral supplementary questions will not be allowed in regard to unstarred questions.

"3. If a member is likely to be absent, he may depute another member to ask his starred questions in his name. If a member responsible for a starred question is not present, either personally or by deputy, to ask it when called upon, the question and the answer thereto will be printed in the Official Report among the unstarred questions and answers of the day."

That is the circular that is going out, and I hope honourable members will help me and help the finances of the province, as that would be certainly a great help to the Government side in the matter of collecting information, printing it and submitting it to the House.

The discretion is left with the honourable members. If a list of 50 questions is sent in, they will, I hope, use their discretion in starring such questions only—those few—on which they wish to ask supplementary questions.

Mr. P. R. CHIKODI: What about the questions already sent in and not answered?

The Honourable the PRESIDENT: I will treat them as starred questions.

Now, as regards the Standing Orders which have been amended by this House during this session, they are likely to be sanctioned and copies will be sent to honourable members, and in the next session I expect honourable members to act upon the new amendments that will come into force. If by chance they are delayed or not sanctioned, which is not possible, then of course the old Standing Orders would operate, but I hope every honourable member will bear that in mind and act according to the amended Standing Orders.

TRANSFER OF ADEN.

Rao Bahadur R. R. KALE (Bombay University): There are certain questions with reference to the transfer of Aden which have not been answered. Further, I have placed in your hands, Sir, an adjournment motion. I do not know whether you have decided to allow it or not.

The Honourable the PRESIDENT: Honourable members probably have not been able to follow the honourable member Rao Bahadur Kale. The honourable member Mr. Surve from Bombay has tabled a few questions on the subject of Aden being transferred to the control of the Government of India. Those questions have not been answered yet—I do not suppose the office has received the replies from the Honourable Member in charge, possibly for a very good reason that communications must have gone to Aden or whatever the reason may be. However, in view of the importance of the question of the transfer of Aden and in view of certain questions being asked in the Council of State and answered very lately after we have been sitting, the honourable member Rao Bahadur Kale has placed an adjournment motion in my hands this

[The President]

morning which I have not been able to accept as one that I could allow. I will be able to tell him tomorrow, he has got to obtain my consent to it first in the office and then move it. That is why he did not move it after question time this morning. I will be able to give him a definite reply by tomorrow morning. In the meanwhile, the honourable member wishes to ask whether the Honourable the Leader of the House is in a position to make any statement in connection with the transfer of Aden. If that can be done, the adjournment motion may drop out.

The Honourable Sir GHULAM HUSSAIN: I am not, Sir. I have been taken by surprise by this motion. The honourable member ought to have realised that it is not within the competence of this Government to decide the question of Aden. Therefore, the motion cannot lie in this Council. Besides that, how can I make a statement without consulting the whole of the Government?

Rao Bahadur R. R. KALE: May I just point out to the Honourable the Leader of the House that the object is not to touch the Government of India at all? The fact is that certain replies were given in the Council of State towards the end of last month. Though, I understand, some associations and commercial bodies in Bombay wired to the Bombay Government asking them whether they had given their consent to this transfer, they have not yet received any replies to those wires one way or the other. From the replies given in the past in this behalf, they think that the Bombay Government would have liked to consult some of the bodies and persons concerned and interested in this question before they (the Government) would submit their recommendations to the Government of India. The complaint of these bodies and persons is that they were never consulted and consequently they sent in the wires to the Bombay Government when they heard from the answers given in the Council of State that the transfer would take place soon. They are, therefore, anxious to know whether Government really cared to take into account any representations from these bodies and whether they gave them an opportunity, or whether the Government has merely acted on its own responsibility without consulting the associations and bodies concerned in this Aden matter. That was the point, as well as the non-receipt of replies to the questions tabled by my honourable friend to my right (Mr. A. N. Surve) with regard to this very matter based upon the answer that was given in August last—

The Honourable Sir GHULAM HUSSAIN: We had given full replies and I was surprised that no honourable member took any interest in the question, and I cannot say why they are doing it now. So much time elapsed, but not a single question was sent, and I am afraid the honourable member opposite (Mr. A. N. Surve) also sent his questions very late; I got them yesterday myself, and I understand from my Secretary that the questions were received by him only one or two days back, and when we have to give replies, the whole Cabinet has to consider the matter.

Rao Bahadur R. R. KALE : Can we not have a statement from the Government in view of the adjournment motion which I have already handed in ?

The Honourable Sir GHULAM HUSSAIN : No ; the motion does not lie as it is not within the competence of this Council.

The Honourable the PRESIDENT : I have not yet considered the motion myself.

The Honourable Sir GHULAM HUSSAIN : Nobody seems to have read even the note which we placed in the honourable members' hands, and not a single supplementary question was put. That was the interest which the House took in it.

The Honourable the PRESIDENT : Would it be possible, to make the matter simple, for the Honourable the Leader of the House to answer tomorrow the important portion of the question put by the honourable member from Bombay as a short notice question ?

The Honourable Sir GHULAM HUSSAIN : I understand, Sir, that the papers have not yet reached His Excellency the Governor, and it is his subject.

The Honourable the PRESIDENT : The House is now adjourned to 10-30 a.m., tomorrow, Thursday, the 8th October 1931.

Thursday, the 8th October 1931

The Council re-assembled at the Council Hall, Poona, on Thursday, the 8th October 1931, at 10-30 a.m., the Honourable the President, Sir ALI MAHOMED KHAN DEHLAVI, Kt., Bar-at-Law, presiding.

Present :

ABDUL LATIF HAJI HAJRAT KHAN, Khan Bahadur

ANGADI, Rao Bahadur S. N.

ASAVALE, Rao Bahadur R. S.

BAKHALE, Mr. R. R.

BALUCH, Mr. HAJI MIR MAHOMED

BANGI, Mr. A. K. J.

BELL, Mr. R. D.

BIRADAR, Sardar MAHABOOBALI KHAN

BOLE, Rao Bahadur S. K.

BOWERS, Mr. P. L.

BRANDER, Mr. J. P.

BRISTOW, Mr. C. H.

BROWNE, Mr. D. R. H.

CHITALE, Rao Bahadur G. K.

CLAYTON, Mr. H. B.

COLLINS, Mr. G. F. S.

COOPER, Khan Bahadur D. B.

DA GAMA, Dr. A.

DHALUMAL LILARAM, Mr.

DESAI, Rao Saheb B. G.

DESAI, Mr. H. R.

DESAI, Mr. S. B.

EWBANK, Mr. R. B.

GARRETT, Mr. J. H.

GHULAM HUSSAIN, the Honourable Sir

GHULAM HYDER SHAH, Mr.

GHULAM NABI SHAH, Khan Bahadur

GOKHALE, Mr. L. R.

GOVER RORA, Mr.

HUDSON, the Honourable Mr. W. F.

JAM JAN MAHOMED KHAN, Khan Bahadur

JOG, Mr. V. N.

KADRI, Mr. J. S.

KALBHOR, Mr. G. M.

KALE, Rao Bahadur R. R.

KAMAT, Mr. B. S.

KAMBLI, the Honourable Dewan Bahadur S. T.

KARBHARI, Mr. M. M.

KHURRO, Khan Bahadur M. A.

KULKARNI, Rao Saheb P. D.

LELY, Mr. W. G.
 MACKLIN, Mr. A. S. R.
 MEHERBAKSH, Mr. S.
 MEHTA, Mr. M. H.
 MODAK, Rev. R. S.
 MODI, Sardar Davar T. K.
 MORE, Mr. J. G.
 NAIK, Rao Bahadur B. R.
 NAMDEORAO BUDHAJIRAO, Mr.
 NAVLE, Mr. N. E.
 OWEN, Mr. A. C.
 PARULEKAR, Rao Bahadur L. V.
 PATEL, Khan Bahadur A. E.
 PATEL, Mr. C. N.
 PATIL, Rao Bahadur D. R.
 PATIL, Mr. N. N.
 PATIL, Mr. V. N.
 PATIL, Rao Saheb V. S.
 PRADHAN, the Honourable Sir GOVINDRAO
 PRADHAN, Rao Bahadur G. V.
 RAFIUDDIN AHMAD, the Honourable MOULVI
 RESALDAR, Mr. A. K.
 SHAIKH ABDUL AZIZ, Mr.
 SHAIKH ABDUL MAJID, Mr.
 SHAIKH YAKUB VAZIR MAHOMED, Khan Bahadur
 SHANKARRAO JAYARAMRAO ZUNARRAO, Mr.
 SHINDE, Mr. R. B.
 SINDHA, Mr. MADHAVSANG JORBHAI
 SMART, Mr. W. W.
 SOLANKI, Dr. P. G.
 SURVE, Mr. A. N.
 SURVE, Mr. V. A.
 SYED MIRAN MAHOMED SHAH
 SYED MUNAWAR, Mr.
 TALPUR, MIR BANDEH ALI KHAN
 THAKOR OF KERWADA, Sardar BHASAHEB RAISINGHI
 THOMAS, the Honourable Mr. G. A.
 TOLANI, Mr. S. S.
 TURNER, Mr. C. W. A.
 VAISHAMPAYAN, Dr. V. G.
 VAKIL, Mr. PESTANSHAH N.
 VAKIL, the Honourable Sardar Sir RUSTOM JEHANGIR
 VANDEKAR, Rao Saheb R. V.
 WADKE, Mr. B. P.
 WILES, Mr. G.

QUESTIONS AND ANSWERS.

BOMBAY PORT TRUST : VOTE OF MR. SYED MUNAWAR.

Mr. R. R. BAKHALE: (a) Will Government be pleased to state whether it is a fact that when the Board of Trustees for the Port of Bombay considered and decided, in one of their meetings, the representation regarding time scale and other allied grievances of the Port Trust railwaymen, submitted to the Board by the Bombay Port Trust Railway Employees' Union, Mr. Syed Munawar, M.L.C., a Trustee of the said Board, was not allowed to vote on that proposition?

(b) If so, under what rule or Act or section of the Act was he not so allowed?

(c) Is it a fact that Mr. Syed Munawar, M.L.C., made a representation to Government protesting against his being disallowed to vote on the question referred to above?

(d) If so, what action did Government take on the representation and what reply did they send to Mr. Munawar?

(e) Did Government submit Mr. Munawar's representation to their legal authorities for their opinion?

(f) If so, who were those legal authorities and what opinion did they send to Government?

(g) Will they place a copy of such opinion or opinions on the Council table?

(h) If not, what are the reasons therefor?

The Honourable Sir GHULAM HUSSAIN: (a) Yes.

(b) Section 14B of the Bombay Port Trust Act, 1879.

(c) to (h) Mr. Syed Munawar addressed the Secretary to the Government of Bombay, Political Department. Government are advised that he is debarred under section 14B of the Bombay Port Trust Act, 1879, from voting on matters pertaining to the scales of pay, etc., of the employees of the Port Trust Board. Government regret their inability to place copies of the legal opinions obtained on the Council table.

Mr. R. R. BAKHALE: May I know whether it is a fact that the Chairman of the Port Trust, representing the Port Trust employers, votes on matters pertaining to the scales of pay, etc., of the employees of the Port Trust?

The Honourable Sir GHULAM HUSSAIN: The Chairman of the Port Trust is in a different position. He is appointed under the Act as the Chairman, and he is allowed to vote.

Mr. R. R. BAKHALE: Does not the Chairman represent the Port Trust employers of labour?

The Honourable Sir GHULAM HUSSAIN: Yes. The honourable member ought to move an amendment of the Act. As the Act stands at present, he is allowed to vote.

Mr. R. R. BAKHALE: Do Government think that it is fair that the Labour representative should be debarred from voting on matters relating to the employees, while the employer should be allowed to vote?

The Honourable Sir GHULAM HUSSAIN : That does not arise. The law is as it is—good, bad or indifferent.

Mr. R. R. BAKHALE : Will Government take the necessary steps to amend the Act, so as to allow the representative of Labour to vote on questions relating to the employees ?

The Honourable Sir GHULAM HUSSAIN : That is a suggestion for action.

Mr. A. N. SURVE : May I know what is the position of a nominated member on the board of trustees, if he cannot vote ?

The Honourable Sir GHULAM HUSSAIN : The position is defined under the Act. I refer the honourable member to the Bombay Port Trust Act.

The Honourable the PRESIDENT : I suppose he can give his opinion, but not vote. Is that so ?

The Honourable Sir GHULAM HUSSAIN : Yes, Sir.

DIVIDING INSURANCE SYSTEM COMPANIES.

Rao Bahadur B. R. NAIK for Dr. M. K. DIXIT (Surat District) :
(a) Will Government state whether their attention has been drawn to the letter of Mr. N. L. Humphreys, A.I.A., published in the 30th August 1931 issue of the *Free Press Journal* on the "Dividing Insurance Scandal" ?

(b) Are Government aware that by taking up the suggestion of Mr. Humphreys, Government will be empowered to control the business of the Dividing Insurance System Companies ?

The Honourable Sir GOVINDRAO PRADHAN : (a) Two articles headed "The Dividing Insurance Scandal" by Mr. Humphreys appeared in the issues of the *Capital* dated 13th and 20th August 1931.

(b) Government are advised that it is not possible to take action under the existing law on the lines suggested in these articles. But the abuse to which the articles draw attention is under the consideration of Government ; and they welcome any propaganda aimed at preventing the exploitation of ignorant people.

SEWAGE FARM, HADAPSAR.

Rao Bahadur S. K. BOLE for Mr. G. M. KALBHOR (Poona District) :
(a) Will Government be pleased to state the total income and expenditure of the sewage farm at Hadapsar ?

(b) Is it a fact that the report of this farm was not published every year until it was complained of by the irrigators ?

(c) Is it a fact that in the experiments conducted on this farm the Agricultural Department is not consulted ?

The Honourable Sir GHULAM HUSSAIN : (a) The total revenue expenditure including direct and indirect charges to end of 1930-31 was Rs. 3,46,117, while the total revenue for the same period was Rs. 1,66,427.

(b) No.

(c) No. Officers of the Agricultural Department are consulted freely when necessary.

RETIREMENT OF GOVERNMENT SERVANTS.

Mr. J. G. MORE (Sholapur District): Will Government be pleased to state—

(a) whether they have received an order from the Government of India regarding compulsory retirement of all Government servants who have completed 30 years' service;

(b) if so, when it was received;

(c) what action they have taken or propose to take thereunder;

(d) whether they propose to apply this order to all the local self-governing bodies such as Municipalities, Local Boards and School Boards?

The Honourable Sir GOVINDRAO PRADHAN: (a) No.

(b), (c), (d) Do not arise.

SURVEY DEPARTMENT: ESTABLISHMENT.

Mr. N. E. NAVLE (Ahmednagar District): Will Government be pleased to state—

(a) how many posts of District Inspectors of Land Records there are in the Department of Land Records;

(b) how many of them are held by Brahmins and how many are held by Non-Brahmins;

(c) if there are any Non-Brahmins, what their castes are;

(d) how many District Surveyors there are in the Central Division;

(e) how many of them are Brahmins and how many are Non-Brahmins;

(f) if there are any Non-Brahmins, what their castes are;

(g) how many maintenance surveyors there are in the Central Division;

(h) how many of them are Brahmins and how many Non-Brahmins;

(i) if there are any Non-Brahmins, what their castes are;

(j) how many cadastral surveyors there are in the Central Division;

(k) how many of them are Brahmins and how many Non-Brahmins;

(l) if there are any Non-Brahmins, what their castes are;

(m) how many (i) classers, (ii) surveyors, and (iii) measurers there are in the Central Division Field Party;

(n) how many of them are Brahmins and how many Non-Brahmins, respectively;

(o) if there are any Non-Brahmins, what their castes are;

(p) how many Nimtandars and measurers there are in the pot-hissa survey party;

(q) how many of them are Brahmins and how many Non-Brahmins;

(r) if there are any Non-Brahmins, what their castes are;

(s) the total strength of the clerical staff including headquarters assistants in the offices of District Inspectors of Land Records and D. S. O.'s and S. L. R. in the Central Division ;

(t) how many of them are Brahmins and how many Non-Brahmins, specifying the castes of the latter ?

The Honourable Mr. W. F. HUDSON: (a) 19. In addition there is one post of Superintendent in the Settlement Commissioner's Office which is graded with District Inspectors of Land Records.

(b) 17 by Brahmins and 2 by non-Brahmins.

(c) 1 Bania and 1 Bhandari.

(d) 7.

(e) 6 Brahmins. One post is kept vacant.

(f) Does not arise.

(g) 26.

(h) 20 Brahmins and 1 non-Brahmin. 5 posts are kept vacant.

(i) Nhavi.

(j) 48.

(k) 38 Brahmins and 3 Non-Brahmins. 7 posts are kept vacant.

(l) 1 Sali and 2 Marathas.

(m) (i) Classers—11.

(ii) Surveyors—6.

(iii) Measurers—32.

(n) Classers—8 Brahmins. 3 posts are kept vacant.

Surveyors—4 Brahmins. 2 posts are kept vacant.

Measurers—19 Brahmins and 3 non-Brahmins. 10 posts are kept vacant.

(o) Of the 3 non-Brahmin measurers 2 are Marathas and 1 Lingayat.

(p) Nimitandars—10.

Measurers—139.

(q) Nimitandars—9 Brahmins. 1 post is kept vacant.

Measurers—125 Brahmins, 13 non-Brahmins and 1 Mahomedan.

(r) 1 Dhangar, 1 Nhavi, 2 Lingayats, 1 Brahma Kshatriya and 8 Marathas.

(s) 55.

(t) 42 Brahmins, 9 non-Brahmins, 1 Jew, 1 Jain and 1 Mahomedan. One post is kept vacant.

Of the 9 non-Brahmins, 6 are Marathas, 1 Shimpi, 1 Sonar and 1 Kayastha Prabhu.

VERNACULAR FINAL EXAMINATION OF GIRLS, NORTHERN DIVISION.

Mr. A. K. RESALDAR (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) the number of girls who appeared in the Vernacular Final Examination of girls in the Northern Division ;

(b) the number of girls declared to have passed that examination ;

(c) the number of girls who actually passed that examination and the number of girls whose failures were condoned ;

(d) the principle observed in condoning the failure of these girls ;

(e) whether that principle was applied in the case of all the girls that appeared in that examination ?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) 587.

(b) 225.

(c) 108 and 117.

(d) The principle observed was to take into account the aggregate percentage scored by each candidate, and to condone failure, if the marks by which a candidate failed did not exceed the excess of the aggregate percentage over the percentage required for passing, and provided that the candidate did not fail in more than two subjects.

(e) Yes.

KALRI IMPROVEMENT PROJECT: WATER SUPPLY.

Mr. SHAIKH ABDUL MAJID (Karachi District): Will Government be pleased to state—

(a) whether while executing the Kalri Improvement Project in the Karachi District beds of the old canals, viz. Ghar Massan, Ghar Machi, Ghar Kalan, Allah Khahi small, Jamwah and Sadabaharwah were raised to the maximum of $3\frac{1}{2}$ feet;

(b) whether it is a fact that before improvements the water in these canals used to flow automatically with a corresponding level of $13\frac{1}{2}$ feet of water at Kotri;

(c) whether it is a fact that in spite of Attock having reached about 32 feet and Kotri about 16 feet during the current inundation season the water in these canals did not flow except by regulation and rotation;

(d) whether owing to regulation and rotation the transplantation started by zamindars has suffered?

The Honourable Sir GHULAM HUSSAIN: (a) No. The Narichach Canal System of which the canals under reference form branches has been regraded this year on modern scientific lines necessitating the raising of the bed to some extent as shown below:—

Canal	Cleared bed at head, 1929-30	Silted bed, 1929-30	Bed kept according to Project in 1930-31
Ghar Massan	25·9	23·0	27·7
Ghar Machi	25·9	27·7	27·7
Ghar Kalan	27·3	29·2	28·9
Allahkhahi small	28·7	32·6	30·0
Jamwah	24·3	24·3	25·6
Sadabaharwah	29·6	32·6	31·3

(b) No. The canals flowed at the following average Kotri readings during the last 5 years :—

Canal			Average Kotri reading
Ghar Masan	..	..	.. 13·9
Ghar Machi	..	..	.. 13·7
Ghar Kalan	..	..	.. 13·5
Allakhahi small	..	..	.. 14·3
Jamwah	..	..	.. 13·7
Sadabharwah	..	..	.. 14·7

(c) The supply was regulated by rotations as an integral part of the sanctioned project. The canals received water when the readings at Kotri were as under :—

Ghar Masan	..	..	.. 13·0
Ghar Machi	..	..	.. 13·0
Ghar Kalan	..	..	.. 13·0
Allakhahi small	..	..	.. 13·6
Jamwah	..	..	.. 12·0
Sadabharwah	..	..	.. 15·1

(d) No.

GOVERNMENT SERVANTS : TRANSFERS.

Rao Saheb R. V. VANDEKAR (Nasik District): (a) Will Government be pleased to state whether they intend to make any rule or rules in the case of public servants (serving whole-time and receiving salary from Government) that they shall not be allowed to remain and work at one and the same station for more than three years and in the same district continuously for more than six years?

(b) If not, what are the reasons therefor?

The Honourable Sir GHULAM HUSSAIN: (a) No.

(b) It is not necessary.

BOMBAY PORT TRUST : REDUCTION OF STAFF.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether any retrenchment officer has been appointed by the Bombay Port Trust for reduction in the scheduled establishment and to consider the advisability of reducing the strength of the superior staff;

(b) if so, with what result?

The Honourable Sir GHULAM HUSSAIN: (a) A special retrenchment officer was appointed by the Port Trustees in 1924 to consider the points mentioned.

(b) An estimated saving of Rs. 15 lakhs per year was obtained.

COMMUNICATIONS : EXPENDITURE.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state the amounts they allotted to each district of the Presidency for the construction of new roads, bridges and causeways during each of the past five years ?

The Honourable Dewan Bahadur S. T. KAMBLI: The required information is given in the attached statement.

Statement showing the amounts allotted to each Division of the Presidency for the construction of new roads, bridges and causeways during each of the past five years.

Division	1926-27	1927-28	1928-29	1929-30	1930-31	Total
	Ra.	Ra.	Ra.	Ra.	Ra.	Ra.
Thana	4,39,500	2,04,000	1,83,600	24,700	2,61,900	11,13,700
Surat and Broach .. .. .	..	45,600	..	19,500	1,75,000	2,40,100
Kaira and Panch Mahals	36,900	8,400	21,100	..	25,000	90,500
Ahmedabad	86,000	40,000	30,000	45,000	1,00,000	3,01,000
Poona	3,74,000	1,89,900	1,96,100	2,29,800	1,87,200	11,27,000
Head Qrs. Works .. .. .	..	..	..	8,000	9,600	17,600
Khandesh	5,57,100	5,61,000	5,85,300	4,41,800	3,97,800	25,43,000
Nasik	1,30,000	1,45,000	1,59,600	2,52,400	1,37,700	8,24,700
Sholapur	61,900	..	..	14,300	..	76,200
Ahmednagar	1,25,700	61,700	60,600	..	..	2,48,000
Satara	68,000	..	..	..	..	68,000
Lake Whiting .. .. .	..	..	9,900	1,800	1,900	13,700
Mutha Canals	30,000	25,600	..	..	..	55,000
Ratnagiri	2,66,600	1,40,700	3,85,000	3,75,000	4,30,200	15,97,500
Dharwar .. .. .	..	24,600	3,100	6,000	20,000	53,700
Bijapur	30,000	..	..	..	..	30,000
Belgaum	28,300	65,800	21,400	..	..	1,15,500
Kanara	26,800	77,000	67,700	65,000	66,400	3,02,900
Ahmedabad Canals .. .. .	..	48,500	..	..	1,00,000	1,48,500
Begari Canals .. .. .	..	..	..	..	20,000	20,000
Shikarpur Canals	1,00,000	2,00,000	2,00,000	1,00,000	26,000	6,26,000
Western Nara .. .. .	..	93,800	..	5,000	..	98,800
Nasrat Canals .. .. .	..	23,000	..	..	..	23,000
Other Divisions .. .. .	..	..	..	..	..	..
	23,59,900	19,54,900	19,23,400	15,88,400	19,08,700*	97,35,000

*Includes an allotment of Rs. 8,89,400 sanctioned from the petrol tax fund which is inclusive of Re-establishment and Tools and Plant charges at 27 per cent.

~ PASTURE LANDS.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether there are forest pastures and fodder reserves in the Nasik district or elsewhere in the Presidency ;

(b) if so, the places or localities where they exist together with the names and the average annual income of each of them ;

(c) the area of pasture land available for grazing of cattle in the Presidency ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a) Yes.

(b) The compilation of the information required by the honourable member would involve an undue amount of time and labour, and Government regret that they are not prepared to undertake it.

(c) The area open to grazing of all animals is 3,411 square miles and to all animals except browsers is 9,572 square miles. ✓

CO-OPERATIVE SOCIETIES : PROTECTION TO AGRICULTURISTS.

Rao Saheb R. V. VANDEKAR (Nasik District) : (a) Will Government be pleased to state :

(a) whether the Registrar of the Co-operative Societies, Bombay, has obtained a copy of leaflet No. 15 issued by the Registrar, Co-operative Societies, Burma, in which an abstract of provisions of the Civil Procedure Code and the Provincial Insolvency Act, which protect agriculturists from harassment from their creditors is given ;

(b) whether the Registrar, Co-operative Societies, Bombay, had issued any leaflet of a similar type for the information of the agriculturists protecting them against such harassment of the creditors ;

(c) if not, the reasons for not doing so ?

The Honourable Dewan Bahadur S. T. KAMBLI : (a), (b) and (c) The honourable member is referred to the reply given to Mr. B. V. Jadhav's question on the subject, which is printed at page 63 of Volume XXI of the Council Debates, 1927.

BACK BAY RECLAMATION : EXPENDITURE.

Mr. B. P. WADKE (Bombay City, South) : What has been the total expenditure for the Back Bay Reclamation including maintenance and establishment charges ?

