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## AGENDA

Agenda for the Third Session of the Bombay Legislative Council  
held at the Council Hall, Poona, on Monday,  
the 24th September 1928, at 2 p.m.

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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. XVI\* of 1927 (A Bill to prevent the excessive sub-division of agricultural land and to promote the consolidation of such land)—*Second Reading*.

(2) Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*Second Reading*.

Notice of amendment† has been received from Mr. P. J. Marzban.

(3) Bill No. XIV\* of 1927 (A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay).

(4) Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*First Reading*.

Notices of amendments† have been received from—

(1) Mr. J. C. Swaminarayan.

(2) Mr. Jairamdas Doulatram.

(3) Mr. H. B. Shivdasani.

(4) Mr. H. V. Pataskar.

(5) Bill No. XXVI of 1928 (A Bill to provide for the Establishment of a Court of Small Causes at Karachi)—*First Reading*.

Notice of amendments† has been received from Mr. Jairamdas Doulatram.

(6) Bill No. XXVII of 1928 (A Bill to amend certain enactments and to repeal certain other enactments)—*First, Second and Third Readings*.

V. DEMANDS FOR SUPPLEMENTARY GRANTS.

VI. PRIVATE BILLS.

(1) Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*Second Reading*—Mr. Syed Munawar, M.L.C.

Notice of amendments† has been received from Mr. B. G. Pahalajani.

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\* Government do not intend to proceed with the Bill at this session.

† Printed as appendix to this agenda.



(2) Bill No. XXIV of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. L. M. Deshpande, M.L.C.

(3) Bill No. XXVIII of 1927 (A Bill further to amend the Bombay Local Boards Act, 1923)—*First Reading*—Mr. H. V. Pataskar, M.L.C.

(4) Bill No. XI of 1928 (A Bill to provide for the registration of marriages among the Hindus)—*First Reading*—Mr. B. V. Jadhav, M.L.C.

(5) Bill No. XIX of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading*—Khan Saheb Allahbakhsh Haji Mahomed Umar, M.L.C.

(6) Bill No. XX of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874)—*First Reading*—Rao Saheb D. R. Patil, M.L.C.

(7) Bill No. XXI of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)—*First Reading*—Sardar G. N. Mujumdar, M.L.C.

(8) Bill No. XXII of 1928 (A Bill to amend the Bombay Pleaders' Act, 1920)—*First Reading*—Mr. H. V. Pataskar, M.L.C.

(9) Bill No. XXIII of 1928 (A Bill to amend the Bombay Land Revenue Code, 1879)—*First Reading*—Rao Bahadur R. R. Kale, M.L.C.

Notice of amendments\* has been received from Mr. Jairamdas Doulatram.

(10) Bill No. XXIV of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888)—*First Reading*—Mr. S. K. Bole, M.L.C.

(11) Bill No. XXV of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)—*First Reading*—Rao Saheb D. R. Patil, M.L.C.

Notice of amendments\* has been received from the Honourable Mr. G. B. Pradhan.

(12) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. W. S. Mukadam, M.L.C.

(13) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(14) A Bill further to amend the City of Bombay Police Act, 1902—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(15) A Bill to amend the Bombay District Vaccination Act, 1892—Motion for leave to introduce the Bill—Mr. Jairamdas Doulatram, M.L.C.

(16) A Bill further to amend the Bombay Local Boards Act, 1923—Motion for leave to introduce the Bill—Mr. Jairamdas Doulatram, M.L.C.

(17) A Bill further to amend the City of Bombay Police Act, 1902—Motion for leave to introduce the Bill—Mr. P. J. Marzban, M.L.C.

(18) A Bill further to amend the Bombay Land Revenue Code, 1879—Motion for leave to introduce the Bill—Mr. J. C. Swaminarayan, M.L.C.

(19) A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent (War Restrictions No. 2) Act, 1918—Motion for leave to introduce the Bill—Mr. S. C. Joshi, M.L.C.

(20) A Bill further to amend the Dekkhan Agriculturists' Relief Act, 1879—Motion for leave to introduce the Bill—Mr. H. V. Pataskar, M.L.C.

(21) A Bill further to amend the Bombay District Municipal Act, 1901—Motion for leave to introduce the Bill—Rao Saheb D. R. Patil, M.L.C.

#### VII. MOTIONS TO AMEND STANDING ORDERS.

Motion No. VII\* of 1928—by Mr. J. C. Swaminarayan, M.L.C.

#### VIII. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.†

##### *Resolutions by Mr. S. C. Joshi, M.L.C.*

1. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for meeting the said problem."

2. "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, with a view to providing employment to agriculturists and others, specially handloom weavers who have been displaced from their hereditary occupation, so that the agricultural population may not be divorced from the land to the detriment of agriculture in the province."

3. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the Presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make a representation to the Government of India to impose control over the importation of such oils."

4. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies."

5. "This Council recommends to the Governor in Council to appoint a committee consisting of official and non-official members of this Council

\* Printed as appendix to this agenda.

† Resolutions are arranged according to the order of priority determined by ballot.  
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and representatives of labour to enquire into and suggest ways and means of improving the general condition of labour of every kind, by organising welfare funds for the purpose of providing sickness, health, maternity, old age, unemployment and other kindred benefits, on the same lines as they exist in Great Britain and other civilized countries."

6. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best ways and means of improving the condition of textile workers in the Bombay Presidency, with special reference to the system of recruitment, their hours of work, system of leave, housing and maternity benefit."

*Resolutions by Mr. P. R. Chikodi, M.L.C.*

1. "This Council recommends to Government that, in lieu of the present system of pensions, a system of provident fund on the same lines as in the Indian State Railways be provided for Government servants in the subordinate and clerical services under their employ, existing servants being given a choice to come under the new scheme with equitable adjustments in regard to their past services, the principles of which adjustments should be as approved by this Council on a motion to be made by the Honourable the Finance Member in that behalf."

2. "This Council recommends to Government that the new pension and/or provident fund rules which they propose to bring into force for their subordinate and clerical services be placed before this Council for approval before they are actually put into force."

*Resolutions by Mr. G. A. D. Wasif, M.L.C.*

1. "This Council recommends to His Excellency the Governor in Council to move the Government of India and the Secretary of State for India to constitute the province of Sindh into an autonomous and self-contained province separated from the Bombay Presidency proper."

2. "This Council recommends to Government to close all practising schools attached to all vernacular training colleges and schools in the Presidency proper and to introduce the practice now obtaining in the Urdu training school, Poona."

3. "This Council recommends to Government to add a second year training class to the Central Urdu Girls school, Poona."

4. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of Government under the said Act."

*Resolution by Khan Sahib Rais Fazal Muhammad Laghari, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolution by Mr. Ghulam Haidar Shah, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

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

1. "This Council recommends to Government that an open and independent enquiry like that of Bardoli be granted in respect of the revision settlement of the Chorasi taluka."

2. "This Council recommends to Government that the work of the revision settlement of the Olpad taluka of the Surat district be suspended till the principles of revision settlement are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

3. "This Council recommends to Government that the work of the revision settlement of the Chikhali taluka of the Surat district be suspended till the principles of revision settlement are put on a statutory basis by the amendment of the Bombay Land Revenue Code."

4. "This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

5. "This Council recommends to Government that a committee of officials and non-officials (with a majority of non-official members) be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

6. "This Council recommends to Government that in future the amount spent in any year on the repair of the tanks in a district should not be less than the amount realised as Himayat (water-rate) assessment from the tanks of that district in that year."

7. "This Council recommends to Government that uncompleted portions of the provincial roads lying within the limits of the Surat district be completed within one year by metalling them and constructing bridges and causeways wherever necessary."

8. "This Council recommends to Government that an amount of Rs. 3,66,400 which represents the difference between the receipts from Himayat assessment on tanks in the Surat district for the ten years 1913-14 to 1922-23, viz., Rs. 4,37,166, and the amount spent on the repair of these tanks in the same period, viz., Rs. 70,766, be spent in the next three years on the special repair of the tanks in the Surat district."

9. "This Council recommends to Government that they be pleased to give a special grant of rupees one lakh in addition to the grants the district local board of Surat has been at present receiving, at least during each of the next ten years for the purpose of construction of new roads and improvement of the existing roads."

10. "This Council recommends to Government that the Akashia water rate levied on all Kyari lands should be abolished."

*Resolution by Mr. Dawoodkhan Shalebhoy, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolutions by Mr. H. J. Amin, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Mr. H. V. Pataskar, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Khan Sahab A. M. Mansuri, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)
3. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolution by Khan Bahadur Haji Imambaksh Khan Jatoi, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolution by Mr. D. A. Janvekar, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolution by Mr. J. W. Bhurgri, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolutions by Dr. B. R. Ambedkar, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Mr. Haji Mir Mahomed Baloch, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. "This Council recommends to Government that an independent committee of inquiry, consisting of non-officials, be appointed to inquire into and to report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."
3. "This Council recommends to Government that the exemption granted by Government to the Dawoodi-Borah community from the operation of the Mussalman Waqf Act of 1923 should at once be withdrawn and the said Waqf Act be forthwith made applicable to the said section of the Muslim community."

4. "This Council recommends to Government that the Development Department chawls at Worli be let out to the Textile Workers of Bombay at rents which they could fetch at present."

5. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

6. "This Council recommends to Government not to maintain a separate department like the Information Bureau and to dissolve the said department at an early date."

7. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the Income Tax revenue of the Presidency and allot a fair proportion of the said revenue to this Presidency."

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

9. "This Council recommends to Government that for the healthy growth of labour and for dealing with labour and industrial problems in the Presidency, it is necessary to maintain a separate department for labour as before and that the department be separated from the Department of the Information Bureau."

10. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Karachi and Bombay in particular and to suggest ways and means for meeting the said problem."

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

12. "This Council recommends to Government to appoint a retrenchment committee with a non-official majority for the purpose of effecting retrenchment in all Government departments in the Presidency."

13. "This Council recommends to Government that they be pleased to direct that the suspension ordered in the case of the proposed re-erection of buildings on certain plots in the Depot Lines within the limits of the Karachi Cantonment be withdrawn."

14. "This Council recommends to the Governor in Council to make a strong representation to the Railway Board to take in hand the work of construction of the Karachi-Bombay broad gauge railway immediately by making provision of a sufficient amount in the next year's budget."

15. "This Council recommends to the Governor in Council to direct that immediate steps be taken to increase the hospital accommodation in Karachi."

16. "This Council recommends to Government to introduce legislation on the lines of the Moneylenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

17. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

18. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

*Resolutions by Mr. S. K. Bole, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of Talukdari, Inamdari and Khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government to undertake legislation to put a stop to brothels."

3. "This Council recommends to Government to transfer the work of Rent Controller to the Bombay Small Causes Court."

4. "This Council recommends to Government that a committee be appointed to consider a scheme for establishing a Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the Presidency to be spent for the benefit of the workmen in organised industries."

5. "This Council recommends to Government to reduce the rents of the Development chawls at Worli to Rs. 3 per month for the tenants of the working classes."

6. "This Council recommends to Government to reduce the rents of the Development chawls at Delisle Road to Rs. 6 per month."

7. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials to enquire how far the co-operative credit movement has succeeded in improving the economic condition of the agriculturists and to make recommendations for the removal of the defects noticed and also to suggest measures for the further development of non-credit co-operative societies."

8. "This Council recommends to Government to urge upon the Central Government the necessity of making the orders relating to the recruitment of the backward classes in the Government service applicable to clerical and non-clerical posts in the Customs, Income Tax, Accountant

General's Office and other establishments in the Presidency which are under the Central Government."

9. "This Council recommends to Government that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the local Government."

10. "This Council recommends to Government that early effect be given to the unanimous recommendations of the non-official members of the Forest Grievances Enquiry Committee."

11. "This Council recommends to Government to establish a civil court in the northern part of the city of Bombay for deciding minor civil suits."

12. "This Council recommends to Government to start a fund for giving relief through the provincial Baby Week Committee to ill-fed and ill-clothed infants of the backward and depressed classes."

13. "This Council recommends to Government to introduce a simple and cheap system of legal procedure in connection with High Court suits and to do away with the offices of solicitors."

14. "This Council recommends to Government that a grant equal to two-thirds of the expenditure incurred on account of rent, establishment and other charges for the maintenance of hostels for boys of the backward and depressed classes receiving primary education whether started by associations, institutions or individuals may be awarded as an incentive to start new institutions for the uplift of the masses."

*Resolutions by Mr. L. M. Deshpande, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)

2. (As No. 2 of Mr. P. R. Chikodi.)

3. "This Council recommends to Government that a committee with a non-official majority be appointed to inquire into the grievances of the Bagayatdars on the Krishna Canal and other canals, tanks and other irrigation works in the Satara district, with power to inquire also into the grievances of such other Bagayatdars in Satara district as want an inquiry into their grievances."

*Resolutions by Mr. A. D. Sheth, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)

2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolution by Mr. B. V. Jadhav, M.L.C.*

1. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolutions by Rao Sahab R. V. Vandekar, M.L.C.*

1. "This Council recommends to Government that a committee of elected members of this Council, officials and experts be appointed to make the fullest enquiry and to report on the measures to be adopted for the intensive development of agriculture."



2. "This Council recommends to Government not to put in force any measures for enhancement of land revenue in Malegaon and Satana talukas of the Nasik district."

3. "This Council recommends to Government that all revision settlement work, which is at present being carried on in the Presidency, be forthwith suspended until a statute regulating the process of revising land assessment, as recommended by the Joint Parliamentary Committee, is passed by this Council."

4. "This Council recommends to Government that all portions of reserved and protected forests lying within a mile of any village be given for grazing the cattle of adjoining villages."

5. "This Council recommends to Government that early steps be taken to reduce the water rate leviable under the provisions of the Bombay Irrigation Act, 1879, to half of the present rates."

6. "This Council recommends to Government that the orders relating to the recruitment of the backward classes to posts of clerks be made applicable to non-clerical posts under the Local Government."

7. "This Council recommends to Government that a committee of officials and non-officials be appointed to consider a scheme for establishing a Bombay Presidency Workmen's Welfare Fund with the co-operation of municipal and other local bodies and various kinds of employers in the Presidency to be spent for the benefit of the workmen in organised industries."

8. "This Council recommends to Government to appoint at an early date a committee of officials and non-officials, with a non-official majority, to enquire how far the co-operative credit movement has succeeded in improving the economic condition of the agriculturists and to make recommendations for the further development of non-credit co-operative societies."

9. "This Council recommends to Government not to enforce in any of the talukas of this presidency enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last six years."

10. "This Council recommends to Government to amend the orders passed in Government memorandum No. 2939-N., dated 27th March 1924, Public Works Department, so as to exempt local board officials and members of the Legislative Council from paying tolls on provincial roads in the same way as Government servants have been exempted from paying tolls on local fund roads."

11. "This Council recommends to Government that a committee with a non-official majority be appointed at an early date to enquire into the problem of unemployment in the presidency and in Bombay in particular and to suggest ways and means for solving the said problem."

12. "This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure

proper price for it, the dates of revenue payments in the various talukas of the presidency be shifted forward by one month."

13. "This Council recommends to Government that a committee of non-official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

14. "This Council recommends to Government to take special steps to improve the irrigation resources in the Nasik district and in the neighbouring districts comprised in the famine zone."

15. "This Council recommends to Government that provision be made for pushing on the dry farming experiments made in the Manjri farm and to maintain on it qualified experts whose services should be wholly utilised for the experiments."

*Resolution by Mr. Shaikh Abdul Aziz Abdul Latif, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolutions by Mr. N. A. Bechar, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Mr. R. S. Asavale, M.L.C.*

1. "This Council recommends to Government that in place of the present system of pensions a system of provident fund be established for Government servants in the subordinate and clerical services under their employ, persons already in service being given an option to choose either system."

2. "This Council recommends to the Governor in Council to appoint at an early date a committee with adequate representation of labour thereon to investigate and report upon the best way of improving the condition of the textile workers in the Bombay Presidency with special reference to the system of recruitment, hours of work, system of leave, wages, housing, insurance and maternity benefit."

3. "This Council recommends to the Governor in Council to compel by legislation those local authorities which have up to now failed to prepare and submit schemes for the purpose of introducing free and compulsory primary education in their respective districts to do so."

4. "This Council recommends to Government to appoint a committee to enquire into the grievances of the cultivators of talukdari, inamdari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

5. "This Council recommends to Government to give up their right to teak, sandal and blackwood trees growing in private lands to the owners in such districts in which the right has still been retained by Government."

*Resolution by Mr. K. M. Munshi, M.L.C.*

1. "This Council recommends to Government that in the medical administration of this Presidency all offices should be maintained open to Indians of the same qualifications and status as Europeans."

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

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Mr. P. J. Marzban, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)
3. "This Council recommends to Government that in the medical administration of the Presidency all offices should be open to Indians and Europeans alike provided they possess the requisite qualifications and experience."

*Resolution by Mr. Syed Miran Muhammad Shah, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolution by Mr. Noor Mahomed, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolutions by Khan Bahadur Ghulam Nabi Shah, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolutions by Mr. J. C. Swaminarayan, M.L.C.*

1. "This Council recommends to Government to appoint a committee of officials and non-officials to enquire into the grievances of the cultivators of talukdari, inamdari, zamindari and khoti villages of the Bombay Presidency and to recommend legislation for their removal."

2. "This Council recommends to Government that magisterial powers should not be given to talukdars or inamdars in their villages."

3. (As No. 1 of Mr. P. R. Chikodi.)

4. (As No. 2 of Mr. P. R. Chikodi.)

5. "This Council recommends to Government to remit the unexpired portions of the sentences passed on the persons convicted in the Ahmedabad and Viramgaum riots of 1919 and to release them forthwith."

6. "This Council recommends to Government that the refreshment room foreign liquor license granted to Messrs. E. R. Fanibanda and Sons of Ahmedabad be immediately cancelled."

7. "This Council recommends to Government that the 'off' foreign-liquor license of Messrs. E. R. Fanibanda and Sons of Ahmedabad cancelled from the 1st April 1927 but temporarily revived for six months shall be closed permanently as soon as the temporary period of extension expires."

8. "This Council recommends to Government that in view of the fact that there are more foreign liquor licenses than country liquor licenses in Ahmedabad, no further foreign liquor license be granted in future and the policy of reducing the number of foreign liquor licenses be gradually adopted."

9. "This Council recommends to Government to recommend to the Government of India to amend Rule 5 of Part II of Schedule V of the Bombay Electoral Rules so as to declare the hiring, employment, borrowing or use of private conveyances for the purposes of election as a corrupt practice."

10. "This Council recommends to Government that the fees for the several kinds of forest produce, including grazing fees, which have been recently increased, be brought to their original level."

11. "This Council recommends to Government that the present practice of indiscriminate slaughter of cattle be discontinued and that rules be at once framed and enforced throughout the province for stopping the slaughter of—

(a) animals which are pregnant or in milk;

(b) all cows;

(c) breeding bulls, draught and plough bulls and bullocks;

(d) all animals (other than sheep or goats) which are under the age of nine years;

and that the existing laws on the subject be so amended as to give effect to this resolution."

12. "This Council recommends to Government to take all necessary steps for the development of the Ayurvedic and Unani systems of medicine."

13. "This Council recommends to Government that an Ayurvedic and Unani College be established at a convenient place in the Presidency."

14. "This Council recommends to Government not to enforce, in any of the talukas of this Presidency, enhanced rates of survey assessments fixed as a result of the revision operations carried out during the last eleven years."

15. "This Council recommends to Government that the liquor shop at Saraspur, a suburb of Ahmedabad, which is situated in front of the well of the suburb, be forthwith removed from its present location."

16. "This Council recommends to Government to amend the orders passed in Government Memorandum No. 2939-N, dated 27th March 1924, Public Works Department, and exempt local board officials and

servants from paying tolls on provincial roads, in the same way as Government servants have been exempted from paying tolls on local funds roads."

17. "This Council recommends to Government that in future replies given to questions put by honourable members of this House should be of a more satisfactory nature."

18. "This Council recommends to Government that an independent committee of enquiry consisting of non-officials be appointed to inquire into and report upon the soundness or otherwise of the Sukkur Barrage Scheme and to make necessary suggestions for the prosecution, curtailment or modification of the said scheme."

19. "This Council recommends to Government that the Development Department chawls at Worli be let out to the textile workers of Bombay at rents which they could fetch at present."

20. "This Council recommends to Government that transport facilities and adequate police protection be provided for the workers residing at the Development Department chawls at Worli."

21. "This Council recommends to Government not to maintain a separate department of the Information Bureau and to dissolve the said department at an early date."

22. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston Settlement concerning the income-tax revenue of the Presidency so that a fair proportion of the said revenue should be allotted by the Government of India to this Presidency."

23. "This Council recommends to Government that for the healthy growth of Labour and for dealing with labour and industrial problems in the Presidency it is necessary to maintain a separate Department of Labour as before and that the said Department be separated from the Department of the Information Bureau."

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

25. "This Council recommends to Government that a committee with a non-official majority may be appointed at an early date to inquire into the problem of unemployment in the Presidency and in Bombay in particular and to suggest ways and means for solving the said problem."

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

27. "This Council recommends to Government to appoint a Betrenchment Committee with a non-official majority for the purpose

of effecting retrenchment in all Government departments in the Presidency."

28. "This Council recommends to Government that in order to enable the cultivators to sell their produce without undue haste and to secure proper price for it the dates of revenue payments in the various talukas of the Presidency be shifted forward by one month."

29. "This Council recommends to Government that in order to enable the labouring population to exercise the right of franchise, the day of general elections be declared a public holiday for labourers working in all the factories regulated by the Factory Act."

30. "This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

31. "This Council recommends to Government to reinstitute the classes for the third year trained teachers and to restart the training schools that have been stopped."

32. "This Council recommends to Government to appoint a committee of non-official and official members to consider the possibility of creating posts of lady doctors at suitable centres."

33. "This Council recommends to Government to amend the Agriculturists' Loans Act in such a manner as to enable Government to advance tagavi loans to the tenants of Talukdari estates, whether the Talukdars stand securities for them or not."

34. "This Council recommends to Government that they should not charge any interest on tagavi loans granted to the afflicted cultivators of Gujarat whose crops were destroyed by heavy rainfall and flood."

35. "This Council recommends to Government that they may be pleased to direct that all purchases for the requirements of every department under the Government of Bombay shall be made by open tender being called in India in rupees for delivery in India."

36. "This Council recommends to the Governor in Council to increase the number of elected Indian trustees of the Board of the Port Trust of Bombay from seven to twelve."

37. "This Council recommends to Government that they should immediately spend two crores of rupees from the Famine Insurance Fund for the rehabilitation of the cultivators of those regions of Gujarat which have been devastated by heavy rainfall and floods in the month of July 1927."

38. "This Council recommends to Government to abolish the joint bond system of granting tagavi loans to cultivators and to introduce in its place the system of granting tagavi loans on the security of the lands of the cultivators."

39. "This Council recommends to Government that they should supply the reports of every committee appointed in virtue of a resolution

of the Legislative Council and Government Resolutions thereon to all the Members of the Legislative Council."

40. "This Council recommends to Government that in view of the awful devastation and untold distress to the cultivators of Gujarat caused by heavy rainfall and floods in the months of July and August of 1927 Government should as a matter of humanity and grace remit the land revenue in all the affected talukas of Gujarat for the year 1927-28 and should immediately make an announcement to that effect so as to allay the harrowed and distressed feelings and fears of the lakhs of sorely afflicted poor agriculturists."

41. "This Council recommends to His Excellency the Governor in Council that all expenditure sanctioned for the Bombay Development and Sukkur Barrage schemes should be utilized for the relief of the distressed during the recent disaster caused by the floods in Gujarat and for reconstruction of villages destroyed and a large amount may be placed at the disposal of the district local boards in Gujarat for repairs and reconstruction of roads, bridges, culverts, school-houses and sanitary works in the affected area."