The Honourable Sir GHULAM HUSSAIN : The total expenditure on the Back Bay Reclamation Scheme amounts to Rs. 6,88,06,473 to end of March 1931.

GAMBLING STALLS IN MOFUSSIL.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) whether bangle-gambling stalls have again been allowed to be opened at the fairs in the mofussil ;

(b) if so, whether they intend to take any steps to close them ?

The Honourable Mr. G. A. THOMAS : (a) It is presumed that by bangle-gambling the honourable member means the Ring Game. The game is prohibited in most districts.

(b) Government are instructing all District Magistrates that the game should be forbidden in their districts.

TEXTILE MILLS : WELFARE WORK.

Rao Bahadur S. K. BOLE : Will Government be pleased to state—

(a) how many textile mills are working in Bombay, Ahmedabad and Sholapur respectively ;

(b) how many mills in Bombay, Ahmedabad and Sholapur respectively have got full time doctors, creches and separate sheds for taking meals ;

(c) how many mills in Bombay, Ahmedabad and Sholapur respectively have started welfare work in the interests of their workmen ?

The Honourable Sir GHULAM HUSSAIN : (a) There are 77 textile mills working in Bombay, 69 in Ahmedabad and 5 in Sholapur City.

(b) and (c) The attention of the honourable member is invited to the paragraphs appearing under the heading "Extent of Medical facilities provided" in "Chapter IV—Health" and to "Chapter V—Welfare" of the Memorandum of the Government of Bombay to the Royal Commission on Labour in India, a copy of which will be found in the office of the Secretary, Legislative Council. These paragraphs contain all the information available.

EDUCATIONAL DEPARTMENT : "A" GRADE POSTS.

Rao Bahadur B. R. NAIK for Dr. M. K. DIXIT (Surat City) : (1) Will the Honourable Minister for Education state how many "A" Grade posts in the Educational Department were created in the years 1928-29, 1929-30 and 1930-31 ?

(2) How many of them have been filled up ?

(3) What are the subjects for which it has been found necessary to create these new posts ?

(4) What is the amount of expenditure that will have to be incurred for these posts ?

The Honourable MOULVI RAFIUDDIN AHMAD : (1) and (2) One in 1928-29 and six in 1930-31, all of which have been filled up.

(3) (i) Botany.

(ii) Persian.

(iii) English.

(iv) History.

(v) Arabic.

(vi) Deputy Director, Sir J. J. School of Art, Bombay.

(vii) Assistant Inspector of Schools, Bombay Presidency.

(4) About Rs. 74,880 per annum.

PRISONER H. R. PARDESHI.

Mr. M. M. KARBHARI for Mr. L. R. GOKHALE (Poona City) : (a) Will Government state whether one Hiralal Ramlal Pardeshi of Sanganner, district Nagar, prisoner No. 16583 at Yeravda Jail, was convicted for publishing a bulletin named "Jungal Khabar" and sentenced to 15 months' rigorous imprisonment and a fine of Rs. 100 ?

(b) If so, has it been held that he is not entitled to the benefit of the Gandhi-Irwin Pact ?

(c) Why has he not been given the benefit of the said Pact ?

The Honourable Mr. G. A. THOMAS: The attention of the honourable member is invited to the reply given to a similar question put by Mr. N. E. Navle.*

DOCUMENT PHOTO BRANCH SUPERVISOR.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to state—

(1) the name, caste, age, service, qualifications and present pay of the Supervisor in the Document Photo Branch under the Inspector General of Registration, Poona ;

(2) what were the starting pay of this officer and the subsequent stages of his promotion to the present pay, with reasons for each promotion ;

(3) whether it is a fact that he holds no diploma in Photography and is still temporary ;

(4) whether it is true that the Manager of the Photozinco Press, who is also photographic expert to Government, used to supervise the photocopying of documents till recently ;

(5) If so, why he was relieved of this duty and what was the need of appointing a new Supervisor ?

The Honourable MOULVI RAFIUDDIN AHMAD: (1) Mr. M. C. Trivedi, Brahmin, 30, 7 years 2 months, B.A. (Hons.), B.Sc. (II Class), and Government scholar at the Gujarat College and Rs. 250.

(2) He was recruited as an apprentice in the Photozinco Press and given a scholarship allowance of Rs. 50 per month from 1st July 1924. As his duties in connection with the introduction of the photo-copying system increased an *ad interim* allowance of Rs. 100 per month from 16th August 1927 was granted to him pending the settlement of the question of his pay. He has been paid Rs. 250 per month from 7th January 1930 and has been put in entire charge of the Photo Registry.

(3) Yes.

(4) Yes.

(5) As the work in the Photo Registry increased and Mr. Trivedi could handle it independently, he was put in entire charge and designated as Supervisor, though the Manager, Photozinco Press, still continues to be the administrative head.

Mr. J. S. KADRI: With regard to (5), may I enquire how much the work has increased in that Department ?

The Honourable MOULVI RAFIUDDIN AHMAD: It has considerably increased. If the honourable member will give me notice, I shall find out its extent.

Mr. J. S. KADRI: Does the increase justify the appointment of a special Supervisor ? Cannot the work be done by the Manager of the Photozinco Department ?

The Honourable MOULVI RAFIUDDIN AHMAD: Yes. The Manager does not do that work now.

THE DIRECTOR OF PUBLIC HEALTH: EXPENDITURE ON ESTABLISHMENT.

Mr. J. S. KADRI (Northern Division): Will Government be pleased to state—

(a) the total amount of pay and allowances (including travelling allowance) drawn by the Director of Public Health, Bombay Presidency, during the official year 1930-31;

(b) the total amount of expenditure incurred on his office establishment during the same year;

(c) the total amount of contingencies and other miscellaneous expenses concerning his office during the same year?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL:		Rs.
(a) Pay of the Director of Public Health .. .. .	.. .. .	20,195
Honoraria in connexion with Sanitary Inspector's examination to the Director of Public Health .. .. .	.. .. .	400
Travelling Allowance .. .. .	.. .. .	3,764
	Total	24,359
(b) Pay of establishment .. .. .	.. .. .	18,215
House rent .. .. .	.. .. .	354
Travelling Allowance.. .. .	.. .. .	1,217
	Total	19,786
(c) Contingencies .. .. .	.. .. .	2,884

Mr. J. S. KADRI: Has the attention of the Retrenchment Committee been drawn to this matter?

The Honourable the PRESIDENT: Which matter?

Mr. J. S. KADRI: The excessive expenditure on this establishment.

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: What are the grounds, Sir, for assuming that the expenditure is excessive? He has not stated that.

IRRIGATORS OF THE DECCAN: HARDSHIPS.

Rao Sahab P. D. KULKARNI (Poona District): Will Government be pleased to state—

(1) whether they are aware that the irrigators on the canals in the Deccan are greatly handicapped owing to the depression in trade on the one hand and on the other by the rigorous application of the canal rules;

(2) whether they are aware that the irrigators have made many representations on constitutional lines by forwarding applications and sending deputations to the responsible authorities concerned to secure relief ; if so, what has been the result in the shape of practical relief afforded them ;

(3) whether they are aware that the irrigators are nearly crushed under the charges for water and under the debt they have had to incur for irrigating the crops, at heavy rates of interest charged them by various co-operative societies and money-lenders ;

(4) how many acres of land are under the command of the Deccan canals and what the aggregate amount is of the debt of the irrigators whose lands are thus encumbered on account of the loans as far as information is available from entries made in the record of rights of the villages in which the lands are situated ;

(5) whether they have taken any, and if so what, steps to give relief to these irrigators ?

The Honourable Sir GHULAM HUSSAIN : (1) Government are aware that the general depression in trade has affected the irrigators, but they are not prepared to accept the statement that the irrigators are greatly handicapped by the rigorous application of the canal rules.

(2) Yes. The representations of the irrigators have always been carefully and sympathetically considered by Government and relief has been given where necessary.

(3) Government are not prepared to accept the proposition that the irrigators are nearly crushed under the charge for water or that the charge for water, which represents only a small portion of the cost of cultivation, contributes materially to the condition of debt which the cultivators are said to be in. However, the question of water rates is again under consideration.

(4) It is presumed that the canals referred to are the irrigation works in the Central Division for which Capital and Revenue Accounts are kept and that the information required is regarding the total area irrigated on those works. The total area irrigated during the year 1929-30 is 218,485 acres out of a gross command of 1,657,073 acres and an irrigable command of 556,682 acres. For a reply to the remaining portion of clause 4 and of clause 5 the honourable member is requested to refer to the Honourable Minister for Agriculture.

Rao Saheb P. D. KULKARNI : Are these rules not rigorously applied and are not the agriculturists handicapped by these rules, particularly in the case of seasonal crops, such as jnari and bajri ? The rules about the maintenance of bunds at a distance of 20 gunthas are applied. Is this not rigorous ?

The Honourable Sir GHULAM HUSSAIN : No.

Rao Saheb P. D. KULKARNI : In the Nira Left Bank Canal there were hundreds of applications for the abolition of the system in respect of a block of about 14,000 acres. What relief has been given to them ?

The Honourable Member in charge has not told us what relief was given in the matter of these hardships ?

The Honourable Sir GHULAM HUSSAIN : I want notice.

Rao Sahab P. D. KULKARNI : The reply is given here that applications were received for the abolition of the block system. What is the relief given to bagayatdars of Nira Left Bank Canal ?

The Honourable Sir GHULAM HUSSAIN : If the honourable member will send in a written question, I will give him a reply.

Rao Sahab P. D. KULKARNI : Have the rates for water decreased in proportion to the present rates of *gul* and sugar ?

The Honourable Sir GHULAM HUSSAIN : I do not agree with the implication. However, the whole question is under consideration.

REGISTRATION : ENHANCEMENT OF FEES.

Rao Bahadur B. R. NAIK (Surat District) : (a) Will Government be pleased to state whether it is a fact that the fees for registering documents at the residence of parties have been recently increased from Rs. 10 to Rs. 25 in Bombay and Rs. 20 in the mofussil ?

(b) If the reply is in the affirmative, will Government be pleased to state, with reasons for increasing the fees, whether Government have to incur any extra expenditure for such visits and whether this increase is meant to cover such expenses ?

(c) If the reply to the latter part of (b) is in the affirmative, what is the nature of the costs to Government ?

(d) Do Sub-Registrars get any portion or the whole of the fee charged for such visits ?

(e) What is the number of such visits by Sub-Registrars from April to June 1931 in the whole presidency and in Bombay proper separately and the number of such visits in the corresponding months of the last three years ?

(f) What is the total income derived from such visits during the three months (April to June 1931) and the income of the corresponding months of the last three years from the same source ?

(g) Are Government aware that the increase in the fee is causing or is likely to cause much hardship to poor people who are by reason of ill-health or social custom like the *purdah* unable to attend registration offices ?

(h) Is it a fact that fees for registering documents of the value of Rs. 200 and below and for searching records have been recently increased in the Registration Department ?

(i) If the reply to (h) is in the affirmative, are Government aware that the increase will greatly affect the poor agriculturists who have to borrow money to pay Government dues or for agricultural improvement purposes ?

(j) Is the Registration Department working at a loss ?

(k) If so, to what extent ?

(l) If it is yielding a surplus to Government, what are the reasons for enhancing the fees ?

(m) Will Government be pleased to state whether public opinion was consulted before the enhancement in fees was made ?

(n) Was there at any time before any enhancement or reduction in fees ?

(o) If so, what and when ?

(p) If there was no enhancement, will they be pleased to state the reasons why it has been done now ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes.

(b) There is no extra expenditure to meet, but the reasons for increasing the fee are (1) to discourage unnecessary visits as they cause inconvenience to other persons attending the office, who have to wait in the absence of the Sub-Registrar and (2) for additional revenue.

(c) Does not arise.

(d) No.

(e)

					April	May	June
<i>Presidency including Bombay</i>							
1928	..	..	..	..	197	203	194
1929	..	..	..	..	252	226	202
1930	..	..	..	..	180	179	186
1931	..	..	..	..	87	94	89
<i>Bombay</i>							
1928	..	..	..	..	16	15	8
1929	..	..	..	..	13	11	10
1930	..	..	..	..	8	14	8
1931	..	..	..	..	14	7	5

(f)

					April	May	June
<i>Presidency including Bombay</i>					Rs.	Rs.	Rs.
1928	..	..	..	..	1,950	2,010	1,935
1929	..	..	..	..	2,505	2,230	1,980
1930	..	..	..	..	1,790	1,780	1,850
1931	..	..	..	..	1,655	1,870	1,750
<i>Bombay</i>							
1928	..	..	..	..	160	150	80
1929	..	..	..	..	130	110	100
1930	..	..	..	..	80	140	80
1931	..	..	..	..	350	175	125

(g) No.

(h) Yes.

(i) No.

(j) No.

(k) Does not arise.

(l) The increase in the registration fees is intended partly to secure more revenue and partly to make the fees commensurate with the cost of registration where they fell short of it.

(m) Yes.

(n) No.

(o) Does not arise.

(p) Please see reply to clause (l) above.

Rao Bahadur B. R. NAIK : With regard to (m), will the Honourable Minister please state when and in what manner public opinion was consulted ?

The Honourable MOULVI RAFIUDDIN AHMAD : The notification was published in the Gazette, and no objection was received.

Rao Bahadur B. R. NAIK : Was no opinion received from any quarter ?

The Honourable MOULVI RAFIUDDIN AHMAD : I believe not.

PRISONER H. R. PARDESHI.

Mr. N. E. NAVLE (Ahmednagar District) : (a) Will Government be pleased to state whether it is a fact that a prisoner No. 16583 in the Yeravda Jail, named Hiralal Ramlal Pardeshi, was convicted on 15th August 1930 for an offence under section 117 of the Indian Penal Code as a publisher of a Civil Disobedience Movement bulletin named "Jungle Khabar" and sentenced to 15 months' rigorous imprisonment and a fine of Rs. 100 ?

(b) Why was his sentence of 15 months and a fine of Rs. 100 not commuted on 5th March 1931 as per the Gandhi-Irwin Pact ?

(c) Is it a fact that this very prisoner was convicted for another offence under sections 353 and 224 to 4 months' rigorous imprisonment and a fine of Rs. 50 ?

(d) Is it a fact that even with regard to the second offence, the Magistrate has not held proved any sort of "violence" as such ?

(e) Is there any special reason why the nature of his second offence should be allowed to affect the nature of his first offence and should come in the way of the prisoners getting the benefit of the Gandhi-Irwin Pact as far at least as the first offence and its punishment was concerned ?

The Honourable Mr. G. A. THOMAS : (a) and (c) Yes.

(d) No.

(b) and (e) The first offence was considered to be of a non-violent character and in this respect the prisoner was entitled to the benefit of the Delhi Pact. The second offence was held to amount to violence. The period of the second sentence of four months should therefore have been deemed to commence from the date of the Delhi Pact and the prisoner should have been released on its expiry. Government regret that this

fact was lost sight of. As soon as it came to their knowledge, they directed that the prisoner should be released and he was released on 2nd October 1931.

"PEECHES" : FINES FOR CHANGES.

Mr. SHAIKH ABDUL MAJID (Karachi District): (a) Will Government be pleased to state how many years ago the "peeches" for the various survey numbers in Sind were fixed?

(b) Are Government aware that the "peeches" as fixed for the various survey numbers do not in some cases tally with the village maps?

(c) Is it a fact that fines are imposed upon the zamindars for change of "peech" for the purpose of supplying water to a survey number from a convenient place?

(d) What is the total amount of fines exacted from the zamindars during the last five years in Sind for changing the "peech" of their survey number?

(e) Is it a fact that Government interests do not suffer in any way if a zamindar makes any change in the "peech" of his survey number?

(f) If so, why are fines imposed simply for shifting the corner for supplying water to a survey number from one place to another?

(g) If Government interests suffer by such change, will Government state how they suffer?

(h) Is it a fact that some zamindars complain every year that actual "peeches" as they exist in the survey numbers are not shown in the maps?

(i) Is it a fact that their complaints in this connection are not heeded and fines are exacted from them notwithstanding the fact that there has been no verification of the maps with the actual "peeches"?

The Honourable Sir GHULAM HUSSAIN: (a) Peeches of survey numbers are fixed at the time of construction of new canals. In the case of old canals peeches were determined several years ago, the record of which is kept by the Revenue Department.

(b) Discrepancies occur but they are very rare.

(c) Unauthorised changes of peech are subject to fine.

(d) A statement containing the information required is placed on the Council Table.

(e) Unauthorised peeches disturb the working of canals and jeopardise the interests of khatedars who get a limited supply for the area settled on each karia.

(f) Does not arise.

(g) Please see reply to clause (e) above.

(h) Occasionally such complaints are received. They are duly investigated and the records corrected where necessary.

(i) No such case is known.

Statement showing fines imposed during the last five years on account of changes in peeches in the various districts in Sind.

Name of District		Amount of fine imposed			Remarks
		Rs.	s.	p.	
Karachi	.. .. .	7,788	10	3	
Hyderabad	.. .. .	34,322	4	0	
Sukkur	.. .. .	12,042	10	0*	*Out of this Rs. 3,476-12-0 levied in the Rohri Division represents fine for both change of peech and wastage of water.
Larkana	.. .. .	24,337	5	6	
Nawabshah	.. .. .	42,995	4	0	
Thar Parker	.. .. .	19,509	13	0	
Upper Sind Frontier	.. .. .	13,408	10	0	
Total		1,54,402	8	9†	†Exclusive of fines imposed on the Jamrao Canal which amount to Rs. 51,600 approximately.

Mr. SHAIKH ABDUL MAJID : With regard to (e), in cases where the water-courses belong to the same zamindar, where lies the harm if he changes the "peech" of his survey number? Why should fines be levied in such cases?

The Honourable Sir GHULAM HUSSAIN : It will affect others.

Mr. SHAIKH ABDUL MAJID : Sir, I am pointing out a case in which both the water-courses belong to the same zamindar and no other zamindar has the right to take water from any of those karias. In such a case if a zamindar supplies water to his survey number from one of the karias and there is a change of "peech", why should he be fined? Where is the justification in such a case of fining a zamindar for changing the "peech"? I only want that in such cases at least the zamindar should not be fined.

The Honourable Sir GHULAM HUSSAIN : As I understand, there will be a great rush of water on the canal on one side if he changes and a karia two miles away will be affected.

Khan Bahadur M. A. KHUHRO : Is it not a fact that action is taken by the tapedar even in cases where the zamindar may have been taking water from a certain karia for the last thirty years?

The Honourable Sir GHULAM HUSSAIN : The reply is there. Whenever there are complaints, the records are corrected.

Khan Bahadur M. A. KHUHRO: Even though the practice and usage of taking water from a different source continues for years, the correction is not made in the map?

The Honourable Sir GHULAM HUSSAIN: I am not aware of such cases.

Rao Bahadur R. R. KALE: May I know, Sir, what is meant by "peeches"?

The Honourable the PRESIDENT: Sources of water.

MATRICULATION EXAMINATION, KARACHI: SUPERVISORS.

Mr. SHAIKH ABDUL MAJID (Karachi District): (a) Will Government be pleased to state whether it is a fact that all assistant masters of the N. J. High School, Karachi, that were appointed as supervisors for the last Matriculation examination held at Karachi were Hindus?

(b) If so, were all of them senior to the Muslim teachers in the school?

(c) If not, what were the reasons for appointing junior Hindus in preference to senior Muslims?

The Honourable MOULVI RAFTUDDIN AHMAD: (a) Yes.

(b) No. Some of the Hindus were junior to the Muhammadan teachers.

(c) The Head Master, N. J. High School, Karachi, reports that he recommended for appointment as supervisors only those who had applied in writing or personally to him and that as no Muhammadan teachers had done so, their names were not suggested.

MINISTERIAL GOVERNMENT SERVANTS: RETIREMENT AGE.

Mr. SYED MUNAWAR: Will Government be pleased to state—

(a) whether Government Resolution in the Finance Department No. 6426, dated the 27th June 1930, fixing the ordinary age-limit at 60 for retirement of ministerial servants is meant only for Government servants or applies to ministerial servants of local authorities like Municipalities and Port Trusts;

(b) whether "ministerial servants" as used in the Government Resolution is intended to denote servants other than executive officers;

(c) whether all officers not doing out-door work are intended to fall under the category of such "ministerial servants", e.g. clerks, office superintendents, accountants and the like;

(d) whether copies of the said Government Resolution have been issued to semi-Government administrations for being given effect to;

(e) if so, the names of such administrations as have adopted the rules?

The Honourable Sir GOVINDRAO PRADHAN: (a) The ruling given in Government Resolution, Finance Department, No. 6426, dated 27th June 1930, will be applicable to ministerial Government servants.

(b) and (c) The honourable member is referred to the definition of the term "ministerial servants" in Rule 9 (35) of the Bombay Civil Services Rules.

(d) The Resolution referred to was addressed to Port Trusts, Municipalities and Local Boards for their information.

(e) The following Local Bodies have adopted the ruling in the Resolution :—

- Southern Division.*—Belgaum District Local Board.
Dharwar District Local Board.
Kanara District Local Board.
- Central Division.*— East Khandesh District Local Board.
Sholapur District Local Board.
Municipality of Parola.
Municipality of Dharangaon.
- Sind* Sukkur District Local Board.
Larkana District Local Board.
Municipality of Rohri.
Municipality of Ghotki.

Mr. SYED MUNAWAR : With regard to (d), may I know whether any replies have been received by Government from the Bombay Municipal Corporation and Port Trusts in the Presidency ?

The Honourable Sir GOVINDRAO PRADHAN : No reply was asked for. The resolution was only forwarded for their information.

INAM VILLAGES.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars) : Will Government be pleased to place on the Council Table a statement showing the number of inam villages in the Presidency indicating the area of land comprised in each of the villages ?

The Honourable Mr. W. F. HUDSON : There are 2,133½ inam villages in the Presidency proper and 146 in Sind. (It was stated in the *ad interim* reply to the question printed at page 1018 of Volume XXX, Part XX, of the Bombay Legislative Council Debates, that there are 2,079 inam villages in the Presidency proper. That figure did not include sharakati inam villages. The correct number inclusive of sharakati villages is 2,133½.) A statement giving the information asked for is placed on the table.* ✓

JAMA AND JUDI : SUSPENSION IN NORTHERN DIVISION.

Sardar BHASAHEB RAISINHJI (THAKOR OF KERWADA) (Gujarat Sardars and Inamdars) : (a) Will Government be pleased to state whether they have given any suspension of Jama or Judi to the Talukdars and Inamdars in the Northern Division ?

(b) If the answer to (a) is in the affirmative, will they place on the Council Table a statement giving the figures of suspension against the names of those Talukdars and Inamdars to whom it has been granted ?

* Kept in the Secretary's office.

The Honourable Mr. W. F. HUDSON: (a) Yes.

(b) Two statements containing the required information are placed on the Council Table.* ✓

INDUSTRIAL DISPUTES BILL.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether they have made any enquiry of the Government of India as to whether and when they intend to introduce the Industrial Disputes Bill for the whole of India;

(b) whether they have received any information regarding the intention of the Government of India in that respect?

The Honourable Sir GHULAM HUSSAIN: It is not clear to what Bill the Honourable Member refers. The Trades Disputes Act VII of 1929 applies to the whole of India.

VILLAGE PANCHAYATS ACT: AMENDMENTS.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether they intend to propose any amendments in the Village Panchayats Act;

(b) if so, when?

The Honourable Sirdar Sir RUSTOM JEHANGIR VAKIL: (a) Yes.

(b) As soon as possible.

LAND MORTGAGE BANK.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state whether they have recommended to the Government of India any proposal for the opening of a Central Land Mortgage Bank, guaranteeing 6 per cent. interest from the provincial revenues at least for a period of 25 years, as has been done by the Madras Government?

The Honourable Dewan Bahadur S. T. KAMBLI: No.

COUNTRY LIQUOR SHOPS: RECEIPTS.

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state the amount of receipts realised from the auctions of country liquor shops in the Nasik District for each of the last five years?

The Honourable MOULVI RAFIUDDIN AHMAD: The following statement gives the required information:—

Year	Rs.
1927-28 .. .. .	.. 3,26,925
1928-29 .. .. .	.. 3,87,485
1929-30 .. .. .	.. 4,14,845
1930-31 .. .. .	.. 3,79,466
1931-32 .. .. .	.. 2,40,665

* Kept in the Secretary's office.

PROVINCIAL SERVICES : SELECTION COMMITTEES.

Rao Sahab R. V. VANDEKAR (Nasik District): (a) Will Government be pleased to state whether there are selection committees formed for some of the provincial services in the Presidency ?

(b) What is the composition of each of these committees ?

(c) What is the tenure of office of the members of the committees ?

(d) Were members from the Hindu intermediate, depressed classes and Mahomedans ever nominated on such committees ?

The Honourable Sir GOVINDRAO PRADHAN: (a) Yes.

(b) The honourable member is referred to rule 2 and schedule thereto in Appendix G to the Bombay Civil Services Recruitment Rules in Financial Publication No. VI of the Government of Bombay, a copy of which is placed in the Council Library.

(c) The Boards of Selection are permanent.

(d) No.

ACTS ASSENTED TO BY GOVERNOR GENERAL.

The Honourable the PRESIDENT: Order, order. Since the Council assembled, the following Acts have received the assent of His Excellency the Governor General:

(1) An Act further to amend the Bombay Entertainments Duty Act, 1923.

(2) An Act further to amend the Bombay Irrigation Act, 1879.

CUT IN HONOURABLE MEMBERS' AND MINISTERS' SALARIES.

The Honourable Sir GHULAM HUSSAIN: Mr. President, honourable members of this House will be glad to learn that we, Members and Ministers, have agreed to a voluntary cut of 10 per cent. in our salaries. [*Hear, hear.*] The cut is to include the proposed surcharge on income tax, and is to take effect from the date on which the compulsory cuts in the salaries of the all-India Services will come into operation.