42. "This Council recommends to the Governor in Council that all schemes involving capital expenditure exceeding one lakh of rupees should be considered by a committee of the Council and sanctioned by the Council before they are launched."

43. "This Council recommends to Government that in view of the fact that the recent destructive floods have caused extensive damage to the soil in nearly all parts of Ahmedabad, Broach, Kaira and Panch Mahals districts, rendering the soil unfit for cultivation for several years as the expenses for improvement cannot be afforded by the cultivators, Government should estimate the total acreage of soil rendered agriculturally unproductive and valueless and devise measures for improvement and reclamation of the ruined soils of the devastated talukas of the districts above mentioned."

44. "This Council recommends to Government to appoint immediately a special agricultural officer of high equipments to accomplish a detailed and scientific survey of the soils of the districts of Gujarat devastated by the recent floods and to order the Revenue Department to free those ruined soils which have been rendered wholly uncultivable from all assessment charges."

45. "This Council recommends to Government to make an enquiry into the adulteration of pure ghee and butter with vegetable and other imported oils in the presidency of Bombay and to make such amendments in the existing adulteration laws as would put a complete stop to the practice of adulteration of pure ghee and butter."

46. "This Council recommends to Government to recommend to the Government of India to impose control over the importation of vegetable and other oils which are being used to adulterate pure ghee and butter in the presidency of Bombay."

47. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the presidency and to introduce legislation to put a complete stop to this practice of adulteration or, if necessary, to make representation to the Government of India to impose control over the importation of such oils."

48. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of sub-registrars and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrars and registration clerks in other provinces and presidencies."

*Resolutions by Mr. W. S. Mukadam, M.L.C.*

1. "This Council recommends to the Government to appoint a committee of officials and non-officials with a non-official majority to make suitable changes in the rules framed under the Bombay Primary Education Act of 1923 with a view to removing difficulties in the administration of the school boards."

2. (As No. 1 of Mr. P. R. Chikodi.)

3. (As No. 2 of Mr. P. R. Chikodi.)

4. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to enquire into the various grievances and sources of discontent among the tenantry of talukdars and inamdars of Gujerat and to suggest measures for redressing them."

5. "This Council recommends to the Governor in Council that a committee with a non-official majority be appointed to inquire into the grievances of artisans and agriculturists in this Presidency regarding forced labour being exacted by touring officials and other Government servants and to suggest measures for the prevention of such practices."

6. "This Council recommends to the Governor in Council to take steps for the adoption of Hindi as a compulsory subject in the curriculum of primary and secondary schools in the province."

7. "This Council recommends to Government that no enhanced assessment of land revenue should be levied in those talukas of Gujerat for which enhanced rates have been proposed by the settlement officers during the last five years."

8. "This Council recommends to Government to move the Government of India to exempt all the Rajputs from taking a license for carrying swords."

9. "This Council recommends to Government that Revenue Commissionerships should be abolished as early as possible."

10. "This Council recommends to Government that a Committee with a non-official majority be appointed to consider and report on the condition of the cottage industries and measures to be adopted to encourage them."



11. "This Council recommends to Government that magisterial powers should not be given to talukdars and inamdars in their own villages and in villages in which their lands are situated."

12. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to make inquiries regarding the Devasthan Dharmada properties and the use to which they are put and to suggest means and measures to make the occupants and possessors use the property in the interests of the Devasthan for which it is assigned."

13. "This Council recommends to Government to appoint a committee of officials and non-officials with a non-official majority and with some outside experts to enquire and report upon the possibilities of creating and developing industries from the forest produce of this presidency."

14. "This Council recommends to the Governor in Council to move the Government of India to exempt all the members of the Bombay Legislative Council from the operation of the Indian Arms Act."

15. "This Council recommends to the Governor in Council to appoint a committee of officials and non-officials with a non-official majority to enquire into the economic condition of the agriculturists of Gujerat and to suggest measures to release them from the tyranny of money-lenders."

16. "This Council recommends to Government that a special officer should be immediately appointed to make a full economic and industrial survey of the district of Panch Mahals in Gujerat and to report to Government the lines on which attempts should be made to develop the resources of the district by fostering agriculture, cottage industry or other subsidiary occupations, with a special reference to the possibilities of introducing new and more valuable crops and constructing water works large or small to make cultivation of such crops possible and profitable."

17. "This Council recommends to Government that the conditions imposed on Mr. V. D. Savarkar before his release from prison should be removed forthwith."

18. "This Council recommends to the Governor in Council that uniforms supplied to Government servants be made of Indian hand-spun and hand-woven cloth."

19. "This Council recommends to Government that early steps should be taken to provide a good network of roads in all the districts of Gujerat."

20. "This Council recommends to Government that a committee of officials and non-officials with a majority of non-official members be appointed to consider the difficulties experienced by local authorities in the working of the Primary Education Act of 1923 and the rules framed thereunder and to suggest remedies for their removal by amending the Act and the rules where necessary."

21. "This Council recommends to Government to appoint a committee of officials and non-officials at an early date for the purpose of suggesting practical steps for the prevention of professional beggary in the Presidency in general and in Bombay city in particular."

22. "This Council recommends to the Governor in Council that the policy of supersession and promotion in the public services merely on communal considerations should be immediately abandoned in the interests of the efficiency and contentment of such services."

23. "This Council recommends to the Governor in Council that steps should be taken to arrange a joint conference of experienced officials and non-officials belonging to Sind, Gujerat, Marwar, Kathiawar and Cutch to consider and report on the measures necessary to prevent the system of traffic in girls who are brought from the last mentioned four tracts for the purpose of sale in Sind."

24. "This Council recommends to Government that a committee of non-official and official members of this Council be appointed to make definite proposals regarding the distribution of road grants to each district on an equitable basis and to discontinue the present method of making these grants."

25. "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."

26. "This Council recommends to Government to introduce legislation for the registration and licensing of money-lenders on the lines of the money-lenders Bill recently passed in the Punjab Legislative Council so as to protect the interests of the agricultural and working classes in matters of fabricated accounts and usurious rate of interest."

27. "This Council recommends to Government to move the Government of India to undertake legislation at an early date to put a stop to the practice of dedicating women to Hindu temples and gods."

28. "This Council recommends to Government that within two months of the close of every session they would be pleased to announce what action they have taken or propose to take on each of the decisions of the Council arrived at during that session."

29. "This Council recommends to Government that the manner in which replies are sometimes given to questions put to Government by honourable members of the House should be made more satisfactory."

30. "This Council recommends to Government that immediate provision be made to carry out the resolution of the Council regarding the salaries of primary teachers, which was passed by the honourable House on 5th August 1926 without a division."

31. "This Council, while thanking Government for what they have done to carry out the recommendations of the Forest Grievances Inquiry Committee by their Resolution No. 7324/24, Revenue Department, dated

19th July 1927, recommends to Government to give immediate effect to all the recommendations unanimously made by non-official members on the committee in their majority report, especially the recommendations about the reduction of grazing and other fees."

*Resolution by Mr. Hoosainbhoy A. Lalljee, M.L.C.*

1. "This Council recommends to Government that in the Medical Administration of this Presidency all offices be kept open to Indians possessing the same qualifications, efficiency and status as Europeans."

*Resolution by Syed Muhammad Kamil Shah, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

*Resolutions by Khan Sahab Ghulam Muhammad Abdullah  
Khan Isran, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

2. (As No. 4 of Mr. G. A. D. Wasif.)

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

1. "This Council recommends to Government that in the Medical Administration of the Presidency all offices should be open to Europeans and Indians alike provided they possess the same qualifications, efficiency and status."

*Resolution by Dr. M. D. Gilder, M.L.C.*

1. "This Council recommends to Government that in the Medical Administration of the Presidency all offices should be open to Indians, Anglo-Indians and Europeans alike, provided they possess the requisite qualifications and experience."

*Resolution by Mr. Haji Ibrahim Haji Mahomed Jucker, M.L.C.*

1. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolution by Mr. R. G. Pradhan, M.L.C.*

1. "This Council recommends to Government to appoint not later than three weeks from the date of the adoption of this resolution by the Council a committee of seven elected members of this Council with the Honourable the Minister of Agriculture as Chairman, in addition, to consider the recommendations of the Agricultural Commission with special reference to those which are provincial in their character, and to draw up within six months from the date of appointment a programme, to be carried out during the next ten years, for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population, the programme on being approved of by Government to be submitted to this Council for sanction and adoption."

*Resolutions by Khan Bahadur S. N. Bhutto, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. (As No. 4 of Mr. G. A. D. Wasif.)

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

1. "This Council recommends to Government that, with the help of a committee of experts in education, agriculture and industries, and in the light of the reports on unemployment issued by the Bengal, Madras and Punjab Governments, as well as the reports of the Industrial Commission of 1916-18, the External Capital Committee's report, Sir Visvesvaraya Committee's report and the report of the Royal Commission on Agriculture, they should be pleased to adopt necessary measures for remedying the evil arising from the increase in the unemployed educated middle classes, i.e., such persons as have received some form of secondary or higher education and are not sufficiently well off to dispense with the need of some occupation for earning their livelihood."

*Resolutions by Khan Bahadur Jan Mahomed Khan, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolutions by Mr. N. R. Gunjal, M.L.C.*

1. "This Council recommends to Government to extend to non-gazetted officers serving at Bombay and Karachi Cities the benefit of the grant of compensatory allowance at the rate of 20 per cent. of their pay with effect from the 1st March 1928."

2. "This Council recommends to Government that cow slaughter should be totally forbidden by law in this presidency."

3. "This Council recommends to Government that all liquor shops, country as well as foreign, should be closed."

4. "This Council recommends to Government that early orders be issued to reduce the water-rate levilable under the provisions of the Bombay Irrigation Act of 1879 to a maximum of Rs. 20 per acre of sugarcane in the whole Bombay presidency."

5. "This Council recommends to the Governor in Council that village patils should be given an annual income from Government of at least Rs. 300 either in cash or in land or partly in cash and partly in land to enable them to keep up their status."

6. "This Council recommends to the Governor in Council that orders be passed to restore the kulkarni vatan system as it existed before the commutation of kulkarni vatan."

7. "This Council recommends to the Governor in Council that to improve the condition of agriculturists Government should remit permanently the land revenue assessment to be paid by an agriculturist in a village, if it be below Rs. 8 a year."

8. "This Council recommends to the Governor in Council that the photo-copying system introduced recently in the Registration Department of this presidency be abolished forthwith and the old system restored."

9. "This Council recommends to Government that a committee with a non-official majority be appointed to inquire into the grievances of the agriculturists and aboriginal tribes in the presidency regarding forced labour being exacted by touring officers and other Government servants, and to suggest measures for the prevention of such practices."

10. "This Council recommends to Government to reduce by one-half the minimum rates of house-taxation prescribed in Government Notification No. 55-A, dated 7th May 1922, regarding village panchayats with a view to increasing the number of 'Panchayats' in the Presidency and popularising them and to substitute for the words 'Capital Value' occurring in the said resolution the words 'market value'."

11. "This Council recommends to Government that they be pleased to issue directions to all heads of departments to reply directly to members of this Council if they ask for information of public interest."

12. "This Council recommends to Government that they should encourage the spread of commercial education in this presidency by making a provision of Rs. 100,000 (one hundred thousand) exclusive of the expenditure at present being incurred on the Sydenham College of Commerce and Economics, Bombay, in the budget from this year for giving grants-in-aid and other kinds of help to private and Government institutions carrying on the work of imparting commercial education."

13. "This Council recommends to Government that district boards and municipal boards be urged to issue orders for the use of indigenous medicines in place of foreign ones in charitable dispensaries under them."

14. "This Council recommends to Government to make an inquiry into the adulteration of pure ghee and butter with imported and other vegetable oils in the presidency and to introduce legislation to put a complete-stop to this practice of adulteration or if necessary to make a representation to the Government of India to impose control over the importation of such oils."

15. "This Council recommends to Government that they be pleased to revise substantially the present scales of pay of the sub-registrar and registration clerks so as to bring them on a par with the pay of officers of a similar status in other departments and that of sub-registrar and registration clerks in other provinces and presidencies."

16. "This Council recommends to Government to appoint a committee of the non-official members of this Council to bring into force a system of permanent land revenue assessment in this presidency."

*Resolution by Mr. K. F. Nariman, M.L.C.*

1. "This Council recommends to Government that in the medical administration of this Presidency all offices be kept open to Indians possessing the same qualifications, efficiency and status as Europeans."

*Resolutions by Mr. J. B. Desai, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)
2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolutions by Mr. M. S. Khuhro, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)
2. (As No. 4 of Mr. G. A. D. Wasif.)
3. "This Council recommends to Government that the travelling and halting allowances of the members of the Legislative Council be raised from one and three-fourths to double first class and from 10 to Rs. 15 per diem respectively."

*Resolutions by Rao Bahadur S. N. Angadi, M.L.C.*

1. "This Council recommends to Government to recommend to the Government of India that immediate steps be taken to form British Karnatak into an independent province."
2. "This Council recommends to Government to establish a Girls' High School at Belgaum immediately."
3. "This Council recommends to Government to establish an Agricultural College either at Belgaum or Dharwar."
4. "This Council recommends to Government to start a Medical School immediately at Belgaum."
5. "This Council recommends to Government to arrange for the teaching of the B.Sc. course in the Arts College at Dharwar."
6. "This Council recommends to Government to provide facilities for starting a Law College at Belgaum or Dharwar."

*Resolutions by Dr. M. K. Dixit, M.L.C.*

1. "This Council recommends to Government that the exemption granted by Government to the Dawoodi Bohra community from the operation of the Mussalman Wakf Act of 1923 should at once be withdrawn and the said Act be forthwith made applicable to the said section of the Muslim community."
2. "This Council recommends to Government to encourage the teaching of Ayurved by opening an Ayurvedic school and a college and by making grants to the existing Ayurvedic schools."
3. "This Council recommends to Government to grant scholarships to encourage those students from the Bombay Presidency who intend to prosecute their study in Ayurvedic institutions opened by the Governments of Madras, United Provinces and Behar."
4. "This Council recommends to Government to include Ayurved among the purposes for which grants may be set aside in the budget for the medical relief committee, sanitation and education."

5. "This Council recommends to Government to give additional grants to those municipalities and local boards who have opened Ayurvedic dispensaries."

*Resolutions by Mr. M. G. Bhosle, M.L.C.*

1. "This Council recommends to Government to give immediate effect to all the recommendations unanimously made by the five non-official members of the Forest Grievances Inquiry Committee in their majority report."

2. "This Council recommends to Government not to delay further giving effect to the resolution passed by the last Council without a division, regarding the payment of salaries to primary teachers according to the Sathe-Paranjpye Scheme."

3. "This Council recommends to Government to order an independent inquiry into the recent enhancement of assessment in the Sindkheda taluka in West Khandesh and in the meanwhile to stop the recovery of assessment at the revised rates."

4. "This Council recommends to Government to remove the bandhara on the river Panzara near Dhulia."

5. "This Council recommends to Government to undertake the construction of two high level causeways on the river Tapti at two places in West Khandesh, one between Nandurbar and Taloda and the other between Dondaicha and Shahada."

6. "This Council recommends to Government to undertake legislation to prevent Saldars leaving their masters in the midst of agricultural operations in West Khandesh, before the expiry of the period stipulated in their written contracts."

7. "This Council recommends to Government to make an annual grant of one lakh of rupees for a period of ten years to the district local board of West Khandesh for the spread of education among the Bhil population of the district."

*Resolution by Khan Bahadur Sher Mahomed Khan Bijarani, M.L.C.*

1. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolutions by Khan Saheb Abdul Latif Haji Hajrat Khan, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

2. (As No. 1 of Mr. P. R. Chikodi.)

3. (As No. 2 of Mr. P. R. Chikodi.)

4. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolutions by Rao Bahadur S. T. Kambli, M.L.C.*

1. (As No. 1 of Mr. P. R. Chikodi.)

2. (As No. 2 of Mr. P. R. Chikodi.)

*Resolution by Mr. Shankarrao Jayaramrao Zunzarrao, M.L.C.*

1. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolution by Mr. B. G. Pahalajani, M.L.C.*

1. "This Council recommends to Government that a whole-time Civil Surgeon be appointed forthwith at Jacobabad for the Upper Sind Frontier district."

*Resolution by Sardar Mahaboobali Khan Biradar, M.L.C.*

1. (As No. 4 of Mr. G. A. D. Wasif.)

*Resolution by Khan Sahib Allahbaksh Mahomed Umar, M.L.C.*

1. (As No. 1 of Mr. G. A. D. Wasif.)

## IX—PAPERS\* PRESENTED TO THE COUNCIL.

(1) Resolutions of Government in the General Department and Rules of certain municipalities as noted below. (Placed on the Council Table as required by section 221 of the Bombay City Municipalities Act, 1925):—

(i) Appendix "A" to the Election Rules of the Larkana Municipality sanctioned by Government Resolution, General Department, No. 7030, dated the 21st June 1928.

(ii) Revised Rule 18 (2) of the Election Rules of the Sholapur Municipality as sanctioned by Government Resolution, General Department, No. 2659, dated the 14th July 1928.

(iii) Government Resolution in the General Department No. 4649, dated the 10th July 1928, regarding the amendment of Rule 17 of the Election Rules of the Bhusawal Municipality.

(iv) Government Resolution in the General Department No. 153, dated the 10th July 1928, regarding the addition to Rule 17 (1) of the Election Rules of the Poona City Municipality.

(v) Government Resolution in the General Department No. 4692, dated the 31st July 1928, regarding the amendment of Rule 17 (1) of the Election Rules of the Broach Municipality.

(2) Finance Department memorandum No. P.—259A, dated the 12th September 1928, to the Accountant General sanctioning excesses in the appropriations for non-voted expenditure shown in paragraph 54 of the Appropriation Accounts of the Government of Bombay for the year 1926-27.

(3) Finance Department Note No. 6344-D, dated the 5th September 1928, regarding the construction of groynes on the Watrak River at Kaira in the Kaira and Panch Mahals Division.

(4) Report of the Select Committee on Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888).

(5) Report of the Select Committee on Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888).

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 24th September 1928.



## ADDENDUM

In the Agenda after entry (6) under heading "IV—Government Bills" insert the following :—

(7) Bill No. XXVIII of 1928 (A Bill to amend the Bombay University Act, 1928). First Reading.

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 23rd September 1928.

## APPENDIX TO THE AGENDA

## AMENDMENTS TO BILLS

Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)

Clauses	Amendments	Name of the mover
Section 62 of Bom. V of 1879.	At the end of section 62 of the Bombay Land Revenue Code, add the following :— " Provided that it shall not be lawful for the Collector, except with the special sanction of the Governor in Council, to grant any unoccupied land on any conditions to a person who already occupies or holds not less than two thousand acres of unalienated or alienated land in the same division."	Mr. Jairamdas Doulatram.
Section 100 of Bom. V of 1879.	In section 100 of the Bombay Land Revenue Code, substitute the words "in accordance with the provisions of section 107" for the words "at his discretion."	Mr. Jairamdas Doulatram.
Clause 2	Delete the proviso to section 2 and in its place substitute the following proviso :— " Provided that the assessment of any land used for agriculture shall not exceed 25 per cent. of the profits of cultivation, i.e., the gross profits less all the expenses incurred in deriving those profits."	Mr. J. C. Swaminarayan.
Clause 2	In the proviso to clause 2 after the word "exceed" in line 3 omit the words " fifty per cent. of the rental value as defined in section 107 where such rental value is ascertainable " and substitute the words " twenty-five per cent. of the gross profits less all the expenses incurred in deriving those profits."	Mr. H. B. Shivdasani.
Clause 2	In clause 2 substitute the words "twenty-five" for the word "fifty."	Mr. Jairamdas Doulatram.
Clause 2	At the end of clause 2 of the Bill, add the following :— " Provided further that if a majority of the landholders of the area comprised in a revenue survey appeal to the Governor in Council against the assessment sanctioned by him under	Mr. Jairamdas Doulatram.

Clauses	Amendments	Name of the mover
	<p>section 102 within four months from the date of such sanction, the Governor in Council shall order a fresh and open inquiry by a judicial officer of a grade not lower than that of a District Judge assisted by a new Survey Settlement Officer and shall sanction the assessment recommended by such judicial officer. The landholders of the area concerned shall be entitled to be represented at the aforesaid inquiry."</p>	
<p>After clause 2 ..</p>	<p>Add the following new section between sections 2 and 3 and number it 2A :—</p> <p>"In clause 102 of the said Code, after the word 'of' in line 6, delete the words 'years not exceeding thirty' and substitute, in the place of the deleted words, the words 'fifty years'."</p>	<p>Mr. J. C. Swaminarayan.</p>
<p>Section 102 of Bom. V of 1879.</p>	<p>In clause 102 of the said Code after the word "of" in line 6 omit the words "years not exceeding thirty" and substitute the words "fifty years."</p>	<p>Mr. H. B. Shivdasani.</p>
<p>Clause 3 ..</p>	<p>In the place of the second paragraph of section 3, substitute the following paragraph :—</p> <p>"107. In revising the assessments of land revenue regard shall be had to the profits of cultivation. The settlement officer shall take into account the following factors :—</p> <p>(i) the history of the tract ;</p> <p>(ii) general economic conditions of the tract, including the trend of prices, the proximity of markets, the state of communications and the results of crop experiments ;</p> <p>(iii) rental value."</p>	<p>Mr. J. C. Swaminarayan.</p>
<p>Clause 3 ..</p>	<p>In clause 3 after the word "upon" in line 10 omit the words "rental value, regard being also had to the history of the tract and to its general economic conditions including the trend of prices, the proximity of markets, the state of communications and the results of crop experiment" and substitute the words "net profits, that is, gross profits less all the expenses incurred in deriving these profits."</p>	<p>Mr. H. B. Shivdasani.</p>
<p>Clause 3 ..</p>	<p>In clause 3 of the Bill substitute the words "profits of cultivation" for the words "rental value."</p>	<p>Mr. Jairamdas Doulatram.</p>
<p>Clause 3 ..</p>	<p>In the second proviso to clause 3, after the word "may" add the words "from time to time."</p>	<p>Mr. Jairamdas Doulatram.</p>
<p>Clause 3 ..</p>	<p>In the second proviso to clause 3, after the word "excluded" add the words "for a fixed period."</p>	<p>Mr. Jairamdas Doulatram.</p>
<p>Clause 3 ..</p>	<p>In the second proviso in clause 3, after the word "Council" in line 5, insert the words "with the approval of the Bombay Legislative Council."</p>	<p>Mr. H. B. Shivdasani.</p>

Clauses	Amendments	Name of the mover
Clause 3	<p>In the second proviso in clause 3, after the word "than" in line 9 omit the words "that of the percentages, prescribed below of the current assessment:—</p> <p>(a) At the first or a second revision, thirty-three per cent. for a taluka or group of villages, sixty-six per cent. for a single village and one hundred per cent. for an individual holding, and</p> <p>(b) At every subsequent revision twenty-five per cent. for the whole taluka."</p> <p>and substitute the words— "Twenty-five per cent."</p>	Mr. H. B. Shivedasani.
Clause 3	<p>In sub-clause (a) of clause 3, delete the words "or a second" in the heading in italics and omit all the words beginning with "thirty-three per cent." and substitute instead the following words: "fifteen per cent. for a taluka, twenty per cent. for a single village and twenty-five per cent. for an individual holding and."</p>	Mr. J. C. Swaminarayan.
Clause 3	<p>In sub-clause (b) of clause 3 substitute "ten per cent." instead of "twenty-five per cent."</p>	Mr. J. C. Swaminarayan.
Clause 3, Explanation.	<p>Omit the explanation to clause 3 ..</p>	Mr. H. B. Shivedasani.
Clause 3, Explanation.	<p>In line 4 of the explanation in section 3, insert the word "agricultural" between the words "advantageous" and "use."</p>	Mr. J. C. Swaminarayan.
Clause 3, Explanation.	<p>At the end of the explanation in section 3, add the words "excluding the years of abnormal prices."</p>	Mr. J. C. Swaminarayan.
Clause 3	<p>Add a further new proviso to section 3, as follows:— "Provided that all proposals for revision settlement shall be placed before the Legislative Council for sanction. The Legislative Council shall have the power to make any modifications in the proposals placed before it and to sanction them in the original or modified form. The Government shall put into force the proposals as finally sanctioned by the Legislative Council."</p>	Mr. J. C. Swaminarayan.
Clause 4	<p>In clause 4, add the following paragraph:— "Add at the end of section 214 of the Land Revenue Code:— "The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is</p>	Mr. J. C. Swaminarayan.

Clauses	Amendments	Name of the mover
After Clause 4 ..	<p>modified, the local Government may accept the modification and reissue the rule accordingly or may rescind the rule.”</p> <p>Add clause 5 to the Bill:—</p> <p>After section 102 insert the following section 102-A :</p> <p>102-A. No revision settlement in any taluka shall be introduced by Government without the approval of an advisory committee of the Legislative Council composed of six members out of which at least four shall be elected non-official members or without the approval of the Bombay Legislative Council.</p>	Mr. H. B. Shivdasani.
After Clause 4 ..	<p>Add clause 6 to the Bill:—</p> <p>After section 106 of the said Code insert the following section 106A :</p> <p>106A. The settlement officer making a revision settlement of a taluka shall in performing his work take the assistance of two representatives of the ryots elected by the taluka local board at the request of the Collector of the district in which the taluka is included.</p>	Mr. H. B. Shivdasani.

### AMENDMENTS TO BILLS

*Bill No. XXIII of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)*

Notice has been received of the following amendment from Mr. Jairamdas Doulatram, M.L.C. :—

In clause 2 of the Bill after the word “Government” *add* the words “or on an application in writing being made by not less than one-tenth of the number of inferior holders of any such village to that effect provided that on an inquiry made by the Collector a majority of the inferior holders of such village support the application.”

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

## AMENDMENTS TO BILLS

*Bill No. XXV of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925)*

Notice has been received of the following amendments from the Honourable Mr. G. B. Pradhan, B.A., LL.B., M.L.C. :—

For clause 2 of Bill No. XXV of 1928 (A Bill further to amend the Bombay City Municipalities Act, 1925), by Rao Saheb D. R. Patil, the following clause shall be substituted, namely :—

“ For the proviso to sub-section (1) of section 33 of the Bombay City Municipalities Act, 1925, the following shall be substituted, namely :—

‘ Provided that—

(a) a person permanently appointed as Chief Officer under the Bombay District Municipal Act, 1901, before the coming into operation of this Act, or

(b) a person appointed to act as Chief Officer during a temporary vacancy in the office of Chief Officer for a period not exceeding six months,

need not be a graduate of a recognised university or a qualified engineer.”

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

## AMENDMENTS TO BILLS

*Bill No. XXVI of 1928 (A Bill to provide for the establishment of a Court of Small Causes at Karachi)*

Notice has been received of the following amendment from Mr. Jairamdas Doulatram, M.L.C. :—

In clause 6, after the word “ persons,” add the words “ being barristers or pleaders of the Chief Court of not less than five years’ standing.”

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

**MOTION TO AMEND STANDING ORDERS***Motion No. VII of 1928*

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

For Standing Order II, 3 (2) substitute the following :—

“ On the prorogation of a session, all pending notices, except those in respect of questions and statutory motions, shall lapse, and fresh notice must be given for the next session.”

**G. S. RAJADHYAKSHA,**

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

**AMENDMENTS TO BILLS**

*Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)*

Notice has been received of the following amendments from Mr. H. V. Pataskar, M.L.C. :—

1. In clause 2 of the Bill delete the words “ fifty per cent. of the rental value as defined in section 107 where such rental value is ascertainable ” and substitute in their place the following words :—
 

“ ten per cent. of the net profits ascertained after deducting all expenses incurred for deriving those profits and also after deducting the value of all personal and family labour undergone for deriving the same.”
2. In clause 3, paragraph 1 of the Bill omit the words “ upon rental value ” and substitute in their place the words “ upon the net profits of land.”
3. In clause 3, proviso 2, paragraph (a) —
  - (i) omit the words “ or a second.”
  - (ii) Omit the words “ thirty-three per cent. ” and substitute in their place the words “ ten per cent.”
  - (iii) Omit the words “ sixty-six per cent. ” and substitute in their place the words “ fifteen per cent.”
  - (iv) Omit the words “ one hundred per cent. ” and substitute in their place the words “ twenty per cent.”
4. In clause 3, proviso 2, paragraph (b), omit the words “ twenty-five per cent. ” and substitute in their place the words “ ten per cent.”

5. In clause 3 omit the whole present explanation and add the following as explanation in its place:—

“Net profits mean the price of average annual gross produce minus all costs of production including the value of labour expended by the farmer and his family and the return for all improvements made by him.”

6. Add the following as clause 5 to the Bill:—

“In section 214 of the Land Revenue Code add at the end the following:—

“The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the Table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by the said Council.”

7. Add the following as clause 6 to the Bill:—

“(1) In section 102 of the Land Revenue Code add after the words “shall not be levied without” the following words:—

“The previous approval of a standing advisory committee of the Bombay Legislative Council consisting of nine members of whom not less than seven shall be non-official members and.”

(2) In the same section omit the word “thirty” and substitute in its place the word “fifty.”

8. Add the following as clause 7 to the Bill:—

“The provisions of this Act shall apply retrospectively to all revisions made after the date on which the Government of India Act of 1919 came into force.”

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 20th September 1928.

### AMENDMENTS TO BILLS

*Bill No. XIV of 1928 (A Bill further to amend the Bombay Land Revenue Code, 1879)*

Notice has been received of the following amendments from Rao Bahadur R. R. Kale, M.L.C.:—

1. In section 52 of Act V of 1879, a proviso should be added at the end as follows:—

“In fixing such assessment regard shall be had to the requirements of section 100.”

2. In clause 2, substitute “(Twenty-five)” in lieu of “Fifty,” and “Annual value” in lieu of “Rental value,” wherever it occurs.

3. To clause 2, a proviso shall be added as follows :—

“ Provided that respect shall be had in the fixing of the assessment and the levy of the Revenue to the proprietary (Mirashi) rights of the holders.”

4. In clause 3, substitute “ Annual Value ” in lieu of “ rental value ” wherever it occurs.

5. For the Explanation to clause 3 substitute :—

*Explanation.*—“ Annual value ” means the gross produce less cost of production including the value of the labour actually expended by the farmer and his family on the holding, and the return for the enterprise during the five years immediately preceding the Revision Settlement.

6. A further proviso should be added to clause (3) as follows :—

“ Provided that all proposals for Revision Settlement are placed before a Standing Advisory Committee of the Bombay Legislative Council and if these, together with any modifications suggested by such committee, are not accepted by Government, the same shall not be put into force unless the sanction of the Legislative Council is obtained.”

7. Add at the end of section 214, Land Revenue Code :—

“ The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the Table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the local Government may accept the modification and reissue the rule accordingly or may rescind the rule.”

8. Add also an additional clause at the end of the Bill :—

“ The provisions of this Bill shall apply retrospectively to all revisions made after the date on which the Government of India Act of 1919 came into force.”

9. Amendment to the Preamble :—

Add at the beginning, “ Whereas it is expedient to embody in the Land Law of the Bombay Presidency the basic principles of assessment and the pitch and the limits of enhancement thereof.”

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 22nd September 1928.



## AMENDMENTS TO BILLS.

*Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee*

Notice has been received of the following amendments from Mr. J. B. Petit, M.L.C. :—

In clause 14 (sub-clause iii) for the word "four" substitute the word "six."

In clause 18 (Part II), omit the words "oil (other sorts) .....  
..... 15 gals."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 22nd September 1928.

## AMENDMENTS TO BILLS.

*Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.*

Notice has been received of the following amendment from Mr. P. J. Marzban, M.L.C. :—

"That original clause 2 do remain part of the Bill"

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 20th September 1928.

## AMENDMENTS TO BILLS.

*Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.*

Notice has been received of the following amendments from Mr. J. C. Swaminarayan, M.L.C. :—

1. In sub-clause (e) of clause 6 of the amended Bill, delete all the words after the word "submission" and in their place substitute the following :—

"The Commissioner shall thereupon hear the claims, objections and applications which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the enquiry by written notice served upon each claimant, person objecting and applicant and upon each person objected to, and also fixed on some conspicuous place in

every municipal office. The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction. The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead and may correct any clerical error or omission in the list. Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made."

2. In sub-section (i) of section 6 of the amended Bill, delete all the words after the word "Commissioner" and insert in their place the following :—

"The Commissioner shall, as soon as may be, hear and decide all objections, if any, to or regarding the report, made to him in writing within three days after the date fixed for the submission of such report and shall cause the final list of the delegates to be prepared, specifying the names of all the delegates and the names of the registered trade unions which have elected them. The final list of delegates so prepared by the Commissioner shall be final and conclusive."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 22nd September 1928.

### AMENDMENTS TO BILLS.

*Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.*

Notice has been received of the following amendments from Mr. J. B. Petit, M.L.C. :—

In clause 4, sub-clause 11-A (1), after the words "a member" insert the words "or officer."

In clause 4, sub-clause 11-A, delete "(2) in the case of an officer .....roll ;"

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 22nd September 1928.

## AMENDMENTS TO BILLS.

*Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.*

Notice has been received of the following amendments from Mr. B. G. Pahalajani, M.L.C. :—

- (1) *In clause 2 (ff) omit the words " officers or."*
- (2) *In clause 4 (11-A) omit the words " and every officer."*
- (3) *In clause 4 (11-A (1) ) substitute " three " for " six " in the second line.*
- (4) *In clause 4, omit (11-A (2) ) and (11-A (3) ).*
- (5) Delete clause 5.
- (6) *In clause 6 (21-A (b)) omit the words " exclusive of officers."*
- (7) *In clause 6 (21-A (b) and (c)) substitute " 100 " and " 200 " for " 200 " and " 300 " respectively wherever they occur.*
- (8) *In clause 6 (21-A (d)) omit the words " and officers."*
- (9) *In clause 6 (21-A (h)) omit the words " and shall.....as he pleases."*
- (10) *In clause 6 (21-A (h)) omit the words " and officers."*
- (11) *In clause 6 (21-A (i)) omit the words " the election of members .....otherwise."*
- (12) *In clause 6 (21-A (i)) omit the words " fourteen days after the ward elections " and substitute " simultaneously with the ward elections."*

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

## AMENDMENTS TO BILLS.

*Bill No. XVIII of 1923 (A Bill further to amend the City of Bombay Municipal Act, 1888) as amended by the Select Committee.*

Notice has been received of the following amendment from Dr. M. K. Dixit, M.L.C. :—

To clause 14 (a) I (i) (b) after the word " water " in the 2nd line add the words " or any article or thing capable of collecting rain water."

G. S. RAJADHYAKSHA,

Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Poona, 24th September 1923.

*Monday, the 24th September 1928*

The Council met at the Council Hall, Poona, on Monday the 24th September 1928, at 2 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 ALLISON, Mr. F. W.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DAWOODKHAN SEALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURRO, Mr. M. S.

KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MAXWELL, Mr. R. M.  
 MILLER, Mr. E.  
 MUJUMDAB, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NAVLE, Mr. N. E.  
 NOOB MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER Mr. H. L.  
 PATEL, Mr. J. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SUBVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WADIA, Mr. N. J.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Swearing in of new members.

The following honourable members then made the prescribed oath or affirmation of allegiance to His Majesty the King-Emperor, and took their seats in the Council:—

The Honourable Mr. G. B. Pradhan.

Mr. D. R. H. Browne.

Mr. S. H. Covernton.

The Honourable the PRESIDENT: Order, order. I have now to nominate four chairmen, and I nominate the honourable members Messrs. K. M. Munshi, E. Miller, Dr. M. D. Gilder and Mr. Shaikh Abdul Aziz.

Questions.

#### IRRIGATION RATES : CHANGES

Mr. R. S. ASAVALE (Bombay City, North): Will Government be pleased to state—

(a) the irrigation rates per acre in various crops during the last three years;

(b) whether any change in this has taken place;

(c) whether the Government authorities concerned have received any complaints from the agriculturists as regards this change;

(d) if so, what action they have taken?

The Honourable Sir GHULAM HUSSAIN: (a) The accompanying statement gives the requisite information.

(b) Yes, as detailed below:—

(1) The water rates on the works shown against items 6 to 14 and 40 in the statement referred to in reply to clause (a) above were revised with effect from 15th February 1927 and that for monsoon crops on the Dharma canal, item 45, was revised from 1st April 1927, and these revised rates have also been shown in the said statement against the year 1927-28.

(2) *Hashmati Canal*.—With effect from 15th February 1928 water rate for rabi crops has been revised from Rs. 2 to Rs. 3 and that for single watering from Re. 1 to Rs. 2.

(3) *Matoba tank*.—With effect from 15th February 1928 the water rate for sugarcane has been fixed at Rs. 9 per acre during monsoon, Rs. 15 during rabi, and Rs. 21 during Hotweather, that for pangardens at Rs. 66 per acre and that for other perennials at single heavy seasonal rates.

(4) With effect from 15th February 1928 the rate for pangardens on the works mentioned against items 1 to 4 in the statement above referred to and on the Mutha Canals has been fixed at Rs. 66 per acre.

(c) Complaints against the revised rates introduced on the Mhaswad tank, the Kadwa river works, the Girna Left Bank canal and the Dharma canal were received.

(d) The petition in connection with the revised rates on the Mhaswad tank is under consideration. With reference to the complaints against the revised rates on the Kadwa river works and the Girna Left Bank canal the petitioners were informed to the effect that they could not be reduced. The petitions in connection with the revised rate on the Dharma canal are under consideration.

Statement showing water rates per acre on irrigation works in the Deccan

Serial No.	Names of Works	Year	Irrigation in blocks	Water					
				Perennial		Eight months or two seasonal crops			
				Sugarcane and Pua garden	Other perennial	Light	Heavy		
1	2	3	4	5	6	7	8		
			Rs.	Rs.	Rs.	Rs.	Rs.		
1	Nira Right Bank Canal								
2	Nira Left Bank Canal and Shetphal Tank	1924-25	} 20 {	} 45 {	} 22 {	} 12 {			
3	Godavari Canals	1925-26							
4	Pravara Canals	1926-27	22½	45½	33½	12	18		
5	Mutha Canal and Matola Tanks								
6	Girna Left Bank Canal	1924-25	} .. {	} 29 {	} 14 {	} 8 {			
		1925-26							
		1926-27							
7	Mhawad Tank	1927-28	..	42	21	12	18		
8	Kadwa River Works	1924-25	} .. {	} 30 {	} 15 {	} 8 {			
		1925-26							
		1926-27							
		1927-28	..	42	21	12	18		
9	Farsal Tank	1924-25	} .. {	} 1 {	} .. {	} 7 {			
		1925-26							
		1926-27							
		1927-28	..	..	..	10	15		
10	Kawardi Tank	1924-25	} .. {	} 1 {	} .. {	} 6 {			
11	Shiruphal Tank	1925-26							
12	Shudalwadi Tank	1926-27							
13	Khampton Tank	1927-28	..	..	..	10	15		
14	Khirdi Sothe Tank	1924-25	} .. {	} 1 {	} .. {	} 6 {			
		1925-26							
		1926-27							
		1927-28	..	..	..	6	9		

and Gujarat for the years 1924-25, 1925-26 and 1926-27

rates						Single watering	Remarks
Monsoon, four months		Rabi, four months		Hot weather			
Light	Heavy	Light	Heavy	Light	Heavy		
9	10	11	12	13	14	15	16
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
3		5		7		1° 2	*The rate in force in 1924-25. The block rate was in force on the Nira Left Bank Canal only.
4	6	8	12	10	15		
							‡Applicable to items (2) and (3).
							§These two rates are not applicable to the Matoba Tank on which double the seasonal rates are charged for sugarcane and Pan gardens and single seasonal rates are charged for other perennial crops when water is available. On the Mutha Canals the rate of Rs. 46 for sugarcane is beyond one mile limit of the Poona City, the Suburban and Cantonment limits and within that limit the rate is Rs. 50.
3		5		6		1° 2	¶For sugarcane and Pan gardens double the seasonal rates were charged.
4	6	8	12	9	9		
3		5		7		1° 2	
4	6	8	12	9	9		
2		5		8		1° 2	
2	4½	7	10½	9	9		
2½		6		6		1° 2	
2	4½	7	10½	9	9		
2		6		6		1	
2	3	4	6	6		1	



Serial No.	Names of Works	Year	Water				
			Irrigation in blocks	Perennial		Eight months or two seasonal crops	
				Saravans and Pan garden	Other perennial	Light	Heavy
1	2	3	4	5	6	7	8
			Rs.	Rs.	Rs.	Rs.	Rs.
15	Shabada Channel	{ 1924-25 1925-26 1926-27 }	--	0	--	7½	
16	Hathmati Canal	{ 1924-25 1925-26 1926-27 }	--	--	10	3	
17	Khari Cut Canal	{ 1924-25 1925-26 1926-27 }	--	--	14	6	
18	Wangrol Tank	{ 1924-25 1925-26 1926-27 }	--	--	--	6½	
19	Tranas Nagamma Tank	{ 1924-25 1925-26 1926-27 }	--	--	--	6	
20	Savil Tank	{ 1924-25 1925-26 1926-27 }	--	--	--	8	
21	Sahlat Tank	{ 1924-25 1925-26 1926-27 }	--	0	--	6½	
22	Futeleo Tank	{ 1924-25 1925-26 1926-27 }	--	†	†	....	
23	Lower Panjhra River Works	{ 1921-25 1925-26 1926-27 }	--	0	--	6	
			--	30	15	8	
24	Hartak Tank	{ 1924-25 1925-26 1926-27 }	--	12	9	{ 5 For early 8 months. 7 For late 8 months. }	
25	Mhaswa Tank	{ 1924-25 1925-26 1926-27 }	--	16	10	{ 5 For early 8 months. 6 For late 8 months. }	
26	Jande Canal	{ 1924-25 1925-26 1926-27 }	--	16	10	{ 5 For early 8 months. 6 For late 8 months. }	



Serial No.	Names of Works	Year	Irrigation in blocks	Water			
				Perennial		Eight months or two seasonal crops	
				Sugar and Pan garden	Other perennial	Light	Heavy
1	2	3	4	5	6	7	8
			Rs.	Rs.	Rs.	Rs.	Rs.
27	Bhatodi Tank	1924-25 1925-26 1926-27	..	..	14½	6½ Early eight months. 12 Late eight months. 8 Early eight months. 13 Late eight months.	
28	Ekruk Tank	1924-25 1925-26 1926-27	..	35	17½	8	
29	Karwasra Tank	1924-25	..				
30	Ashti Tank	1925-26	..	32	16	7	
31	Patbri Tank	1925-26	..				
32	Wadhivra Tank	1926-27 1924-25	..				
33	Krishna Canal	1925-26	..	32	16	8	
34	Rewari Canal	1925-27 1924-25	..				
35	Upper Man River Works	1925-26	..	24	12	9	
36	Chikhli Canal	1925-26	..				
37	Malni Tank	1926-27 1924-25	..				
38	Yeri River Irrigation Works	1925-26 1926-27 1924-25	..	26	13	6½	
39	Mochkundi Tank	1925-26 1926-27 1924-25	..		6	4	
40	Gokak Canal, 3rd section, and Storage Works.	1925-26 1926-27 1927-28	..	22° and 167		8	
			..	22°		10	
			..	167			
			..	27½°		10	
			..	207			
41	Dambal Tank	1924-25	..	14 (c)		6 For early eight months	
42	Mederi Tank	1925-26	..	10		7½ For late eight months	
43	Madag Tank	1926-27	..	13 (d)			
44	Asandi Tank	1926-27	..				

rates							Single watering	Remarks
Monsoon, four months		Rabi, four months		Hot weather				
Light 9	Heavy 10	Light 11	Heavy 12	Light 13	Heavy 14	15		
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
	2½		6		8		1	In force from 15th October 1920 to 14th October 1922.
	3		5		8		2	In force from 15th October 1925 to 14th October 1926.
	3		5		7		1	
			4		6		1	
	3		5		8		1	
	2		4		6		1	
	2		4½		6½		1	
	½		1		4		1	
	1		1		4		1	
	2		5		15		1	*For sugarcane, etc., for the whole year.
	4		6		15		1	In force from 1st April 1925 to 14th February 1927.
	4		6		15		1½	†For sugarcane, etc., irrigated from 15th June to 15th February.
	4		6½		7		1 (e) 2 (f)	These rates are in force from 1st April 1928. (e) This rate is for the three tanks other than the Madag Tank. (f) The rate of Rs. 10 is for Madag Tank for 1924-25 and Rs. 12 for 1925-26 and 1926-27. (e) From 15th June to 15th October. (f) From 16th October to 14th June.

Serial No.	Names of Works	Year	Water				
			Irrigation in blocks	Perennial		Eight months or two seasonal crops	
				Sugarcane and Paa garden	Other perennial	Light	Heavy
1	2	3	4	5	6	7	8
			Ra.	Ra.	Ra.	Ra.	Ra.
45	Dharma Canal	{ 1924-25 1925-26 1926-27 1927-28 }	..	....	....	....	....
46	Kustephal Tank	{ 1924-25° 1925-26 1926-27 }	..	....	....	4	

rates							Single watering	Remarks	
Monsoon, four months		Rabi, four months		Hot weather		15			16
Light	Heavy	Light	Heavy	Light	Heavy				
9	10	11	12	13	14				
Rs.	Rs.	Rs.	Rs.	Rs.	Bs.	Rs.			
3		---		---		{ 1 (e) 2 (f) }	In force from 1st April 1922 to 31st March 1927.		
4½		---		---		{ 1 (e) 2 (f) }	In force from 1st April 1927.		
1		3		---		....	In force from 15th June 1925. * Prior to 15th June 1925 no rates were sanctioned. (e) From 15th June to 15th October. (f) From 16th October to 14th June.		

## JAMRAO CANAL INSPECTION ROADS : MOTOR TRAFFIC

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that motor roads on the inspection paths of the Jamrao Canal have recently been repaired by removing earth from canal bunds which have thus been weakened ;

(b) whether it is a fact that there are motor roads on both sides of the canal ;

(c) whether it is a fact that under the orders of the engineering authorities the use of these roads is not open to private motor cars ;

(d) whether it is a fact that private motor traffic on these roads is not at all likely to be great ;

(e) what are the objections to throwing open these roads to private motor traffic ?

The Honourable Sir GHULAM HUSSAIN : (a) No. There are no motor roads as such which have been repaired, but banks which had been constructed inside the kacha spoil banks from earth taken from the spoil banks have been repaired. The banks of the canal have thus been strengthened and not weakened. The new banks carry the inspection paths which are used by officers inspecting the canal by motor or otherwise.

(b) No.

(c) Yes, the inspection paths are not open to private motor cars in general.

(d) No. Having regard to the fact that motor traffic has greatly increased, it is expected that the traffic would be heavy, if private motor cars are allowed the use of the inspection paths.

(e) The service roads outside the banks are open for general use. The inspection paths and the banks holding the water are for the safety of the canal and for facilitating inspection by those on duty. If the inspection paths are thrown open to the public, endless repairs will be necessary, thus causing excessive expenditure and the safety of the canal will be endangered.