Further, I have great pleasure in announcing that my esteemed friend, the Minister of Local Self-Government (the Honourable Sir Rustom Vakil), has already forgone a month's salary before the contemplated cut. I take this opportunity of thanking him on behalf of Government for his generous and public-spirited action, and I am sure all honourable members will appreciate his action.

Mr. PESTANSHAH N. VAKIL: What is it that the Honourable Minister of Local Self-Government has forgone ?

The Honourable Sir GHULAM HUSSAIN: One month's salary, in addition to the 10 per cent. cut.

An Honourable MEMBER: What about the other Ministers ?

The Honourable Sir GHULAM HUSSAIN: They are not so rich as he.

**ADEN ADMINISTRATION : TRANSFER TO GOVERNMENT
OF INDIA.**

Mr. A. N. SURVE: On a point of correction, Sir. Last evening, the Honourable the Leader of the House threw out a suggestion that I was acting under the influence of somebody and had sent in my question at a very late time—

The Honourable Sir GHULAM HUSSAIN: I never said that he was acting under the influence of somebody. Perhaps he did not hear me properly.

The Honourable the PRESIDENT: What question?

Mr. A. N. SURVE: The Aden administration question, Sir. The Honourable the Leader of the House made the statement that he received my question only two days ago and from that fact he inferred that I had sent my question—

The Honourable Sir GHULAM HUSSAIN: I never said anything of the sort. The office may have received the question earlier, but I personally received it two days ago.

Mr. A. N. SURVE: I had submitted it on the 21st September. In asking this question I was discharging my duty which I owe to my constituency. The Bombay merchants are vitally interested in African trade, especially in Aden trade, and in asking this question I was not working at the instigation of somebody.

The Honourable the PRESIDENT: Order, order. But that has been denied by the Honourable the Leader. He never said that the honourable member was acting under some influence.

Question again proposed:

"That the Report of the Committee on Public Accounts on the Appropriation Accounts of the Government of Bombay for the year 1929-30 and the Report of the Accountant General thereon be recorded."

Mr. V. N. JOG (Dharwar District): Sir, before recording the report on the appropriation accounts of the Government, I should like to make a few observations. No doubt, the Public Accounts Committee has considered the whole report and the statement of accounts; and the Finance Department also, in a note, has explained and answered certain statements made in the report of the Auditor General. I may refer to the statement which has been prepared by the Finance Department and published in the report of the Public Accounts Committee at page 23, Appendix B. There an objection has been taken that the Auditor General's letter has painted the picture with a very broad brush in dark colours. But the Public Accounts Committee, I am constrained to say, has used an equally broad brush with white colours. I do not think that the picture is made more rosy on account of the white brush.

Coming now to the comments made by the Auditor General, I must first congratulate the Finance Department and the officers concerned on the fact that we do not find so many irregularities in this report as we used to observe in the previous reports. But with regard to proper

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budgeting, I wish to make a few remarks. There is not yet established a sufficient control over the expenditure of the various departments. No doubt instructions have now been issued as regards keeping a watch over this expenditure as it goes on in order that there should not be any necessity for supplementary grants and late allotments. With all this, Sir, you will see that there still are a number of controlling officers and the expenditure is not kept under control. No doubt an attempt has been made to reduce the number of controlling officers. But I think some other remedy should be found so that the number of controlling officers is reduced and responsibility is fixed upon a particular individual who can from time to time watch the growth of expenditure.

In that connection, I request the attention of this House to the remarks which have been made by the Auditor General on page 17 of the report of the Public Accounts Committee which has been given to us. I am reading from page 16—"State of the Financial Administration":

"The Accountant General has brought together in a number of passages of his report, facts which do not throw an altogether favourable light upon the efficiency of the financial control over the public expenditure of the Presidency. The details of the Appropriation Accounts also indicate very clearly in my opinion that, over practically the whole field, there is great room for improvement in financial administration."

Then, a statement follows with regard to the accounts under discussion:

"The Appropriation Accounts and the report for 1929-30 warrant even stronger criticism. They certainly convey to me the impression that financial administration in Bombay has fallen far short of the high standard which is essential in this matter, and in particular has been ineffective."

And further on, he says that the responsibility is not so much with the officers but with the system:

"The responsibility must lie with the financial department of the Executive Government for the defects of system and procedure, for the inaccuracy in general budgeting, and for the ineffective control over current expenditure during the year, which the facts brought out in various passages of the Accountant General's report seem to substantiate very definitely."

Then, he gives instances in which over-budgeting has taken place, and certain matters are not attended to, and in order to illustrate his remarks in several passages, a reference has been made to the Appropriation Report. Taking a few of the instances, I might draw the attention of this House with regard to the circumstances which have remained unattended even after grants are voted. I will show that there was over-budgeting even in the voted items and also the non-voted items. You will please turn up page 32, paragraph 36, "Savings—Votable":

"Savings occurred in 36 out of 45 grants."

and the total saving as shown on page 33 in the voted grant is Rs. 1,08,22,450. No doubt, there is an improvement over the past year, but still there is 7.67 per cent. of the voted grants remaining unspent at the close of the year. In this connection, I would also wish to draw the attention of this House to a remark at page 34 to the effect that in certain

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instances supplementary grants were obtained even though the voted demand was quite sufficient for the expenses :

"Government in 1929-30 obtained supplementary grants amounting to Rs. 53.42 lakhs but the votable savings over the total of original grants was Rs. 52.63 lakhs and over that of final grants Rs. 106.05 lakhs."

So, I submit, Sir, that even though there was an amount of more than about 50 lakhs which could have been utilised, grants to the extent of 53 lakhs were obtained and the whole of that amount remained unspent. You will observe, Sir, that at the time when cuts are being moved at the time of the budget discussion, the cuts are not accepted and the discussion goes on and it is said that those amounts are quite necessary, and on that representation many times the honourable members on this side of the House have withdrawn their motions. That is not the correct way of budgeting, and the fault lies to a certain extent with the Finance Department in many respects. Sometimes a certain amount of money is required for the nation-building departments and a cry is raised that that money should be used for those departments, but the explanation given is that other reserved departments require that amount of money but which we ultimately find is not spent at all. So, certain departments which are in urgent need of having more money are starved and the money is locked up and ultimately it lapses, and this fact would show that certain departments are not properly served.

Even as regards the budget, we find that the estimate is not properly prepared and this defect could be corrected if more careful attention were paid and three years' average were taken and if all the various officers are asked to confine themselves as far as possible to the exact amount which would be required. They should not be allowed to budget for more work which they do not think they can take in hand during that period.

On page 34, we find there is a saving of 28 lakhs in spite of the fact that instructions have been given to the officers to be very careful in drawing up their budgets, but the officers have not yet come up to the mark. I can substantiate this statement by stating that even towards the closing period of the year supplementary grants come forward and on page 35 all these grants are given. On page 35, under "Unnecessary Grants (Votable)", even the dates have been given. Paragraph 39 reads :

"In the following statement are specified certain voted grants in connection with which supplementary grants were obtained from the Council but in which the expenditure proved to be accommodated within the original grant."

And you will find there that even as late as February and March we have been seeing that these supplementary grants have been obtained both in non-votable and votable items.

Then at pages 36 and 37, I wish to draw the attention of the House to the paragraph 41—"Late Allotments"—which shows that late allotments are being made. On page 38 you will find that even on the 31st of March and up to the 31st of March i.e. up to the close of the year, allotments have been made. I cannot understand how the officer on the

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31st March 1930 could use a certain amount allotted on that very day, and I cannot understand how the officer imagined he could spend a large amount within so short a time and why he did not allow that amount to be surrendered earlier.

No doubt, Sir, the Public Accounts Committee has carefully gone into all these facts, but still I think the House must be in possession of certain facts, and I submit, Sir, that there should be more control exercised over these expenses.

With regard also to the surrenders, many times we find that surrenders have been made but that those surrenders are not quite sufficient. No doubt within the first six months this may not be known, but as the year passes, I think the officers concerned know whether they can spare any money and whether they can surrender any amount in order that that amount may be made use of in other departments. On pages 41 and 42, we find what the percentage of these surrenders is. In all, the amount that lapsed in voted items is Rs. 92,77,357, whereas the surrender is only Rs. 15,45,093, and the percentage is given on page 42. It will be observed with regard to non-voted the same is the case. So, there should be more control over the expenditure.

Coming to the financial position, exception has been taken by the Finance Department to the remarks of the Auditor General. He says that specially rigorous financial control seems to be the minimum pre-requisite for the amelioration of the finances of this presidency. We have to admit that our presidency has been very liberal with its finances and we must take drastic steps for some time. Then, the Auditor General goes on to say on page 19 :

"Throughout the period of the Montagu-Chelmsford Reforms, the Bombay Government, until the year 1930-31 have never presented a balanced budget, and in 6 years out of 9 years ending with 1929-30, there has been an actual revenue deficit."

No doubt, with regard to 1929-30 it has been explained by the Finance Department. Taking the question as a whole, I do not think that the remark of the Auditor General is quite out of place. We have to be more careful. I do not want to anticipate the labours of the Retrenchment Committee, who are considering this question. I take this opportunity to thank the Honourable Minister for Local Self-Government for the sacrifice he has made in giving up one month's salary and also the Executive Councillors for the voluntary cut they have accepted. I am sure the House feels thankful for the voluntary cut they have accepted. We could have expected the Government to come forward with a more liberal cut in their salaries. When I moved a cut of 25 per cent. in the Minister's salary it was lost. In the present finances of the country, the cut ought to have been at least 25 per cent. As I said last time, there cannot be a uniform cut, as this will entail great hardship on the lower salaries. If highly paid officers set an example by offering a higher percentage of cut in their salaries, we can see a way by which the minimum wage need not be touched. With these remarks I resume my seat.

Mr. B. S. KAMAT : Mr. President, I recognise the character of the motion which we are now discussing. It is more or less a motion of a post mortem character. We are now talking of the accounts of 1929-30. I know ordinarily reports of this nature might be buried and the coffin closed even without a hymn. This year, however, we are passing through rather difficult times. Then again, the Finance Secretary has been good enough to place in our hands a "Review" of the past 10 years of the financial position of this Presidency. These circumstances require in my view that a few observations should be made by honourable members with reference to the financial administration of the Presidency during recent years and the financial situation at the present moment.

I shall venture to offer a few remarks with reference to the review placed in the hands of honourable members and the comments made by the Auditor General about the soundness of the financial administration of this Presidency. There are two or three questions which seem to me to be of some importance at the present moment ; one of them is, whether the general administration of the finances of this Presidency has been carried on, not during the year 1928-29 but during the last 7 or 8 years, in a sound manner from the point of view of the canons of finance. The remarks of the Auditor-General do not apply, as will be noticed by honourable members to one year but to a lengthy period of 6 or 7 years or even more. Now, we have seen the comments of the Auditor General that the Bombay Government during a series of years has never framed a balanced budget. We have been told on the other hand by the Finance Department that, if that fact is true, it is because a technical deficit has to be created in order to draw upon the reserve balances. With reference to this charge of the Auditor General I am inclined to think, Sir, that the defence of the Bombay Government is technically true ; deficit budgets were shown for a certain definite purpose. But the real point is this, viz., we have to find out whether the purpose in view was sound. The defence of the Finance Department is that a technical deficit had to be shown for the simple reason that they wanted to draw upon the reserve balances which were accumulating. To my mind the matter does not end there. If it was the object to draw upon the reserve funds, then the question arises whether the schemes for which they wanted to touch the reserve funds and on which they wanted to incur the expenditure from the reserve balances were sound or not. If, however, Government have exercised caution and prudence in selecting the items of expenditure for which they wanted to draw on the reserve funds, then whether the deficit shown was technical or real, it does not matter. But the real charge against the Finance Department is that all these years they created the technical deficit in their annual budgets in order to draw upon the reserve (which had been carefully built up by a previous generation of tax-payers) only to spend it on objects selected without that prudence and caution which is necessary on the part of sound financiers. We know, Sir, that during the pre-reform days and for some two or three years during the post-reform days, the Government had at their command a well built balance of three crores and

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six lakhs available for any emergency. We know also, Sir, the other fact that we have not only exhausted that huge balance but we are now on the wrong side—or, as the review of the Auditor General says, “on the minus side.” That is to say, not only the Finance Department has allowed these three crores and six lakhs to be spent away in 10 years, but we have now no free balance at all. The Auditor General's remarks on the Budget for 1931-32 are :

“The total Provincial balance of the Bombay Government will, it is anticipated, be Rs. 38 lakhs only and as the book balances in the Famine Relief Fund and the Depreciation Funds will stand at 78 lakhs, the position is that the Presidency will not only have no free balance at all, but will be in deficit on this account by 40 lakhs.”

This is the broad fact we have to bear in mind. The financial administration in this Presidency, in short, began with a patrimony of three crores and six lakhs and in ten years all the reserve balances have come to nil. Is this sound? Looking at it from this point of view, it seems to me the remark of the Auditor General taken broadly is correct. True, from accounting point of view it may be necessary to show technical deficits, but the fact is they were shown with a view to raid the balances. And, unfortunately, not only have they spent all reserve funds, but they have spent them on various projects which are financially unsound and objectionable. Therefore, I assert that from this point of view the comment of the Auditor General is well justified.

In this “Review” there has been an attempt made by the honourable member the Finance Secretary to show that there has been a fall in revenue in recent years and on the other hand there has been a rise in the expenditure side, taking the two years 1922-23 and 1929-30. The deductions based by the Finance Secretary on these years may be technically correct, but the conclusion is vitiated by the fact that he chooses the particular years which suit his purpose. I for one would not draw any such deductions at all for the decade 1921-31 by this method of choosing the year 1922-23 and the year 1929-30. That is a faulty method, and no value attaches to any deductions drawn from the figures for these two years, as they might be typical from the point of view of one man, but not typical from the point of view of another. I therefore do not attach any great importance to the deductions about the extent in the fall in the revenue, unless you take ten years' average in each major source of revenue.

Coming to the general conclusions which have been mentioned by the Finance Secretary on page 4 of his Review, it is pertinent for this House, I think, to examine today and find out whether his deductions are correct. In paragraph 9 (page 4 of the “Review”) he says :

“The general conclusion to be drawn from this analysis is that additional revenues, whether from taxation or other causes, have been in the main absorbed by simultaneous falls in receipts, due partly to trade depression and partly to the policy of prohibition.”

It will be noticed that the honourable member the Finance Secretary is attributing the present financial troubles mainly to two causes, viz., trade depression and the policy of prohibition; and he is stating that if additional revenues were given in the past by this House to Government,

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those additional revenues have been absorbed by falls in receipts. Now, broadly speaking, these two conclusions may be partly correct, but here again, there is the fallacy of half-truths. The picture drawn is not wholly true. If trade depression and prohibition as root causes depict one side of the picture, it is my duty, if I can, to place before this House the other side of the picture as regards the sources of our troubles. It might be remembered, Sir, that during the last 10 years, this House has given to the Government, in the shape of additional taxation, an extra revenue of something like Rs. 60 lakhs per year. Those Rs. 60 lakhs have been enumerated at the top of page 4 of the "Review." The question arises, having given to Government an additional amount of Rs. 60 lakhs in the shape of fresh taxation during the last 10 years, how have the Government dealt with this new income in their hands? The reply of Government is that the additional revenues have been absorbed by the fall in receipts. Well, that is one explanation perhaps, although Government must prove that fact by indisputable figures, as regards a steady fall. But there is another side also to this picture; I venture to suggest that you can look at it from another point of view, and I am going to present another picture to this House, in order that the House may see whether the other picture is not also true, in considering the financial situation. Sir, I am speaking under a certain amount of disadvantage here as a member of the Retrenchment Committee, but I shall not express an opinion to-day about the aspect of retrenchment in expenditure. I shall, as far as possible, avoid that aspect of the question, but I cannot help quoting certain figures which have a bearing on the "review" of the financial situation; and in doing so I shall take the figures which have been submitted, not to the Retrenchment Committee, but to this House by the Finance Secretary himself at the July session, when we were discussing the question of enhanced cost of establishments. These figures tell us that, in the year 1919-20, that is, before the Reforms, total establishment of Government including gazetted officers, non-gazetted officers and inferior servants, numbered 70,000 odd people, and the cost of that establishment was Rs. 4,11,00,000. In the year 1928-29, the Finance Secretary tells us, the figures stood thus: the total establishment was 72,000 odd, and the total cost of the establishment was Rs. 5,37,00,000, a figure which my honourable friend from Dharwar (Mr. Jog) might perhaps remember. In other words, the cost of establishment, during the last 10 years, has gone up from Rs. 4,11,00,000 to Rs. 5,37,00,000—an addition of Rs. 1,26,00,000 for the cost of establishment alone. Now, Sir, you can compare with this statement the statement of the Finance Secretary, that the additional revenues have been absorbed by simultaneous falls in receipts. That might be, as I said, perfectly correct from one point of view, but looked at from another point of view I maintain that the additional revenues given to the Finance Department, viz., Rs. 60 lakhs, have been absorbed in some other manner, viz., the cost of establishment has absorbed the extra taxation, since establishment costs have jumped up, as I say,

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from Rs. 4,11,00,000 to Rs. 5,37,00,000, an addition of Rs. 1,26,00,000. That is a direction, I contend, in which the additional income from taxation voted by this House has been absorbed. Now, Sir, the figure of Rs. 5,37,00,000 as our total salary bill is perhaps well known to the House; if I stop there it does not throw sufficient light on this subject. I have accordingly analysed with some care the figures submitted by the Finance Secretary to this House about the comparative costs of establishment, and I wish to place before the House certain conclusions which are deducible from the analysis which I have made. The mere fact that the total cost of establishment has gone up during the last 10 years by about Rs. 1,25,00,000 is not very significant. There are other side-lights which make the comparison very interesting. What is the additional cost, let us see, on account of gazetted officers? I consider that is a very pertinent and important question. Sir, the total number of gazetted officers in 1919-20, was 1,621; the total number of gazetted officers to-day stands at 1,723—a small addition of about 100 gazetted officers. This addition may be necessary for the exigencies of the administration; I do not complain about that.

The Honourable Sir GOVINDRAO PRADHAN: Police inspectors are now gazetted officers.

Mr. B. S. KAMAT: Yes; there may be also a reclassification of gazetted officers, but my quarrel is not about the number. The fact which I wish to bring out is this: the total cost of gazetted officers 10 years ago was Rs. 1,22,19,000; the cost under the same head to-day stands at Rs. 1,71,46,000. That is to say, the additional cost of gazetted officers alone to the Presidency to-day stands at Rs. 49,27,000, or nearly Rs. 50,00,000. Thus the interpretation which one can legitimately put upon this additional expenditure, is that out of the Rs. 60,00,000 voted as additional taxation to the executive Government, nearly Rs. 50,00,000 have gone towards increases of pay of the 1,723 gazetted officers. That is how I look at it. Now I come to the non-gazetted and inferior staff. Out of the extra cost of Rs. 1,25,00,000 for staff in the Presidency the non-gazetted officers absorb Rs. 68,00,000 and the inferior servants 8,00,000 only, as compared with the bill 10 years ago. In other words, my analysis shows that each gazetted officer is costing the Presidency something like Rs. 239 per month as an average, whereas the non-gazetted officers per head cost about Rs. 109 per month additional, as compared with what they were costing ten years ago. That is another direction, Sir, in which the "Review" ought to have shown us how fresh taxation granted by the Council is being absorbed.

Now, I come, Sir, to the second alleged cause of the present financial troubles, viz. prohibition. I shall revert to this subject a little later on. In the meantime, I wish to invite the attention of the House to another count against the Government contained in the Auditor General's remarks. The Auditor General has emphasised that the policy of the Bombay Government in respect of its debt position and interest charges is by no means sound. Sir, I consider that the whole policy of Government of

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incurring heavy debts and large borrowings which has been followed by this Government during the last ten years, so also paying interest charges from current revenues in respect of large projects is unwarrantable. The detailed statement given in this Financial Review shows that in the earlier post-war years, in fact right up to the year 1921-22, it was never the policy of this Government to borrow and go on spending from the revenues a large burden of interest. Statement III makes that perhaps clear. The net interest and debt charges which this Presidency had to bear were *nil* in the good old days from 1917-18 right up to 1920-21. The then Government in its wisdom never thought of this policy of borrowing for capital expenditure on schemes of gigantic proportions and spending out of the revenues for paying interest on that debt. Now, this policy was undertaken somewhere about the year 1921-22, when there was at the head of the administration in this Presidency a young man in a hurry who wanted to carry through huge schemes of development within the allotted space of his time. We are all aware that the Presidency has had to launch since then on this policy of borrowing on a very large scale for capital expenditure and spending out of the current revenues for payment of interest. I am aware, Sir, Government have a bad legacy on their hands, but I like to ask Government how long they would continue the policy of meeting huge interest charges from meagre revenues. Only this morning, in answer to a question from one of my honourable friends on this side, the Honourable the General Member told us that the cost of Back Bay Reclamation up to March last was somewhere about Rs. 6,88,00,000. On the other hand, a statement which was placed in the hands of honourable members only two days ago about the Bombay Development Schemes, states that the total cost incurred on the Reclamation is somewhere in the neighbourhood of Rs. 8,48,00,000. Probably the Honourable the General Member may explain away the discrepancy on account of some sales of land, perhaps. Whatever that may be, if you read the figures of debt charges in this Review, you will find that the Presidency has to bear 66 lakhs of rupees from revenue to meet its interest liabilities alone. Forty-three lakhs of this are in connection with the Bombay Development scheme; including other schemes, the total interest charges met from revenue, as shown in Statement VI (page 21) are 66 lakhs of rupees. Now, I should like to know how long Government propose to go on like this, paying from current revenues, these tremendous interest charges on capital projects,—projects which may materialise into success, if at all, at the end of ten or twenty years? Is it fair I ask that the present generation of tax-payer should be bearing this burden every year for interest on capital borrowed for financing projects which may bring in profit say twenty or thirty years hence? I know, Sir, there are two ways of meeting such interest charges, one by borrowing while the whole project is under construction, and the other by paying from the general revenues if you have ample revenue. We have just been told what the Back Bay Reclamation has cost us to date. I wish to know from Government whether we are to go on paying 43 or 66 lakhs per annum

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from the ordinary revenues of the presidency for years together, thereby creating deficits and involving retrenchment and consequent hardship to the present generation, because twenty years hence Government hope the reclaimed land may be sold at a profit and the then generation may reap that profit? These six or eight crores that we have spent on the Reclamation may fetch according to some optimistic forecast sixteen crores twenty or forty years hence. But is the policy that Government are now following a fair one? As the finances are extremely low this year—for that matter, they have been bad during the last three or four years—may I ask if Government have considered the suggestion which appears certainly business-like and worth examination, viz. of selling the lands if possible and pay off part of these eight crores? In that way they can reduce their debt and save interest. They have spent, I think, no less than seven crores of rupees during the last ten years on interest and sinking fund charges alone from the general revenues. I think the time has come to review the whole debt position and to see whether we cannot turn our landed property into liquid assets and thereby relieve the tax-payer from a part of the interest charges in these hard times.

Now, I come, Sir, to the question of the prohibition policy and our present plight. The Review by the Finance Secretary, Mr. Wiles, suggests that if you wish to extricate yourself from the present troubles, you must revise your policy of prohibition. I have carefully read the remarks contained in paragraph 17 at page 8 of the Review prepared by Mr. Wiles, as also the remarks contained in paragraph 9 at page 4. These seem to make out a case as if the whole trouble lies with the policy of prohibition which this House has pursued. Here again, Sir, we are up against a partial truth and not the whole. In the presentation of the case one feels something is kept behind. At any rate, it has not been conclusively proved by the meagre reference in this Review to the mind of an impartial and fair-minded person that the policy of prohibition must be changed if we want to extricate ourselves from the present financial position. In this connection, let me make it perfectly clear that I am not one of those who are wedded to the policy of prohibition at any cost. After all, the policy pursued in this Presidency is not a real policy of prohibition: it is the policy of rationing. If a complete and conclusive case is made out by any man, by the Finance Secretary or indeed by any man, that the present policy of prohibition has failed, it should be incumbent on this side of the House, I own, to reconsider that policy. But have Government made out a complete case? Have they proved, that the whole trouble of our financial situation lies at the root of the prohibition policy? Sir, I confess I am not at all convinced. It is perfectly true that the excise revenue has gone down; nobody disputes that. But it is one thing to say that, and entirely another thing to suggest that because the excise revenue has gone down this year and the previous year, therefore, the policy of rationing should be changed. If one wants to establish that the rationing policy must be changed, one has to show something more than that. Now,

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I admit that since May 1930, due to picketing and an intensive campaign against liquor in Bombay, the excise revenue has gone down. Well, that is perhaps an accidental circumstance which applies to the year 1930 and which may perhaps apply to the year 1931. But I cannot accept as absolutely correct the statement made by the honourable member, the Finance Secretary (Mr. Wiles) contained in paragraph 17, page 8, of the Review. There he says :

“ But the fact must be emphasized, however unpalatable it may be, that the Prohibition Policy had already in 1929 cost the Presidency 60 lakhs per annum, before the present intensive campaign started. And this analysis has made it clear that the Presidency is utterly unable to bear the cost of continuing the policy without additional revenues.”

Now, Sir, I am unable to understand, in the first place, what this sentence means: “ the Prohibition Policy had already in 1929 cost the Presidency 60 lakhs per annum.” If it refers to 1929, it cannot mean “ per annum”; and if it means “ per annum”, obviously it must be borne out by figures spread over a number of years; if it is not noticeable over a period of several years, then his argument falls to the ground. This sentence apparently requires some explanation. If the honourable member the Finance Secretary means that the finances of the Presidency have gone down by Rs. 60 lakhs *per annum*, then we must turn for verification to the statement given by him on page 13 of the Review showing the chief items of revenue (ordinary) of the Government of Bombay during the last 10 years. Let us turn to this table; we here find the items of revenue for the 10 years (1921-22 to 1929-30). Let us start with 1929-30 and go back towards the earlier period. I leave aside the year 1930-31 for the simple reason that this year, as I said, was vitiated by the question of picketing and the civil disobedience movement in Bombay and other places as well as trade depression. So, leaving aside 1930-31, let us start with 1929-30 and see whether the statement made by my honourable friend Mr. Wiles is justified. The excise revenue in 1929-30 was 4,08 lakhs; in the previous year (1928-29) it was 3,92 lakhs. Again, it was 3,96 lakhs in 1927-28—only 4 lakhs less than 4 crores. In the previous year to that, namely, in 1926-27 it was 4,09 lakhs; and in 1925-26 it was 4,15 lakhs. In 1924-25 it was 4,43 lakhs. I do not see how the statement that there has been a decrease of 60 lakhs *per annum* in the excise revenue can stand in the face of these figures of revenue. If that statement falls to the ground, I maintain, Sir, the whole argument built on the question of the revision of the prohibition policy also falls to the ground. I am not prepared to controvert the statement that you have illicit distillation going on particularly in certain districts. This is inevitable to a certain extent. But when the honourable member the Finance Secretary comes before this House and asserts that our financial salvation lies in revising the policy of prohibition, I think he has not made out his case completely and conclusively. All that we can say is that there is room for alarm and that the revenue is falling to a certain extent, but it does not mean that the whole question of rationing should be reconsidered.

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I shall now turn to another aspect of this question in order to see whether there is a case for changing this policy of rationing. Looking at the latest figures of rationed liquor, let us see what the report "Bombay in 1929-30" says; I refer to page 228:

"The ration fixed for 1929-30 was the same as for 1928-29."

Sir, the prohibition policy is nothing but the policy of rationing, and if the Government is out to prove that the policy of rationing has failed, it has to bring some more evidence. I will quote from the Excise Administration Report for 1929-30. It says:

"The rations fixed for 1929-30 were the same as those for 1928-29, but the figures reported in the foregoing Statement include in all cases the extra ration of 20 per cent, which is allowed to border shops in case of necessity."

The total consumption increased in the year 1929-30 over the year 1928-29 by somewhere about 51 thousand gallons although it did not reach the allotted ration and fell short by 476,524 gallons. Now, Sir, the real test of consumption is the purchasing power of the ryct. Wherever there is purchasing power, there is increased consumption, and if the consumption is not up to the allowed limit, you have to seek for another cause, namely, the purchasing power, which has fallen tremendously during the last two or three years; it does not mean that the fall is due to inherent defects in the system. The mere fact that the revenue has fallen during the last two or three years is not conclusive evidence of the inherent defects in the rationing system. There might be other causes, such as the purchasing power of the consumer, he being unable to consume as much liquor as he used to. Colour is lent to this hypothesis, from my point of view, by another paragraph contained in the Administration Report of the Bombay Presidency for the year 1929-30. Leave aside the question of liquor; take the question of opium. There the question of rationing does not so much come in. Yet, what do we find? The income of Government was 12 lakhs of rupees in the previous year. During the year under report (1929-30) it has gone down by a lakh of rupees—from 12 lakhs to 11 lakhs. Has rationing anything to do with opium? There is therefore no reason to conclude that the rationing policy or in other words prohibition has entirely failed and that the solution of the financial question lies in the revision of the prohibition policy.

There is only one more point to which I would like to refer before I conclude. It is not for me, as long as I am on the Retrenchment Committee, to make here any comments at this stage about certain directions in which retrenchment can be effected. That is for the Retrenchment Committee. But I may permit myself only one remark. As one of my honourable friends remarked during the Budget session, the Bombay Presidency is a *de luxe* province in respect of spending. Where other presidencies can do with 8 annas, Bombay requires 1 rupee in certain departments, and if the honourable member the Finance Secretary wants to know any further causes beyond the ones which he has enumerated in his Review, namely, fall in prices and prohibition, let me point out to him one direction in which he can trace the source of our present

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plight, and that is, that the Bombay Government is in the grip of engineers. It is in the grip of Public Works Department and Irrigation engineers, and so long as they retain the grip on the Government, so long as the Government remains under the dominating influences of these men, it will spend crores and crores either from borrowed money or from revenue. So long as this grip on the Finance Department is retained, I do not think there will be any relief for the Presidency.

I thank the Government Members and Ministers for having come forward with a voluntary cut in their salaries. We really appreciate their spirit. I personally would have liked the Honourable the Finance Member to go a little further and to have taken this opportunity to make an announcement as to what has been done by Government in regard to the *ad interim* report of the Retrenchment Committee recommending cuts in the salaries of all Government servants, and also retrenchment in various other departments. It is due to this House that the Retrenchment Committee's *ad interim* report, which was submitted to Government in July, and which I take it must have been considered by the Honourable the Finance Member by now, should have been referred to, and the intentions of Government announced. Unfortunately, he has not been pleased to tell this House as to what has been done with the report; still, I do hope that the suggestions made by the Retrenchment Committee are receiving the serious consideration of Government.

Rao Bahadur R. R. KALE (Bombay University): Sir, after the well reasoned speech of my honourable friend on my left (Mr. Kamat), I do not wish to deal with the subjects which he has already touched. The motion before the House relates to a consideration of the report of the Public Accounts Committee, and I must say that so far as the work of that committee is concerned, it has done its duty in a manner which I think does credit to them. However, that does not mean that really speaking the work and the duty of the Public Accounts Committee have yet come to the level to which it is expected to come. Of course, it is a new statutory body created under the new Government of India Act and the duties expected of that body have been laid down in the rules framed under section 96D of that Act, but I submit that that committee suffers under the disadvantage of having members who are by no means experts in financial or accounts matters, and I see that the honourable member the Finance Secretary dominates its proceedings, naturally, as he is a person who is conversant and well versed with the defects of the financial system. He has been there, I think, since we came in this Council under the new reforms; but, Sir, he too suffers under the disability of tradition—tradition in which he has been trained in days prior to the reforms, and hence it is that he is likely to look at the question from an angle of vision which may be different from that of another person, if the latter should be in charge of this department. I do not attribute to him any conscious or deliberate prejudice; but, Sir, I say, as in other departments, so in the Finance Department also, there

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is that unconscious bias which makes him look at things in a way in which by tradition he has been trained to look at. I submit, Sir, that when the reforms came in, this question of finance and the Finance Department was considered as rather a vital question and if you look to the Devolution Rules, Part III, Finance Department, you will find that Rule 36 (2) reads as under :

" If the Ministers so desire, the Governor shall, after consultation with the Ministers, appoint a Financial Adviser, whose duty it shall be to assist the Ministers in the preparation of proposals for expenditure and generally to advise the Ministers in matters relating to finance."

This is at page 106 of the Council Manual. My submission is, Sir, that, as has been observed by the Auditor General, the financial problems of this Presidency are probably more complex than the corresponding problems of some other provinces. Therefore, Sir, I do think that the failure to take the assistance of any financial expert as adviser has contributed to the present position in which this Presidency finds itself to-day. The Public Accounts Committee was in a very advantageous position, I should say, at this time because the Auditor General in a very succinct, though I should say a very important letter, dated the 28th April 1931 and consisting of a few pages, has really brought out in forceful terms the two aspects of the situation, namely, the state of the financial administration and the state of the financial position of this Presidency, and I think the Review, which is issued under the signature of the honourable member Mr. Wiles, the Finance Secretary, is the outcome of this letter of the Auditor General. It is a rejoinder, I should say, speaking in legal language. The Auditor General, in forwarding the appropriation accounts together with the report of the Accountant General, adopts the criticism of the Accountant General as contained in this report, but he says that instead of repeating those criticisms, he confines himself to the more important of such criticisms, and therefore he deals with the salient points of some of the important questions in connection with the accounts. The " Review of the Financial Position of Bombay, 1921-31 " is an attempt to give a reply as it were, and, of course, it has been stated on the very first page of this report of the Public Accounts Committee, that that committee was assisted by these documents, first of all, the Accountant General's report, then the Auditor General's letter and then the Review which was supplied to them by the honourable member the Finance Secretary.

Another feature of this year's work of the Public Accounts Committee, Sir, is that they have proceeded to put questions and to elicit answers from certain heads of departments and also Secretaries in charge of various departments, and I find that a complete volume by itself, i.e. Volume II, which is called " Evidence ", has been placed before us. That is an improvement, I submit, which certainly is calculated in future to render the work of the Public Accounts Committee more efficient perhaps than it has been hitherto. I must admit, however, that within the short time that the report was at our disposal, I was not in a position to go through the whole of it extending over 200 pages. I was certainly

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interested, Sir, to read the examination and cross-examination of two persons, namely, one the head of the Stationery and Printing Department and the other the Surgeon General. Their evidence will be found on pages 127 and 128—Stationery and Printing—and 133 to 143, Medical—Transferred. On page 127, you will find that the Accountant General, who has rendered immense assistance and help to the Public Accounts Committee, as I say, because he is in a way an expert to some extent acquainted with financial matters, and who was invited and very kindly had been present throughout the sittings of the committee, put the question, "This budget was framed on the lines of a rich man instead of a poor man. You provided for needs which were not absolutely necessary" to Mr. Watson, who replied "I do not admit that. These things for which we have provided are absolutely necessary even at the present time." Then the Accountant General said, "They cannot be considered to be absolutely necessary when you can do without them." Mr. Wiles, the Finance Secretary, observed, "I think it is not fair to call upon the departments to save every penny and then point out the large savings are a sign of over-budgeting." I mean to say, these are the questions and answers, and again, if you refer to the next page, page 128, you find the honourable member Mr. Ewbank, the General Secretary, intervening in this matter and coming to the help of the head of the Stationery and Printing Department. What I find is that no doubt a certain amount of information has been elicited from the evidence of the heads of departments before the Public Accounts Committee. The evidence disclosed the fact that there has been over-budgeting. When the finances of the Presidency are dwindling down, there ought to have been strictest economy budgets framed. Therefore, I think that this procedure of examining the heads of departments and the advice of the Accountant General has been of immense usefulness. Many pertinent questions were put and answered. If this procedure is continued on a larger scale, I do feel that the heads of departments will learn how to frame their budgets in a proper manner. On pages 133 to 137, the Surgeon General has given evidence and you will find that in the cross-examination he has not come out very satisfactorily. Though there was sufficient store in stock, the Medical Department went on budgeting every year. This has been done in spite of the fact that the number of beds in certain hospitals have been reduced. The Accountant General asked :

"Page 194, paragraph. Medical—Transferred. Excess over voted and non-voted grants. It shows a defective budgeting and a system of faulty control."

Mr. Ewbank says :

"We will come to it later on."

The Accountant General asks :

"Page 188 : District Medical Officers—Non-voted. Pay and allowances of officers. It should not have been difficult to control this head."

The Surgeon General says :

"The position is this....."

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and so on. Again on page 138, the Accountant General asks :

" Paragraph 11, page 196. It will be noticed that while the consumption of the stores remains at about 5½ lakhs, the closing balance has been increased by nearly six months' requirements....."

There they have to admit that they were not justified in asking for more stores when they had already sufficient stock. This is one of the points brought out in the evidence of the Surgeon General. My point is that the Public Accounts Committee has done well in initiating this practice which has proved of immense use.

It is not for me to discuss the merits of the report itself. I am reminded now of the veteran member Mr. Lalji Naranji. But the honourable member Mr. Kamat has made good the deficiency that we felt in Mr. Lalji Naranji's absence in this House. [*an honourable member* : Mr. Kamat has done better.] Mr. Lalji Naranji is well known as a commercial man who has good knowledge of finance.

As regards the excise policy, it has been imposed unwillingly on a traditional government.

The Honourable MOULVI RAFI UDDIN AHMAD : What does the honourable member mean by traditional Government ?

Rao Bahadur R. R. KALE : I mean that there has been a tradition built up for several years by this Government with regard to the Excise policy. Even in the pre-Reform Council the question of prohibition was there, but in the enlarged Council the question came to the forefront. Although the policy of prohibition was carried by a resolution of this Council and although the Government then said that that was the goal, in their heart of hearts Government do not approve of this policy. Whenever the question of prohibition comes up, they bring forward the financial difficulties. They say that on account of the policy of prohibition the revenues are dwindling and they have not been able to achieve it. My point is when once you have accepted prohibition as the goal, what is the use of saying that there has been a fall in the revenue? When you accepted that policy, you should have anticipated a fall in the revenue and then the question would be how to make good the loss in the Excise revenue. That is my point. With regard to this point which is one of finance, it can be properly solved if the question is examined on the lines done by the Public Accounts Committee.

When the present new constitution came into existence, if the finances of this Presidency had been handled in an economic way, it would not have brought this Presidency to the brink of bankruptcy. However, it is no use lamenting over the past. However, it is pertinent to point out that this situation is due to the failure to work the constitution in the spirit in which it was intended.

Lastly, before I close, I would welcome and congratulate the Honourable the Finance Member and the Leader of the House on the statement made about the voluntary cut the Executive Councillors are going to accept. I am glad about it. I would really wish the Honourable the Finance Member to say something generally about the

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entire services without committing himself in any way. He had an opportunity to do so, when he placed the present motion before the House. That opportunity might have been utilised by him for making that general statement which would have satisfied this House as well as the public outside. The question of services has been fought on the floor of this House since 1921. The Retrenchment Committee themselves have explained that most of the revenue of the Presidency has been swallowed by the expenditure on services. There is at present no other source of revenue left and without money we cannot go on with the administration. However, it is better late than never. I do feel, therefore, that the example set by the Government at home will be followed by the subordinate Government of this Presidency. With these words I resume my seat.

Rao Bahadur S. N. ANGADI (Belgaum District): Sir, it really with extreme diffidence that I rise to speak upon this subject of Finance, for I am not a financial expert and these figures always stagger me very much. All the same, I have stood up to place before this House a few general observations which one can make from a cursory perusal of the "Review" put into our hands.

Speaking generally, the criticisms of the Audit Department fall under two heads. The first is with regard to the system and procedure of the Finance Department. So far as that is concerned, there is no doubt that it has been frankly admitted by the Finance Department that the system and procedure adopted in the Department are far from satisfactory; they are trying to bring about improvements and the improvements are being considered. So, so far as that aspect of the question is concerned, I am not going to say very much.

The second criticism of the Audit Department is with regard to the financial position, and coming to that question I think there is a lot to be said about it. The main criticism about the financial position is that the Government of Bombay have been using balances in order to meet ordinary expenditure. It is true that it is contended on behalf of the Government of Bombay that the revenues have remained stationary and that there has been no increase worth the name in the revenues of the Bombay Government, and if the Audit Department points out that the revenues have been increasing by leaps and bounds, it is simply a fallacious statement. This is the view taken by the Bombay Government. However, we find on looking into the position that there has been a considerable addition to the revenues of the Bombay Government, particularly in the post-Reform days. It was pointed out by my honourable friend Mr. Kamat that the Bombay Government, by way of additional taxation, is already getting about Rs. 60,00,000. I do not know whether that is a right figure, because there are a few more taxes to be considered. There is the revenue from the betting tax, and therefore I think that the additional revenue given is Rs. 72 lakhs. Even taking the figure to be Rs. 60,00,000, it cannot be denied that recently other taxes have been imposed upon the people of the Presidency;

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there is no denying that particular fact. Again, Sir, there has been considerable relief given to the Bombay Presidency by the remission of the contribution of Rs. 56,00,000 to the treasury of the Government of India and the stoppage of the assignment of Rs. 57 lakhs to the Famine Fund. From these figures given in the "Review" it will clearly be seen that there has been relief to the extent of Rs. 114 lakhs. On page 3 of the "Review" it is stated :

"It will be seen that the bulk of the increased expenditure in individual items is made possible by the freeing of no less than 114 lakhs from the Provincial contribution (56), and the Famine assignment (58); while savings in other departments have provided 30 lakhs."

Now, Rs. 60 lakhs, plus Rs. 114 lakhs, plus Rs. 30 lakhs is equal to Rs. 204 lakhs. So, it is simple enough to see that the addition to the revenues of the Bombay Government is obviously very large. But, Sir, that is not the only addition to the revenues of Government. Paragraph 10 on page 5 of the "Review" says :

"The possibility of reducing expenditure by retrenchment has from time to time been thoroughly explored. The Retrenchment Committee of the Legislative Council which sat in 1922 made various proposals which resulted in a permanent saving of some 38 lakhs."

Again, there is a permanent saving of Rs. 38 lakhs. But the matter does not end there. The paragraph further says :

"In 1926 an experienced official was appointed to examine every department with the same object, and at the same time a selected Audit Officer was appointed to examine in detail the expenditure from contract grants and other fluctuating expenditure. As many as possible of the recommendations of both these officers were put into force, and it was estimated that the total retrenchment amounted to some 23 lakhs. Again in the year 1929 an Audit Officer was put on special duty to examine the establishment charges of the Public Works Department, and it was estimated that those of his recommendations which it was possible to put into force involved a saving of some 8 lakhs. It will be seen that retrenchment in expenditure has been, and still is, the subject of constant examination. In some instances it was undoubtedly carried too far, notably in the Police Department, and it has had to be reversed to some extent."

It will be seen, Sir, that in addition to the Rs. 60 lakhs there is the 114 lakhs which have been released to the Bombay Government by way of stopping the annual contribution of Rs. 56 lakhs to the Government of India exchequer and also by the relief given to the Bombay Government by way of stopping the assignment of Rs. 58 lakhs for the Famine Fund, and in spite of all this the complaint is heard that there has not been any addition to the Government of Bombay's revenues. Technically, to a certain extent, the Government of Bombay may be right. With all this retrenchment to the extent of nearly Rs. 60 lakhs, with Rs. 60 lakhs additional taxation, and with the relief which they have received to the tune of Rs. 114 lakhs, we find that the cry has been raised on the floor of this House that they have not been able to balance their income and expenditure.

Now, the question arises, how all this additional revenue has been absorbed. There is only one reply to the question, and that is the reply given by my honourable friend Mr. Kamat, that most of this additional

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revenue has been absorbed by the increased salaries given to various gazetted and non-gazetted officers, and also by the increased establishment which Government from time to time have been putting up on one excuse or another. These are the only two causes which have been responsible for the increased expenditure of the Bombay Government. It is true that there is some increase in the expenditure on heads like education and other useful departments. However, when we find that the addition to the revenues of Government is even more than Rs. 2 crores, we do not think there is any chance for saying that all this additional revenue has been spent on nation-building departments. That is our principal criticism.

Again, as regards prohibition, which has been made most of, I have to say only this much, that though Government might say that the policy of prohibition to which Government stand committed is partly responsible for the fall in revenue, it is not very correct to say that there is a considerable loss to Government on that account. I could understand the position of the Excise Department during the year 1930-31, when there were extraordinary causes which were responsible for a considerable fall in the revenue. But in paragraph 16, page 7 of the "Review" it is stated :

"In the immediate future it would be unsafe to count on any material rise in ordinary revenues, except possibly from Excise."

So, it would appear that the Finance Secretary expects not a decrease but some increase in the Excise revenue. This is a statement which, I confess, is rather difficult to reconcile with the policy of prohibition to which the Government of Bombay stand committed.

If the Government of Bombay want to put themselves on a safe footing as regards finance, it is very desirable that they get out of the grip of the Public Works Department as soon as possible. Even with these additions made to the revenues of Government, we are on the eve of even fresh taxation. There are ugly rumours that Government do intend to impose fresh taxes in order to meet the deficit which they have incurred. It is well known that the condition of the people is really getting from bad to worse, and it is a very serious question to be considered by Government whether people are in a position to pay even a pie of additional taxation. This is a matter to be given the very serious and sympathetic consideration of Government. As a matter of fact, we know that all this addition to the revenues of Government has not been spent on nation-building departments; most of it has been absorbed by increased salaries given to gazetted officers and also by increased establishment in several departments. Therefore, the financial position of the Government of Bombay is really far from satisfactory and they themselves are responsible for such a deplorable position.

Now, the question for our consideration is whether this House, after reading this Review, would be prepared to meet the deficit by agreeing to fresh taxation. I do not think that the Review has satisfied the House

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that it ought to come to the help of Government by way of sanctioning fresh taxation. With these words I resume my seat.

The Honourable the PRESIDENT : I should like to know how many more honourable members wish to speak.

Several honourable members rose.

The Honourable the PRESIDENT : If they speak at length, we cannot finish before 2 o'clock, because the honourable member the Finance Secretary wishes to speak, and the Honourable the Finance Member would like to reply. I shall have to put a time limit of five minutes if honourable members are anxious to speak.

I am glad to inform the House that His Excellency the Governor would like to come in informally to say good-bye to the honourable members. That is exceedingly kind on his part, as the session is going to be prorogued to-day, and as the garden party this evening is definitely cancelled. So, I shall have to adjourn the House just informally for a few minutes before 1 o'clock and welcome His Excellency, or if the House concludes the debate before 1 o'clock and His Excellency steps in then, that would be still better. The Finance Secretary, of course, may take his time, but the other honourable members must be brief.

Mr. G. WILES : Sir, members on the Government benches are always at a disadvantage on occasions such as this, not knowing in the least what criticism is going to be raised by honourable members opposite on the mass of literature placed before them. I shall, therefore, confine myself to general remarks and deal with the details, only so far as I am able to do so from memory. The debate has strayed away, if I may say so, from the straight path of the discussion of the Public Accounts Committee's Report. After all, the Public Accounts Committee consists of elected members of this House, and it has been given very specific duties. It is not only extremely inconvenient, but also unnecessary, it seems to me, for the House to usurp the functions placed by this honourable House upon the Public Accounts Committee and go in full detail into matters which have been discussed at great length by the Public Accounts Committee themselves. I, therefore, will pass over the remarks made by my honourable friend Mr. Jog. As far as I was able to gather, they consisted of reading extracts from the papers supplied.

I will come to my honourable friend from Poona (Mr. B. S. Kamat), and, if I may, I will congratulate him once again on the clarity with which he has put his case. But I would like to disillusion him and any other members who think with him that the Finance Department has done any swallowing of balances. The Finance Department has not got a swallow ; it is the other departments of Government that do the absorption of revenue ; the balances are not even at the disposal of the Finance Department. Under the Devolution Rules just quoted by the Honourable Member, Rao Bahadur Kale, the function of the Finance Department is to advise the Ministers and Members in regard to the spending of money.

Coming to the Review in which I have tried to place before the House the financial position of the Presidency, I would like to say, in the first

[Mr. G. Wiles]

instance, that the Finance Department has not prepared it "to suit their purpose." I take exception to the statement that "it has been prepared to suit their purpose", because I had no other purpose in view in preparing this review but to discover the facts and I have tried to put them before you as lucidly as I could. In regard to what I have said about prohibition, again I think there has been some misapprehension of the position of the Finance Secretary. The Finance Department has no morals. I mean by that that we do not concern ourselves with morality or the prohibition policy as such at all. The policy is fixed by Government as a whole. The Finance Department concerns itself solely with financing that policy. I did not say that the chief reason for our financial troubles is the prohibition policy. I think that is an unfair conclusion to draw from a careful study of the Review. I put all the causes of the present financial position, as I saw them, in full, but I took occasion to point out that out of the causes which have brought us to our present position, some are beyond remedy, but some can be remedied. The prohibition policy is one of them. Once again, as an unmoral person, I have nothing to do with the policy. I only point out that if the House wishes to continue its present policy then you must have additional revenue to carry it out. In saying that, I once again draw attention to the fact that it is no use going into expenditure which is inevitable. I make no attempt in this review to place the blame on any department or any policy. I only refer to facts as they are and the losses which have been incurred, and the losses of Government in the past are facts which have got to be faced.

Sir, reference has been made to the estimate of 60 lakhs of additional taxation imposed upon the Presidency. I merely wish to say that the sixty lakhs was an estimate made some years ago. I now consider that to be excessive, and I have given reasons why. However that may be, the fact remains that the additional revenues which have been placed at the disposal of the Bombay Government through whatever causes, whether by taxation or remission of the contributions to the Government of India, have, as a matter of fact, been more than counterbalanced by losses of revenue. It is therefore incorrect, in my opinion, to say, as the honourable member Rao Bahadur Angadi has said, that there has been additional revenue of two crores which has been absorbed by additional salaries to Government servants. That was what he said. [Interruption.] Whether he meant that is another matter. If he meant it, it is incorrect; if he did not mean it, it does not matter. I would also like to stress the point that it is not quite equitable to pick out, as the chief reason for additional expenditure, the increase in salaries. The reason is this. In any department, take what department you will, you will find that the great bulk of the expenditure consists of salaries, and if salaries are raised the proportionate expenditure must go up in all departments. You cannot separate expenditure on salaries from the general level of expenditure in the various departments. My honourable friend Mr. Kamat was not quite so lucid, if he will allow me to say so, when he came to deal with the debt position. I am unable to understand,

[Mr. G. Wiles]

I must confess, exactly what remedy he proposes. But if my notes are correct, then I understand that he asks, is it fair to the present generation to meet the interest charges on our outstanding debt which has been borrowed for capital purposes, from revenues raised by taxing this generation? Well, my answer to that is, that it is perfectly fair and that any other method of meeting those charges would be financially heretical, and lead this Presidency to certain bankruptcy. I wish to put it as strongly as I can. There can be no excuse for passing on to a future generation the entire cost of capital expenditure in the present day, except in very definite instances where you expect large capital receipts which will wipe out that debt. That is not the case, as we all very much regret to know, with much of the outstanding capital debt of our Presidency. We have had to write off a large number of crores on account of losses incurred in Bombay Development. What does he propose? This loss cannot possibly be passed on to future generations. Even if we make the expected sales of land in the future, the rate at which we can sell the land cannot cover the whole of the loss. As for my honourable friend's suggestion that we should sell land to-day in order to reduce our permanent capital debt, I wholly agree with him. I think I am correct in saying that the policy of Government to-day is to sell all land, which it would pay Government to sell, even at very much lower rates than given in the original estimate.