## JAMRAO CANAL SERVICE ROADS : WHEELED TRAFFIC

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that there are what are called "service roads" on both sides of the Jamrao Canal and its minor distributaries ;

(b) whether it is a fact that these roads have been used for the last 26 years by the public for wheeled traffic ?

(c) whether it is a fact that orders have recently been issued prohibiting the public from using them ;

(d) how much has been spent by Government on the construction or repair of such roads during the last five years ;

(e) what is the purpose of these service roads ;

(f) whether it is a fact that sometimes the only road available to zamindars to bring their farm produce from the farm to their deh

(village) is the service road and by prohibiting the public from using these roads the engineering authorities have seriously inconvenienced the zamindars ;

(g) whether they have any objection to the issue of orders throwing open these roads for public use as has been the custom hitherto ?

The Honourable Sir GHULAM HUSSAIN : (a) Yes ; outside the banks, usually on one side of the canal.

(b) Yes, as a concession to meet the convenience of the local zamindars.

(c) No.

(d) The roads were constructed at the time when the canals were made. No separate accounts are kept either of their construction or of periodical repairs to them.

(e) They were originally made for the convenience of the works connected with a canal or distributary under construction, and since maintained for facilitating canal management.

(f) The public are not prevented from using the service roads, where they exist as such only.

(g) Does not arise in view of the above replies.

Mr. JAIRAMDAS DOULATRAM : With reference to the reply to (f), are the roads on the Jamrao Canal service roads ?

The Honourable Sir GHULAM HUSSAIN : From the reply to his previous question, the honourable member will see that we have service roads as well as inspection paths.

Mr. JAIRAMDAS DOULATRAM : My question relates to the service roads. The reply to (f) is "The public are not prevented from using the service roads, where they exist as such only." I want to know whether all the so-called service roads on the Jamrao Canal exist as service roads, and whether they are open to the public ?

The Honourable Sir GHULAM HUSSAIN : As far as my information goes, they are open to the public.

#### EDUCATIONAL GRANTS BY LOCAL BOARDS, SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) whether it is a fact that district local boards in Sind have a preponderating Muslim majority ;

(b) whether it is a fact that in submitting the report of the Hyderabad District Local Board for 1925-26 to the Commissioner in Sind, the Collector of Hyderabad wrote as follows :—

"Even in the District Local Board signs are increasingly evident of the division of opinion on purely communal and religious grounds. In Sind, where Mussalman members are in a considerable majority, this can only result in friction and discontent."

(c) whether it is a fact that the district local boards of Sind contributed in all Rs. 25,050 as grant to 15 educational institutions in 1926-27 of which only Rs. 2,600 were given to 9 Hindu institutions and the rest to 6 Muslim institutions ;



(d) what is the number of pupils studying in the above 9 Hindu institutions and the number studying in the 6 Muslim institutions;

(e) on what principle the district local boards fix the amounts of grants they sanction for educational institutions;

(f) the amount of educational grant paid by Government to the district local boards of Sind in 1926-27;

(g) whether Government have considered the question of issuing instructions to the district local boards of Sind that they should make an equitable distribution of grants to educational institutions?

The Honourable MOULVI RAFI UDDIN AHMAD: (a) Yes, except in the Thar Parkar District.

(b) Yes.

(c) The District Local Boards of Sind contributed Rs. 25,050 as recurring grant to 15 educational institutions in 1926-27 of which Rs. 21,450 were given to 5 Muslim institutions and Rs. 200 to one Hindu institution. The remaining amount of Rs. 3,400 was given to 9 institutions open to both the communities.

(d) The number of pupils in various institutions was as under:—

Kind of institutions

Muslim .. .. .	1,242
Hindu .. .. .	72
Common .. .. .	699

(e) No general principle is followed.

(f) The amounts of educational grants paid by Government to the District Local Boards in Sind in 1926-27 were as under:—

Name of the District Local Board	Grant paid Rs.
1. Karachi .. .. .	1,24,128
2. Hyderabad .. .. .	1,25,359
3. Nawabshah .. .. .	1,93,947
4. Thar Parkar .. .. .	90,344
5. Sukkur .. .. .	2,23,272
6. Upper Sind Frontier .. .. .	1,04,568
7. Larkana .. .. .	2,86,742

(g) The matter does not appear to be one about which Government can issue instructions to District Local Boards.

Mr. NOOR MAHOMED: With regard to the reply to (e) I want to know if these 15 institutions are also considered to be the institutions receiving boys of all communities?

The Honourable MOULVI RAFI UDDIN AHMAD: I want notice of the question.

Mr. NOOR MAHOMED: May I know whether the nine institutions said to be open to both communities are owned and managed by Hindu gentlemen or by Mussalmans?

The Honourable MOULVI RAFI UDDIN AHMAD: If the honourable member will give me notice I will find out and give him the information.

Mr. NOOR MAHOMED: With regard to (d) are these boys studying in the Mussalman institutions or Hindu Institutions or in the common institutions?

The Honourable MOULVI RAFI UDDIN AHMAD: I must ask for notice of that question.

Mr. NOOR MAHOMED: With regard to (f), is the Honourable Minister aware that two-thirds of this money is spent on the Hindu boys, or, in other words, the two thirds of the boys receiving education in these institutions are Hindus?

The Honourable MOULVI RAFI UDDIN AHMAD: I am not aware of that, but still I want notice of the questions.

CIVIL SUIT, KANARA: MOKTESARS OF MADHUKESHWAR TEMPLE  
versus MR. WADIYAR

Mr. M. D. KARKI (Kanara District): Will Government be pleased to state—

(a) whether they are aware that a very big suit is being tried in the court of the subordinate judge at Sirsi between the Moktesars of the temple of Shri Madhukeshwar Dev at Banavasi and Mr. Wadiyar, a deputy collector in the Revenue Department;

(b) if so, from how long it is being heard and the probable time when it would end;

(c) the number of witnesses heard and to be heard for each party and the number of pleaders engaged by each party;

(d) whether the said suit was heard and is being heard from date to date and whether this was given and is being given preference to the other suits which came and will be coming for hearing during the trial of this suit;

(e) if the reply to (d) is in the affirmative, the number of suits which were ripe or are becoming ripe for hearing but are adjourned or are to be adjourned on account of the said suit?

The Honourable Mr. J. R. MARTIN: (a) Yes.

(b) The hearing of the suit commenced on the 13th June 1927 and closed on the 10th December 1927. The case has been decided.

(c) In all 257 witnesses were examined in the case, 121 for the plaintiffs and the remaining for defendant No. 1. Four pleaders were engaged by the plaintiffs and nine by defendant No. 1 from time to time.

(d) The suit was heard from day to day and was given preference over other suits except for a certain number of suits which were capable of being disposed of quickly.

(e) One hundred and thirty-four suits were ready for hearing but had to be adjourned on account of the suit in question.

## CIVIL COURT, TATTA : STAFF

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Will Government be pleased to state—

(a) whether it is a fact that a number of Clerks and Officers of the Civil Court at Tatta belong to the town of Tatta and are related to each other ;

(b) whether there are any Government Orders prohibiting such a state of affairs ;

(c) whether it is a fact that some of the Officers have been stationed at Tatta for several years ;

(d) whether it is a fact that it is a recognised principle of Government Service that no Officer should be stationed at one place for any great length of time ;

(e) if the answers to (a) to (d) are in the affirmative, what action Government intend to take in the matter ?

The Honourable Mr. J. R. MARTIN : (a) Of 19 Clerks and Bailiffs, 6 are residents of Tatta, 3 are related to one another.

(b) No.

(c) Yes.

(d) No.

(e) Does not arise.

## JUDICIAL DEPARTMENT STAFF : RECRUITMENT

Mr. J. R. PATEL (Kaira District): Will Government be pleased to state whether it is a fact that new vacancies occurring in the subordinate establishments of the Judicial Department are filled up by recruits from outside, and not from the fee-karkuns or section-writers attached to the various civil courts ?

The Honourable Mr. J. R. MARTIN : Government have no information. The recruitment to new vacancies is left to the discretion of the District Judges, provided the persons appointed fulfil the educational condition prescribed for Government service.

## PENSIONS : PAYMENTS AT NASIK

Mr. R. G. PRADHAN (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that there is a clerk called the Pensions Clerk in the office of the Head Accountant at Nasik, whose main duties are connected with the payment of pensions ;

(b) whether it is a fact that the system of accounts and the working of treasuries in the matter of payment of pensions have become much simpler owing partly to the establishment of branches of the Imperial Bank where payments of pensions are made ;

(c) if the answers to (a) and (b) are in the affirmative, why it is necessary in a comparatively small town like Nasik to fix five different dates for the payment of pensions, and whether it is possible to curtail the period so as to enable pensioners drawing pensions over Rs. 22 to draw their pensions earlier than at present ?

The Honourable Mr. G. B. PRADHAN: (a) Yes.

(b) Although the working of treasuries has been lightened by the transfer to branches of the Imperial Bank of the work of making cash payments, the change has not led to appreciable simplification of the system of accounts.

(c) After making careful inquiries Government is satisfied that the practice at present followed at the Nasik Treasury is the only practicable way of arranging the work of the treasury office and avoiding congestion and delays, and that everything possible has been done for the convenience of the pensioners. -

#### SMALL CAUSES COURT AND POLICE COURTS, BOMBAY: DELAY IN CASES.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE on behalf of Mr. HOUSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(1) whether they are aware that—

(a) great delay is caused in the Small Causes Court and the Police Courts, Bombay, to parties before their cases are decided,

(b) very often the hearings are prolonged over a year before judgment is delivered;

(2) if so, what they propose to do in the matter?

The Honourable Mr. J. R. MARTIN: (1) (a) There is no delay in the Small Cause Court, Bombay; in certain cases there has been delay in the Police Courts.

(b) No.

(2) The matter is under consideration.

#### AHMEDABAD COURTS: RECEIVERS AND LIQUIDATORS.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether they are aware that in the city of Ahmedabad insolvency petitions and liquidations of Joint Stock Companies have been on the increase during the last five years;

(b) if the answer to (a) is in the affirmative, whether they intend to take any action in the matter, and if so, what action?

The Honourable Mr. J. R. MARTIN: (a) Insolvency petitions are showing an increase, but liquidations of Joint Stock Companies have decreased.

(b) The question of the appointment of an Official Receiver at Ahmedabad will be reconsidered when the financial situation improves.

#### LIBRARY COMMITTEE.

The Honourable the PRESIDENT: Order, order. In view of the fact that the Honourable Sir Chunilal Mehta has resigned, there is a vacancy of the Chairmanship of the Library Committee, and I have to appoint his successor, and I cannot appoint a better and more worthy successor than the successor of the Leader of the House.

The Honourable Mr. J. L. RIEU: I am much obliged to you, Sir.

The Honourable the PRESIDENT: I thought I would make a request to the House in the evening, but the Secretary has reminded me of it just now, and I think I better ask the Leader of the House whether he would agree to help me and whether the House also would agree in the same matter, and that is regarding the meeting time to-morrow. There is my party to-morrow in the evening and, as this hall has to be re-arranged, it needs some time to do it. I would, therefore, propose that if the House met to-morrow at half past ten and dispersed at two, that would leave sufficient time for the purpose. In that case the House loses one hour according to our usual hours of sitting. That could be made up if the House is agreeable, by meeting half an hour earlier on two succeeding days, that is, at half past one instead of at two. I wonder if that would suit.

The Honourable Mr. J. L. RIEU: So far as the Government benches are concerned, there is certainly no objection to the proposal and we shall be very glad to fall in with your wishes.

Mr. R. G. PRADHAN (Nasik District): We, too, have no objection, on this side of the House.

The Honourable the PRESIDENT: Very well, then the House will assemble accordingly.

#### STATEMENT REGARDING GODHRA RIOTS

The Honourable Mr. J. R. MARTIN: Sir, with your permission and that of the members of the House, I should like to make a short statement on a matter which will be of interest to the members of the House. Honourable members, I am sure, would be glad to have the latest information as to the state of affairs in Godhra, especially as alarming and I might almost say alarmist reports have been reaching some members on the subject. I have received only this morning a telegram from the District Magistrate of the Panch Mahals, which is in reply to one I sent to him yesterday asking for the latest information, especially that I might be in a position to communicate it to the members of the House. It runs as follows:

"Your telegram received this evening: Stop: Civil Hospital has been under armed guard since 19th: Stop: groundless rumours being raised cause public uneasiness, everything quiet, six arrests up to date, I held meeting Hindu-Mahomedan leaders this afternoon, explained steps taken, asked to reassure public and check mischievous rumours: Stop: Additional police requisitioned and arriving."

I hope this telegram and the reassuring news which it contains, which confirms the news which we have been receiving daily since this disturbance, will allay the uneasiness and anxiety which have been felt and will prevent unnecessary alarm. I need not, I hope, assure honourable members that Government have been keeping in close touch with the situation, and that any necessary reinforcements or assistance which the local authorities may require will be immediately forthcoming. I have already given this assurance to the District Magistrate. Honourable members will notice that there has been no further disturbance since the 18th, the day on which the events occurred, and I trust that there will be none. The District Magistrate, as you will see from the telegram, has been able to bring together Hindu and Mahomedan leaders,

[Mr. J. R. Martin]

—the leaders of the two communities concerned—and their assistance will be forthcoming and will be valuable in preventing any further untoward development of the situation. I think that honourable members will agree that it would be undesirable for me at this stage to discuss the occurrences, especially as they are, or will be, the subject of judicial proceedings.

I am sure that the House will desire to associate itself with the Members of Government in taking this opportunity of expressing to the relatives of the gentleman who was killed, and to the honourable member of the House who has suffered, their sincerest sympathy in this regrettable incident. (Hear, hear).

Rao Bahadur R. R. KALE: May I know whether the Mahomedan leaders contemplate any action in the way of openly denouncing the perpetrators of the outrage?

The Honourable Mr. J. R. MARTIN: There is no further information than what has been given by me.

Mr. A. D. SHETH: May I know whether it is correct that there has been some further firing on Jain temples and stone-throwing round about?

The Honourable Mr. J. R. MARTIN: I have no information which confirms such a statement?

Mr. R. G. PRADHAN: What is the latest news of the health of our honourable colleague Mr. Mukadam?

The Honourable Mr. J. R. MARTIN: There is no information of any developments in a serious direction; I have every reason to hope that he is getting on satisfactorily.

Mr. R. G. PRADHAN: Will you kindly enquire?

Mr. J. C. SWAMINARAYAN: Will the honourable member kindly enquire about the events on the night of the 21st when the firing took place?

The Honourable Mr. J. R. MARTIN: I believe I am correct in saying that there has been no firing.

Mr. A. D. SHETH: May I draw the attention of the honourable member to the latest report in the *Times of India* dated Saturday last, that there was firing on Friday and stone throwing as well on Jain temples? It appears to have happened last Friday and is reported in the city edition of the *Times of India*.

The Honourable Mr. J. R. MARTIN: We have been receiving daily information on the subject, and in none of our telegrams or reports has there been any mention whatever of firing. If firing had taken place, I believe, it would have been reported to us by now.

Mr. J. C. SWAMINARAYAN: Will the Honourable the Home Member be pleased to make further enquiry into what happened on Friday the 21st instant?

The Honourable the PRESIDENT: I do not think I would allow these individual questions to be put to the Honourable the Home Member, as

[The President]

I believe he understands that the House desires to be kept informed of anything worth knowing and also that the House desires him to get information in the light of the questions asked just now.

The Honourable Mr. J. R. MARTIN : I shall be very glad indeed to follow the suggestion made by you, Sir.

The Honourable the PRESIDENT : I am also sure that the Honourable the Home Member would be easily accessible to any honourable members, if they would go and see him for any information they want in this connection.

The Honourable Mr. J. R. MARTIN : I shall be very glad indeed to give any information in my possession to any honourable members if they will come and see me.

### GOVERNMENT BILLS

#### BILL No. XVIII OF 1928 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888)

*(As amended by the Select Committee)*

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I present the report of the select committee on Bill No. XVIII \* of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888).

The Honourable the PRESIDENT : The report of the select committee on Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) is presented.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I move  
SECOND READING. that Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888) be read a second time.

Question proposed.

Mr. L. M. DESHPANDE (Satara District) : Sir, on a point of order. The bill cannot be proceeded with.....

The Honourable Dewan Bahadur HARILAL D. DESAI : With reference to my honourable friend's objection, Sir, that it cannot be proceeded with, I request you, Sir, to exercise your power to suspend the provision under which this bill with the report of the select committee should have been published fifteen days before to-day.

Mr. L. M. DESHPANDE : You, Sir, have the power, no doubt, but the question is whether you should exercise it at this stage.

The Honourable the PRESIDENT : I think that when the circumstance is as stated by the Honourable Minister, namely, that the report of the select committee was not in hand in time to abide by that Standing Order, I would agree with him and suspend the provisions and allow the bill to be proceeded with.

Dr. M. K. DIXIT : Would you, Sir, similarly allow us to move amendments, even if they are not in time, to this bill ?

The Honourable the PRESIDENT : I have received amendments which were not in time and allowed them because of the same reason.

Bill read a second time. Question put and carried.

*Bill read clause by clause.*

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of section 19 of Bom. III of 1888*).

In section 19 of the said Act,—

(a) in sub-sections (1), (6), and (7) for the word "October" wherever it occurs in the said sub-sections the word "September" shall be substituted ;

(b) in sub-sections (8), (9), (10) and (11) for the word "November" the word "October" shall be substituted ; and

(c) in sub-section (12) for the words "on some one of the first fifteen days," the words "before the fifteenth day" shall be substituted.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I beg to move the following amendment to clause 2 :—

"That original clause 2 do remain part of the Bill."

I was a member of the select committee, but I could not attend its meetings, and therefore, as I received the report of the select committee rather late, I thought that the only way was for me to move an amendment that the original clause 2 should remain in the bill. The select committee say in their report as under :—

*Original clause 2.*—We have deleted original clause 2 as, in our opinion, the present system of election by a single transferable vote, without being unduly difficult to work, effectively secures representation of minorities."

So, their two reasons are that the present system of election by a single transferable vote is not unduly difficult to work and that it effectively secures representation of minorities. It will, I think, be sufficient if I state that the second reason given by the select committee is not borne out by facts. I have here the results of election by ballot of the Bombay municipal corporation, of the Standing Committee of that corporation and the Improvements Committee. All these three elections were by ballot and the following are the results :—

In 1923, in the municipal corporation election by ballot there were :—

- 1 Christian,
- 2 Parsis,
- 4 Hindus,
- 3 Mahomedans.

In 1926, there were :—

- 1 European,
- 1 Parsi,
- 7 Hindus,
- 1 Mahomedan.

In 1923, for the Standing Committee election by ballot, there were :—

- 1 Christian,
- 3 Parsis,
- 5 Hindus,
- 3 Mahomedans.



[Mr. P. J. Marzban]

In 1926, there were :—

- 1 European,
- 2 Parsis,
- 8 Hindus,
- 1 Mahomedan.

In 1926, in the Improvements Committee election by ballot, there were :—

- 1 European,
- 1 Christian,
- 5 Parsis,
- 2 Hindus,
- 2 Mahomedans.

These figures, Sir, amply prove that the fear of the select committee that the ballot elections will not give sufficient representation to minorities is not borne out by facts.

If the honourable members will kindly refer to the proceedings of this Council, Volume VI, they will find a debate in this House wherein the then Mr. Cowasji Jehangir distinctly said that this system of co-option was done with the view of securing a few really good men. Mr. Paranjpye stated that the ballot system would not work out well, but to this an effective reply was given by Rao Bahadur Chitale who pointed out that it was possible to form a caucus even under the system of the single transferable vote.

I, therefore, fail to see what the grounds for the fear of the select committee are. The ballot system works exceedingly well in all the elections of the corporation, and I may tell the honourable House that the corporation, with a large majority, has made an emphatic decision that hereafter their system of vote should be by ballot and not by transferable votes as far as co-option is concerned. That decision has I understand been sent on to Government by the president of the corporation. The select committee in spite of this want to have the transferable vote. There is another very important fact to be remembered in the matter of transferable vote and it is this : it is common knowledge that in ward elections it is the three first votes which enable a candidate to get elected. Suppose there are two more candidates for a certain ward election. At the last moment attempts are made to shove off these two men by promises to them of first votes in co-option election. Five first votes are thus given to one candidate and the other five votes go to the other candidate. Thus these two candidates—whatever their qualification—get elected in co-option though they may have no other support from the rest of the corporation. What happened last time in the D ward election ? An attempt was made to secure these first votes, so that they might come in.

An Honourable MEMBER : In what ward ?

Mr. P. J. MARZBAN : In D ward. Then again take the instance of the A ward. Up to now there are no more candidates than the allotted number of 12 seats. But at the last moment two or three more

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candidates may come up, in order to bring pressure to bear upon the other candidates to promise their first votes to these extra men at the time of co-option if they retire and thereby render the A ward election uncontested. That is the greatest bane of this transferable vote system. Therefore, I hope, bearing all these facts in mind—and the Corporation has very carefully considered the question—the House will pass my amendment, because the transferable vote, from this point of view, is distinctly harmful. I believe the House is aware, and surely my honourable friend Mr. Hooseinbhoj Lalljee will tell you that in 1926 men even of the calibre of Mr. Joseph Baptista and Mr. Jehangir Petit were thrown out by this transferable vote system, and gentlemen, certainly much inferior to the calibre of these two members, were put in. According to the ballot system, it is practically sure that we would have got gentlemen of the calibre of Mr. Joseph Baptista and Mr. Jehangir Petit in the corporation.

Then, as to the statement of the select committee that “the single transferable vote system, without being unduly difficult to work, effectively secures representation of minorities,” I may assure the House that even in the corporation, consisting as it does of very intelligent members, very few understand the complicated system. I dare say my friend Mr. Hooseinbhoj Lalljee understands it, but I frankly admit that, try as hard as I can, I am unable to grasp it.

Mr. S. K. BOLE: It is a fact.

Mr. P. J. MARZBAN: My honourable friend Mr. Bole says it is a fact, and I am glad; and therefore I say, considering past experience and considering that the ballot system has given the minorities sufficient representation, I do not see why we should revert to a system which, I may humbly say, is not a very straight or fair way of getting members elected according to the general opinion of the Corporation. I therefore move my amendment, and I hope the House will pass it.

Question proposed.

Mr. HOOSEINBHOJ ABDULLABHOJ LALLJEE (Bombay City): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Marzban. I think it will be a surprise to the House, when it is a question of minorities and majorities, that I should rise and support the transferable vote system. Sir, my friend the honourable member Mr. Marzban has told the House that one of the objects in putting in this system of a single transferable vote when the amending Act was passed by the reformed Council was that there were caucuses being formed in the Corporation, and the members belonging to the minority or independent party desired protection and this House acceded to the request. What is the position of the Corporation now? In the olden days there were caucuses which threw out men like the late Sir Pheroze Shah Mehta, and the whole of Bombay did not like it. In the Corporation we have now developed two parties, one the Progressive Party and the other the Nationalist Party, and the caucuses are the same like the caucuses that kept out men like Sir Pheroze Shah Mehta. My honourable friend Mr. Marzban's party is at present in the majority. He belongs to the Progressive

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Party which has come into majority by the help of 16 Government nominees; and what is the result? We always find Mr. Marzban voting for his party man, not for the best man like Mr. Baptista or Mr. Petit; he votes for men like Dr. Javle and against the best available from the other groups. It is all very well to say that men like Mr. Baptista and Mr. Jehangir Petit are thrown out. I ask my friend Mr. Marzban whether it is not a fact that his party and the other party make it a point to support their own party men, in spite of the fact that better men are available in the other party. Will Mr. Marzban say what kind of members have been returned by his party on the Standing Committee, on the Improvement Trust, and the Railway Advisory Committee? Are they the best men in the Corporation or are there not better men belonging to an independent party, who are not returned to these committees simply because they belong to a particular party or are independent members belonging to no party? This is the sort of thing against which protection is demanded. It has got nothing to do at present with minority communities. It is the independent members of the corporation, few and far between, whose interest it is sought to protect. It is caucuses of both these parties that force the independent members of the corporation to join one or the other party before they can hope to be returned to any committee, and it is for this reason that the system of a single transferable vote is necessary. Otherwise, the independent member has no chance of being returned to the Standing Committee, or the Improvement Trust, or the Schools Committee, or for the matter of that even the Railway Advisory Committee. Sir, my honourable friend Mr. Marzban has quoted his figures about the results of election by the single transferable vote system. In the city of Bombay, we are not so much divided amongst ourselves, and it may be that the Mussalmans, or the non-Brahmins, or the Europeans, or the Parsis have not been able to return by the single transferable vote system the actual proportion of members of their own community. But they are free, and they exercise their power freely without restriction. Even if they wish to do it, or any minority wishes to do it, this bill gives them the right to do so, which my honourable friend wants to take away. I say, let the protection be there; do not make use of it on communal basis as far as possible but do not take it away.