I sympathise with my honourable friend's feeling that the Presidency's finances are in the octopus grip of the Public Works Department. I confess that I have sometimes felt that I am struggling in that grip myself, although I do not go as far as my honourable friend, and put the main onus of our trouble on the Public Works Department. Their expenditure has been subjected to scrutiny after scrutiny in the course of the last five or six years. If we can reduce our expenditure in that department further, I hope my honourable friend in the Retrenchment Committee will be able to show us the way.

I see, Sir, that I have more than exceeded my five minutes, and I will therefore say no more.

Mr. A. N. SURVE (Bombay City, North): To begin with, Sir, I have a word of praise and also of thanks to the Public Accounts Committee. It is a matter of gratification to all of us that great improvements are noticeable year after year in the proceedings of our colleagues.

Then, Sir, I would like to refer to a point of principle. In the Appropriation Report, at page 27, paragraph 33, there is a mention of one item. In the year 1929-30 the Council had passed a cut of Rs. 100 to mark its disapproval of the excise policy pursued by Government in respect of prohibition. Now, on that point the Public Accounts Committee only records the fact that as there was no particular cut directed against any single item, the money was spent as was intended. The principle behind that is, when the Council carries a motion expressing its disapproval of the policy pursued by Government, is Government justified in going contrary to the expressed opinion of this House?

[Mr. A. N. Surve]

In this connection, I have stated that the House was dissatisfied and it carried a cut of Rs. 100. As against that, you will see that the Government, for the first time so far as I know, went back on their rationing policy. I have in my hand the Administration Report of the Excise Department for the year 1929-30, and the very first item in it is :

“ The following changes were introduced in the Excise system and arrangements during the year 1929-30 :—

(1) The rationing system was continued, the rations for all districts being fixed at the same figures as for 1928-29.”

Thereby the 5 per cent. decrease in the supply of liquor was not cut off as it should have been according to the policy laid down.

Sir, our prohibition policy was to be enforced in two ways, first, by cutting off gradually the supply of liquor by fixed percentages every year and secondly, by reducing the strength of liquor. In this latter respect also Government have gone back on their policy. You will find in the report :

“ (3) Border shops were allowed to sell country spirit of 25 degrees U.P. where the adjoining State shops sold that strength.”

So the shops which used to sell weaker liquor were allowed to sell liquor of higher strength. In this way Government, contrary to their declared policy, have themselves made a breach of it in two respects, viz., in not cutting off the fixed percentage of supplies of liquor, and secondly, in allowing liquor of higher strength to be sold. Whether that fact should be left unnoticed should be considered by this House, in view of the fact that it had expressed its disapproval by carrying out a Rs. 100 cut.

I would like to mention another point, namely, that the Government have been trying to increase the revenue from country liquor. In the question list No. 11 which was answered only to-day, on the last page, appears a question by the honourable member Rao Saheb Vandekar with reference to his constituency. This is the reply.

“ The following statement gives the required information (receipts realised from the auctions of country liquor shops) :—

					Rs.
1927-28	..	..	..	..	3,26,925
1928-29	..	..	..	..	3,87,485
1929-30	..	..	..	..	4,14,845,” etc.

In the year with which we are concerned, namely, 1929-30, the revenue was Rs. 4,14,845. What is true of a district is equally true of the whole province. The provincial figures of excise revenue for the same years are 396, 392 and 408 lakhs. You will see, Sir, how the Government in total disregard of the opinion of this House, has been trying to increase its excise revenue. What we want to know is whether Government want to go back over their declared policy and the goal which they had once adopted. Even the honourable member the Finance Secretary,

[Mr. A. N. Surve]

in his "Review of the financial position of Bombay, 1921-31" mentions the fact at page 8. He says :

"But the fact must be emphasized, however unpalatable it may be, that the Prohibition Policy had already in 1929 cost the Presidency 60 lakhs per annum, before the present intensive campaign started. And this analysis has made it clear that the Presidency is utterly unable to bear the cost of continuing the policy without additional revenues."

Now, with regard to additional revenues, the popular side was thrice called upon to suggest additional sources of revenue, first when the Primary Education Committee was appointed, secondly, when the Excise Committee was appointed, and thirdly, when the Development Department Committee was appointed. Each of these Committees indicated new sources of taxation and they were tapped, and now, except perhaps the succession duty, there is no other source of revenue available. Under these circumstances, if the Government want to tax the people, I really fail to understand, whether they would ever give effect to the goal which they themselves have adopted at the instance of this House.

Now, only one more point—

The Honourable the PRESIDENT : But the five minutes are over.

Mr. A. N. SURVE : Only one small point, Sir. Last year a recommendation was made by the Public Accounts Committee. I am referring to Appendix C, page 29 :

"Recommendation by the non-official members of the Committee that the Government of India's practice in regard to the grant of pay and passage concessions to personnel recruited overseas should be adopted by the Bombay Government."

In this connection, Sir, I may mention that other provincial Governments follow the practice followed by the Government of India—

Mr. G. WILES : That is not a fact.

Mr. A. N. SURVE : If he is objecting on the ground of its accuracy, I may just refer him to page 4, paragraph 10, of the Public Accounts Committee's Report for this year—

Mr. G. WILES : The honourable member said that all other provincial Governments have followed that practice. That is not a fact. If he reads the minutes of the Public Accounts Committee, he will discover that.

Mr. A. N. SURVE : Not all provincial Governments. I did not say that all provincial Governments were following that practice. Bombay has not followed that practice, and I cannot make that assertion.

However, the only point I wish to stress is that Government has not accepted the recommendation. I want to know from Government what is their objection to adopting this practice ?

The Honourable the PRESIDENT : I do hope that honourable members will abide by my decision and speak for only five minutes.

Mr. Haji Mir Mahomed Baloch *rose*.

The Honourable the PRESIDENT : I will allow the honourable member Mr. Baloch five minutes, till 5 minutes to 1, and stop the proceedings there.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, honourable members who have preceded me have depicted, by facts and figures, the financial situation of the Government of Bombay. I will, therefore, confine myself to general remarks.

Government admit that their expenditure is going up while the revenue is steadily falling. It is, therefore, absolutely necessary that steps should be taken to reduce the expenses of Government. In these days of depression, everybody except the Government servant has been hit hard. Salaried servants of Government are the only persons whose incomes have not dwindled down. The Honourable the Leader of the House announced, this morning, that the Members and Ministers of Government had agreed to a 10 per cent. cut in their salaries. Considering the present state of the finances and also the amount of salaries they get, it is but a drop in the ocean. I had expected that they would come forward with a 20 or 25 per cent. cut at least, but I have been disappointed. It is for the honourable members who occupy the Government front bench, whose salaries range from Rs. 4,000 to Rs. 5,000, and those who occupy the Government back benches, getting Rs. 3,000 per month, to come forward and offer a substantial portion of their income. It is no use retrenching peons, clerks, etc.

The salaries of Government servants have not been reduced up to now, but the grants to local bodies have already felt the effect of the axe. Government have started the wrong way, by curtailing the grants to nation-building departments.

I am of opinion that the public will not be satisfied with the announcement of the Honourable the Leader of the House. Unless Government reduce substantially the expenditure under general administration, they cannot come forward with fresh proposals of taxation.

Why should Government go to Mahabeshwar for two months and come to Poona for four months every year? Why can they not have only one headquarters in Bombay and avoid keeping double establishments throughout the year? Let the I.C.S. men and provincial servicemen use Khadi and live in smaller bungalows, and thus reduce their expenses and offer a substantial portion of their salaries to the State.

The Honourable the PRESIDENT: What I propose now is to adjourn the House for a few minutes, so that His Excellency could be welcomed. In the meanwhile, the honourable members who are present outside or in the lobbies might come in and await His Excellency's informal arrival. It is a kind thought on His Excellency's part to pay us a visit and to say good-bye. I would, therefore, wish honourable members to retain their seats. After His Excellency is in the House, I would propose that the Honourable the Leader would approach His Excellency, shake hands with him, say good-bye and pass on. Similarly, the rest of the honourable members will approach His Excellency one after another, shake hands with him, say good-bye and pass on. I now adjourn the House for a few minutes.

[*The House adjourned accordingly.*]

HIS EXCELLENCY THE GOVERNOR'S FAREWELL TO THE COUNCIL.

[Upon His Excellency's arrival, he was conveyed to the dais by the Honourable the President.]

The Honourable the PRESIDENT: As I have already stated, it is indeed a very kind thought on the part of His Excellency to pay us an informal visit and to say good-bye to all the honourable members who are present here to-day. I would now request the Honourable the Leader of the House to shake hands with His Excellency and say good-bye, and after that, the other honourable members will do the same.

His Excellency the GOVERNOR: Gentlemen, it had been my intention to have taken leave of you all this evening at the Garden Party, but the weather prevents that. I am, therefore, very much indebted to the Honourable the President and to you, Gentlemen, for giving me this opportunity of saying good-bye for the last time. My association with this honourable House for so many years has been a source of very great happiness and pleasure to me, and I am, therefore, extremely sorry to say good-bye to it.

Good-bye to you all, and I wish you all well.

[After shaking hands with Honourable Members, the Secretary to the Legislative Council and the Honourable the President, His Excellency departed.]

PUBLIC ACCOUNTS COMMITTEE'S REPORT ON APPROPRIATION ACCOUNTS FOR 1929-30—(Discussion resumed).

The Honourable the PRESIDENT: Order, order. The Honourable the Finance Member.

The Honourable Sir GOVINDRAO PRADHAN: Sir, as has been observed by the honourable member Mr. Wiles, the Finance Secretary, I also have observed that the discussion strayed a bit and took the turn of a budget discussion. I stated yesterday, when I made the motion, that the Public Accounts Committee is a body appointed by the non-official members of this House. It is an audit committee and that committee has the confidence of this House, and that committee is entrusted with the duty of examining the accounts in detail. They call for any officer who is needed before them to answer questions and the Accountant General is always present. It is not only this year, but he is always present to help the committee and also to ask the officers any explanations. So, if any general observations are to be made, then in that case those observations are to be made by this honourable House. I found that some exceptions have been taken by the honourable member from Poona, Mr. Kamat, as regards the statement which is prepared by the honourable member the Finance Secretary. Many of the objections have been already replied to and those which have remained I will try to reply now.

[Sir Govindrao Pradhan]

The honourable member Mr. Kamat first said, "Why is it proposed to compare the year 1922-23 with the year 1929-30?" The reasons are there in the Review that is presented. In the year 1921-22 there were certain sources of revenue, e.g., part of the Excise receipts properly creditable to that year but were credited in the previous year, and so the revenue of that year was unduly deflated. And also there was an unusual increase in several items of expenditure which could not be undertaken before. So, there was a very great expenditure which was not the ordinary expenditure. That is why that year was omitted and the year 1922-23 was taken as the basic year. The reason why 1929-30 was chosen is because the accounts under discussion are for the year 1929-30. The years were chosen not according to the whim or the convenience of the Finance Department, but they were chosen just to give a real and correct idea as regards the financial position of this Presidency.

In this statement there are several statements attached, and if the honourable members will be good enough to look at page 13, they will find that the honourable member the Finance Secretary is absolutely correct in pointing out that the revenue has gone down. The two main items of revenue are Land Revenue and Excise. If the honourable members are good enough to look at those two items on page 13, they will find that year after year the revenue has been going down.

The honourable member from Poona, Mr. Kamat, wanted to know how it is that sixty lakhs of rupees are calculated as the fall in revenue from Excise. It is already pointed out in the Review that from the year 1925-26, there is an addition of 20 lakhs being the cost-price of opium mentioned in the Review. Those additions do not occur every year and, therefore, those amounts have got to be omitted. Then also there was an additional expenditure, when this policy of prohibition was accepted. It will be seen from the next statement that the drop in the Excise revenue was calculated to be 60 lakhs, leaving aside last year when we got only 310 lakhs, although we budgeted for 393 lakhs. There was a fall of 83 lakhs even in the budgeted revenue. We are speaking of 1929-30, when there was no civil disobedience movement and when there was no heavy picketing as is going on now. Now, taking the revenue and expenditure, there is a drop in the revenue of 60 lakhs annually. The honourable member the Finance Secretary has pointed out what has happened, irrespective of the question whether the policy was moral or immoral. The ordinary expenditure we have to meet, the sources of revenue we have and the economy we have effected in the present condition of finance have all been clearly explained to the House.

During the last year there was a shortage of revenue to the extent of 195 lakhs of rupees. A budget was presented showing a surplus of one or two lakhs. But there came that drop for which Government is not responsible. This year we expected to have a deficit of 61 lakhs. There came the floods. Large remissions have been given. The crops

[Sir Govindrao Pradhan]

are not good. The revenue we expected to get this year cannot be recovered. What could be done? The deficit which was expected to be 61 lakhs may go up to one crore. In spite of the economy we have effected, if there is still a deficit, we have to borrow to meet even ordinary expenditure.

Then, the honourable member from Poona said that we have wiped out the reserve built up by the previous generations. I have pointed this out on more than one occasion and I shall do so again. The balance in the Blue Book which honourable members see is really the Development interest charges which we were paying from the borrowed amount. It was then pointed out to us by the Auditor General that it was a mistake. In order to wipe that out, we had to take out a very large portion of our balances to meet the interest charges. So, the balance has not disappeared; but it has been utilised in paying the interest charges which up to then were met from borrowed money. Is it wrong? As regards other works of public utility, we were authorised to draw from the Famine Fund Balance. For instance, we spend from that fund for minor irrigation works and a large amount of the Famine Fund has been given to the Lloyd Barrage. I have explained all this in my reply to the debate at the budget session.

Mr. B. S. KAMAT: But was there any balance left in the treasury for the rainy day?

The Honourable Sir GOVINDRAO PRADHAN: There was a surplus budget of one lakh. But we never dreamt that there would be a drop in revenue of 195 lakhs. We had a surplus of 63 lakhs including the Famine Fund. As the revenue has dropped by 195 lakhs, the balance has not only disappeared, but there is a *minus* balance. Are Government to be blamed for this? So, there is no provision for the rainy day.

As pointed out by the honourable member the Finance Secretary, the deficits are technical deficits, because these excess amounts in the balance ought to be utilised for making provision for schemes which have proved failures but over which we have no control. We have got, however, to make provision for them. Old honourable members of this House know that the Back Bay is not going to be a productive scheme, but an unproductive scheme, and that the loss on that was calculated at 3 crores. We have to provide the interest and sinking fund charges for it and we are doing it. That is sound finance, I believe. As has been pointed out by the honourable member the Finance Secretary, when a scheme is productive, you can pay even the interest out of borrowed money, because in the long run, it will repay not only the capital but also the interest. As soon as it is known that the Back Bay scheme is unproductive, you cannot allow the interest charges to swell and burden the future generation. We are providing the interest and sinking fund charges. Even my honourable friend from Poona will admit that it is a sound rule of finance.

As regards the question of salaries, I wish to point out that during the war and after the war also the prices of commodities went up. In some cases, particularly in the ministerial services, increments were given.

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Whether we are justified in doing so or not, is another matter. There have been increases, but these increases were given because of the conditions then prevailing. If the conditions have now improved and prices have gone down, we are quite prepared to follow the lead given to us by this honourable House and the Retrenchment Committee and take drastic steps to reduce bloated expenditure, as it was incurred on account of exceptional circumstances.

I do not think, Sir, I need trouble the honourable House any more, because the points raised have been replied to by the honourable member the Finance Secretary. I request honourable members to take the trouble of reading the Financial Review for 1921-31 placed in their hands and I am sure they will find that the Finance Department particularly is justified in what they have done, and that the criticism of the Auditor General is not justified.

Question put, and agreed to.

PROROGATION OF COUNCIL.

The Honourable the PRESIDENT: I have now to intimate to the House that I have received a Commission from His Excellency directing me to announce that he is pleased to order that the present session of the Legislative Council should be prorogued. Accordingly, by virtue of this Commission of His Excellency, I declare the Council prorogued until the day of which due notice shall be given. This Council is now prorogued.

APPENDIX 1.

BILL No. XXIX OF 1931.

A Bill further to amend the Court-fees Act, 1870, in its application to the Presidency of Bombay.

(As published in the "Bombay Government Gazette"
of the 1st September 1931.)

WHEREAS it is expedient further to amend the Court-fees Act, 1870, VII of its application to the Presidency of Bombay in manner hereinafter 1870. appearing; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for 5 & 6 Geo. V, o. 61. the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Court-fees (Bombay Second Amendment) Act, 1931.

2. *Extent.*—This Act extends to the whole of the Presidency of Bombay.

3. *Amendment of section 7 of VII of 1870.*—In section 7 of the Court-fees Act, 1870, in its application to the Presidency of Bombay, after VII of paragraph (iv) the following paragraph shall be inserted, namely:—

"(IV-A) *For cancellation of decrees or documents securing money, etc.*—In suits for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value,—

according to the value of the subject-matter of the suit. Such value shall be deemed to be—

if the whole decree or other document is sought to be cancelled,—the amount or the value of the property for which the decree was passed or the other document executed;

if a part of the decree or other document is sought to be cancelled,—such part of the amount or value of the property: "

STATEMENT OF OBJECTS AND REASONS.

The amendment of section 7 of the Court-fees Act proposed in this Bill is based on the recommendation of the Judicial Commissioner of Sind and is intended to effect a genuinely needed reform. Its object is to make it clear that in suits for cancellation of decrees or documents securing money, etc., the valuation should not be arbitrary at the pleasure of the plaintiff but must be according to the value of the subject-matter of the suit where it has got a money value. The amendment follows the provisions of section 7 of the Madras Court-fees (Amendment) Act, Mad. V of 1922. 1922.

21st August 1931.

(Signed) G. A. THOMAS.

APPENDIX 2.

BILL No. XXX OF 1931.

A Bill further to amend the Bombay Village Sanitation Act, 1889.

(As published in the "Bombay Government Gazette"
of the 17th September 1931.)

Bom. I of 1889. WHEREAS it is expedient further to amend the Bombay Village Sanitation Act, 1889, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay Village Sanitation (Amendment) Act, 1931.

Bom. I of 1889. 2. *Amendment of section 12 of Bom. I of 1889.*—In Sub-section (2) of section 12 of the Bombay Village Sanitation Act, 1889, hereinafter called the said Act, for the word "conference" the word "consultation" shall be substituted.

3. *Amendment of section 16 of Bom. I of 1889.*—In section 16 of the said Act, for the words "with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid" the words "employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid: Provided that no non-recurring expenditure exceeding one hundred rupees and no recurring expenditure shall be incurred and no servant shall be employed without the previous sanction of the Collector" shall be substituted.

4. *Amendment of section 17 of Bom. I of 1889.*—For section 17 of the said Act, the following section shall be substituted, namely:—

"17. *Sanitary Committee may raise funds by voluntary subscription or by a rate on open air stalls.*—The Sanitary Committee may, by voluntary subscription, raise any sum of money for any of the purposes specified in section 16 and may also levy a rate on open air stalls on Government land in the village for such purposes. Such sums shall form part of the Sanitary Committee fund under section 30D and shall be utilized by the Sanitary Committee for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised or the rate was levied."

5. *Amendment of section 18 of Bom. I of 1889.*—For section 18 of the said Act, the following shall be substituted, namely:—

"18. *Necessary moneys for expenditure may be raised by a rate on the inhabitants.*—If any sum of money of which the expenditure is authorised by the Sanitary Committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village: Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any village shall not exceed one-half of the

[Appendix 2—*contd.*]

aggregate amount leviable in that year as local fund cess from the inhabitants of such village ;

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector, whose decision shall be final.”

6. *Amendment of section 19 of Bom. I of 1889.*—For section 19 of the said Act, the following shall be substituted, namely :—

“ 19. *Constitution of Sanitary Boards.*—(1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than one-half shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called ‘nominated members’) shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and having property therein and who is not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such place as he may fix in this behalf. A notice of such meeting shall be given by posting it at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president :

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf.”

[Appendix 2—contd.]

7. *Amendment of section 21 of Bom. I of 1889.*—In section 21 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely :—

“(1) *Appointment of Sanitary Inspector and other officers.*—The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him.”

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely :—

“(3) The Sanitary Board, may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates.”

8. *Repeal of section 26 of Bom. I of 1889.*—Section 26 of the said Act shall be repealed.

9. *Amendment of section 27 of Bom. I of 1889.*—In section 27 of the said Act, the words “with the approval of the Collector” shall be repealed.

10. *Amendment of section 28 of Bom. I of 1889.*—For section 28 of the said Act, the following section shall be substituted, namely :—

“28. *Sanitary Board may raise funds by voluntary subscription.*—The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area in which and on the purpose for which the subscription was raised.”

11. *Amendment of section 29 of Bom. I of 1889.*—In clause (c) of section 29 of the said Act, for the figures “26” the figures and letter “30C” shall be substituted.

12. *Amendment of section 30 of Bom. I of 1889.*—For section 30 of the said Act, the following section shall be substituted, namely :—

“30. (1) *Sanitary Board's ways and means.*—A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(2) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(3) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on

[Appendix 2—*contd.*]

the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(2) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector, whose decision shall be final.”

13. *Insertion of new sections 30A to 30G in Bom. I of 1889.*—In Part IV of the said Act before section 31 the following sections shall be inserted, namely :—

“ 30A. *Incorporation of Sanitary Committees and Sanitary Boards.*—*Cf.* Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of ‘ The Sanitary Committee of.....’ or ‘ The Sanitary Board of.....’ as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name. Bom. III of 1901, s. 9, and XVIII of 1925, s. 8.

30B. *Power to acquire, hold and transfer property.*—(1) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immoveable, whether within or without the limits of the village or villages subject to its authority. Cf. Bom. III of 1901, s. 50, and XVIII of 1925, s. 63.

(2) *Property vested in Sanitary Committee or Sanitary Board.*—All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by the Government or by an officer appointed by the Government in this behalf or by the district local board to which it belongs or in which it vests ; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act ; that is to say—

(a) public markets, slaughter houses, manure and night-soil depôts, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description ;

[Appendix 2—*contd.*]

Cf. Act
II of
1924,
s. 108

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works ;

(c) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto ;

(d) public bathing ghats and recreation grounds ;

(e) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;

(f) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets ; and

(g) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.

30C. *Mode of executing contracts.*—(1) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it ; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act :

Provided that no contract involving an expenditure exceeding one hundred rupees shall be made without the previous sanction of the Collector.

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.

(3) In the case of every lease of immoveable property for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

(4) In the case of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property the sanction of the Committee or the Board by a resolution is required.

Cf.
Bom.
III of
1901,
s. 51.

30D. *Sanitary Committee or Sanitary Board fund.*—All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act ; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property ; and all interest, profits and other moneys accruing by gifts or transfers from the Secretary of State for India in Council

[Appendix 2—*contd.*]

or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee subject to the provisions and for the purposes of this Act.

30E. *Property and funds of Sanitary Committee or Sanitary Board how to be applied.*—All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted : Cf. Bom. III of 1901. s. 52.

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits :

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50, clauses (c) (e) and (f) of the Bombay Local Boards Act, 1923. Bom. VI of 1923.

30F. *Power to deposit and invest surplus funds.*—(1) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit at interest with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary. Cf. Bom. III of 1901. s. 53. Bom. III of 1901.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.

30G. *Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.*—When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate :

Provided that such property as may have been transferred to or vested in such Committee or Board either by the Government or by the

[Appendix 2—contd.]

district local board shall, on such cessation, revert to the Government or the district local board, as the case may be."

14. Amendment of section 31 of Bom. I of 1889.—In section 31 of the said Act for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" the words and figures "sub-section (1) of section 40 of the Bombay Local Boards Act, 1923" shall be substituted.

Bom.
VI of
1923.

15. Repeal of section 39 of Bom. I of 1889.—Section 39 of the said Act shall be repealed.

16. Amendment of section 40 of Bom. I of 1889.—In section 40 of the said Act :—

(1) Sub-section (2) shall be repealed ;

(2) sub-section (3) shall be re-numbered as sub-section (2) and in the said sub-section for the words "by the Collector, in conference with" the words "with the approval of the Collector by" shall be substituted.

17. Amendment of section 41 of Bom. I of 1889.—In sub-section (2) of section 41 of the said Act for the words "by the Collector in conference with" the words "with the approval of the Collector by" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

There is no provision in the Bombay Village Sanitation Act, 1889, empowering a Sanitary Committee or a Sanitary Board to acquire, hold and transfer immoveable property. This has caused inconvenience. In order, however, that a Sanitary Committee or a Sanitary Board may be legally competent to hold, acquire and transfer property it is necessary that it should be a body corporate competent to acquire and hold property, that the property should vest in it, and that it should have power to transfer the property vested in it. The Bill, therefore, provides for the incorporation of Sanitary Committees and Sanitary Boards and enables them to hold, acquire and transfer the property vesting in them. Having regard to the powers now proposed to be given to Sanitary Committees and Boards certain provisions of the Act require to be consequentially amended so as to be consistent with the new provisions inserted in Chapter IV. These have been made.

2. Opportunity has also been taken to popularise the constitution of Sanitary Boards (section 19) by introducing definitely an elective principle, taking care at the same time to keep the provisions as simple and elastic as possible. Conditions in different villages and different parts of the country vary enormously, and it is the desire of Government to allow as much latitude as possible in the permissible forms of village self-government. The most elementary form is the Sanitary Committee, consisting of nominated members, Sanitary Boards with an elective majority mark a distinct stage in advance. They will lead on to Village Panchayats, a Bill for enlarging the powers and popularising the constitution of which is now under the consideration of Government.

3. In sub-section (2) of new-section 30B provision has been made to the effect that property of the nature therein referred to which may

[Appendix 2—concl'd.]

belong to or vest in the Government or the district local board may be transferred to the Sanitary Committee or Board from time to time as need arises and as the Committee or Board proves itself fit to act as trustee.

4. The object of new section 30G is to provide that when a Sanitary Committee or Board ceases to exist or to have jurisdiction over any area, the property transferred to it either by Government or by the district local board shall revert to the transferor and only the remainder which may have been acquired at its own cost shall vest in the taluka local board of the taluka in which the area over which the Committee or Board exercises authority is situate.

(Signed) RUSTOM JEHangir Vakil.

6th September 1931.

APPENDIX 3.

BILL No. XIII OF 1931.

A Bill further to amend the Bombay District Police Act No. IV of 1890.

(As introduced on the 19th March 1931 and published in the "Bombay Government Gazette" of the 7th April 1931.)

WHEREAS it is expedient further to amend the Bombay District Police Act No. IV of 1890, in manner hereinafter appearing; It is hereby enacted as follows:— Bom.
IV of
1890.

1. *Short title.*—This Act may be called the Bombay District Police (Amendment) Act, 1931.

2. *Amendment of section 61 of Bom. IV of 1890.*—In section 61, after the words "shall be punished with fine which may extend to fifty rupees" at the end of clause (r), the words "or may be released after due admonition" shall be added.

STATEMENT OF OBJECTS AND REASONS.

It is desirable in the interests of justice to empower a criminal court convicting any person under section 61 to release him after due admonition when the acts contemplated by the various clauses of the said section are generally of a trivial nature. Even according to the provisions of section 562 (1A) of the Criminal Procedure Code, a criminal court can, in some cases punishable with imprisonment, release a convicted person after due admonition and all the cases contemplated by section 61 of Bombay Act No. IV of 1890 are punishable with fine only. Again a police officer can, under clause 3 of section 53 of Bombay District Police Act of 1890, release an offender in trivial cases instead of

[Appendix 3—contd.]

taking him before a magistrate for a trial. So it is but fair that a criminal court ought to be authorised to release a convicted person after due admonition while acting under any of the clauses of section 61 of Bombay Act No. IV of 1890.

(Signed) D. R. PATIL, M.L.C.

APPENDIX 4.

BILL No. XIV OF 1931.

A Bill further to amend Bombay Act No. XVII of 1920.

(As introduced on the 19th March 1931 and published in the "Bombay Government Gazette" of the 7th April 1931.)

Bom. XVII of 1920. WHEREAS it is expedient further to amend Bombay Act No. XVII of 1920 known as the Bombay Pleaders Act in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. XVII of 1920. 1. *Short title.*—This Act may be called the Bombay Pleaders (Amendment) Act of 1931.

2. *Amendment of rules for computing the pleaders' fee in (I) of Schedule III.*—In (I) of Schedule III the words "at 4 per cent." shall be substituted for the words "at 5 per cent." appearing in "if the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at 5 per cent."

STATEMENT OF OBJECTS AND REASONS.

The cost of litigation is very heavy upon litigants in a court of law. So, this amending Bill aims at giving some sort of relief to them.

(Signed) D. R. PATIL, M.L.C. ✓

APPENDIX 5.

BILL No. XXII OF 1931.

A Bill further to amend the Bombay Municipal Act No. III of 1888.

(As introduced on the 24th July 1931 and published in the "Bombay Government Gazette" of the 17th August 1931.)

Bom. III of 1888. WHEREAS it is expedient further to amend the Bombay City Municipal Act, it is enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1931.

[Appendix 5—*contd.*]

2. *Amendment of section 5 of Bom. III of 1888.*—In sub-section (1) of section 5 delete the following:—

“and ten co-opted Councillors elected by transferable vote by the Councillors elected and appointed under the preceding clauses of this section.”

STATEMENT OF OBJECTS AND REASONS.

The object of introducing co-option system was to co-opt experts and others whose services would be valuable to the Corporation. But the way in which co-option took place clearly shows that the object of the system is not served in any way. This amendment seeks to do away with the system altogether.

(Signed) S. K. BOLE, M.L.C.

APPENDIX 6.

BILL No. XXIII OF 1931.

A Bill further to amend the Bombay City Municipal Act No. III of 1888.

(As introduced on the 24th July 1931 and published in the “Bombay Government Gazette” of the 17th August 1931.)

WHEREAS it is expedient further to amend the law relating to the Municipal Government of the City of Bombay, it is enacted as follows:—

Bom.
III of
1888.

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1931.

2. *Amendment of section 11 of Bom. III of 1888.*—In sub-section (2) of section 11 of the said Act in line 11 the word “five” for the word “ten” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The object of this bill is to democratise the constitution of the Municipality of the City of Bombay by lowering the franchise from a Rs. 10 rental to a Rs. 5 rental. Under the existing franchise it has been found that out of a total population of 11,37,782, population numbering 10,18,163 is deprived of the vote. In these days it is undesirable to allow 11,37,782 people to be governed by 1,19,619 people.

(Signed) S. K. BOLE, M.L.C.

APPENDIX 7.

BILL No. XXVI OF 1931.

A Bill further to amend the Bombay District Municipal Act III of 1901.

(As introduced on the 24th July 1931 and published in the "Bombay Government Gazette" of the 17th August 1931.)

Bom. III of 1901. WHEREAS it is expedient to amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency, other than the City of Bombay; It is enacted hereby as follows:—

1. *Amendment of section 15 (1) of Bom. III of 1901.*—In sub-clause (i) of clause (a) of sub-section (1) of section 15, after the words "for an offence punishable with imprisonment for a term exceeding six months," the following shall be added, namely:—

"and involving loss or violence or injury to life, or property, or involving moral turpitude or defect in character"

2. *Amendment of section 15, sub-section (3) of Bom. III of 1901.*—In sub-section (3) of section 15, for the words "the orders of the Governor in Council in the case of City Municipalities and of the Commissioner in other cases," the following shall be substituted, namely:—

"the orders of the principal Courts of original civil jurisdiction"

STATEMENT OF OBJECTS AND REASONS.

Under section 15, sub-section (3) of the Bombay District Municipal Act III of 1901, every person convicted of an offence punishable with six months' imprisonment cannot be a Councillor; also if any Councillor during the term for which he has been elected or nominated is convicted of such an offence, he is disabled from continuing to be a Councillor and his office becomes vacant. This amendment is intended to exclude persons convicted of offences not involving any loss of character or moral turpitude etc. In the country there are now competent and otherwise fit persons to be municipal councillors but who have been convicted for political offences. This Bill is specially intended for the removal of the disabilities of persons convicted of political offences.

(Signed) L. R. GOKHALE, M.L.C.

APPENDIX 7-A.

Report of the Select Committee on Motion No. I of 1931 to amend Standing Orders.

We, the members* of the Select Committee appointed to consider Motion No. I of 1931 to amend the Standing Orders, have the honour to report as follows:—

We have carefully considered all the amendments proposed by Mr. Bakhale. We are, however, of opinion that in view of

* Note.—The signature of Mr. R. R. Bakhale, M.L.C., will be notified when received.

[Appendix 7-A—*contd.*]

the impending changes in the constitution, only such changes should be made in the Standing Orders as are urgently necessary. We think that it is desirable, on a balance of convenience and expediency, to retain the Standing Orders as they are and not make many of the changes which have been suggested by Mr. Bakhale. We, therefore, consider that the Standing Orders should only be amended in the following respects :

IV.—*Arrangement of Business.*

Paragraphs 1, 2, 3 and 4.—We think that motions to amend Standing Orders should form part of Government business on the analogy of statutory motions. We have, therefore, suggested the necessary change in Standing Order IV, 1 (1). As a consequential change, amendments have also been suggested in Standing Order IV, 1 (2) and (3).

VII.—*Motions for adjournment for purposes of debate.*

Paragraph 5.—We are of opinion that the support of 25 members should be sufficient for a motion for adjournment being discussed in the Council. We have, therefore, altered the figure of 30 to 25 in Standing Order VII, 1 (3). We also think that sub-paragraph (3) of paragraph 1 of Standing Order VII is defective. It does not state how a motion for adjournment is to be dealt with if exactly 30 members rise in their seats to support it. We have, therefore, taken the opportunity of removing the defect by the omission of the words "more than".

VIII.—*Legislation.*

Paragraph 6.—We consider that the provision in Standing Order VIII, 10 (2) which requires the notice of an amendment to be given seven clear days before the date appointed for the session of the Council is hard and inconvenient in practice. It cannot be observed when all the three readings of a bill are proposed to be taken through one session of the Council, nor can it be observed when the bills are introduced after the session of the Council has commenced. We are, therefore, of opinion that the suggestions made by Mr. Bakhale in his amendments Nos. 13 (ii) and (iii) [now numbered 6 (i) and (ii)] should be accepted.

X.—*Resolutions.*

Paragraph 7.—We are of opinion that some limit should be placed on the number of resolutions of which a member can give notice during one session of the Council. In the Bengal Legislative Council a member is not allowed to send in notice of more than three resolutions during one session. We think that similar restrictions should also be placed in the Bombay Council and have suggested that the limit should, for the present, be seven. A new proviso has accordingly been inserted in Standing Order X, 1.

[Appendix 7-A—contd.]

Paragraph 8.—We think that the change suggested by Mr. Bakhale in paragraph 22 of his amendments is salutary and should be accepted. It would bring the provision on this point in the Bombay Council in line with the Standing Orders on the same subject in the Legislative Assembly.

We recommend that the Report and the amendments proposed should be published in English in the *Bombay Government Gazette*.

(Signed) A. M. K. DEHLAVI,
 (") GHULAM HUSSAIN HIDAYATALLAH
(subject to the following note).
 (") D. D. NANAVATI,
 (") S. K. BOLE,
 (") N. E. NAVLE,
 (") HOOSENALLY M. RAHIMTOOLA,
 (") R. R. KALE,
 (") B. S. KAMAT,
 (") G. S. RAJADHYAKSHA,
 (") M. D. GILDER *(subject to a minute of dissent).*

(Note by the Honourable Sir Ghulam Hussain Hidayatallah, Kt.)

I generally agree with the report, but reserve my right of moving amendments.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

11th May 1931.

(Minute of Dissent by Dr. M. D. Gilder, M.L.C.)

“The proviso which gives precedence to resolutions of congratulation or condolence requires to be modified to specifically exclude resolutions which are really resolutions of appreciation of services. The practice has grown up in the Council of moving and passing a resolution of appreciation of services for every retiring Member of the Executive Council. Such a resolution is often moved by a back bencher member in language which cannot for obvious reasons command universal acceptance in the House. The convention that such a resolution should be moved by the Leader of the Opposition and be couched in language which has been previously ascertained to have the unanimous approval of the House has failed to take root. It therefore becomes necessary to treat all such resolutions as ordinary resolutions and allow them to take their chance in the ballot. If such a resolution commands universal approval those who are above it in the ballot can give it precedence.”

(Signed) M. D. GILDER.

[Appendix 7-A—contd.]

MOTION TO AMEND STANDING ORDERS.

Motion No. I of 1931.

(As amended by the Select Committee.)

IV.—ARRANGEMENT OF BUSINESS.

~~1. In the marginal heading of sub-paragraph (1) of paragraph 1, after the word "of", the word "Government" shall be inserted.~~

1. In sub-clause (1) of clause 1 of Standing Order IV, the following words shall be added at the end, viz. :—

"and motions to amend Standing Orders."

~~2. For sub-paragraphs (2), (2A), (3) and 4 of paragraph 1, the following shall be substituted, namely:—~~

~~(2) (a) The relative precedence of notices of Bills given by non-official members shall be determined by ballot to be held, in accordance with the procedure set out in the Schedule, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the President may direct:~~

~~Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.~~

~~(b) On a day allotted for the disposal of non-official Bills, Bills which have been already introduced by non-official members, shall have priority over all other business, provided that any notice required by the Rules or Standing Orders has been given, and such Bills shall be arranged in such order as to give priority to the Bills most advanced.~~

~~(c) The relative precedence of Bills at the same stage shall be determined by ballot, to be held at such time and in such manner as the President may direct.~~

~~(3) Motions to amend the Standing Orders of which notice required by the Standing Orders has been given, shall be set down for such day or days as the President may direct and shall be arranged in such order as to give priority to those most advanced.~~

~~(4) (a) The relative precedence of notices of resolutions given by non-official members, shall be determined by ballot, to be held, in accordance with the procedure set out in the Schedule, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the President may direct:~~

[Appendix 7-A—contd.]

~~Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.~~

~~(b) A resolution of congratulation or condolence may, with the permission of the President and subject to the provisions regulating the discussion of resolutions, be moved at any time."~~

2. In sub-clause (2) of clause 1 of Standing Order IV the following words shall be omitted, viz. :—

" motions to amend the Standing Orders and motions to amend the Standing Orders over " in lines 2 and 3.

3. For sub-paragraph (1) of paragraph 2, the following shall be substituted, namely :—

" (1) (a) A provisional list of business for the session may be
List of Business. despatched to each member, from time to
time, before the session commences.

(b) A list of business for the day shall be prepared by the Secretary and a copy thereof made available for the use of every member."

3. In paragraph (a) of sub-clause (3) of clause 1 of Standing Order IV the following words shall be deleted :—

" and motions to amend the Standing Orders made " in lines 1 and 2 ;

" and motions " in line 3.

4. In paragraph (b) of sub-clause (3) of clause 1 of Standing Order IV the following words shall be deleted, viz. :—

" and motions " in line 1 ;

" or motions " in line 2.

4. In sub-paragraph (2) of paragraph 2, for the word "Session", the word "day" shall be substituted.

5. In sub-paragraph (3) of paragraph 2, after the words "the list of business," the words "for the day" shall be inserted.

6. After sub-paragraph (3) of paragraph 2, the following new sub-paragraph shall be added, namely :—

" (4) Unless the President otherwise directs, not more than five resolutions (in addition to any resolution which has been commenced on, and is outstanding from, a previous day) shall be set down in the list of business for any day allotted for the disposal of non-official resolutions."

[Appendix 7-A—contd.]

7. ~~After paragraph 2, the following new paragraph shall be added and the subsequent paragraphs re-numbered, namely:—~~

~~“(2) Non-official business set down and not disposed of on that Business—out- day shall not be set down for any subsequent standing at end of day, unless it has gained priority at the day. ballot held with reference to that day.”~~

~~Provided that, notwithstanding anything contained in sub-paragraphs (2)-(a) and (4)-(a) of paragraph 1 of this Standing Order, any such business which has been commenced shall be set down for the next day allotted to business of that class and shall have precedence over all other business set down for that day.”~~

VII.—MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

8. ~~For sub-paragraph (2) of paragraph 1, the following shall be substituted, namely:—~~

~~“(2) The member asking leave must, before the commencement of the sitting of the day, leave with the President a written statement of the matter proposed.”~~

9. ~~In sub-paragraph (3) of paragraph 1, for the figure “30” wherever it occurs, the word “twenty” shall be substituted.~~

5. ~~In sub-clause (3) of clause 1 of Standing Order VII the following changes shall be made:—~~

~~(a) for the words and figure “more than 30” in line 5 the figure “25” shall be substituted;~~

~~(b) for the figure “30” in line 7 the figure “25” shall be substituted.~~

10. ~~For sub-paragraph (1) of paragraph 2, the following shall be substituted, namely:—~~

~~“(1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be ‘That the Council do now adjourn’; provided that if the debate is not concluded by 6 o’clock, it shall automatically terminate and no question shall be put.”~~

VIII.—LEGISLATION.

11. ~~In sub-paragraph (1) of paragraph 1, for the word “seven”, the word “three” shall be substituted.~~

12. ~~In sub-paragraph (a) of paragraph 8 (2), the following changes shall be made, namely:—~~

~~(i) For the figure “15”, the word “seven” shall be substituted; and~~

~~(ii) For the words “appointed for the session of the Council at which the report is presented”, the words “on which the motion is to be made” shall be substituted.~~

[Appendix 7-A—contd.]

13 6. In sub-paragraph (2) of paragraph 10, the following changes shall be made, namely:—

- (i) ~~For the word "seven", the word "two" shall be substituted.~~
- (ii) (i). The words "appointed for the session of the Council" shall be omitted; and
- (iii) (ii). For the word "at", the word "on" shall be substituted.

IX.—AMENDMENT OF STANDING ORDERS.

14. ~~In paragraph 2, for the figure "30", the word "twenty" shall be substituted.~~

X.—RESOLUTIONS.

15. ~~At the end of sub-paragraph (a) of paragraph 1 (1), the following proviso shall be added, namely:—~~

~~"Provided that the President with the consent of the member of the Government in charge of the Department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days."~~

7. ~~At the end of paragraph (c) of clause 1 (1) of Standing Order X the following proviso shall be added:—~~

~~"Provided that no member shall, unless he has obtained the permission of the President, be permitted to send in notice of more than seven resolutions during one session of the Council".~~

16. ~~Sub-paragraph (c), (d) and (e) of paragraph 1 (1) shall be omitted.~~

17. ~~Paragraph 4 shall be omitted and the subsequent paragraphs re-numbered.~~

18. ~~At the end of sub-paragraph (b) of (the existing) paragraph 5 (1), the following proviso shall be added, namely:—~~

~~"Provided that the member may, with the permission of the President, authorise any other member, in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly."~~

19. ~~At the end of paragraph 6, after the words "thirty minutes", the words "or for such longer time as the President may permit" shall be added.~~

20. ~~In sub-paragraph (2) of paragraph 8, the following changes shall be made, namely:—~~

- (i) ~~For the words "on the day", the words "two clear days" shall be substituted.~~

[Appendix 7-A—contd.]

(ii) ~~For the words beginning with "President shall" and ending with "to the following day", the following words shall be substituted, namely:—~~

~~"any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this provision, allows the amendment to be made."~~

(iii) ~~The words beginning with "Provided that" and ending with "with less notice", shall be omitted.~~

21. ~~In sub-paragraph (3) of paragraph 8, the following changes shall be made, namely:—~~

(i) ~~Before the words "Standing Orders", the words "Rules and" shall be inserted; and~~

(ii) ~~All words beginning from "and on the objection of" to the end of the sub-paragraph shall be omitted.~~

22 8. ~~After sub-paragraph (2) of paragraph 10, the following new sub-paragraph shall be added, namely:—~~

~~"(3) When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution and to put each or any point separately to the vote as he may think fit."~~

XI.—FINANCIAL BUSINESS.

23. ~~In paragraph 3, the following changes shall be made, namely:—~~

(i) ~~For the words "three clear days before the first day of", the words "two clear days before the day on which the demand is to be considered in accordance with", shall be substituted.~~

(ii) ~~For the words "with the consent of the member of Government in charge of the Department concerned", the words "in the exercise of his power to suspend this provision", shall be substituted.~~

Schedule.

24. ~~For the Schedule under Standing Order IV 1 (2A), the following new Schedule shall be substituted, namely:—~~

"Schedule.

[See Standing Order IV 1 (2)-(a) and IV 1 (4)-(a).]

Ballot Procedure for determining Relative Precedence of Non-Official Bills and Resolutions.

1. ~~Not less than seven or days before each day allotted for the disposal of non-official business, the Secretary will cause to be placed in the Council Office a numbered list.—This list will be kept open for two days, and during those days and at hours when the office is~~

[Appendix 7-A—contd.]

~~open, any member who wishes to give or has given notice of a resolution, or has given notice of a Bill, as the case may be, may have his name entered, in the case of a ballot for resolutions, against one number only, or, in the case of a ballot for Bills, against one number for each Bill of which he has given notice up to the number of three.~~

~~2. The ballot will be held in the Committee room before the Secretary, and any member who wishes to attend may do so.~~

~~3. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.~~

~~4. A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers or, in the case of a ballot for resolution, five numbers have been drawn.~~

~~5. Priority on the list will entitle the member to have set down, in the order of his priority for the day with reference to which the ballot is held, any Bill or any resolution, as the case may be, of which he has given the notice required by the rules or Standing Orders :~~

~~Provided that he shall then and there specify such Bill or Bills or such resolution."~~

LEGISLATIVE COUNCIL OFFICE.

Council Hall, Poona, 16th September 1931.

No. 1100.—With reference to the footnote to the Report of the Select Committee on Motion No. I of 1931 to amend Standing Orders, published at pages 107-109 of the *Bombay Government Gazette*, Part V, dated the 23rd May 1931, it is notified that Mr. R. R. Bakhale, M.L.C., has signed the report of the Select Committee subject to the minute of dissent shown below :—

(Minute of dissent by Mr. R. R. Bakhale, M.L.C.)

The main objects of my giving notice to amend the Standing Orders were two : (1) to secure, through the incorporation of suitable Standing Orders, the interspersing of non-official days during the session of the Council and separate days for non-official Bills and resolutions in order to afford adequate facilities for the transaction of both kinds of non-official business ; and (2) to reduce the periods of notice for motions, particularly in respect of legislative and financial business. The report of the majority of the Select Committee will show that while the second object was only partially gained, the first one was lost all along the line. I fully appreciate the opinion of the majority that, in view of the impending changes in the constitution, only such changes should be made in the Standing Orders as are urgently necessary. I still hold the

[Appendix 7-A--concl'd.]

view that the interspersion of non-official days and separate days for non-official Bills and resolutions are changes which "are urgently necessary" even during the life-time of this Council. I, therefore, reserve to myself full liberty to move, if necessary and expedient, such amendments as may secure this end. I may also move my amendment No. 23 under "Financial Business" which was lost in the Select Committee.

I am also opposed to the new proviso which the majority of the Select Committee seeks to add to paragraph (c) of clause 1 (1) of Standing Order X under Resolutions, which precludes members from sending more than seven resolutions in one session. The present practice for the allocation of non-official days shuts out all possibilities of a non-official member inundating the Council with the discussion of all his resolutions, whatever their number may be. The new proviso is, therefore, in my opinion, unnecessary so long at least as the present practice continues.

Subject to these reservations, I sign the Report of the Select Committee.

(Signed) R. R. BAKHALE.

Madras, September 13, 1931.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council
of the Governor of Bombay.

APPENDIX 8.

BILL No. XXXI OF 1931.

A Bill further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925.

(As published in the "Bombay Government Gazette" of the 22nd September 1931.)

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Bombay District Municipal, Bombay Local Boards and Bombay Municipal Boroughs (Amendment) Act, 1931.

2. *Amendment of Bom. III of 1901.*—In the Bombay District Municipal Act, 1901:—

(i) In sub-section (1) of section 53—

(a) the words "at interest" shall be deleted; and

Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
XVIII
of
1925.
5 & 6
Geo.V,
c. 61.
Bom.
III of
1901.

[Appendix 8—contd.]

(b) for the words "Bank of Bombay" the words "Imperial Bank of India" shall be substituted ;

(ii) For sub-section (3) of section 178, the following shall be substituted, namely :—

"(3) if the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person ; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person."

Bom.
VI of
1923.

3. *Amendment of section 127 of Bom. VI of 1923.*—In the Bombay Local Boards Act, 1923, for sub-section (3) of section 127, the following shall be substituted, namely :—

"(3) If the expense and remuneration are not so paid the Government may make an order directing the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest to pay such expense and remuneration from such moneys as may be standing to the credit of the local board in such treasury or bank or society or as may, from time to time, be received from or on behalf of the local board by way of deposit by such treasury or bank or society ; and such officer or bank or society shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer, bank or society from all liability to the local board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the local board in such treasury or bank or society."

Bom.
XVIII
of
1925.

4. *Amendment of Bom. XVIII of 1925.*—In the Bombay Municipal Boroughs Act, 1925—

(i) in sub-section (1) of section 67, the words "at interest" shall be deleted ; and

(ii) for sub-section (3) of section 218, the following shall be substituted, namely :—

"(3) If the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the municipality in such bank or may be in the hands of

[Appendix 8—concl.]

such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the municipality in respect of any sum or sums so paid by it or him out of the moneys of the municipality so deposited with such bank or person."

STATEMENT OF OBJECTS AND REASONS.

The relation between a banker and a customer is that of debtor and creditor and money deposited into a bank ceases to be for the time being the money of the principal. A banker is not, therefore, a person having custody of any money on behalf of the municipality within the meaning of section 178 (3) of the Bombay District Municipal Act, 1901. In order to bring funds deposited with a banker within the scope of the said section, it is now proposed to amend it. The amendment is based on section 53 of the Bombay District Municipal Act, 1901, and follows section 520 (3) of the City of Bombay Municipal Act, 1888. It is also proposed to amend section 127 (3) of the Bombay Local Boards Act, 1923, and section 218 (3) of the Bombay Municipal Boroughs Act, 1925, on similar lines.

2. It is also noticed that section 53 (1) of the Bombay District Municipal Act, 1901, and section 67 (1) of the Bombay Municipal Boroughs Act, 1925, authorise municipalities to deposit *at interest* their surplus funds with the Bank of Bombay (Imperial Bank of India) or any other Bank in the Presidency of Bombay with the sanction of Government. The Imperial Bank of India, however, does not give interest on deposits in current account. The opportunity has, therefore, been taken to amend section 53 of the former Act by substituting the words "Imperial Bank of India" for the words "Bank of Bombay" and by deleting the words "at interest". A corresponding change is also made in section 67 (1) of the latter Act.

16th September 1931.

(Signed) RUSTOM JEhangir VAKIL.

APPENDIX 9.

BILL No. XXXII OF 1931.

A Bill further to amend the Bombay Prevention of Prostitution Act, 1923.

(As published in the "Bombay Government Gazette" of the 22nd September 1931.)

WHEREAS it is expedient further to amend the Bombay Prevention of Prostitution Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom.
XI of
1923.

1. *Short title.*—This Act may be called the Bombay Prevention of Prostitution (Amendment) Act, 1931.