Then, Sir, with regard to ward elections, my honourable friend said that bargaining is going on. But it is a corrupt practice to bargain, and if two persons or say two J. P.'s of whom we have so many and so many more are added at random every year were to go before the Small Causes Court Chief Judge and prove that a certain bargain was made in respect of any election, the whole election will be set aside. It is a bargain, not allowed by law, and my honourable friend knows it very well. He knows that in Bombay there are people who will at once challenge a man if he has made such a bargain. I was told that in the ward which I represent there was bargaining. But I myself do not know anything about it. If anybody says anything about it, it is all humbug. If it can be proved, let it be taken to a court of law. Such things do not appeal to me.

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Therefore, if my honourable friend really wants that this system of a single transferable vote should be removed, then first of all the parties in the Corporation have to be removed. Then one can come with clean hands and say "There are no minorities or majorities; there are no communal feelings, there is no question of Hindus and Mussalmans, and therefore this system is not needed". Otherwise, what is the consequence? The independent members must go to the one or the other party. If out of 106 members, one party consists of 50 members, they will try to get all these co-opted ten seats and they will have so many more votes, and thus get their own party man returned to all and every committees. This is quite clear and this will be the result of my honourable friend's suggestion, that is to say, if out of 100 members 50 members are of one party they alone should elect the 10 members, and there should be none else.

I wish to draw the attention of the Council to another fact that it does not entail any extra trouble. We have for instance the same system for the election of the Public Accounts Committee. I know also that the same procedure was adopted by the Council of State with regard to the election of a sub-committee to sit with the Simon seven. This system of single transferable vote was introduced at the instance of the Leader of that House and it was only a couple of days ago reported in papers and it was as he put it to give everyone the right, whether a Mussalman or a European, to get in in order to protect their minority interests. I think it is quite right that the legislature has introduced this system in the Act and should not be lightly treated and taken away at the instance of the majority in the corporation because the supervision of the administration of the Corporation lies within the power of this Council. As regards the internal administration and executive affairs the corporation's opinion must be given due weight as they are the better judges than this Council. Whenever it is a party or personal question of the members of the Corporation this House must exercise a proper check and see whether the original principles embodied in the Act are not really sound. It is why the select committee has done right in retaining the original principle of retaining the system of election by single transferable vote.

As regards the difficulty of following the system, we have been adopting that principle for the election of the Public Accounts Committee. It is a matter of common knowledge that it does not take more than an hour or so. In the case of the corporation, we have as scrutineers the Secretary, the auditors and the chief accountant of the Bombay municipality who are competent mathematicians; and I am sure they do not feel any difficulty and do not take more than an hour. Therefore I do hope that this House will not allow this amendment to pass. I request the honourable member Mr. Marzban to withdraw his amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to oppose this amendment of the honourable member Mr. Marzban. I can explain to the House that the system of single transferable vote is the most scientific method; and that it is very easy to understand the procedure. Supposing that there are 90 members and 10 are to be

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co-opted. Whatever the other party may do, the minority by its combined strength can put forward its own man. I shall take an illustration. When 90 is divided by 11 then you get 8. Then  $8+1=9$  is called the quota. Any minority of 9 members is sure to secure one seat. By means of the process of exclusion which is applied at a later stage even a minority, 6 or 7 strong, give their first preference to their own man and get him elected. In the process of exclusion if the other man gets even two votes these votes also will be transferred to him with the result that there will be no wastage of votes. Suppose that it is a minority of 6 strong, and a majority has a total of 40 members. Even if 40 men give the first preference to one man, as soon as he gets 9 votes the remaining 31 votes will be transferred to the second preference and the remaining 22 to the third man and so on. That is to say, no vote will be wasted, because as soon as a man gets his quota he will be elected. In this way the man who gets the least number of votes will have them transferred to the next higher one. In this way no vote will be wasted and the minority will get a man of its own elected. Even if the quota by the strength of a minority may fall short of one or two votes, still that minority will succeed in getting its own men elected. Because after 9 successful candidates get 81 votes, the remaining person who gets 6 or 7 is bound to be elected because the total of the remaining votes will be 3 or 2. The only thing is that that minority should give its first preference to the man whom it wants to elect. In the other system the votes are not allowed to accumulate and the ultimate result is that votes are wasted. In the single transferable system the minority has the greatest advantage and this is the most scientific and mathematical system in securing the representation of the minorities. Therefore this system should be allowed to remain as in the original Act and should not be taken away. The select committee has done well in retaining the original system and throwing away the proposal. Therefore I think the honourable member Mr. Marzban will withdraw his amendment. If he still presses we will have to vote against his amendment.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose this amendment. I fail to understand how it is sought to be made out here that the principle of co-option is a protection for the interests of the minorities. I do not think that co-option is really meant for that: co-option, as I understand, is meant for taking into the Corporation some persons who are desirable from all points of view but who would not like to stand in the general election, persons who would be of material assistance to the Corporation, experts whose assistance is really required by the Corporation in various matters scientific and technical. If during the election you do not get men of that type, then the method of co-option may be put into force to co-opt them. Sir, now, according to the view that has been put before the House, this principle of co-option has been made to degenerate to serve communal interests. Therefore, this ought not to be encouraged. So far as the protection of the minority is concerned, I do not see how that comes in whether co-option is conducted on the principle of a single transferable vote or otherwise. What I do

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see is that there is a certain party in the Corporation, the so-called Progressive party, which I consider to be absolutely reactionary and composed of persons of slavish mentality so far as they blindly follow the dictates of the Commissioner. If they want a majority of their own members, this argument of the protection of the minority is a camouflage: it may be that they mean by minority their own party, the Progressive party. I hope this House will see through this camouflage and look into the real significance of the matter.

As regards the method of transferable votes, the complaint of my honourable friend Mr. Marzban was about the loss of Mr. Baptista. When Mr. Baptista retired, there were nine members in the Corporation who mourned his loss. But when the time of co-option came, to my surprise none of them had the goodwill to vote for him. I allowed these nine members to speak, and then reminded them that if, instead of appreciating Mr. Baptista's services in that fashion, they had actually voted for him, they would not have been put to the necessity of bemoaning his loss. That is how matters are managed in the Corporation. From that, one can have a fair idea as to what use this co-option is put in the Corporation. To my mind it appears that it is better at this stage to abolish co-option altogether, and if people want that there should be those ten seats in the Corporation, let those seats be filled by general election. If co-option is not going to be used for the purpose of getting experts and other people who will be of real help to the Corporation, I think the method of voting that is going on at present for co-option is a fair and good one.

Mr. N. A. BECHAR: The Municipality has proposed the ballot system.

Mr. B. T. DESAI: It is true that the Municipality has proposed it, but how the Municipality has proposed it is known to all who are in the Corporation: we know how votes are canvassed manipulated in the Corporation, and how when a particular party wants a thing they get it by giving certain promises and inducements. These things are as rampant in the Corporation as they are found in this House too. On that point the less said the better. As long as we do not reform ourselves completely, let us take matters as they stand and tackle problems as they are, taking human nature as it is and circumstances as they are, and the promises and inducements to particular people of particular mentality. Sir, I oppose this amendment notwithstanding the fact that the majority of the Corporation have given their consent to this amendment, as I know that their consent has been induced in the way in which I have related. Therefore, Sir, it is no use encouraging this particular party to have its own way to the detriment of the interests of the whole city. If ballot is allowed, the result will be that there will be no chance of any persons other than those nominated by this reactionary party being co-opted. It will come to that, and the Corporation will be handicapped in not having persons who deserve to come in. That will be the result, and not what the honourable member Mr. Marzban says, that there will be protection

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to the minorities. It will give protection to people who belong to a particular party in the Corporation, who are in the majority and not in the minority. It is they who want to dictate to other persons of independent views by creating a majority for them in this way. Therefore, I call it a camouflage to achieve particular aims: there is no protection to the minority. Therefore, I think this amendment should not be allowed.

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, I rise to oppose the amendment proposed by my honourable friend Mr. Marzban. The honourable member Mr. Marzban and other members of the Corporation like my honourable friends Mr. Hooseinbhoy Lalljee and Mr. Balubhai Desai know the difficulties under which elections take place in the Bombay Corporation. The object of co-option was to get into the Corporation persons who have served the Corporation for a number of years but who failed in the general elections and also those who are experts in particular lines. It is with a view to give chances to such people to serve on the Corporation that the principle of co-option was introduced. But instead of supporting this object the Corporators have frustrated it. Now, they want to change the system of elections even before the lapse of a few years. We have to see how the existing system works out, and until it is tried out fully, no other system should be introduced. Therefore, the existing system of election for co-option should stand as it is.

The honourable member Mr. Marzban urged that minorities would have better chances under his method. I wish to point out to this House how the minority, specially the backward communities, are not elected. There are only five or six members representing these communities, but not a single member belonging to that community was co-opted. Why? Because the other members who have formed themselves into parties caught hold of some of the members of the backward communities—I mean the members who have been elected and nominated by Government,—and secured their promises to vote for their own candidates, and thus the minorities have no chance of getting their own man co-opted, and no effort has been made to secure the interests of minorities by those who pretend to secure their interests. I would therefore urge that the existing system should be tried for some years more until the franchise of the Corporation is reduced.

Mr. HAJI IBRAHIM HAJI MAHOMED JITEKAR: (Southern Division): Sir, I oppose the amendment moved by my honourable friend Mr. Marzban. Voting by ballot was introduced in the Bombay Municipal Corporation when caucus parties were rampant in Bombay, but now the malady has passed away. I do not know why we should not return to the scientific method of voting.

My honourable friend Mr. Marzban is not able to understand the mode of calculations. Though he is well versed in educational line he is so very deficient in mathematics that he would be well advised to take tuition from the honourable member Mr. Swaminarayan who gave a most illuminating lecture on calculation of voting.

Mr. P. J. MARZBAN (Bombay City, South): Well, Sir, if this House is not inclined to consider what I call the considered decision of the corporation, I may most humbly point out to this House, acknowledging though, as I do, the sovereignty of this House, it is a very unfortunate matter that at every turn the corporation's considered opinion is flouted by this House. It is a state of affairs which does not, unhappily, conduce to an amicable understanding.

Mr. B. T. DESAI: Considered opinion or manufactured opinion?

Mr. P. J. MARZBAN: I am an humble student of literature; I am not a mathematician like my honourable friend Mr. Swaminarayan. His lofty explanations just now of quota and other things are still a Chinese puzzle to me. (Laughter.)

As for the Progressive party, it is my duty to reply to my honourable friend Mr. Hooseinbhoj Lalljee. The Progressive party very seldom nominates all the candidates for all the seats. If he says that they are doing it, he is doing a great injustice to that party. If there are 12 seats for instance, the Progressive party always nominates six party candidates and leaves the other six to the members to vote as they like and after this explanation, I hope, my honourable friend Mr. Hooseinbhoj will think twice before accusing the Progressive party again in the matter of nominations.

I see, Sir, that the temper of the House is not in favour of this amendment and I would therefore, with your permission, withdraw my amendment.

Question put and leave granted.

Clause 2 (*Amendment of section 19 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 3 (*Amendment of section 27 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 4 (*Amendment of section 28 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 5 (*Amendment of section 36 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 6 (*Insertion of new section 36-A in Bom. III of 1888*) ordered to stand part of the bill.

Clause 7 (*Amendment of section 68 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 8 (*Amendment of section 92 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 9 (*Amendment of section 105 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 10 (*Amendment of section 113 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 11 (*Insertion of new section 113-A in Bom. III of 1888*) ordered to stand part of the bill.

Clause 12 (*Amendment of section 143 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 13 (*Amendment of section 279 of Bom. III of 1888*) ordered to stand part of the bill.



Clause 14 (*Amendment of section 381 of Bom. III of 1888*).

In section 381 of the said Act,—

(a) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) (i) For the purposes of this section, a nuisance shall include—

- (a) any pool, ditch, tank, well, pond, quarryhole, drain, watercourse or any collection of water; or
- (b) any cistern or other receptacle for water within or outside a building; or
- (c) any land on which water accumulates or is likely to accumulate; or
- (d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (c) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.”

(b) In sub-section (2),—

(i) for the words and figures “an owner, on whom a requisition is made under sub-section (1)” the words “any person who, by a requisition made under sub-section (1), is required” shall be substituted; and

(ii) for the word “owner” where it occurs for the second time the word “person” shall be substituted.

Dr. M. K. DIXIT (Surat City): I beg to move my amendment which has just been placed in the hands of honourable members. It reads:

To clause 14 (a) 1 (i) (b) after the word “water” in the second line add the words “or any article or thing capable of collecting rain water.”

My object in moving this amendment is a simple one. The original clause contains certain words which seem to have been deleted by the select committee probably under the impression that if the bill is passed as it is, it would be a hardship on the public and that it was likely to be abused by subordinate officials of the corporation. My object in moving this amendment is to see that this sub-clause may not work as a hardship on the people and at the same time fulfil the object for which this sub-clause was introduced in the original bill. The city of Bombay was once the home of malaria and it was always denounced as a place having a very bad climate. But the conditions have changed of late. The Health Department of the Bombay Corporation has been doing

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admirable work in preventing the bad effects of this terrible scourge by undertaking special antimalarial operations. With a view to give all facilities to that department in the discharge of its duties this particular clause seems to have been introduced. Now, Sir, it is known to all people that malaria is spread by breeding of mosquitoes. No particular stress requires to be made on this widely known point. The knowledge that we possess should be fully utilized for the purpose of helping the citizens of this city. In this clause only two things are allowed to be retained by the select committee, namely :

“ any cistern or other receptacle of water.”

These two places are large collections of water and it would be visible to any man to ascertain whether any mosquitoes are breeding in these places or not. They cannot escape the notice of any man. And necessary measures of prevention can easily be adopted by the owners or health department. But the real places in which mosquitoes breed which can easily escape the notice of the owners or department and thus cannot come within the knowledge of the people are small articles or things and if they are allowed to lie about in the compound or near the house, a large number of mosquitoes will breed. I have seen such places ; I have seen that where water (say even less than quarter of a pound) is collected mosquitoes breed in their full strength. It is therefore necessary that we should not only look after large cisterns, etc., but also small things such as cigarette tins, or the jam jars or broken drums and things of that type. These things are always thrown about in the compounds of factories and even of bungalows or in the vicinity of houses of middle class people or those belonging to the labouring classes. It is there that we must attack, and, therefore, these words are absolutely necessary. If these words “ any article which is capable of allowing rain water to collect ” are added, then the object of this particular clause will be served, and I am sure, when I have explained in detail these matters, those who have signed the select committee report and who had in their mind probably, as I guess, that if only those words are allowed to remain, they would work as a hardship, will also agree with me that these little things which are capable of collecting rain water should be taken as nuisance and they must be placed within the law. I hope that there will not be mincing of matters on this particular question. We know that during the dry season no water collects in those little tins and scraps of iron machinery. But it is only during the monsoon that this water collects, and, therefore, I have particularly used the words rain water, and I hope this amendment will be accepted by the House without any opposition.

Question proposed.

Mr. F. W. ALLISON : Sir, Government have received a representation from the municipality in this sense. It is not a matter of very particular importance from the Government's point of view ; but, as the municipality wish to have these words inserted in the bill, Government have no objection.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I really do not see any necessity for these words. But, as my honourable friend Dr. Dixit and some of my other honourable friends who have got medical knowledge are very nervous about the health of the city, I should like to move, with your permission, an amendment to this amendment. I would like to add these words: "during the monsoon season" after the words "rain water."

My object, Sir, is this. What is the meaning of rain water when you say "capable of containing rain water?" Even the Tansa water is rain water, and all the water used in Bombay is rain water. And from where do we get steam water in Bombay, except rain water? I really mean to respect the sentiment of these gentlemen who have moved the amendment. When members have said about the health of the city of Bombay and the good work of the Health Department, I thank them for appreciating the services of the Bombay Municipal Corporation. But sure enough Sir, during the time when we had malaria, nobody came forward to help us, and we did our best and removed it. But we do not at the same time wish that there should be a movement made just as my friend explained when they wanted to get rid of the mosquito trouble on the Panama Canal, every house was put under segregation and under the supervision of a medical officer. I do not wish to see such a thing here. My object, Sir, is this that we do not want that poor people, or ordinary people, should be harassed if there is found a utensil which can hold rain water (which is the only water available in Bombay). Then Sir, as regards cigarette tins or cases these can only be found in big bungalows, but it often happens that it is in the poor houses that inspectors are more visible than in bungalows. I am ashamed to admit that, but it is a fact, Sir. When we are discussing the health of the city, and when instances are given of all sorts about the havoc in the whole world, we must appreciate that in Bombay our death roll is now the minimum and we are proud of the health of the city. If that is so, my honourable friends will not add to the matter by putting all these sorts of things, in other words, make us employ an army of inspectors and sub-inspectors. Sir, when you make this provision, you must have the staff. Have you got money for this staff? They are facts which we have to look into carefully. It is no use merely expressing sympathy and fear. You find also, Sir, that in this very bill when the executive has suggested that action should be taken for all twelve months, we have cut them down to only four months, that is, during monsoon season. And, therefore, I say "during the monsoon season." I hope the honourable mover of the amendment will accept this, if he really means rain water and not Tansa water. I want to ask whether he accepts it.

Dr. M. K. DIXIT: I never meant by "rain water" Tansa water. When I said "rain water," I actually meant rain coming from the clouds on the earth. I accept it, but it does not mean that it applies only to June, July, August and September, but it should apply to any months in the year.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I would agree to "during the rainy season," if not the words 'monsoon season.'

Dr. M. K. DIXIT : I will accept the words " when it rains. "

The Honourable the PRESIDENT : The amendment to the amendment moved, and which it seems the honourable mover of the original amendment has accepted, is that the words " when it rains " be added at the end of the amendment moved by the honourable member Dr. Dixit.

Dr. M. K. DIXIT : If it suits well, Sir.

The Honourable the PRESIDENT : The honourable member may see it for himself ; I will read the amendment as proposed :

To clause 14 (a) 1(i)(b) after the word " water " in the second line add the words " or any article or thing capable of collecting rain water when it rains. "

I wonder if the original mover is still willing to accept those words.

Dr. M. K. DIXIT : No, Sir. It does not suit well. Such an amendment on the statute book will not be suitable.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Then, Sir, I stick to my words " during the monsoon season " as an amendment to the amendment.

The Honourable the PRESIDENT : The amendment moved is that the words " when it rains " be added.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : If he accepts it, it will be all right.

The Honourable the PRESIDENT : He does not accept it. The original amendment to the amendment therefore stands and is that the words " during the monsoon " be added.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, the greatest nuisance in Bombay as far as malaria is concerned is the " malaria inspectors. " I can assure you, Sir, that practically three-fourths of Bombay is absolutely tired of them. The honourable member Dr. Dixit is now giving one more handle to that army of so-called malaria-experts to bother people. The malaria prevention staff is already costing a tremendously large sum of money without any adequate results, and as if the present nuisance of these anti-malaria measures is not enough, my friend the honourable member Dr. Dixit now wants these inspectors to remove water buckets or water tubs, etc., on the plea that they will breed malaria ! If the amendment moved by my honourable friend is accepted, the result would be that an inspector would come along in February and say " Here is a bucket which is capable of collecting rain water in July ; and so, you had better remove it. " I trust the House will not accept it.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise to oppose both the amendments and I support the original clause submitted by the select committee to this House, for the simple reason that the amendments would ruin not only the big landlords but even the small and poor landlords and that too, not for their own negligence but for the negligence of their neighbours or tenants who may be illiterate. There may be small tins thrown in the compound and should an inspector come along and find them, he may drag not only the landlords

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who are rich but the poor landlords also to court and prosecute them before a magistrate under this Act. This point was brought to the notice of the Honourable Member in charge of this bill. As my honourable friend Mr. Marzban has stated, these malaria inspectors themselves carry malaria and it is not the buckets of water, etc., that breed malaria. My honourable friend Mr. Hooseinbhoj Lalljee agreed in the Select Committee to allow these words to be omitted but I do not know how he has now come to change his mind in this House to-day. He himself has admitted that the malaria inspectors never visit big bungalows for fear of being thrown out of the compounds by the big landlords but that they visit houses and compounds of poor landlords in localities where poor people reside. The expression "or any article or thing capable of collecting rain water" is very comprehensive. I ask, what thing is not capable of collecting water? Even the benches that we sit on are capable of collecting water....

An Honourable MEMBER: Even the turbans of some of the honourable members. (Laughter.)

Mr. R. S. ASAVALE: Yes, even the turbans and the hats of some of us are capable of collecting water. I do not therefore understand how the honourable member, the Legal Remembrancer, comes forward before this House and says that Government has no objection to add these words. The Government officers who live in bungalows in Bombay may become liable to prosecution should any tins or other things or articles capable of collecting water be found in their compounds by the malaria inspectors of the Bombay municipality. Any amendment other than the original clause should not be accepted in the interests of the poor landlords. With these few remarks, I oppose both the amendments and support the original clause.

Mr. F. W. ALLISON: I rise to a personal explanation, Sir. When I said that Government accepted the amendment to which they had no objection, I meant that in the opinion of Government the word "receptacle" means and includes any article or thing capable of collecting rain water; and therefore, while Government do not think it absolutely necessary that these words should be added, they have no objection to them.

Dr. M. D. GILDER (Bombay City, North): Sir, without wishing to enter into the legal technicalities of this matter, I wish to draw particular attention to an important aspect of the question and that is to see how the amendment will affect the officers who have to administer the Act if this bill becomes law.

On the question of malaria prevention this House made a grant during the last budget session of Rs. 1,64,000 for the malaria department and it voted a special grant of Rs. 27,000 for malaria prevention in the city of Bombay itself. We have given all that money and yet we are not giving our officers, who have got to do the actual work, the power which will enable them to utilise the money which we have given to them.

[Tr. M. D. Gilder]

Malaria is a preventible disease. It was due to the prevalence of malaria and other mosquito-borne diseases that the Panama Canal could not at first be constructed and that project failed not because of want of engineering skill but it failed because of the failure of its medical side. The labourers died of malaria and yellow fever, both of which are mosquito-borne diseases, and it was the success on the medical side that ultimately made the building of the Panama Canal possible..

An Honourable MEMBER: What did they do ?

Dr. M. D. GILDER: They drained all the land water, and all the brackish water; all the houses were made mosquito-proof, nobody was allowed to go out after sunset and a good many other things were done which can be done under martial law and which are not possible under a civil Government. However, we must advance as far as we possibly can towards that ideal.