[Appendix 9—*contd.*]

Bom. XI of 1923. 2. *Amendment of section 13 of Bom. XI of 1923.*—In sub-section (2) of section 13 of the Bombay Prevention of Prostitution Act, 1923—

(1) after the words “municipal district” the words “or municipal borough” shall be inserted; and

Bom. XVIII of 1925. (2) after the figures “1901” the words and figures “or section 188 of the Bombay Municipal Boroughs Act, 1925, as the case may be” shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

Section 13 (2) of the Bombay Prevention of Prostitution Act, 1923, provides that, in any municipal district to which section 3 is extended, section 152 of the Bombay District Municipal Act, 1901, shall be deemed to have been repealed from the date of such extension. The corresponding section in the Bombay Municipal Boroughs Act, 1925, is section 188, and it is therefore necessary that the provisions of that section also should be deemed to have been repealed in any municipal borough to which section 3 of the Bombay Prevention of Prostitution Act, 1923, may be extended. It is accordingly proposed to amend section 13 (2) of the latter Act by inserting therein a reference to section 188 of the Bombay Municipal Boroughs Act, 1925.

(Signed) G. A. THOMAS.

9th September 1931.

APPENDIX 10.

BILL No. XXXIII OF 1931.

A Bill further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

(As published in the “Bombay Government Gazette” of the 25th September 1931.)

WHEREAS it is expedient further to amend the City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the City of Bombay Improvement Trust Transfer (Second Amendment) Act, 1931.
2. *Amendment of section 88 of Bom. XVI of 1925.*—In clause (3) of section 88 of the City of Bombay Improvement Trust Transfer Act, 1925, for the figures “15” the figures “16½” shall be substituted.

Bom. XVI of 1925.

[Appendix 10—*contd.*]

STATEMENT OF OBJECTS AND REASONS.

Under section 88 (3) of the City of Bombay Improvement Trust Transfer Act, 1925, the deficits in the General Account can be debited to Capital Account up to a limit of only 15 per cent. on the aggregate Capital debt of the Board. It has been represented to Government by the Board that the net aggregate amount of the deficits in the General Account of the Trust debitable to Capital Account at the end of the year 1932-33 will work out to 15·7 per cent. on the aggregate Capital debt of the Board, which exceeds the limit of percentage laid down in section 88 (3). It was hoped that the amalgamation of the Improvement Trust with the Bombay Municipality would take place by the 31st March 1932. But this is not possible as the question of legislation to give effect to the amalgamation is still under the consideration of the Municipal Corporation of the City of Bombay. This position makes it impossible for the Chief Officer of the Board to prepare the annual estimates for the year 1932-33 as required by section 98 (1) of the Act. It has therefore been asked that clause (3) of section 88 should be amended so as to increase the limit of percentage from 15 to 16½, thereby giving a sufficient margin for carrying on the administration of the Trust until 31st March 1933, before which date the amalgamation is likely to be brought about. The Municipal Corporation who will ultimately have to bear the financial responsibility for the operation of the Improvement Trust was consulted by Government and they have agreed to the proposed amendment of the law. The proposed amendment of the Act is therefore intended to give effect to the above suggestion of the Board of Trustees.

(Signed) RUSTOM JEHANGIR VAKIL.

19th September 1931.

APPENDIX 11.

BILL No. XXXIV OF 1931.

A Bill further to amend the Bombay Local Boards Act, 1923.

(As published in the "Bombay Government Gazette" of the
25th September 1931.)

WHEREAS it is expedient further to amend the Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted Bom.
VI of
1923.
as follows:—

1. *Short title.*—This Act may be called the Bombay Local Boards (Second Amendment) Act, 1931.

[Appendix 11—*contd.*]

2. *New section 80A of Bom. VI of 1923.*—After section 80 of the Bombay Local Boards Act, 1923, the following section shall be inserted namely :—

“ 80A. *Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.*—In any district notified by Government in this behalf, the whole or such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by Government, shall be utilized towards the improvement of communications in irrigated tracts in that district.”

STATEMENT OF OBJECTS AND REASONS.

Section 95 of the Bombay Local Boards Act, 1923, provides that Government may levy a cess not exceeding two annas on every rupee of water-rate leviable under the provisions of the Bombay Irrigation Act, 1879. It has come to the notice of Government that very few District Local Boards spend the proceeds of the cess, or any definite portion of it, towards improvements of communications in irrigated tracts and that the cess is merged in the general balance of the District Local Board concerned and is utilised on education and other objects. The advent of irrigation has increased the need of good roads, since most of the greatly increased produce of irrigated land is taken to market. The increase in population and in intensive cultivation, consequent on the improvement in the water supply means that more and better roads are required. The rise in the water level tends to enhance the cost both of construction and maintenance. It is considered equitable that a cess levied on irrigated land only should be devoted primarily to objects which will benefit irrigated areas and it is accordingly proposed that in such districts, as may be notified by Government, power should be assumed to direct, if necessary, that the whole or some specified portion of the proceeds of the cess levied under section 95, as may be determined by Government, should be utilised towards the improvement of communications in irrigated tracts. The insertion of new section 80A in the Act proposed in this Bill gives effect to this intention.

(Signed) RUSTOM JEHANGIR VAKIL.

19th September 1931.

APPENDIX 12.

BILL No. XXXV OF 1931.

A Bill further to amend the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Trust Transfer Act, 1925.

(As published in the “*Bombay Government Gazette*” of the 23th September 1931.)

Bom. WHEREAS it is expedient further to amend the City of Bombay
III of Municipal Act, 1888, and the City of Bombay Improvement Trust
1888.

[Appendix 12—*contd.*]

Transfer Act, 1925, in manner hereinafter appearing ; It is hereby enacted as follows :— Bom. XVI of 1925.

1. *Short title.*—This Act may be called the City of Bombay Municipal and Improvement Trust Transfer (Amendment) Act, 1931.

2. *Amendment of Bom. III of 1888.*—In the City of Bombay Municipal Act, 1888— Bom. III of 1888.

(i) in clauses (c), (d) and (g) of section 36, in the heading and marginal note to section 37, in section 37, in clause (b) of sub-section (5) of section 39, in section 52, in sub-section (3) of section 66, and in sub-sections (2) and (3) of section 66A for the words “ president of the corporation ”, for the words “ said president ” and for the word “ president ”, wherever they occur, either with or without the first letter “ p ” being capital, the word “ Mayor ” shall be substituted ; and

(ii) in section 36A for the word “ President ” wherever it occurs the words “ presiding authority ” shall be substituted.

3. *Amendment of section 7 of Bom. XVI of 1925.*—In sub-section (2) of section 7 of the City of Bombay Improvement Trust Transfer Act, 1925, for the words “ President of the Corporation ” the word “ Mayor ” shall be substituted. Bom. XVI of 1925.

STATEMENT OF OBJECTS AND REASONS.

In view of the important civic duties attaching to the office of President of the Municipal Corporation of the City of Bombay, it is considered that it would be more in consonance with the dignity of that office if the President were designated “ Mayor ”, as in Calcutta. To give effect to this change of designation, it is proposed in clauses 2 (i) and 3 of the Bill to substitute the word “ Mayor ” for the words “ President of the Corporation ”, “ President ” and “ said president ” wherever they occur either in the City of Bombay Municipal Act, 1888, or in the City of Bombay Improvement Trust Transfer Act, 1925. In section 36A of the former Act it is desirable that the power of preserving order at meetings of the Corporation now vested in the President should be conferred upon the presiding authority. Clause 2 (ii) of the Bill gives effect to this last proposal.

(Signed) RUSTOM JEHANGIR VAKIL.

22nd September 1931.

APPENDIX 13.

BILL No. XXXVI OF 1931.

A Bill to amend the Karachi Rent Restriction Act, 1929.

(As published in the “ Bombay Government Gazette ” of the 28th September 1931.)

WHEREAS it is expedient to amend the Karachi Rent Restriction Act, 1929, in manner hereinafter appearing ; And whereas the previous Bom. III of 1929.

[Appendix 13—*contd.*]

5 & 6
Geo V,
c. 61
sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. *Short title.*—This Act may be called the Karachi Rent Restriction (Amendment) Act, 1931.

Bom.
III of
1929.
2. *Amendment of section 2 of Bom. III of 1929.*—In section 2 of the Karachi Rent Restriction Act, 1929, hereinafter called the said Act, for the figures “1931” the figures “1932” shall be substituted.

3. *Amendment of section 3 of Bom. III of 1929.*—In section 3 of the said Act—

(i) in clause (b) for the figure “5” the figure “6” shall be substituted;

(ii) in clause (d) for sub-clause (i) the following shall be substituted namely:—

Bom.
II of
1918.
Bom.
VII of
1918.
“(i) the rent which under the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions, No. 2) Act, 1918, was leviable in respect of such premises on the 31st December 1928 or where they were not let on that date, the rent which under the aforesaid Acts was leviable on the date on which they were last let before the said 31st December 1928.”

4. *Amendment of section 26 of Bom. III of 1929.*—For sub-section (1) of section 26 of the said Act, the following shall be substituted namely:—

“(1) In every suit for rent, compensation for use and occupation, or ejection in respect of any premises, the plaintiff shall annex to the plaint a copy of an order in force under this Act fixing their standard rent.”

5. *New section 27 of Bom. III of 1929.*—After section 26 of the said Act the following new section shall be inserted namely:—

Bom.
IV of
1929.
“27. *No distress warrant to be issued in certain cases.*—No distress warrant shall be issued under Chapter V of the Karachi Small Causes Court Act, 1929, in the case of premises of which the standard rent under this Act does not exceed Rs. 35 per month unless the person applying for the warrant, when making his application for the same, shall produce a copy of an order in force under this Act fixing the standard rent of such premises.”

STATEMENT OF OBJECTS AND REASONS.

The Karachi Rent Restriction Act, 1929, is due to expire on 31st December 1931 but it is considered necessary to extend its operation for a further period of one year, i.e. up to 31st December 1932. It is stated that although prices of nearly all goods have fallen, and wages tend to fall also, house-rents in Karachi have not been reduced. It is further alleged that many workers, artisans and clerks, who form the bulk of the tenant class, have been thrown out of employment; and if the protection now afforded to them by the Rent Act of 1929 were withdrawn at a

[Appendix 13—concl.]

time of such acute trade depression, the hardships caused to such persons would be further aggravated. In order to mitigate these hardships as far as possible, it is considered to be necessary that the operation of the Rent Act of 1929 should be continued at least for a year more. Clause 2 of the Bill gives effect to this object.

2. It is also proposed to modify the definition of "standard rent" in section 3 (d) (i) of the Act. Since the passing of the Act in 1929 experience has shown that several landlords have been recovering a much higher rent than they could have legally recovered in respect of their premises on 31st December 1928 under the two Bombay Rent (War Restrictions) Acts of 1918, which were in force in the Municipal District and Cantonment of Karachi up to that date. When the Bombay Rent Acts were about to expire, several landlords served their tenants with notices in advance either to vacate the premises after 31st December 1928 or to pay the higher rent demanded and the latter had therefore no option but to submit to their demands.

3. Experience has also shown that, while the Rent Act of 1929 aims at protecting the tenant, the provisions of section 27 of the Karachi Small Causes Court Act, 1929, are being freely used by landlords for the recovery of arrears of rent by means of distress warrants. It is therefore proposed to provide by clauses 4 and 5 of the Bill that no distress warrant shall be issued in the case of premises which are controlled under the present Act, and that no suit shall be entertained in the case of such premises, unless the plaintiff annexes to his plaint an order of the Rent Controller fixing the standard rent of the premises in question. The proposed amendment of section 26 (1) and the insertion of new section 27 on the lines of section 16 of Bombay Act VII of 1918 give effect to this object.

(Signed) GHULAM HUSSAIN HIDAYATALLAH.

22nd September 1931.

APPENDIX 14.

BILL No. XXX OF 1931.

(A Bill further to amend the Bombay Village Sanitation Act, 1889.)

REPORT OF THE SELECT COMMITTEE.

We, the Members* of the Select Committee appointed to consider Bill No. XXX of 1931 (A Bill further to amend the Bombay Village Sanitation Act, 1889), have the honour to report as follows:—

We have carefully considered the Bill, and have made several changes therein. The reasons for the principal changes are noted against the clauses in which they occur.

* Note.—The signatures of Khan Bahadur M. A. Khuhro and Khan Bahadur Allahbakhsh will be notified when received.

[Appendix 14—*contd.*]

Clauses 3 and 5A.—We have deleted the four concluding lines of clause 3, relating to the control of expenditure by sanitary committees, because we consider that a better way of controlling the accounts of such committees would be to lay down that such committees shall submit a statement of income and expenditure for the approval of the Collector every year, and that expenditure beyond the provisions of the budget shall require the special sanction of the Collector. We have made provision for the preparation and sanction of such a budget in the new clause 5A that we have added to this Bill.

Clause 4.—We have omitted the words “on Government land” in this clause, in order to leave the hands of the sanitary committees free to levy a rate on open air stalls not only on Government lands but on such other lands as may be at their disposal. We have deleted the provisions about raising money by voluntary subscriptions and its utilisation, because in clause 5 we make the proposed new section 18 a self-contained one, and have added a new clause 5A in order to control the expenditure of the moneys at the disposal of the sanitary committees.

Clause 5.—A majority of us are of the opinion that the district local board should contribute compulsorily towards the funds of the sanitary committee of a village a fraction of the local fund recovered from such village. But as such a provision would require the amendment of the Local Boards Act, we propose no change of the Act in this Bill.

We have amended the first paragraph of the proposed new section 18, so as to leave the sanitary committees free to adopt any of the three means of raising money without making it obligatory on them to resort to voluntary subscriptions in the first instance.

We have amended the first proviso to the new section 18, so as to make it clear that the rate shall be recovered from the inhabitant of a village irrespective of the consideration as to whether his lands are situated within the limits of such a village or not, and that the aggregate amount to be so recovered from a village shall not exceed half the total amount of local fund cess recovered from lands in such a village, irrespective of the consideration whether the owners of such lands live in the village or not.

Clause 6—New section 19 (1).—We think that the elective element on the sanitary board should be increased. We have consequently provided that not less than two-thirds of the members of a sanitary board shall be elected.

New section 19 (3).—We consider that the words “having property” in this sub-section are vague, and have therefore provided that the persons entitled to vote at an election of a sanitary board should be persons occupying as owners or part-owners, or tenants or sub-tenants a building or other immoveable property.

New section 19 (4).—We consider that it is desirable that the Mamlatdar should hold the election at some place within the area concerned in such election. We have amended the sub-section accordingly.

[Appendix 14—contd.]

Clause 10.—We have amended this clause so as not to fetter unduly the discretion of a sanitary board in the matter of the expenditure of sums of money raised for the purposes of the Act.

Clause 12.—We have amended the proviso to new section 30 (3), to enable a sanitary board, with the permission of the Collector, to raise a sum higher than that specified in this proviso, as we imagine that occasionally cases would arise when the aggregate amount permitted to be recovered under this sub-section might be found to be insufficient for the purposes of some sanitary boards. We have also amended the second part of this proviso to lay down a time limit within which an appeal may be preferred by any inhabitant who considers himself aggrieved in the matter of the amount to which he has been assessed.

Clause 13—New section 300, sub-section (1).—We have amended sub-section (1) of the proposed new section 300, so as to lay down that the decisions of a sanitary board to dispose of any property should be formally recorded by means of a resolution to that effect.

We consider that every purchase of immoveable property involving expenditure of more than Rs. 100 should require the previous sanction of the Collector. We have therefore amended the first proviso to this sub-section accordingly.

Sub-section (3).—This sub-section should, from a drafting point of view, form a second proviso to sub-section (1). We have altered the Bill accordingly.

Sub-section (4).—We have deleted this sub-section as, in our opinion, every lease or other transfer should be made with the previous sanction of the committee or the board. As this requirement is already embodied in sub-section (1), the retention of this sub-section becomes unnecessary.

New section 30D.—The changes in this section are merely verbal.

New section 30E.—We have deleted the reference to clauses (c), (e) and (f) of section 50 of the Bombay Local Boards Act, 1923, in order to leave full discretion with sanitary committees or sanitary boards to contribute towards the expenditure of any of the works that could be undertaken by a local board under section 50 of the Bombay Local Boards Act, 1923.

New section 30F.—We have deleted the words “at interest” occurring in this section to enable the sanitary committees and sanitary boards to deposit their surplus funds in certain important banks which happen to give no interest on current accounts.

New clause 14A.—We have taken this opportunity of amending section 32 of the Village Sanitation Act so as to provide that before the Collector passes an order under this section he should give the person concerned an opportunity of being heard and should record his reasons for passing the order in question.

[Appendix 14—*contd.*]

We recommend that this report, with the minutes of dissent, if any, and the Bill as amended, be translated and published in Marathi, Gujarati, Kanarese and Urdu in the *Bombay Government Gazette* and Sindhi in the *Sind Official Gazette*.

(Signed) RUSTOM J. VAKIL,
 („) R. B. EW BANK,
 („) A. S. R. MACKLIN,
 („) P. G. SOLANKI,
 („) G. K. CHITALE,
 („) S. N. ANGADI,
 („) H. B. CLAYTON,
 („) J. H. GARRETT,
 („) A. N. SURVE
(subject to a minute of dissent),
 („) B. R. NAIK
(subject to a minute of dissent).

(Minute of dissent by Mr. A. N. Surve, M.L.C.)

I am in general agreement with the recommendations made in the report, but would like to mention for the consideration of the Honourable House the desirability of preparation of—

(1) *a list of Electors* [Cl. 6—19 (s)] to avoid confusion at an election and the denial of right of franchise to a person who is eligible for it
 and also

(2) *model rules* for the entire presidency or at least for its divisions in order to avoid diversity in different districts. (Cl. 6.)

(Signed) A. N. SURVE, M.L.C.

Poona, 3rd October 1931.

(Minute of dissent by Rao Bahadur B. R. Naik, M.L.C.)

I agree with the report. I however reserve the right of moving an amendment or amendments to any section or sections of the Act, which are not sought to be amended under this Bill if I will be allowed to do so.

(Signed) BHIMBHAI R. NAIK.

3rd October 1931.

[Appendix 14—contd.]

BILL No. XXX OF 1931.

A Bill further to amend the Bombay Village Sanitation Act, 1889.

(As amended by the Select Committee)

WHEREAS it is expedient further to amend the Bombay Village Sanitation Act, 1889, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom.
I of
1889.

1. *Short title.*—This Act may be called the Bombay Village Sanitation (Amendment) Act, 1931.

2. *Amendment of section 12 of Bom. I of 1889.*—In sub-section (2) of section 12 of the Bombay Village Sanitation Act, 1889, hereinafter called the said Act, for the word “conference” the word “consultation” shall be substituted.

Bom.
I of
1889.

3. *Amendment of section 16 of Bom. I of 1889.*—In section 16 of the said Act, for the words “with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid” the words “employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid ~~Provided that no non-recurring expenditure exceeding one hundred rupees and no recurring expenditure shall be incurred and no servant shall be employed without the previous sanction of the Collector~~” shall be substituted.

4. *Amendment of section 17 of Bom. I of 1889.*—For section 17 of the said Act, the following section shall be substituted, namely:—

“17. ~~Sanitary Committee may raise funds by voluntary subscription or by levy a rate on open air stalls.~~—The Sanitary Committee may, by voluntary subscription, raise any sum of money for any of the purposes specified in section 16 and may also levy a rate on open air stalls on Government land in the village for such purposes. Such sums and the amount so recovered shall form part of the Sanitary Committee fund under section 30D and shall be utilized by the Sanitary Committee for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised or the rate was levied.”

5. *Amendment of section 18 of Bom. I of 1889.*—For section 18 of the said Act, the following shall be substituted, namely:—

“18. ~~Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.~~—If Any sum of money of which the expenditure is authorised by the Sanitary Committee is not may be raised by voluntary subscription and is not available from any other source, the same or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and

[Appendix 14—*contd.*]

assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source :

Provided that—

(1) the aggregate amount to be so recovered by such rate from the inhabitants of any village in any year shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such village ;

(2) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector, whose decision shall be final."

5A. Insertion of new section 16A in Bom. I of 1889.—*After section 18 of the said Act, the following new section shall be inserted, namely :—*

"18A. Sanitary Committee to prepare annually a statement of income and expenditure.—*The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.*"

6. Amendment of section 19 of Bom. I of 1889.—For section 19 of the said Act, the following shall be substituted, namely :—

"19. Constitution of Sanitary Boards.—(1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than one-half two-thirds shall be elected : provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(2) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

(3) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and having occupying as owner or part owner or tenant or sub-tenant a building or other immoveable property therein and who is not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(4) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such place time and place within the area concerned as he may fix in this behalf. A notice

[Appendix 14—*contd.*]

of such meeting shall be given by posting it at the chavdi at least fifteen days before the date of the election.

(5) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(6) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(7) The Board shall elect annually one of themselves to be the president:

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(8) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(9) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf."

7. *Amendment of section 21 of Bom. I of 1889.*—In section 21 of the said Act—

(1) for sub-section (1) the following shall be substituted, namely:—

"(1) *Appointment of Sanitary Inspector and other officers.*—The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him."

(2) after sub-section (2), the following shall be inserted as sub-section (3), namely:—

"(3) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates."

8. *Repeal of section 26 of Bom. I of 1889.*—Section 26 of the said Act shall be repealed.

9. *Amendment of section 27 of Bom. I of 1889.*—In section 27 of the said Act, the words "with the approval of the Collector" shall be repealed.

10. *Amendment of section 28 of Bom. I of 1889.*—For section 28 of the said Act, the following section shall be substituted, namely:—

"28. *Sanitary Board may raise funds by voluntary subscription.*—The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act.

[Appendix 14—*contd.*]

Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area ~~in which and on the purpose for which the subscription was raised~~ subject to its authority and for the purposes of this Act."

11. *Amendment of section 29 of Bom. I of 1889.*—In clause (c) of section 29 of the said Act, for the figures "26" the figures and letter "30C" shall be substituted.

12. *Amendment of section 30 of Bom. I of 1889.*—For section 30 of the said Act, the following section shall be substituted, namely :—

"30. *Sanitary Board's ways and means.*—(1) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided.

(2) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(3) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(1) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, *except with the permission of the Collector (for reasons to be recorded by him)*, exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(2) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector ~~whose~~ *within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.*"

13. *Insertion of new sections 30A to 30G in Bom. I of 1889.*—In Part IV of the said Act before section 31 the following sections shall be inserted, namely :—

"30A. *Incorporation of Sanitary Committees and Sanitary Boards.*—Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of 'The Sanitary Committee of.....' or 'The Sanitary Board of.....' as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

[Appendix 14 *contd.*]

30B. *Power to acquire, hold and transfer property.*—(1) A Sanitary Cf. Committee or a Sanitary Board may acquire and hold property, both Bom. III of 1901, moveable and immoveable, whether within or without the limits of s. 50, the village or villages subject to its authority. and XVIII of 1925, s. 63.

(2) *Property vested in Sanitary Committee or Sanitary Board.*—All Cf. property of the nature hereinafter in this sub-section specified may Bom. III of 1901, be transferred to or vested in the Committee or the Board exercising s. 50. authority in the village in which such property is situate, either by the Government or by an officer appointed by the Government in this behalf or by the district or *taluka* local board to which it belongs or in which it vests; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(a) public markets, slaughter houses, manure and night-soil depôts, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, Cf. Act II of 1924, reservoirs, aqueducts, conduits, pipes, pumps and all other water s. 108. works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(c) public sewers, drains cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(d) public bathing ghats and recreation grounds;

(e) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets; and

(g) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.

30C. *Mode of executing contracts.*—(1) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it;

[Appendix 14—*contd.*]

and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act :

Provided that no contract involving an expenditure exceeding one hundred rupees or *purchase of immoveable property (involving similar expenditure)* shall be made without the previous sanction of the Collector.

(3) *Provided further that in the case of every lease of immoveable property for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.*

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.

~~(4) In the case of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property the sanction of the Committee or the Board by a resolution is required.~~

Cf.
Bom.
III of
1901,
s. 51.

30D. *Sanitary Committee or Sanitary Board fund.*—All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act : all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its lands or other property ; and all interest, profits and other moneys accruing by gifts or transfers from the Secretary of State for India in Council Government or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.

Cf.
Bom.
III of
1901,
s. 52.

30E. *Property and funds of Sanitary Committee or Sanitary Board how to be applied.*—All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted :

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits :

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution

[Appendix 14—*contd.*]

on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50, clause (e), ~~(e)~~ and (f) of the Bombay Local Boards Act, 1923. Bom. VI of 1923.

30F. *Power to deposit and invest surplus funds.*—(1) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit ^{at} interest with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary. Bom. III of 1901.

(2) All surplus funds over and above what may be required for current expenses shall unless deposited or invested as provided for in sub-section (1), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.

30G. *Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.*—When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority, the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate :

Provided that such property as may have been transferred to or vested in such Committee or Board either by the Government or by the district local board shall, on such cessation, revert to the Government or the district local board, as the case may be."

14. *Amendment of section 31 of Bom. I of 1889.*—In section 31 of the said Act for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" the words and figures "sub-section (1) of section 40 of the Bombay Local Boards Act, 1923" shall be substituted. Bom. VI of 1923.

14A. *Amendment of section 32 of Bom. I of 1889.*—In section 32 of the said Act, for the words "may, after recording his reasons for the same" the words "after giving the person concerned an opportunity of being heard and after recording his reasons may" shall be substituted.

15. *Repeal of section 39 of Bom. I of 1889.*—Section 39 of the said Act shall be repealed.

16. *Amendment of section 40 of Bom. I of 1889.*—In section 40 of the said Act :—

(1) Sub-section (2) shall be repealed ;

(2) sub-section (3) shall be renumbered as sub-section (2) and in the said sub-section for the words "by the Collector, in conference

[Appendix 14—concl'd.]

with" the words "with the approval of the Collector by" shall be substituted.

17. *Amendment of section 41 of Bom. I of 1889.*—In sub-section (2) of section 41 of the said Act for the words "by the Collector in conference with" the words "with the approval of the Collector by" shall be substituted.

G. S. RAJADHYAKSHA,

Secretary to the Legislative Council

Poona, 3rd October 1931.

of the Governor of Bombay.

APPENDIX 15.

STATEMENT OF DEMAND FOR EXCESS GRANTS TO COVER THE EXCESSES SHOWN IN THE APPROPRIATION ACCOUNTS OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1929-30 AND IN THE REPORT OF THE ACCOUNTANT GENERAL THEREON.

ITEM 1. The Honourable Sir G. B. PRADHAN.

In his report on the Appropriation Accounts of the Government of Bombay for the year 1929-30, the Accountant General, Bombay, has pointed out excess expenditure in the final accounts under the following heads, which requires the sanction of the Legislative Council :—

	Amount of excess.
	Rs.
1. Excise—Transferred	50,255
2. Scheduled Taxes—Reserved	914
3. Administration of Justice—Reserved	73,605
4. Medical—Transferred	29,746
5. Bombay Development Scheme—Reserved	13,988
6. Extraordinary Charges—Reserved	30
7. Commuted value of Pensions—Reserved	48,825

The excesses are briefly explained below :—

(1) 6-Excise—Transferred.

The original grant under 6-Excise for the year 1929-30 as sanctioned by the Legislative Council in 1929 was Rs. 47,34,900. An additional allotment of Rs. 48,000 was subsequently found necessary and the sanction of the Legislative Council was accordingly obtained thereto.

[Appendix 15—contd.]

In spite of this additional allotment there was an excess of Rs. 50,255 over the voted grant for 1929-30 as shown below :—

	Rs.
Voted grant	47,82,900
Actual expenditure	48,33,155
	50,255
Excess ..	50,255

This excess was caused by heavy payments of refunds of revenue during the closing months of the year, which could not be anticipated. The item refunds is of a fluctuating nature, and the provision for it is based on past actuals. The estimate thus framed proved insufficient and the total grant under the major head 6-Excise was exceeded by Rs. 50,255. The Legislative Council is requested to sanction the extra expenditure of Rs. 50,255.

(2) 9A-Scheduled Taxes—Reserved.

The Accountant General has pointed out an excess expenditure of Rs. 914 in the final accounts against the grant under 9-A and IX-A Scheduled Taxes, which requires the sanction of the Legislative Council. There was unforeseen expenditure amounting to Rs. 641 under this head due to (i) the revision of the pay of a clerk in the Entertainments Duty Establishment of the Collector of Bombay with retrospective effect from 1925, in consequence of the orders of Government directing that graduates should invariably be granted pay at Rs. 90 per month from the date of recruitment to permanent employ, and (ii) the grant of a special pay of Rs. 15 per mensem each to two clerks in the offices of the District Magistrates of Hyderabad and Sukkur, who were appointed Inspectors for work in connection with the Entertainments Duty Act, which was extended to the Municipalities of Hyderabad and Sukkur with effect from 1st October 1929. This was met from savings of Rs. 800 under pay of officers. The savings being thus fully absorbed the excess of Rs. 914 was due to the following facts :—(a) a lump sum deduction of Rs. 600 under pay of establishment was only partially realised ; (b) a lump sum deduction of Rs. 400 under allowances could not be realised ; and (c) a cut of Rs. 262 for rounding did not materialise. The Legislative Council is requested to regularise the excess.

(3) 24-Administration of Justice—Reserved.

The grant originally voted for expenditure during 1929-30 under "24-Administration of Justice—Reserved" was Rs. 63,67,000, which included Rs. 75,000 for "Refunds" under "XVII-Administration of Justice". In order to cover the estimated excess expenditure under the heads "High Court," "Law Officers," "Presidency Magistrates' Courts," "Civil and Sessions Courts," "Criminal Courts," "Pleader-ship Examination Charges" and "Refunds," a supplementary grant of Rs. 3,01,000 was obtained on 24th February 1930.

[Appendix 15—*contd.*]

2. The anticipated excess expenditure under the heads (a) "High Court," (b) "Law Officers," (c) "Presidency Magistrates' Courts" and (d) "Civil and Sessions Courts," for which the supplementary grant was obtained, was due to the following reasons :—

(a) *High Court.*

- (1) Creation of a temporary appointment of Court Receiver and Liquidator and his staff ;
- (2) Creation of the appointment of Assistant Taxing Master ;
- (3) Entertainment of temporary establishment for an additional High Court Judge ;
- (4) Increase in expenditure on Contingencies for offices in the High Court, including the office of the Court Receiver and Liquidator.

(b) *Law Officers.*

- (1) Heavy expenditure incurred for fees to pleaders in criminal cases ;
- (2) Cost of large number of long and important prosecutions in riot and other cases.

(c) *Presidency Magistrates' Courts.*

- (1) Two temporary appointments of additional Presidency Magistrates and their staff for the trial of dacoity and riot cases for a part of the year.

(d) *Civil and Sessions Courts.*

- (1) Appointment of Provincial Civil Service Officers to officiate as District and Sessions Judges and Assistant Judges, in place of Indian Civil Services Officers.

The actual expenditure under the heads mentioned above, however, exceeded the anticipated expenditure for the following reasons :—

- (1) Larger expenditure incurred for contingencies for offices in the High Court than anticipated ;
- (2) Larger expenditure on fees to pleaders in criminal cases in the mofussil, due to a large number of long and important prosecutions in riot and other cases ;
- (3) Writing off an amount of Rs. 8,390, representing the pay for the month of April 1928 of the establishment of the Chief Presidency Magistrate, Bombay, which was stolen from a peon of that office at the Imperial Bank of India and increased expenditure on leave salary of the establishment ;
- (4) (a) Increased expenditure on account of more travelling done by Subordinate Judges and expenditure on plague allowance which was not budgeted for, and
(b) Non-realization of the anticipated savings under the sub-head "Subordinate Judges".

[Appendix 15—contd.]

3. The total expenditure during 1929-30 under "24-Administration of Justice" amounted to Rs. 67,41,605, as against the total voted grant of Rs. 66,68,000. The Legislative Council is, therefore, requested to sanction the excess expenditure of Rs. 73,605.

(4) 32-Medical—Transferred.

The original grant voted for 1929-30 under "32-Medical—Transferred" was Rs. 49,57,000 (including Rs. 9,000 for "Refunds"). A supplementary grant of Rs. 21,000 was asked for and voted by the Council in the February-March Session of 1930, so that the total voted grant under the head amounted to Rs. 49,78,000.

According to the final accounts for 1929-30, the actual expenditure on voted items under the head has exceeded the revised estimates and amounts to Rs. 50,07,746 (including Rs. 13,464 for "refunds") and the vote of the Council is therefore necessary to regularise the excess expenditure of Rs. 29,746. The excess is due mainly to—

(1) changes in incumbents under "Medical Establishment—Reserved Medical Subordinates",

(2) a rise in the number of patients and increased expenditure on travelling and house-rent and other allowances under the minor head "Hospitals and Dispensaries—Mofussil Hospitals and Dispensaries",

(3) payment of arrears of grants-in-aid etc., to certain medical institutions under the minor head "Hospitals and Dispensaries—Grants to Hospitals and Dispensaries",

(4) payment of arrears granted to Nursing Associations, Charitable Institutions etc., and

(5) increase in the expenditure on account of refunds.

(5) 42-Bombay Development Scheme—Reserved.

During the year 1927-28 a new major head "42-Bombay Development Scheme" charged to revenue with three minor heads pertaining to the Industrial Housing Scheme, Ambernath Water Supply Scheme and Ambernath Electric Supply Scheme was opened with a corresponding receipt head "XXXI-Bombay Development Scheme". There was a net excess of Rs. 13,988 over the voted grant for 1929-30 under this head as shown below :—

				Rs.
Voted grant	..	..	..	4,37,000
Actual expenditure	..	..	..	4,50,988
			Excess	13,988

The excess was due to the following reasons :—

(1) When the grant was obtained the amount required for the *pro rata* share of the cost of Secretariat and engineering establishment charges for the year 1929-30 could not be correctly estimated as the

[Appendix 15—*contd.*]

basis of its distribution between the different activities of the late Development Department had not been decided. The excess amounted to Rs. 10,064.

(2) No provision was calculated or included in the amount of the grant on account of the *pro rata* share of the general charges debitable to the Industrial Housing Scheme. These general charges represent the share of the deficit in the revenue account of the offices and quarters in Bombay and Salsette and are, in the case of non-residential buildings, allocated to the appropriate establishment in proportion to the area occupied by each. The basis of allocation of the general charges to the various establishments employed in connection with the different activities of the late Development Department was not decided when the grant was obtained. The excess amounts to Rs. 7,988.

(3) No provision was calculated or included in the amount of the grant on account of the *pro rata* share of tools and plant charges debitable to the Ambernath Water Supply and the Ambernath Electric Supply Schemes because at that time it had not been decided on what basis these charges should be distributed between the different activities of the late Development Department. Full provision for Tools and plant charges was, however, made under the head "59, Bombay Development Scheme" under which, therefore, there were corresponding savings. The amount of excess was Rs. 1,379.

These excesses aggregate 19,431, part of which was covered by savings aggregating 5,443 in the budget provision for other items under the head "42-Bombay Development Scheme". The net excess was Rs. 13,988. As the vote of the Legislative Council is required to regularise the excess the sanction of the Legislative Council is requested to the excess of Rs. 13,988.

(6) 52-*Extraordinary Charges.*

The circumstances under which the refund of Rs. 30 was made by the Revenue Officer, Lloyd Barrage and Canals Construction, are as follows :—

A plot of land in deh Nasrat, taluka Nawabshah, was sold in May 1929 to a private party by the Revenue Officer, Lloyd Barrage. The first instalment of Malkano, i.e. occupancy price, was recovered from him. But it was subsequently reported by the Barrage Mukhtiarkar that the land had already been granted by the Collector of Nawabshah for a village. It therefore became necessary to cancel the sale and refund the instalment of occupancy price, viz. Rs. 30. As there was no provision in the budget for refund under this head, the sanction of the Legislative Council is requested to a supplementary grant of Rs. 30 under the major head "52-Extraordinary charges" to cover the excess expenditure.

(7) 60-B, *Payment of commuted value of Pensions—Reserved.*

The actuals of 1929-30 shows an excess of Rs. 48,825 over the net voted grant of Rs. 9,14,000. The original net grant of Rs. 6,59,000 was

[Appendix 15—concl.]

supplemented by the Legislative Council at the instance of Government, by an additional grant of Rs. 2,55,000 on 27th February 1930 ; but even this proved inadequate. The excess was mainly caused by larger payments, on account of the capitalized value of pensions, to other Governments, in respect of the pensionary liabilities of the Bombay Government, and less recoveries than anticipated from other Governments, on account of pensions transferred from other provinces. The Legislative Council is requested to sanction the excess of Rs. 48,825.

FINANCE DEPARTMENT :

Bombay Castle, 29th July 1931.

APPENDIX 16.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

TRANSFERRED 2. The Honourable Dewan Bahadur S. T. KAMBLI.

Reconstructing the sidewidths of the Karachi-Malir Road, Section I, miles 4/6 to 9/0.

In November 1930, the Executive Engineer, Karachi Buildings Division, reported that the present width of the Karachi-Malir Road (Section I) which was 15', was too narrow for the type and volume of traffic using the road. As a result heavy vehicles passing each other at speed were forced to the side with their outer wheels on the side or berms thus seriously damaging not only the berms but the edges of the asphalt surfacing which had broken away and become uneven. The Executive Engineer therefore proposed that the width of the surface should be increased to 18' in order to check the serious and dangerous damage to the edges and submitted an estimate for the work and represented that the work was very urgent and that if it were delayed Government would have to incur very heavy expenditure later. The estimate was returned to the Executive Engineer for revision in the light of certain remarks made by the Chief Engineer and a revised estimate was submitted in May 1931, when he again represented the urgency of the proposed improvements as the road was dangerous to motor traffic. After scrutiny and modification the revised estimate, amounting to Rs. 32,234 (inclusive of Establishment and Tools and Plant charges), was approved by Government in August 1931. As the road in question forms part of the Karachi-Hyderabad-Rohri-Punjab Road, which is a class I road and is one of the 12 schemes approved by the Government of India last year as eligible for being financed from the petrol tax fund, an allotment of Rs. 32,234 has been

[Appendix 16—*contd.*]

sanctioned out of the balance of the current year's provision of Rs. 23,28,000 voted by the Legislative Council for petrol tax works under the head 41—Civil Works—Provincial. As, however, the expenditure on the work is of the nature of a new service, sanction of the Legislative Council is requested to the demand for a token grant of Rs. 10.

Demand voted and now increased.

41—Civil Works—Partly Reserved and Partly Transferred.

Rs. 1,37,08,000 + Rs. 10.

FINANCE DEPARTMENT :

Bombay Castle, 18th September 1931.

APPENDIX 17.

STATEMENT OF DEMAND FOR SUPPLEMENTARY GRANT.

RESERVED 3. The Honourable Sir GHULAM HUSSAIN HIDAYATALLAH.

Construction as a debit to the Lloyd Barrage and Canals Construction Project of a feeder channel (Khairpur Feeder West) to supply water to certain canals in the Khairpur State.

As the construction of the Lloyd Barrage and the Rohri Canal interferes with the existing sources of supply to the inundation canals in the Khairpur State, provision has been made in the sanctioned estimate for the Lloyd Barrage and Canals Construction Project for the works noted below :—

(a) Khairpur Feeder East (length 12 miles) with a head regulator over it.

(b) Khairpur Feeder West (length 1·4 miles) with a head regulator over it.

The Khairpur State has allowed Government to take the Rohri Canal through its territory in a length of about 42 miles. As this canal will cut off the present sources of inundation supply to the main canals of the State, item (a) above is to be constructed by Government at their cost and is to be handed over after completion to the State for maintenance and control. The necessary provision for this work has been made in the sanctioned project.

As regards item (b) above, it may be stated that after the Barrage is built all the canals of the State which at present have off-takes from the river below the Barrage will be affected very seriously at the beginning and end of the abkalan season when the Barrage is in operation.

[Appendix 17—*contd.*]

It is therefore absolutely necessary that the State Canals should be fed from a channel with an off-take above the Barrage. Provision was, however, made in the sanctioned project for such a channel (Khairpur Feeder West) for a length of 1·4 miles only on the understanding that the remaining length (43·4 miles) would be constructed by the State at their cost. It now transpires that this understanding was based on a misapprehension of the intentions of the State at the time the project was prepared. The State authorities have now represented that the full length (44·8 miles) of the feeder is required to maintain the full supply of water to the State canals which they were getting before the Barrage was constructed and as this situation has arisen wholly on account of the construction of the Barrage, the entire cost of the total length of the feeder should be borne by Government. Government have accepted this contention of the State and it is accordingly proposed to construct the whole length of the feeder at the cost of Government. The extra cost involved is about Rs. 10,47,620 and it will be met from savings on the scheme as a whole.

The amount required for expenditure in the current financial year is about Rs. 2 lakhs which will be met from the current year's voted grant for I-Works for the Lloyd Barrage and Canals Construction project. As, however, it is proposed to incur expenditure on an important work not provided for in the sanctioned project, the sanction of the Legislative Council is requested to the demand for a grant of a token sum of Rs. 10.

As the Barrage will begin to function in June 1932 it is a matter of imperative urgency to have at least a part (26 miles) of the feeder ready to flow by that date in order to satisfy the most pressing requirements of the first year. If this is not done, the injury to the State will be very great and the first result of this will be delay in repayment of the loans which the State already owes to Government. The Chief Engineer, Lloyd Barrage and Canals Construction, has therefore been authorised to commence the work of burning bricks in anticipation of the vote of the Legislative Council.

Demand voted and now increased.

55—Construction of Irrigation Works—Reserved—Lloyd Barrage and Canals Construction.

Rs. 2,65,31,000 ± Rs. 10.

FINANCE DEPARTMENT :

Poona, 28th September 1931.

APPENDIX 18.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 4. The Honourable Mr. G. A. THOMAS.

“24-Administration of Justice.”

Transfer of Suitors' Fee Fund and Pleaders' Examination Fund.

In 1930, a Committee was appointed to enquire into questions concerning the administration of funds under the control of the High Court and its report has been submitted for the orders of the Government of India.

The main recommendations of the Committee were (i) that the custody of the funds representing Suitors' monies should be taken over by Government or by a Bank and be allowed to earn 2 per cent. interest, (ii) that an Accountant of High Court should be appointed, and (iii) that the Suitors' Fee Fund and the Pleaders' Examination Fund, which differ from the other Funds, in that they represent revenue accruing from definite services rendered, should be transferred to Government.

The sanction of the Government of India to the transfer of the Suitors' Fee and Pleaders' Examination Funds, which was asked for in advance of their orders on the other recommendations has been received. Orders have accordingly been issued directing that the balances of the two Funds should be transferred to Provincial revenues on 1st October 1931 and that the annual receipts and expenditure of these funds should, in future, be borne on the Provincial Budget Estimates. The balances of the two Funds amount approximately to:—

	Government Securities.	Cash.
	Rs.	Rs.
Suitors' Fee Fund . . . . .	.. 1,45,300	16,649
Pleaders' Examination Fund..	.. 2,27,000	30,288

It is estimated that the annual receipts from these two Funds will more than counterbalance the annual expenditure. In this connection the Committee proposed that an annual discretionary grant of Rs. 15,000 should be placed at the disposal of the High Court for expenditure on temporary establishment and contingencies based on the fact that assignments of this nature used to be made by the High Court in the past. The High Court has, however, agreed not to press for this grant during the present financial situation on the understanding that the question will be considered when financial conditions improve. The transfer of the balances of these Funds has already been taken into account in the provision of Rs. 3 lakhs made in the current year's budget under the sub-head "Miscellaneous" under "XVII-Administration of Justice".

[Appendix 18—*contd.*]

The expenditure, which at present will consist of the establishment charges of the existing High Court Section of the Accountant General's Office, from 1st October 1931 to the end of the current year is computed at Rs. 5,767 as detailed below :—

Rs.	
788	being one-fourth of the pay of the Assistant Accounts Officer on Rs. 500—35—850 (average pay Rs. 630 per mensem).
197	leave and pension contribution.
3,865	being the pay of four clerks on Rs. 60—8—140—6—230, with duty allowances of Rs. 30 and Rs. 15 in the case of two clerks.
645	leave and pension contribution.
145	being the pay of one peon at Rs. 22 per mensem with house rent allowance of Rs. 7 per mensem.
7	leave and pension contribution.
120	on account of contingencies.
<hr style="width: 10%; margin-left: 0;"/>	
Total . . 5,767	

It is expected that the expenditure will be met from the grant under "24-Administration of Justice", but as it is of the nature of a new service, the sanction of the Legislative Council is requested to the Demand for a token grant of Rs. 10.

Demand voted and now increased.

"24-Administration of Justice."

Rs. 66,09,000 + Rs. 10.

FINANCE DEPARTMENT :

Poona, 28th September 1931.

APPENDIX 19.

STATEMENT OF DEMAND FOR A SUPPLEMENTARY GRANT.

RESERVED 5. The Honourable Mr. G. A. THOMAS.

"26-Police."

Reorganisation of the Police Force in Dudu District.

A scheme for the reorganisation of the Police Force in Sind was placed before the Legislative Council at its February-March Session of 1931. The Council admitted the need for the scheme and voted the funds for its

[Appendix 19—contd.]

introduction from 1st April 1931 in the three districts of Sukkur, Larkana and Upper Sind Frontier. The Council has also agreed to the entertainment of the Police staff required for the creation of the new Dadu District and the Garhi Khairo Taluka in the Upper Sind Frontier District from 1st October 1931. It was then stated that the new district would be formed by splitting up the Larkana District into two districts—Larkana and Dadu, the Shahdadtal Taluka would be transferred from the Upper Sind Frontier District to the Larkana District and a new taluka with headquarters at Garhi Khairo would be created in the Upper Sind Frontier District (*vide* item No. 30 in Blue Book for 1931-32). Government have since reconsidered the territorial limits of the new district and have decided that it should include the Kotri Sub-Division (less two *tapas*) of Karachi District.

In consequence of these territorial changes, the Police Force of the five talukas of the Larkana District transferred to the new Dadu District will be on a *reorganised* basis in view of the introduction of the reorganisation scheme in that district from 1st April 1931, while the Police Force of the Kotri Sub-Division transferred to it will be on an *unreorganised* basis as the reorganisation scheme has not yet been put into force in the Karachi District.

Again as regards the new district headquarters the Police establishment sanctioned by the Legislative Council as shown in Statement IV in item No. 30 of the Blue Book for 1931-32 is the minimum required for the opening of a new district irrespective of the reorganisation scheme.

As it would be anomalous and detrimental to efficiency that part of the Police Force of the district should be on a reorganised and part on an unreorganised basis Government have decided to reorganise both the Police Force of the Kotri Taluka inclusive of Mahal Manjhand and Mahal Kohistan and that sanctioned for the district headquarters. The increase in personnel required for this purpose and the cost of their pay and allowance, etc., in 1931-32 from 1st October 1931 are shown in the following statements:—

I. New establishment required for reorganising the Police Force of the District Headquarters.

(i) Pay of Establishment.

	Cost per mensem.
	Rs.
3 Mounted Constables on Rs. 21 to 25 per mensem each..	63
2 Unarmed Head Constables on Rs. 23—50 per mensem each	56
13 Unarmed Constables on Rs. 21 to 25 per mensem each	273
1 Armed Constable on Rs. 21 to 25 per mensem ..	21
1 Clerk on Rs. 30—5/2—80 per mensem	30
Total ..	443

[Appendix 19—*contd.*]

(ii) *Allowances, Honoraria, etc*

	Cost per mensem.
	Rs.
Pony allowance at Rs. 18 per mensem each to 3 Mounted Constables	54
Compensatory allowance at Rs. 2 per mensem each for 2 Mounted Constables	4
Total ..	58

(iii) *Contingencies.*

Clothing charges at Re. 1·9 per mensem each to 3 Mounted Constables	5·7
Clothing charges at Re. 1·5 per mensem each to 16 Unarmed and Armed Policemen.. .. .	24
Total ..	29·7
Grand Total ..	530·7
	× 5 months
	2,653·5

II. *New establishment required for reorganising the Police Force of the Kotri Taluka inclusive of Mahal Manjhand and Mahal Kohistan.*

(i) *Pay of Establishment.*

	Cost per mensem.
	Rs.
3 Mounted Head Constables on Rs. 28—50 per mensem each	84
2 Mounted Constables on Rs. 21 to 25 per mensem each..	42
3 Unarmed Head Constables on Rs. 28—50 per mensem each	84
12 Unarmed Constables on Rs. 21 to 25 per mensem each	273
3 Armed Head Constables on Rs. 28—50 per mensem each.	84
6 Armed Constables on Rs. 21 to 25 per mensem each ..	126
Total ..	693

(ii) *Allowances, Honoraria, etc.*

Pony allowance at Rs. 18 per mensem each to 3 Mounted Head Constables and 2 Mounted Constables ..	90
Compensatory allowance at Rs. 2 per mensem each for 20 Policemen	40
Total ..	130

[Appendix 19—concl'd.]

(iii) Contingencies.

	Cost per mensem.
	Rs.
Clothing charges at Re. 1·9 per mensem each to 5 Mounted Policemen	9·5
Clothing charges at Re. 1·5 per mensem each to 25 Unarmed and Armed Policemen	37·5
Total ..	47
Grand Total ..	870
	×5 months
	4,350
Grand Total of Statements I and II	7,003·5
Deduct cost of 1 Armed Head Constable and 3 Armed Constables to be reduced respectively from 13 Armed Head Constables sanctioned for the Dadu District and 10 Armed Constables sanctioned for the Garhi Khairo Taluka and of conveyance allowances at the rate of Rs. 25 per mensem to 2 Sub-Inspectors of Police in the Dadu District	735
Net Total, Extra Cost ..	6,268·5

It is proposed to meet the extra cost during the current financial year by reappropriation from savings in the grants under the head "26-Police". As the expenditure in question relates to a new service, the Legislative Council is requested to sanction the grant of a token sum of Rs. 10.

Demand voted and now increased.

"26-Police."

Rs. 1,79,39,000 + Rs. 10.

FINANCE DEPARTMENT:

Poona, 28th September 1931.

APPENDIX 20.

AGENDA.

Supplementary Agenda for the Third Session, 1931, of the Bombay Legislative Council which commenced on Monday, the 28th September 1931.

[Vide Standing Order X, 1 (I) (d).]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

Resolution by Rao Bahadur R. S. Asavale, M.L.C.

"This Council recommends to Government to appoint at an early date a committee of official and non-official members of this Council to

[Appendix 20—*contd.*]

inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population of this Presidency including Sind."

Resolutions by Rao Bahadur S. K. Bole, M.L.C.

1. "This Council recommends to Government to take early steps to relieve the distress of the residents in the Ratnagiri District who have suffered on account of the recent floods by giving them clothing, food-stuffs and cash allowances for rebuilding their houses and by giving them facilities for using timber from the Government forests and sherry lands for the purpose of re-erecting their houses."

2. "This Council recommends to Government to make an enquiry in order to ascertain the damage caused by the recent floods in the Ratnagiri district to agricultural and bagayet lands and crops and to allow remission of land assessment to those persons whose lands have been affected by the floods and to advance loans without interest for making the necessary repairs to fields and bagayet lands."

Resolutions by Mr. L. R. Gokhale, M.L.C.

1. (As No. 2 of Mr. J. G. More in main Agenda.)
2. (As No. 1 of Mr. J. G. More in main Agenda.)

Resolution by Rao Bahadur L. V. Parulekar, M.L.C.

1. "This Council recommends to Government that a committee of five Council members with a non-official majority be appointed to enquire into and report about the extent of the damage caused by the recent floods in the Ratnagiri District."

Resolution by Mr. A. N. Surve, M.L.C.

(As No. 1 of Rao Bahadur L. V. Parulekar in this Agenda.)

Resolution by Dr. V. G. Vaishampayan, M.L.C.

(As No. 1 of Rao Bahadur L. V. Parulekar in this Agenda.)

G. S. RAJADHYAKSHA,

Secretary to the Legislative
Council of the Governor of Bombay.

Council Hall, Poona :
29th September 1931.

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