There is another thing to which I wish to draw attention, namely, the possibility of the importation of yellow fever. Yellow fever prevails in the West Indies. Before the Panama Canal was built, all the vessels that came to Bombay had to come *via* Gibraltar and the Suez Canal and had to pass through several quarantine stations, and besides no mosquito could live for all the time that the vessels took to reach Bombay from the West Indies. Now those vessels from the West Indies are coming *via* the Panama Canal in a much shorter time which makes it possible for a mosquito from the West Indies to enter Bombay and infect a man in Bombay. It is therefore all the more necessary that we should take every possible precaution to prevent the coming of this dread disease into our country. Another point that my honourable friend has raised is that the Health Department has given statistics which do not show that there is as much prevalence of malaria as is made out. He is talking of mortality statistics and not morbidity figures. If he has any experience of private medical practice, or if he has visited the hospitals in Bombay, his opinion will be different. Let me tell him that every Monday morning I attend a big hospital and work there with two of my assistants, and half the work I do is purely cure of malaria and its sequelae. Apart from these cases, there is a great deal of ill-health and disability in the labour population from this disease.

Another remark which another honourable friend made was that the bungalows are not visited. I have here records of some of the places visited by the Malaria Department of the Bombay municipality in connection with their malaria campaign; they were obtained only last Saturday. They give instances of visits to Altamount Road; surely that is not a place where labour people reside. The report says "Masonry tank, inspected on the 1st January, 9th January, 11th June, 25th June and 23rd July." It is merely in connection with another matter that I got those statistics. But with regard to the amendment under consideration there is for instance, the case of an open plot near Frere Bridge which contains pieces of derelict iron machinery, and mosquitoes have been found in those pieces of machinery having cavities to hold water.

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Take another engineering store in Phalton Road. The report says that in receptacles for water in derelict machinery mosquitoes have been found, on the 6th June, 2nd August and 1st September, in spite of a warning given to the owner. All that the health officer wants is that he should have power to deal with such cases. Nobody ought to be allowed to leave old machinery with receptacles for water in the open where rain water may collect and breed mosquitoes.

An Honourable MEMBER: Where should such machinery be then kept?

Dr. M. D. GILDER: It may be kept under cover and all that the officer demands is that it shall be covered up with a tarpaulin or a corrugated iron roof, so that it does not collect water. That is all that he wants.

An Honourable MEMBER: Supposing he wants to sell it?

Dr. M. D. GILDER: It is derelict machinery, and nobody wants it. I do not know why the owner keeps it there. Of course if my honourable friend Mr. Hooseinhoy Lalljee says that he wants the words "during the monsoon season" added I personally have no objection, though I do not know how the amendment would read. On these grounds, I support the amendment of the honourable member for Surat.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose the amendment as well as the amendment to the amendment. The honourable mover of the amendment has offered congratulations to the honourable mover of the amendment to the amendment; the one has offered congratulations and the other has accepted them very willingly. Well, the Bombay Corporation has been able to eradicate, to a certain extent, malarial fever by getting rid of breeding grounds of mosquitoes. This very point had come up for discussion in the Corporation, and it was pointed out to the Corporation, and also for the enlightenment of several doctors who happened to be members of the Corporation that, notwithstanding all the efforts that have been made by the malaria department, and notwithstanding the huge amounts of money that have been spent, they have not been able to tackle the problem and entirely eradicate malaria from Bombay, but on the contrary malaria appears to be on the increase rather than on the decrease. It was also pointed out to them that the futility of the attempt is really not on account of not removing the breeding grounds of mosquitoes in the city, but because—and with this the doctors also agree—the malarial mosquito travels within a range of three miles. Now, even if you do away with all the breeding places of mosquitoes in the city of Bombay, you will not be free from malaria unless within a range of three miles of Bombay you do away with the breeding places of mosquitoes. That has been brought home to them, and as long as these things are not done, notwithstanding all these efforts and all the various powers that have been given to the executive, my submission is that there will be no material improvement in the situation.

I oppose the amendment also on the ground that this would be unnecessarily furnishing some weapon in the hands of unscrupulous officers for extortion. We know very well how the executive of the Bombay

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municipality works, and how matters are being managed. We have seen prosecutions launched where there was no ground for prosecution. Things which ought not to have been tolerated for a moment have been allowed to go on for years. When the executive is of such a temperament, the least that can be said is that unnecessary powers should not be given to it. I do not understand why this accumulation of water, they say, would be breeding places of mosquitoes. If it is allowed to accumulate in any receptacle or vessel, certainly the man will be hauled up. I think the illustration given by the honourable member Mr. Asavale is quite to the point, because of course notwithstanding all the scrupulous care of the executive, Bombay city is not as much sanitary as it ought to be, and also in proportion to the money that has been spent on sanitation. There are localities which have been neglected, where you will find that things are lying about; and tin pots and cases, which might have contained tea, are often thrown out, and they do accumulate water. That would give a handle to the officers of the Bombay municipality to get hold of these people and prosecute them. But these prosecutions, as I have said, have never been able to eradicate malaria, and therefore unnecessary powers should not be given. Now, Sir, when these people are suggesting these various ways of preventing malaria, may I point out to them that in the rainy season there are particular localities where rain water accumulates on the roads for days and months! What has the Municipal Commissioner done for it! What has the malaria department done for it! Of course, I should like to remark that the Municipal Commissioner is the person who ought to be prosecuted for allowing water to accumulate in this way, and when I made that remark in the Corporation it did evoke laughter from the Municipal Commissioner, but I do say that in the rainy season there are localities where rain water does accumulate, and of course for that the Municipal Commissioner is really responsible, and he ought to be the real person that ought to be dealt with. If there is any amendment, it should be that if there is any accumulation of water on any road, the officer in charge of that road ought to be prosecuted for it for not doing away with the nuisance, rather than any amendment enabling individuals for allowing water to accumulate in tins being fined Rs. 5 to Rs. 10. The amendment merely says that the mere allowing of accumulation of water, whatever be the quantity, will be a breeding place for mosquitoes. Suppose an ounce of water is allowed to accumulate, the officer might say "here is a breeding place for mosquitoes," and the man responsible may be hauled up, but there might be a road creating a greater nuisance, and nothing might be done. Taking all these things into consideration, I think it is very undesirable that further powers should be given to the executive under the pretext of eradicating malaria, when the whole staff has proved itself incompetent to deal with the matter.

Dr. M. K. DIXIT (Surat City): Sir, to meet half way the honourable mover of the amendment to my amendment, I would accept the addition of words "during the monsoon season" at the end of my amendment. I should have accepted this much earlier, but I found



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that the honourable members who followed not only opposed the amendment to the amendment, but my amendment also. And I waited to see if any weighty arguments were advanced against the amendment. But we have heard the arguments against my amendment and I find that there is nothing worth replying to seriously except in a humorous way. My honourable friend from Bombay referred to places which breed mosquitoes. One honourable member stated that mosquitoes will breed anywhere. They may breed in broken furniture or for a matter of that even in caps and turbans. I quite agree with him that wherever there is stagnation of water whether in furniture or turbans they will breed. Therefore no stagnant collection of water should be allowed in any place whether it is a turban or anything else. The question is that there is a particular section which makes it clear. It says:

"Which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (c) of section 3."

And if turbans are a likely source of breeding mosquitoes they become a nuisance and should be included. But surely there will be no waterproof turbans thrown about the street in which water will be allowed to stagnate.

My honourable friend Mr. Desai tried to make out certain points about the futility of the attempts. That is a most important point. We must not be disappointed if our efforts prove futile. We must make further attempts to achieve our object. I think the present day science requires prolonged research and in spite of any amount of intelligence and efforts no tangible or encouraging results may be obtained. Therefore we should not give up our attempts. I think we must persist in it. It is a pity that there are two kinds of versions submitted in this House; on one side it has been stated that mosquitoes have not abated and as a consequence malaria has not abated; on the other side it was stated by an honourable member from Bombay, a member of the Corporation, that mosquitoes have decreased. A quarter of a century ago while I lived in Bombay it was a horrible one. (An Honourable Member: Perhaps the honourable member chose a particular locality.) To-day I find that Bombay is much better. Looking to the mortality figures I think the Health Department requires to be congratulated and it should not be run down in this fashion. That honourable member made out another case that mosquitoes come in the city from within a range of three miles outside. Sir, that is not a sound argument. It does not mean that because nuisance is likely to come from a distance of three miles, we must allow nuisance to remain, or be allowed to be created in our own homes. That if robbers are likely to come from outside, we should continue to keep robbers in our midst or neighbourhood or allow conditions which will encourage the creation of robbers is a proposition which I cannot accept. I think my honourable friend Mr. Desai will agree that if mosquitoes come from outside an effort should be made to prevent them from doing so. I entirely agree with him in one respect that officials who are looking after the condition of the roads should see that no water is allowed to stagnate and they should be held responsible if any pools are found

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breeding mosquitoes. There was some mention made about the undesirable ways of officers. I entirely agree with him. But any law, howsoever good may be its intentions, if administered badly is bound to be a hardship to the people. But it does not mean that there should be no law.

With these words I accept the amendment "during the monsoon season."

The Honourable the PRESIDENT: As the amendment to the amendment has been accepted by the honourable member, I shall read the whole as one amendment:

"Add to clause 14 (a) (1) (i) (b) after the word 'water' in second line the words 'or any article or thing capable of collecting rain water during the monsoon season.'"

I shall put it to the House.

Question put and carried.

Clause 14 as amended ordered to stand part of the bill.

Clause 15 (*Repeal in part of section 415 and of section 417A of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 16 (*Amendment of section 471 of Bom. III of 1888*) ordered to stand part of the Bill.

Clause 17 (*Amendment of section 472 of Bom. III of 1888*) ordered to stand part of the bill.

Clause 18 (*Amendment of schedule M of Bom. III of 1888*) ordered to stand part of the bill.

Mr. F. W. ALLISON: Sir, before you put to the House the motion for the second reading of the bill, I crave your indulgence to give your ruling on a point about which I feel some difficulty. Clause 4 of the bill which was passed effected an amendment in section 28 of the principal Act. Now, Sir, this Act was drafted 40 years ago when perhaps the same care was not used in finding proper words as is exercised at present. So, in various places in the principal Act we find the word election used in different senses: first of all in the sense of nomination and secondly in the sense of the actual poll. The House will appreciate my difficulty when I explain that as a result of clause 4 of the bill which has now been passed, section 28 will read as follows:

"Whose name has been communicated to the Assessor and Collector before five o'clock in the afternoon of the day fixed for the election as the representative of the company or firm who would be entitled to vote at the election."

I wish to point out to the House that in this way we have the word 'election' used in two lines in entirely different senses. In the first case the date of election means nomination. The word "election" in the second case is used in the sense of poll. Therefore it seems best to me, and I think the House will agree with me, to change the word "election" as it stands in the principal Act before the bill passes its second reading to the word 'poll.'

My own opinion was, if I may say so, my submission still is, that the change I wish the House to make is not a material but a verbal change. Therefore I had proposed to move the amendment at the time of the third reading of the bill. Subsequently I have been informed that the matter may be open to doubt. Therefore I ask you either to allow me to move an amendment before you put the motion for the second reading

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to the House or failing that to give me permission to move my amendment at the third reading.

The Honourable the PRESIDENT: The usual practice is that when a particular section in the principal bill is being amended it is before the House, and while an amendment of that principal section is being considered, it is open to any honourable member to suggest any alterations in the original principal section and that is allowed in the second reading. I admit this is more or less a verbal change. I also appreciate the difficulty that the word "election" will remain if not altered in its two meanings, and possibly wrongly, in an old Act. I, however, cannot give a ruling that after a clause which referred to this particular section (section 28) has been passed, an amendment even of a verbal kind should be allowed in the third reading. If there is a chance for it, it is at this stage although the proper moment has passed, when clause 4 was before the House. Possibly the honourable member did not think of it then.....

Mr. F. W. ALLISON: Sir, my impression was that it must be done at the third reading.

The Honourable the PRESIDENT: Then, I would make an exception in this particular case, because I think the change appears to be important. I would therefore allow the House to go back to clause 4. The amendment suggested is that after the word "election" in line 8.....

Mr. F. W. ALLISON: Sir, I would suggest that:

Clause 4 be renumbered clause 4 (1) and that a new clause, clause 4 (2), be added to this effect "that in the same section for the words 'vote at the election' the words 'vote at the poll' be substituted."

Mr. R. S. ASAVALE: Sir, I rise to a point of order. Is it only a verbal change?

The Honourable the PRESIDENT: That is the very point that the honourable member the Legal Remembrancer has raised. He said that he was in doubt himself. I have said that I would make an exception, as otherwise the House would be under the necessity of having to amend it by a fresh bill. We are now in the second reading stage, and I have allowed the amendment as proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Sir, I rise to a point of order. I do not think that the words "election" and "poll" do not make any difference in meaning. What we understand by election is that there is to be first a nomination, and if there are more nominations than seats to be filled in, then there will be polling. If members representing these firms are to vote only at a poll, they may be debarred from voting at the initial stage of election, namely nomination, or becoming candidates. Poll is the second stage of election. The poll only takes place if the election is a contested election. Therefore, the amendment is not a mere verbal change, but creates more difficulty.

The Honourable the PRESIDENT: This is hardly a point of order.

Mr. B. G. PAHALAJANI: The word "election" is the correct word there: it need not be changed into "poll."

The Honourable the PRESIDENT: That is an argument. I have allowed the amendment. If it were given in writing I would read it out. (After a pause). The amendment proposed is:

That clause 4 be renumbered as clause 4 (1) and an additional clause to be added as clause 4 (2) "in the same clause, for the words 'vote at the election' the words 'vote at the poll' shall be substituted."

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am sorry I am not prepared to agree with the honourable member the Legal Remembrancer in the interpretation he has put on the word "election." Section 28 is not a forty years old section: section 28 is marked with an asterisk, and the footnote to it says "section 28 was substituted for the original section by Bom. I of 1925." I think that this clause (e) of this section was deliberately worded with a special purpose. I will read out that clause:

"(e) when the name in the ward roll is that of any company other than a joint-stock company or of a firm, a vote on behalf of such company or firm may be received from any member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, or where no such name has been so communicated, from any person who produces to the polling officer a general power of attorney from such firm or company;"

So that, Sir, the title of vote arises at the elections when the poll is taken. The word "poll" need not be substituted because the word "election" implies that a man is entitled to vote if it is contested. If it is not contested there is no voting at all. The title of vote arises only when there is a contested election, and it continues as long as the contest is there. The title of vote does not vanish because there is no contest. It remains. So, I think the word is rightly used and does not require any change. I do not think the honourable member the Remembrancer of Legal Affairs need be anxious that there would be any misinterpretation of the words.

Mr. R. S. ASAVALE (Bombay City, North): I quite agree with the previous speaker, but I differ from him when he said that the word "election" means only the time of polling. No, Sir. Election means the election of a candidate. There is the nomination day which is called the election day and at that time the member of a firm has got the right of voting or suggesting such names as he thinks fit. So, the word "election" which is inserted here is necessary and if it is taken out then the name of the partner of a joint stock company will not be admitted on the nomination day. So, Sir, if the honourable member the Legal Remembrancer will see the section he will find that the word "election" is quite necessary. If the word "election" is taken out, then the member of a firm will have no right to give the name of a candidate. So, I think it is necessary that the word "election" should remain.

Section 27 reads as follows:

"When a ward election is contested a poll shall be taken seven days after the day fixed for the election. At such poll, the Municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election."

The word "election" there is also necessary. If the word is taken out there will be no meaning in it and the partner of a firm will have no right to propose any of his candidates for the election.

Dr. M. D. GILDER (Bombay City, North): The Act is an old Act. In the Act the word "election" is often used in the place of the word "nomination." Might I suggest that clause 4 as we have amended might be amended to read "before the day of nomination" instead of the words "before the day of election!"

Mr. F. W. ALLISON: I am rather surprised that my honourable friends opposite were not able to understand my difficulty. It is simply this. Every one connected with the law knows that all of us who take part, however humble, in framing laws try to use words in their proper meaning and try to avoid any confusion of thought. I have already explained it and I thought it was perfectly understood. As a matter of fact in clause (e) of section 28 as it stands after the amendment suggested in clause 4 of the bill, we shall have the word "election" used in two places in different meanings. My only object was to make such a change in the section as would do away with what I call an unsatisfactory state of things. My honourable friend Dr. Gilder suggested that we might get over the difficulty by using the word "nomination" in the first part of clause 4, and retaining the word "election" in the latter part as it is. I should be willing to accept that amendment if it should commend itself to the House. But I must point out to the House that in section 27 of the principal Act we get the words "day fixed for the election" and it is probably preferable to retain the former words here also. I think therefore the House will agree with me that the amendment that I have proposed is the best way out of the difficulty.

Question that clause 4 be renumbered as clause 4 (1) and that an additional clause, clause 4 (2), be added to the effect that "In the same clause, for the words 'vote at the election' the words 'vote at the poll' be substituted, put and carried."

Clause 4 as amended ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable DEWAN BAHADUR HARILAL D. DESAI:

Third reading. I move that the bill be now read a third time.

Question proposed.

Mr. F. W. ALLISON: I beg to move:

"That in clause 1 the figure '8' be added so as to make it read '1928.'"

Question put and carried.

Question that Bill No. XVIII of 1928 (A bill further to amend the City Bill read a third of Bombay Municipal Act, 1888) be read a third time. time and passed was put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

**BILL No. XIV OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879)**

The Honourable Mr. J. L. RIEU: Mr. President, in the course of the current session of the Council of State a resolution was moved by a non-official member recommending the suspension of the collection of

[Mr. J. L. Rieu]

all land revenue from a certain specified date until legislation in connection with the assessment of land revenue had been passed by the several provincial legislatures. In the course of the debate on that motion, Sir Muhammad Habibullah, the Member of the Viceroy's Council, made a statement regarding the difficulties which have been experienced by the various provincial governments in securing the passing of this legislation and he announced that it was the intention of the Government of India to address a communication to all the provincial governments concerned on the question of such legislation. This communication has not yet been received by Government but in view of the statement thus made by Sir Muhammad Habibullah, they consider it undesirable to proceed with this bill at present pending any possible decision on the subject which might be arrived at in common with the Governments of other provinces concerned. Therefore, Government do not propose to proceed with this bill at this session.

Mr. R. G. PRADHAN (Nasik District) : May I just ask for a piece of information, with your permission ? Is it not a fact that the communication which is to be made is simply intended with a view to request the local Governments to expedite the matter ?

The Honourable Mr. J. L. RIEU : We do not interpret it so ; not in view of the terms in which Sir Muhammad Habibullah made his statement.

Mr. R. G. PRADHAN : Will you permit me to say that I have read Sir Muhammad Habibullah's speech in the Council of State carefully and I am distinctly of the impression that the sole object of the proposed communication is to request the local Governments to expedite the matter in view of the demands made by local opinion that the Land Revenue Act should be amended in consonance with public opinion ?

The Honourable Mr. J. L. RIEU : I regret that I am not able to accept the honourable member's interpretation. Our interpretation differs.

Mr. B. G. PAHALAJANI : Does the bill continue to remain on the agenda paper ?

Mr. L. M. DESHPANDE : It has not been introduced.

The Honourable the PRESIDENT : The same old question arises. The bill, as the honourable member Mr. Deshpande points out, has not been introduced, and the statement made is before the House. It would be interpreted, when the question comes up in due course, in the way it is liable to be interpreted. Now, we go on with the next bill.

**BILL No. XXVI OF 1928 (A BILL TO PROVIDE FOR THE  
ESTABLISHMENT OF A COURT OF SMALL CAUSES  
AT KARACHI)**

The Honourable Mr. J. R. MARTIN : Sir, I beg to introduce Bill No. XXVI of 1928\* (A Bill to provide for the establishment of a Court of Small Causes at Karachi).

The Honourable the PRESIDENT : The bill is introduced.

The Honourable Mr. J. R. MARTIN : I beg to move the first reading of this bill. The bill is one which I believe will meet with the approval of the House. It has met with approval and support from public bodies, from the public of Karachi and from the high judicial authorities who were consulted on the subject. It has had no serious criticism, any criticism there may be is as regards details, not as regards principles. In fact, the main criticism has been that Government have not been prompt enough to bring in such a bill and that the bill is now long overdue.

The statement of objects and reasons gives the main history and facts as regards the measure, and it is unnecessary for me to elaborate or to go into details in the matter. Karachi has now got a Small Causes Court, but it is one established under the Provincial Small Causes Courts Act of 1887. The Presidency towns have got Small Causes Courts under the Presidency Small Causes Courts Act of 1882.\*

The Civil Justice Committee, in the course of its enquiry, recommended most strongly that a similar Act should be applied to Karachi. Rangoon has got one, which is the latest of these Acts, called the Rangoon Small Causes Court Act, 1920, and the present bill follows, with necessary changes, the provisions of that Act. The other sources upon which our present bill has been based have been shown in separate notes on clauses.

It has long been recognised that the Act in force at Karachi was unsuited to the conditions which have been growing up there. Karachi now has been for years a large and important commercial city. The higher courts there are congested with work and they have now got to do work which might well be done by Small Cause Court Judges. There is, I think and will be, no opposition to the general principles of the bill. Only one notice of amendment has been received, and that relates to a matter which can be very well adjusted in the select committee discussion of the bill. I propose, if the honourable House accepts this bill, as I hope it will, to recommend that it be sent to select committee. I now move the first reading of the bill.

Question proposed.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, before I speak on this bill, I would request you to let me know whether the amendment of which I have given notice is regarded by you as in order or not ?

The Honourable the PRESIDENT : The amendment the honourable member has given is this,

" In clause 6, after the word ' persons,' add the words ' being barristers or pleaders of the Chief Court of not less than five years' standing.' "

I do not take that to be an amendment of principle at all, because the principle of the bill is that instead of continuing the Court of Small Causes in Karachi under the Act of 1887, it should be brought in consonance with the Presidency Small Causes Courts Act of 1882. But I have no doubt that if the bill is committed to a select committee or is proceeded with in the second reading, the amendment the honourable member has tabled would be in order.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Sir, I support the first reading of this measure because I regard it as the beginning of an attempt to place the administration of justice in Sind on a much better footing than it is to-day. I think it has been recognised even by Government (and it was frankly admitted by an official member when the Sind Courts Bill was under discussion in this Council two years ago) that the comments of the Civil Justice Committee on the administration of justice in Sind make sad reading. That official member went on further to state that one aspect of the administration of justice in the Judicial Commissioner's Court, namely, that relating to delay in the disposal of cases was almost scandalous. Therefore, I think, as the mover of this bill also admitted, that a bill of this character has been long overdue. At the same time, this measure is so much connected with the re-constitution of the High Court of Sind that I would expect Government to take some early step in the direction of improving of the status of that Court also.

The specific sentences in the Civil Justice Committee's report which relate to the re-constitution of the Small Causes Court of Karachi are those :—

At page 277 of the report they state—

"We think that if the status of the court (the Judicial Commissioner's court) is raised to that of a Chief Court, something should be done to relieve the court of the smaller type of cases."

and the committee go on to discuss whether the Small Cause Court of Karachi should be re-modelled on the lines of those which exist in Bombay, Calcutta and Madras or the one which exists in Rangoon. I therefore expect that as the creation of this new Small Cause Court is in a way related to the question of improving the status of the Judicial Commissioner's Court, early action will be taken to put the Sind Courts Act passed by this legislature in 1926 into operation.

As a part of the movement to re-organise the administration of justice in Sind, I would also expect Government to carry out the other recommendations of the Civil Justice Committee and these relate to the improvement of the establishment of the district court and the Judicial Commissioner's Court at Karachi. The comments of the Civil Justice Committee with regard to this establishment do not at all make pleasant reading and therefore I do not propose to quote them (they have been I believe quoted in this Council once before.) I understand that the official estimate of the cost of improving the status of the Judicial Commissioner's Court will be somewhere about Rs. 75,000. On the other hand, I think that the changes recommended by a committee recently appointed to suggest the reorganisation of the establishment of the Judicial Commissioner's Court are expected to result in certain savings. I do not know what the net cost of putting the Sind Courts Act into operation will be, but I do not think it is such a large figure that Government should keep that Act still in suspension.

Coming to this particular measure, while giving my general support to the first reading, I propose to deal with some of the provisions which are susceptible of improvement. Taking clause 3 of the bill, I find that in sub-clause (c) there is a reference to appeals instituted under the Provincial Small Causes Court Act before and pending at the date on



[Mr. Jairamdas Doulatram]

which this new Act may come into force. So far as I have been able to discover, there are no appeals which can be filed under the Provincial Small Cause Court Act and I certainly feel that a reference to any such appeals is obviously redundant. There seems to be another defect also in this particular sub-clause and that is fairly important. As the sub-clause stands, it is suggested that if there are revision applications on the decisions arrived at under the existing Small Cause Court Act, such applications must be heard under the new Act which means that the parties to the old suits must pay as security the amount decreed, and that I contend is a hardship. I would suggest that this particular sub-clause should be so redrafted as to include revision applications filed subsequent to the passing of this Act but relating to orders or decrees which were actually passed before it.

I would now deal with another important clause of this bill and that relates to the composition of the Court. It is clear that the Karachi Small Cause Court will deal with suits filed in an important commercial centre and most of the suits which will be brought up before it will be largely of a commercial character. And just as it has been found, as a result of experience, that in centres of commerce like Bombay, Calcutta and Madras, the lawyer-judge is after all better able to dispose of the case and probably more expeditiously, I would have expected that in this measure also care would be taken to put in the statute a definite provision that the judges of this court will be lawyers. As a matter of fact, even the existing practice in the present Karachi Court is that lawyers are appointed as judges and I am unable to understand the reason why this point ought not to be made as clear as possible. While the Civil Justice Committee has definitely recommended that we should take the Rangoon Court as the model, we have, in this one important matter, deviated from the provisions of that Act. That Act specifically lays down that the Chief Judge of the Small Causes Court must be a lawyer. With regard to the other judges also, the result of experience, as I have said, has been, as in Bombay for instance, that even the other judges can better be selected from the bar. I do not wish to labour this point because I understand this matter will be thoroughly discussed in the select committee. I pass on, therefore, to the other clauses of this bill.

I find that under clause 13, in the explanation appended, it is made clear that when in any suit the sum claimed is by a set-off admitted by both parties reduced to a balance not exceeding two thousand rupees, the Court shall have jurisdiction to try such suit. I understand that it will be open to a defendant under this clause subsequent to the filing of the suit to raise the question that he does not admit that there is any set-off and it is not only an alleged admission made previously to the filing of the suit, which is referred to in this explanation.

With regard to clause 16, I think there is obviously a serious defect of drafting, or probably Government had knowingly worded the clause as it is. Under this clause, if a judge or an officer of the court is a party to a suit, then at the option of the plaintiff the suit may be heard by the Chief Court. But suppose the officer is himself a plaintiff, is it fair that

[Mr. Jairamdas Doulatram]

the defendant should not have the right to have the suit heard by the Chief Court? I think this matter ought to be made clear that where the officer himself is the plaintiff, there should be an option with the defendant to go to the Chief Court.

With regard to clause 27, it is stated that in every revision application, the applicant must deposit in court the amount due from him under the decree, or give security for that amount. It may be that some of the defendants may be very poor persons and unable to deposit the decretal amount. It will probably meet the ends of justice if this clause is so altered as to enable the Chief Court merely to ask for security and not to make the deposit of the actual amount at all necessary.

The Honourable the PRESIDENT: Is the honourable member likely to take long?

Mr. JAIRAMDAS DOULATRAM: Not more than two minutes. With regard to sub-clause (4) of clause 33, it is provided that the Chief Judge may suspend, remove or dismiss any Deputy Registrar or other officer so appointed, etc. At the same time, a kind of appeal is allowed to the Chief Judge of the Chief Court. I think the law should lay it down definitely that the order of the Chief Judge ought to state the reasons for the dismissal or any other punishment imposed, and the law also ought to provide that the officer should be given an opportunity to put in his explanation. Without such a statement of reasons in writing and such an explanation, it is not fair to expect the Chief Court to come to a decision on an appeal.

These are some of the suggestions which I wish to make, and I hope the select committee will consider them. I support the first reading of the bill.

*After recess*

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to support the Karachi Small Causes Court Bill. Karachi City has now grown a big port and as the commerce of the city is increasing, litigation is also increasing in proportion. At present cases are not disposed of without delay and in some cases suits are dragged on even for five years. If this bill is passed it will greatly facilitate early disposal of suits and parties will be able to get the decision much earlier.

The provisions of the bill are practically on the lines of a similar bill in Rangoon which was passed in 1920. The Indian Chamber of Commerce, the Indian Merchants' Chamber and other commercial bodies have unanimously supported the bill. If this bill is passed the cost of the litigant parties will be less and at the same time it will not cost much to Government which will have to incur an extra expenditure of Rs. 12,000 a year which is not much. If this bill is not passed then it will become necessary to appoint a fifth judge of the High Court which will come to Rs. 50,000 per year which will be much more costly for Government. I hope this House will pass the bill unanimously. The present Small Cause Court makes a saving of Rs. 1,00,000 per year after

[Mr. Haji Mir Mahomed Baloch]

defraying all its expenses. After the passing of this bill the Small Cause Court will be empowered to try suits of Rs. 2,000 and this power will greatly lighten the burden of the Saddar Court and save time for them to pay attention to other more important cases. I heartily support the bill and request the House to pass the same unanimously.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I rise to support the bill and I have the mandate of the Karachi Bar Council to that effect. The provisions of this bill require considerable handling and care of the select committee which may be appointed to consider it. Many of the provisions of the bill have been taken from the Small Causes Courts Act of Rangoon. Many of the circumstances that prevail in Rangoon are not prevalent in Karachi city or in Sind. As the amendments that are required are not of principle, I hope the Honourable Member in charge will allow those amendments to be made in the select committee so that when the bill emerges out of the select committee, it may be relevant and complete. I will take an opportunity in the select committee to place before it the opinions of the Karachi Bar where the bill requires amendment in order to guide the committee in arriving at its conclusion.

Apart from that I wish to refer to chapter V of the bill which has been wholly taken from the Rangoon Act. Section 33 gives authority to the High Court to frame rules as regards the procedure to be observed in regard to summary ejection and distress as regards property occupied without paying rent. The procedure laid down from section 18 to section 22 is so defective that I will suggest to the Honourable Member in charge to embody the rules in the provisions of the bill instead of their being left to the High Court to frame them. This method will give an opportunity to this House to make changes in the procedure when necessary. If the rules are left to be framed by the High Court, this House will have no power to amend them when necessary. If some more sections are added to this chapter laying down definite procedure, this House will always be in a position to consider any changes when necessary. In regard to section 23, application for distress warrant, in the case of arrears of rent is, I presume, on the same lines as the recovery of land revenue under the Land Revenue Code. Section 23 requires considerable change. I intend placing all the amendments which are necessary to suit the requirements of Sind before the select committee. I wish to press on the attention of the Honourable Member in charge whether section 30 should exist at all. It has been taken from the Burma Act which allows rebate of half the court-fee stamp to the plaintiff if a suit is compromised. The Burma Government may be rich enough to forego all that revenue. I doubt whether the Honourable Member in charge of the bill can get the consent of the Honourable the Finance Member to this proposal, especially when we are told that the income so far as stamp is concerned is so much as a lakh of rupees. Karachi is not an agricultural centre : it is more a mercantile centre. There we have to deal with shipping merchants and railway merchants. In those circumstances, I think section 30 should not be there, and I hope that the Honourable the Finance Member will see that section 30 is deleted. With these remarks I support the first reading of the bill.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I will not speak longer than is necessary : I will confine myself to the observations that have been made by the honourable member representing Eastern Sind with regard to the appointments of judges of the Court. I know when he was referring to the Judges what he was driving at. I trust the House would not take any step that may be considered ultimately as a wrong to the people of Sind. When the honourable member from Eastern Sind referred to clause 6, he laboured hard, he went all the way to Rangoon for a parallel case ; he wheeled round and round on the different clauses ; but the only point that emerged was with regard to the appointment of Judges. He wants that the Judges should be recruited from the Bar only. With regard to that, Sir, I submit that the circumstances of each province are different. In Sind we have had a Bar all these ages but we never heard from them before that the Judges of the Small Causes Court should not be recruited from permanent members of the Provincial Judicial Service. We have got no objection whatsoever to judges being recruited from members of the Bar also ; but at the same time, I wish to make it clear that judgeships of the Small Cause Court should not be denied to members of the permanent subordinate civil service, because the best judges who are administering civil justice in Sind are those who are drawn from the permanent service. Therefore, I hope, Sir, that the honourable mover will get the select committee to leave the wording of clause 6 as it is at present.

Mr. N. A. BECHAR (Karachi City) : Mr. President, I rise to support the first reading of this bill. Sir, the bill affects the city of Karachi, the city which I represent in this Council. We have been agitating for judicial reform in the city of Karachi for a very long time, and I am really thankful to Government for having brought forward this bill. I hope that they will so arrange matters that it will not take unduly long to get through all the three readings of this bill in this House and in this session if possible. Long before this bill was brought before this House it was referred to the mercantile communities and other interests in the city of Karachi, and with one unanimous voice it has been supported by the city of Karachi.

Sir, there is one thing with regard to this bill, and that is, it says that it will apply to the taluka of Karachi and that is as defined in the Land Revenue Code. Sir, I have not studied the Land Revenue Code to any great extent, but I hope that that Code defines the taluka of Karachi as only the city of Karachi. If by taluka of Karachi is meant areas outside the city of Karachi, then I think the real object of making this bill applicable to the city of Karachi for bigger purposes will be further enlarged.

Then, with regard to revision applications made by people aggrieved. Just now, the practice is that any one can file revision applications on certain specific grounds, and at the time of making the application he has not to give any security or make any deposits. In this bill, it is provided that before he can be entitled to file a revision application he will have either to give security or deposit the amount. Sir, I was reading only just now a representation made from Karachi which deals with this question. It objects to the right of revision application being

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taken away from any person. Even as it is, a man will think twice before he makes a revision application: he will not do so unless he has got very good grounds. It may be that this provision is intended to avoid revision applications coming in in large numbers but at the same time, we have got to consider the cases of people who may have genuine grievances in filing revision applications. I hope the select committee will effectively deal with this question.

Then, so far as the question of suits relating to rents, etc., are concerned, I think by this provision and by the general increase in the powers of the Small Cause Court, you will find that people will be enabled to obtain justice more quickly and more cheaply. Justice delayed is justice denied. This bill will also have the effect of expediting disposals so far as the Judicial Commissioner's Court is concerned. I know cases which have been pending in that court for no less than three or four years, and we have seen in the press and elsewhere complaints about delays. There was a proposal from the Judicial Commissioner's Court for having a fifth judge in order to cope with the growing work. Immediately this bill comes into force, Government will not have to face the necessity of having a fifth judge. But, Sir, if I may be permitted to touch upon a point which may not be altogether relevant to this question, I wish to say that we in Sind, at least we in Karachi, who look forward to the future greatness of Sind, consider the constitution of a Chief Court as a necessary attribute of the greatness of any division or province. Therefore, we look forward everyday to Government issuing a notification to bring into force the Sind Chief Court Act and constitute the Judicial Commissioner's Court into a Chief Court. The expenditure involved will not now be great. The provisions of that Act say that four or more judges may be appointed. Since we have already four judges, there should be no difficulty on the part of Government to bring the Act into force at once. The European Chamber of Commerce and the European community have also been agitating for that for long; the *Daily Gazette* has written strong articles on it.

Now, Sir, coming to the question of the appointment of the Judge of the Small Causes Court, I must confess that immediately the present incumbent was appointed, it gave the city of Karachi a great amount of satisfaction. You can easily put your points of view before people who can appreciate it and who have had practical experience of these cases and although my honourable friend representing the Eastern Sind non-Mahomedan constituency referred to this point, I would like to say one or two words on this question. The practice of appointing lawyers as Judges of the Small Causes Courts obtains in Bombay, Calcutta, Rangoon and Madras, and I hope that this practice will also be followed in the case of Karachi. I do not think it is proper for members living outside Karachi to advocate the cause of the subordinate services to the detriment of the people who go to seek justice and since it has been found that this particular lawyer judge who holds the post disposes of cases expeditiously, I trust that the practice now followed will be incorporated in the bill in the form of a section which will make it statutory for

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Government to appoint lawyers as judges of the Small Causes Court. This will not prevent men like my honourable friend Mr. Noor Mahomed from holding that post. Rather I look forward to the time when under an autonomous Government he will become something more than a judge of the Small Causes Court.

There are very many other points though they are matters of detail in this bill to which I want to make a reference. But I think it will be simply taking the time of the House as it could all be considered in detail in the select committee. As I am very anxious that this bill should be got through as quickly as possible, I trust that the Honourable Member in charge of this bill will afford us opportunity to put all these points of view before the select committee. With these words I strongly support this bill.

The Honourable Mr. J. R. MARTIN: Sir, it is specially gratifying to me as one who has spent many years in Sind and also in Karachi that I should be able to introduce a bill regarding Karachi which has received the unanimous approval and support of the House. I do not think it will be desirable or necessary to reply to all the arguments that have been put forward by the honourable members who have spoken. As regards the suggestions that have been made by these honourable members the select committee which I am going to propose will afford every opportunity both to the gentlemen who put forward suggestions and other honourable members to consider the matter in detail. The suggestions made related to matters of detail, and though I have taken a note of them, I do not propose to reply to all the points made. But there is one point raised by the honourable member for Eastern Sind to which I must refer. It is that opportunity should be given to the members of the Bar in Karachi to put forward their views. Now with every desire to push this bill on, I do not think it will go through this session. The select committee will make their report after the session and there will be ample opportunity before the next session for parties concerned to send in their views on the bill as it then stands.

Another question raised is as regards fees and I may assure the House that Government and especially the Honourable the Finance Member—who is not unfortunately here at the present moment—will consider it.

I do not think any further remarks are necessary from me on this subject and if the bill is read a first time I shall immediately propose the select committee.

Bill read a first time. Question put and carried.

The Honourable Mr. J. R. MARTIN: I beg to move that the bill be referred to a select committee consisting of the following honourable members:—

Mr. Jairamdas Doulatram,  
Khan Bahadur Bhutto,  
Mr. B G Pahalajani,  
Mr. Noor Mahomed,  
Rao Bahadur R. R. Kale,

[Mr. J. R. Martin]

Mr. P. K. Chikodi,  
Mr. R. G. Pradhan,  
The Legal Remembrancer, and  
The Honourable Member in charge;

four members to form a quorum and the committee to report within two months.

Question proposed.

Mr. HAJI MIR MAHOMED BALOCH: (in Urdu): I propose that Mr. Naraindas Bechar's name be added to the members of the select committee. He represents Karachi and his name should be added.

The Honourable Mr. J. R. MARTIN: Personally I am inclined to think that the committee is sufficiently large comprising both legal talents and local knowledge. But if it is the general wish of the House I am prepared to accept this addition.

Bill referred to select committee. Question that the bill be referred to a select committee consisting of—

Mr. Jairamdas Doulatram,  
Khan Bahadur S. N. Bhutto,  
Mr. B. G. Pahalajani,  
Mr. Noor Mahomed,  
Rao Bahadur R. R. Kale,  
Mr. P. R. Chikodi,  
Mr. R. G. Pradhan,  
Mr. N. A. Bechar,  
The Legal Remembrancer, and

The Honourable Member in charge; four to form quorum, and the committee to report within two months, put and carried.

### BILL No. XXVII OF 1928,

### A BILL TO AMEND CERTAIN ENACTMENTS AND TO REPEAL CERTAIN OTHER ENACTMENTS

#### *Motion for first reading*

The Honourable Mr. J. R. MARTIN: Sir, I beg to introduce Bill No. XXVII\* of 1928 a Bill to amend certain enactments and to repeal certain other enactments.

The Honourable the PRESIDENT: The bill is introduced.

The Honourable Mr. J. R. MARTIN: Sir, I am inclined to think that no speech is necessary in introducing this bill. The amendments which it proposes in most cases are

as to form and not as to substance. But where they are regarding substance, the changes proposed seem to be on the face of it unobjectionable. Honourable members might perhaps desire me to run through them shortly. The first relates to the prevention of cruelty to animals and is for the addition of the words "or she-buffalo", after the word "cow".

[Mr. J. R. Martin]

The second amendment is to delete the letter and brackets "(a)" in section 125 of the City of Bombay Police Act, 1902.

The third amendment is in the Mamlatdars' Courts Act, 1906. It is a small addition to sub-section (2) of section 19 and lays down that the Mamlatdar, when he makes an inspection, shall without unnecessary delay record a memorandum of the result of his inspection. It seems to me most desirable, if not necessary,—and it is obvious, I think,—that all the relevant facts or material on which he has based his decision shall be on record.

The next amendment deletes an unnecessary addition in one of the Acts, which has been rendered unnecessary by an Act of the Governor General.

The last is of a similar character. Certain lands have been transferred and come under the jurisdiction of the British Government for railway purposes from the Government of His Highness of Baroda. Up to now these lands were governed by the Gaikwar of Baroda Ceded Lands Laws Acts and the enactment of 1918. Jurisdiction can more easily be exercised under the Indian (Foreign Jurisdiction) Order in Council, 1902. The lands are required purely for railway purposes, and it is only necessary on the part of Government to have jurisdiction over them. If the jurisdiction is exercised under the ordinary laws of the land, it means that whenever a piece of land is transferred to the railway by the State or returned to the State by the railway, there has to be an amending Act. It has, therefore, been found more convenient that jurisdiction only shall be transferred and that this should be exercised under the Indian (Foreign Jurisdiction) Order in Council, 1902. That is the state of affairs at present, and it is necessary to do away with this legislation which is no longer required.

If any member desires any further information of a legal or technical character regarding the amendments and repeals which are now proposed, I am sure the Legal Remembrancer will be very pleased to give it.

Dr. M. K. DIXIT : Will the honourable member tell us how is this operation of "Phooka" performed ?

Mr. F. W. ALLISON : Is it the wish of the House, Sir, that I should go into what is a rather disgusting subject ? I am prepared to do it, but it means an extremely disgusting operation, which is performed when a calf dies and the cow then gives no milk. It has been found that such an animal can and will give milk if certain rather disgusting operations are performed on the animal. If the honourable member wishes it, I will read out . . . . .

Dr. M. K. DIXIT : No ; I will not press it.

Question, that the bill be read a first time, put and

Bill read a first time carried.

The Honourable Mr. J. R. MARTIN : Sir, I beg to move that this  
Second reading bill be now read a second time.

Question proposed.



Rao Bahadur R. R. KALE (Satara District) : Sir, I want to say something on the second reading. So far as regards the amendment in the Mamlatdars' Courts Act is concerned, I find that the amendment that is sought to be introduced runs thus :

" He (that is, the Mamlatdar) shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case."

Now, the statement of objects and reasons states that this is done in order that the parties may have an opportunity of knowing what the mamlatdar has inspected and the result of his inspection as noted. My submission is that, if the object is to give an opportunity to the parties then the parties should have an opportunity also of having their observations on the inspection, as recorded or found by the mamlatdar, also recorded. Because when it is really a personal inspection of a particular spot, a mamlatdar may find, for instance, that a certain *tal* or embankment was made in order to prevent earth being washed away. If they regard that thing as a *bandh* mark in order to separate one from another, it is just likely that the mamlatdar may be unaware of the exact nature of this *bandh* or *bund* that is put in the field, whether it is to separate one from another or to prevent water from collecting. So, it is just possible that the attention of the mamlatdar may be drawn by the parties or their pleaders to that fact. All that I mean is that when the object of introducing this motion is to give the parties an opportunity to know, before the mamlatdar pronounces his decision they should have an opportunity also to put before the mamlatdar what they have got to say on the observations on the record, before he comes to a decision. If the second reading is moved at this late stage, I would certainly crave the indulgence of the Chair to propose a small further amendment in this way. The clause is now worded :

" He shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case."

An addition may be made to the effect that the parties may be given an opportunity to record their observations on such memorandum. I am putting it to the honourable member. I would be satisfied if it is laid down that the mamlatdar should not record a memorandum unless he has heard what the parties have to say. He should orally tell them that he is going to record such a memorandum, and then he should ask the parties whether they have to say anything. Before recording, he should give the parties an opportunity of saying what they have to say. I mean the mamlatdar should only record a memorandum after hearing the parties.....

The Honourable the PRESIDENT : So, your amendment is to add the words " after hearing the parties " after the word " memorandum."

Rao Bahadur R. R. KALE : Yes, I think that will safeguard and really achieve the object in view ; because if, after all, the mamlatdar's memorandum is there and it is not to be understood or known by the parties until the decision of the case, what is the use ? When he once records it, it is finally recording it. So, before recording it, he should give

[Rao Bahadur R. R. Kale]

an opportunity to the parties to say what they may have to say. The mamlatdar has to personally visit the place, has to give previous notice to the parties and after making his observations he has to proceed to record the result of his observations and inspection. I submit that the parties may be present, but how are they to know what passes in the mind of the mamlatdar ?

The Honourable the PRESIDENT : The terms of the amendment, if the honourable member at all feels inclined to move it, would come on as I take the bill clause by clause. The motion is that the bill be read a second time.

Bill read a second time Question put and carried.

*Bill read clause by clause.*

Clause 1 (*Short title*) ordered to stand part of the bill.

Clause 2 (*Amendment of certain enactments*) ordered to stand part of the bill.

Clause 3 (*Repeal of certain enactments*) ordered to stand part of the bill.

Clause 4 (*Savings*) ordered to stand part of the bill.

The First Schedule.

Rao Bahadur R. R. KALE (Satara District) : Sir, the amendment which I wish to propose to the first schedule will be :—

After the word 'inspection' in the first sentence, the words 'after hearing the parties' be added.

I may say in support of the amendment that hearing is necessary because the section, as it stands, no doubt requires notices to be given when the mamlatdar is going to visit a particular place and he has to visit the place in the presence of the parties. Now, if after visiting the places, the mamlatdar inspects the scene of the dispute and he comes to certain conclusions, then I think it is necessary that before he records those conclusions hearing should be given to the parties. Here there is no provision for giving any hearing to the parties concerned. No doubt he may do it in the presence of the parties. He may even summon and examine witnesses. But that is another thing. So far as the result of his inspection is concerned, before it is actually reduced to writing, I think it is necessary that the parties should know what the mamlatdar has come to think about it, so that if any party brings any fact to the notice of the mamlatdar which he may not have noticed or which he may have wrongly comprehended, he may correct the mamlatdar who can then finally reduce, after hearing any objections that may have been made by any of the parties, his observations and his opinions to writing. It really amounts to a piece of evidence. When the matter goes up to the Collector or to the High Court, it often happens that the mamlatdar in his written judgment says "I have observed the place, I have seen such and such a thing and therefore I think that this party's case is true." He thus gives reasons and imports his own knowledge of what he observes and that is made use of really as a piece of evidence. The object of the legislation should be to know exactly whether the result of the inspection is recorded after the parties are made known of it. If it is only in the decision, the parties are not supposed to know it. Even now, after an amendment, it

[Rao Bahadur R. R. Kale]

seems to me the same thing will happen, because the mamlatdar goes and inspects the place, returns to his *thana* and he may record his observations on a separate piece of paper instead of in the judgment and attach that piece of paper as a memorandum of notes of inspection. What will be the advantage gained by the parties? Instead of being a part and parcel of the judgment, it will form a separate piece of paper attached to the record. At least I find that whenever a matter comes in revisior, and when anything is mentioned in the judgment as the observations of the mamlatdar, some of the parties say that it is not correct, and you are nowhere because it is there and yet you cannot make any objection to it. I submit therefore that if the object is that this memorandum should serve as a guide to the revising court, then that memorandum ought to be recorded after there is no possibility left of the mamlatdar regarding anything incorrectly. I submit therefore nothing will be lost in inserting those words there. On the other hand, you will be helping justice.

Mr. F. W. ALLISON : Sir, with regard to the suggestion of the honourable member, Rao Bahadur Kale, I would say to the House that I think it would be appropriate if the words "and communicate to the parties" were added after the word "record." That is to say, it would read :

"He shall without unnecessary delay record and communicate to the parties a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case."

If the honourable member Rao Bahadur Kale, would be prepared to accept this form of amendment, Government would accede to it.

Rao Bahadur R. R. KALE : I would be quite prepared to agree to that but my object is that the communication should be made before reducing his observations to writing.

The Honourable Mr. G. B. PRADHAN : I do not understand the honourable member's point because the parties are called when the mamlatdar makes his inspection, he makes it in their presence after due notice to them, they give him any information he wants, and if the mamlatdar notices anything which is not correct, they are there to challenge it. Before this there was nothing on record. The mamlatdar merely relied upon his memory and put his impressions in his judgment. In order to get over that, the memorandum will be there as part of the evidence. The honourable member the Remembrancer of Legal Affairs has further suggested the insertion of the words "and communicate to the parties". After it is communicated to the parties, if it is not correct, the parties can challenge it before the judgment is pronounced because the state of things cannot be changed. So, I do not understand where the difficulty comes in. The mamlatdar sees what things are relevant, and he makes a memorandum. He immediately communicates that memorandum to the parties, and if the parties think that it is a wrong memorandum they are at liberty to correct it ; they can immediately challenge it.

Mr. B. G. PAHALAJANI : Is the Honourable the Finance Member aware that when such a note is made the High Court always considers it as final ?

The Honourable Mr. G. B. PRADHAN : This is with regard to things which are seen with one's own eyes, which are there upon the spot. If the mamlatdar, for instance, says that a certain thing is not a box but a safe, the party can certainly say that it is not a safe but a wooden box. This refers to things which are upon the spot. The mamlatdar is a responsible officer, and he is not expected to note down things which do not exist. He has to make notes as every subordinate judge does. A sub-judge, if he is asked to go and have a look at a particular spot with regard to certain points which are in difference, makes notes in the presence of the parties, and those notes form part of the record. He cannot record that which is not on the spot, though he may misunderstand things. When he makes a memorandum, he tells the parties "I am going to make such and such a memorandum." The parties are at liberty to say "You are wrong," and they can put in their own affidavits to contradict what is upon the record.

The Honourable the PRESIDENT : Is the honourable member ready to accept the change suggested ?

Rao Bahadur R. R. KALE : I am afraid I cannot accept the amendment suggested. As the Honourable the Finance Member has taken part in the debate, I think I have a right to reply before the Honourable the Home Member replies finally.

The Honourable the PRESIDENT : Yes.

Rao Bahadur R. R. KALE (Satara District) : Sir, the whole point is that the note should be a correct record. The Honourable the Finance Member says that you may challenge it, but the record is there already. You may challenge it, but what is the use ? If the matter goes to revision, any statement made by a party will not be sifted. The revising authority will say "Here is the record of the notes."

The Honourable Mr. G. B. PRADHAN : But after hearing the parties, the recording officer will change it.

Rao Bahadur R. R. KALE : That will be a separate matter. The party may challenge it and say that the affidavit is wrong. That is another matter. My point is that the officer should have no doubt an opportunity of knowing what the party has got to say in respect of a certain idea which he has formed. I do not say that he deliberately makes a mistake, but it is likely that unconsciously he may make a mistake or mis-statement in the record of the notes. If it is communicated to the party afterwards, how is the judge to consider it ? The whole object at the back of the amendment seems to me to be that the record of the notes should be before the decision is pronounced orally and should be in the possession of the party. If it is to be of use, really the deciding officer ought to be in the position of a witness, liable to be cross-examined. He should really offer himself as witness and offer himself to be cross-examined by the other party before he can proceed to record his statement and incorporate it in the judgment as the basis of his finding. If that is so, and if the notes are to be of any value, I submit that the mamlatdar ought to say "I have inspected this place, and

[Rao Bahadur R. R. Kale]

after hearing the parties I find they offer no objections." I submit in that case the parties will have no complaint to make, and there will be every guarantee that it is a correct statement of the facts and observations. The Honourable the Finance Member takes rather an extreme instance of an iron safe and box. I have come across cases of misinterpretation of a bund being mistaken for a *tal*, a *tal* is mistaken for a bund. As I say, in practice they are similar, but it is only the persons who know it who can say whether it is intended for collecting water, or it is a partition between two pieces of land, and that makes all the difference. Supposing there is a case of encroachment, the mamlatdar may say that it is not a boundary line but a bund. It is in order to prevent such a thing that I want the change I have suggested.

The Honourable Mr. G. B. PRADHAN : He does it after hearing the parties on the spot.

Rao Bahadur R. R. KALE : I need not say anything more, since I am told Government is willing to add the words "after hearing the parties on the spot." I shall be satisfied with that amendment.

The Honourable Mr. J. R. MARTIN : Sir, I am quite prepared to accept the amendment suggested, namely, to add after the word "memorandum" the words "after hearing the parties on the spot, if present;" it is impossible for the mamlatdar to hear the parties if they are not there.

The Honourable the PRESIDENT : The amendment is :

"In the First Schedule, in the 4th column of the third entry, in line 4, after the word 'memorandum' insert the words 'after hearing the parties on the spot if present'."

Question put and carried.

The first Schedule, as amended, ordered to stand part of the bill.

The second Schedule ordered to stand part of the bill.

The preamble ordered to stand part of the bill.

The Honourable Mr. J. R. MARTIN : Sir, I move the third reading  
Third reading. of the bill.

Question proposed.

Mr. F. W. ALLISON : Sir, I move :

"In clause 1, after the figure '192' add the figure '8'."

Question put and carried.

Question "That the bill be read a third time" put and

Bill read a third time. carried.

The Honourable the PRESIDENT : The bill is read a third time and passed into law.

### SUPPLEMENTARY GRANTS

Remodelling the Kander Branch ex-Mahiwah.

The Honourable Sir GHULAM HUSSAIN : Sir, I ask for a supplementary grant\* of Rs. 22,000, which is already in our possession as savings under 55, Irrigation. The remodelling of the Kander branch

[Sir Ghulam Hussain]

*ex Mahiwah* will cost us in all Rs. 43,159. It is a scheme which is in the interest of Government as well as the zamindars and agriculturists, as the statement will show. It is in the interest of Government because it is a paying scheme. It is in the interest of the zamindars because it will give them more water. We have Rs. 22,000 at present as savings under 55, Irrigation, and want to proceed with the work.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I rise to a point of order. We have not received the copy of the supplementary grant which the Honourable Sir Ghulam Hussain is asking for. We should have received seven days' notice with regard to the supplementary grants. As we have not received sufficient notice we cannot take it up to-day, as we must have sufficient time.

The Honourable the PRESIDENT: I understand that the supplementary grants were received in the office only two or three days ago and the copies were not sent to honourable members by post because it was thought honourable members might have left their homes already. They were therefore distributed to-day. If it is agreeable to honourable members I would suggest that this matter may be taken up to-morrow.

I think the honourable member will be able to give the House an explanation why he was not able to abide by the understanding which has been reached and which has now become a practice that sufficient notice should be given. I hope the Honourable the Leader of the House will have no objection to taking up supplementary demands to-morrow.

The Honourable Mr. J. L. RIEU: Sir, I recognise that it is reasonable on the part of the honourable members of this House to expect a little more notice. We regret that owing to the press of work it was not possible to give longer notice. I am prepared to accept your suggestion, Sir, that we should take up these demands for grants to-morrow.

The Honourable the PRESIDENT: Would the House like to adjourn now, as there is no other work at present, at any rate, before me. (Honourable Members: Yes).

The Honourable DEWAN BAHADUR HARILAL D. DESAI: I have to introduce an amending bill to the University Act. They are small amendments and I shall take them up to-morrow.

The Honourable the PRESIDENT: We are talking of to-day.

As there is nothing to proceed with, the House is adjourned till 10-30 a.m. to-morrow, Tuesday, the 25th September 1928.

*Tuesday, the 25th September 1928*

The Council re-assembled at the Council Hall, Poona, at 10-30 a.m. on Tuesday, the 25th September 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab  
 ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Sahab  
 ALLISON, Mr. F. W.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALA, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISHAN, Khan Sahab GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN

JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JONES, Major W. ELLIS  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURRO, Mr. M. S.  
 KNIGHT, Mr. H. F.  
 LACHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSKINBHoy ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MAXWELL, Mr. R. M.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO *alias* KHASERAO JIVAJIRAO  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.



VANDEKAR, Rao Saheb R. V.

WADIA, Mr. N. J.

WASIF, Mr. G. A. D.

WILES, Mr. G.

The Honourable the PRESIDENT: Order, order.

**BILL No. XXVIII OF 1928 (A BILL TO AMEND THE BOMBAY UNIVERSITY ACT, 1928).**

*(Motion for first reading)*

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I introduce Bill No. XXVIII\* of 1928 (a Bill to amend the Bombay University Act, 1928).

Mr. P. J. MARZBAN: Sir, I rise to a point of order. I understand that this University Bill has not yet passed into an Act as it has not received the assent of the Governor General. What I understand, Sir, is that it has received the assent of the Governor General on the understanding that this amendment will be passed. Therefore, the bill is not yet an Act.

The Honourable the PRESIDENT: The assent was announced by me, and that which was the University Bill is now an Act. I am not aware of the other part of the point mentioned by the honourable member, namely that the assent was given on condition that this amendment is passed.

Mr. P. J. MARZBAN: Sir, the bill was passed, but it is not yet in force, as it has not received the assent of the Governor General.

The Honourable the PRESIDENT: I wish to remind the honourable member that the bill was passed by this Council; it was sent on for the Governor General's assent, the assent was received and it was announced in this House by me. So it is an Act.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Sir, the bill was published only on the 22nd of September, and we have not had sufficient time to study it: so, you will please not allow this bill to be taken up now.

The Honourable the PRESIDENT: I think that point of order would be relevant a little later when the honourable member the mover asks me to suspend the Standing Orders which require notice, but the Honourable Minister is only in the stage of introducing the bill. The bill is introduced.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I now move that the bill be read a first time. In connection with this I have to make a submission with reference to the circumstances under which it was not possible to send a copy of the bill to honourable members seven clear days before the motion for its first reading is made. The facts are these. In October 1927 we went through the second reading of the bill clause by clause, except clause 5, which is now section 5. Clause 5 was postponed for the February-March session. Just after we concluded the discussion of that bill Government

[Dewan Bahadur Harilal D. Desai]

received a wire from the Government of India that they took objection to certain clauses in the bill, particularly to present section 18 (2) (e), which provides that the Senate may "make provision for the physical and military training of students." The Government of India said with reference to it that the question of military training was a central subject and therefore the provincial legislature had no right to insert such a provision. The other objection raised was with reference to the provision in present section 35 (1) (e), which gives power to the Syndicate to regulate "the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation examination and the conditions to be complied with by candidates for the Matriculation examination whether sent up by recognised schools or not." They said that the University should not have anything whatever to do with secondary schools. To that the Government of Bombay replied that the second reading with reference to those two clauses was over and it was not then open to them to reopen the matter at that stage. Thereafter, in the February-March session, clause 5, now section 5, was passed. In view of the objections raised by the Government of India, the Government of Bombay sent a representation to the Government of India that section 18 (2) (e) was merely to enable the University to make budget provision for military training and that the University will have to approach the Government of India for the necessary permission for instructors in military training, for equipment and other necessary requisites. With reference to the other clause, now section 35 (1) (e), it was submitted that that was only a provision repeated from the Act of 1904. Honourable members will remember that in the Act of 1904, there was a clause, clause 25 (1) (o), which was exactly the same as section 35 (1) (e), word for word: "the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the matriculation examination and the conditions to be complied with by candidates for matriculation, whether sent up by recognised schools or not." The University had represented to us that this power had been exercised by them from 1904 to 1928, and there was no reason why that power should be taken away: the admission of students to the University depended upon the nature of the training given in secondary schools, and therefore the right of inspection and the enforcement of conditions should rest with the University as it had rested with them for so many years. Consequently, correspondence went on between the Government of India and the Government of Bombay. The Government of Bombay pointed out that there were two alternatives; one was that the bill should go as it was to the Government of India, that they may send back the bill for the necessary amendments to be made as may thereafter be agreed upon and after the bill was complete it might go to the Viceroy for assent, for which it was reserved; the other alternative was that the Government of India should give their assent on an undertaking given by the Government of Bombay that on these two matters an amending bill would be brought forward on the lines as may be agreed upon and the Act would not be brought into force by the

[Dewan Bahadur Harilal D. Desai]

Bombay Government under the powers given to them under section 2 which says "This Act shall come into operation on such date as Government may, by notification in the *Bombay Government Gazette* appoint in this behalf."

His Excellency the Viceroy gave his assent on the undertaking of the Government of Bombay that a bill will be brought forward for amendments as may thereafter be agreed upon. The July session was full up with other business and that is why this bill is brought forward in the present sessions. In the interval there were postal and telegraphic communications between the Government of Bombay and the Government of India and in view of the fact probably that the department dealing with this subject was very busy, their concurrence was not received by the Government of Bombay before the 21st of this month. It was received only on the 21st and this bill was published on Saturday the 22nd. It is true that according to the Standing Orders seven days' clear notice requires to be given and my submission to you, Sir, and to the honourable member who has raised the point of order is that I can take up this bill on Saturday next. There will then be seven days' notice, but this bill is of a very formal character. The words "and military" have to be dropped and a separate clause has to be introduced for it. Again, I may inform honourable members that under the Act of 1904 whatever rules were made by the senate and the syndicate were known as "regulations." Under the new Act we have a separate terminology for the resolutions passed by the senate. They are designated by the word "statutes." The rules made by the syndicate are designated "ordinances" and the rules passed by the academic council are designated "regulations." So hereafter the terms "statutes," "ordinances," and "regulations" are the terms to be applied to the rules made by the senate, syndicate and the academic council respectively. Under section 35 (1) (c) power is given to the syndicate to make ordinances. These ordinances are not to come for the approval of the Chancellor. In the Act of 1904 such regulations are subject to the sanction of Government and the statutes in the new Act are subject to the approval of the Chancellor. Consequently the Government of India say that instead of this rule being in the nature of an ordinance which will not go up to the Chancellor for sanction it had better be taken to the section about statutes which under section 34 will go up for the approval of the Chancellor. You will see Sir, that section 34 (2) says:

"All statutes framed by the senate, from time to time, shall be submitted for sanction to the Chancellor and they shall not come into operation until the Chancellor has accorded his sanction thereto."

So that this is only a formal amendment and there is nothing new and I request that you, Sir, will be good enough under Standing Order VIII, rule 4 to suspend the provision which requires seven days' notice. I have explained the circumstances why it was not possible to publish the bill earlier, namely, that the concurrence of the Government of India was not received earlier. Under these circumstances, I submit, Sir, that you will be good enough to suspend the Standing Order in this matter.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I do not wish to go into the merits of the bill at this stage. But I do wish to point out that you, Sir, will kindly see that the privileges and rights of this House are maintained. Yesterday we had an instance of the suspension of the rule with regard to notice and a large number of supplementary grants were thrown at us and in the evening we were told that to-day also there would be supplementary grants. This bill has been brought forward without giving seven days' notice. If it is brought after complying with the standing orders heavens are not going to fall. Furthermore, Sir, the primary body concerned, namely, the University has not been given an opportunity of expressing its opinion. Unfortunately also the member for the University is not here. If he were present he would have enlightened us. As a representative of Bombay I am always trying my best to consult the bodies concerned or its members as to what their view of the matter is. I never had that opportunity nor do I think anybody else had that opportunity. Government ought not to ask for suspending these rules except only in emergent cases. The Honourable Minister told us that the Government of Bombay were in communication with the Government of India and still they did not think it necessary to publish this bill earlier so that the public, the University and the honourable member for the University may send in their views. It would be unfair to the members of the University if this bill is taken up before the time-limit is over. The question has been raised as regards the powers of the Chancellor in this respect with regard to section 3. We had a very hot discussion; if you will remember, Sir, the whole of Bombay was up against it at one time. This is a matter which is keenly felt by the people and I trust, Sir, that you will kindly maintain the Standing Order as there is no urgency in the matter. You can wait. It is therefore fair and equitable to the University and the public that this matter should not be rushed up like this. I beg of the Government and you, Sir, not to hurry up this bill in this manner.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, may I say a few words with reference to this point? This matter was referred to the Vice-Chancellor and I have a letter from him dated the 1st September 1928 wherein he states—if I may be allowed to read it :

"I am surprised at the Government of India wanting clause (e) of section 35 (1) giving power to the syndicate to make ordinances for the conditions to be complied with by schools desiring recognition for sending up candidates for the Matriculation, to be omitted altogether. I can understand the transference of that clause to section 33 (2) so that the statutes in that behalf may be subject to the approval of the Chancellor. Under the present Act of 1904 section 25 clause (o) the Senate have this power. It would be absurd to deprive the University under the new Act the power it has exercised all these years under the present Act and there will be a great row if the attempt is made to deprive the University of its present power."

So that, he concurs with that view, and I know the University member also concurs with that view. It is unfortunate that, owing to his engagement in the High Court, he has not been able to be present here to-day. We have consulted the University, and they have insisted that we should put up a fight in order to make the Government of India to concur to the transference of this clause bodily to the section relating to statutes as

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the University is against its omission. That is my submission and, therefore, I submit that we can now proceed with the bill.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: This is the correspondence between the Vice-Chancellor and the Honourable Minister, Sir, and I do not know whether the consent of the Senate as such has been taken.

The Honourable the PRESIDENT: I understand the honourable member to raise a point of order that the suspension of the Standing Orders should not be allowed. I entirely agree with the honourable member that the suspension of any rules or standing orders by the President should be a matter of very rare occurrence indeed, and only under special circumstances. It should not grow into a sort of practice for the asking of it. But, under the circumstances explained at present by the Honourable Minister, I think the whole matter is simplified. At the same time, as he has agreed and said that he can easily bring the bill next Saturday, it is for the honourable House to accept that offer. The agenda appears to be one which would enable the House to finish the business of the Council on the agenda by next Saturday, and the House would not have to go over to Monday or Tuesday if matters like this are not postponed. But, as I say, it is for them to agree or not to agree, after the explanation the Honourable Minister has given. If they are agreeable to proceed with the bill this moment, I think it would be to the advantage of the House that it might conclude its sittings by Saturday next. But, if the honourable House is anxious that the strict terms of the Standing Order be observed, the Honourable Minister is agreeable to take up the bill next Saturday. (After a pause). As no other honourable member is speaking, I take it that the general sense of the House is that we proceed with the bill to-day.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I want to say one word again on behalf of the House on this point.

The Honourable the PRESIDENT: I should have liked to have heard some other honourable member, as the honourable member has already raised the point of order.

Mr. J. C. SWAMINARAYAN: I do not think, Sir, that the business can be taken on Saturday also, as you will have to suspend the Standing Order even on Saturday, because the bill was in our hands only yesterday.

The Honourable the PRESIDENT: I find that is so. Honourable members have received the copy only yesterday as the Secretary informs me, and the Standing Order says that it should be 7 clear days from the date of despatch. So, technically, every objection raised is correct. What I would, therefore, like to know is whether the House is willing to proceed with the bill to-day or not.

Mr. B. G. PAHALAJANI: Private work would be interfered with....

The Honourable the PRESIDENT: As I have said, all that is for the House to consider. (After a pause.) I think the silence of the House, except for one honourable member, shows that we should proceed with

[The President]

the bill. I, therefore, allow the motion. The motion is that the Bill No. XXVIII of 1928, a Bill to amend the Bombay University Act, 1928, be read a first time.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, in support of the first reading of this bill, I need not add much to what I have already said. The bill is of a very formal character, and in the second clause it provides that the words "and military" in clause (e) of sub-section (2) of section 18 of the Act shall be repealed, and a further provision be added as "(ee)" to the same section, which runs thus:

"make grants from the funds of the University towards the maintenance of any University corps established for the University under the Indian Territorial Force Act, 1920."

Any activities of the University in that line are governed by the Indian Territorial Force Act of 1920, and if they are empowered to make a budget provision for it, then, of course, the Government of India can be asked for the necessary arrangements to be made. That is all that is required, and this will meet the wishes of the Government of India. Therefore, I submit that this is a formal amendment.

With reference to section 35 (l) (e), there also it is only a question of transference from the section which relates to ordinances which are not subject to the approval of the Chancellor to section 33 relating to statutes which are subject to the approval and sanction of the Chancellor. The University has concurred with this transference, and consequently there is no difficulty on that point. I, therefore, submit, Sir, that the bill being of a formal character, the honourable House will pass the first reading of the bill.

Mr. R. G. PRADHAN (Nasik District): Mr. President, I do not propose to oppose the first reading of this bill. But I think certain statements which have been made in the Statement of Objects and Reasons, as also by the Honourable Minister in introducing it, ought not to go unchallenged. I do not quite understand, in the first place, why the new Honourable Minister in charge of Education has thought fit not to assume any responsibility of piloting this little child through the nursery of this House. I do not know whether I shall be far wrong if I were to infer from that very significant circumstance that probably he himself is not enamoured of his bill, and that probably he would be happy if he would be relieved absolutely of any responsibility for this bill.

I confess, Sir, that I do not at all appreciate the position taken up by this Government in their correspondence with the Government of India. As I understand the Honourable Minister who has introduced this bill, from the not very illuminating explanation which he gave, as I understand from what he has said, the Government of India placed before the Bombay Government two alternatives. One was that the bill, before receiving the final sanction of His Excellency the Governor General, should be sent back or be remitted to the House with a request that the particular provisions should be embodied in the bill

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And the second was that the bill as passed by this House had received the assent of the Governor General and therefore this new amending bill should be brought forward. If Government had accepted the former alternative, probably they would have had even to force the decision of this House, and probably with that idea in mind, they accepted the second alternative and we have now this amending bill before us. I think it would have been better for the Minister of Education, who has shown a better sense of responsibility to this House, who has shown a better regard for the views and the sentiments of this House, not to have practically committed this House to the acceptance of the provisions of this bill. I do not want to come in the way of Government, I do not want to oppose this bill, but I must say that that is a position which no self-respecting member of this honourable House can really appreciate.

The Honourable the Minister says that this bill is practically of a formal nature and he says that particularly the first clause which provides for the omission of the words "and military" in clause (e) of sub-section (2) of section 18 of the University Act is of a formal nature. I do not accept that view at all. I do not agree with him in what he has stated on this point. In the statement of objects and reasons we find this :—

Section 18 (2) (e) of the Bombay University Act, 1928, empowers the Senate to make provision for the military training of students and appears to assign to the authority of the University a function properly belonging to the Military Department. This was not intended.

In other words, this seems to suggest that the select committee and the Legislative Council, in a fit of absent-mindedness or carelessness, inserted this clause without realising its meaning or without realising its significance or its import. I must say that the statement made that this was not intended is untrue. The select committee did intend what was actually inserted in the bill; this honourable House did intend what it ultimately passed in this House. Unless I am mistaken, the words "and military" were added in the select committee at the suggestion of my honourable friend, the member for Satara, who, the House will agree with me, never made the suggestion without fully realising its meaning, its import and its significance. I think the honourable House would laugh at the attitude attributed to him of carelessness or slovenliness of this kind as is shown in the statement of objects and reasons. I do not understand what is meant by saying that this clause empowers the Senate to make provision for the military training of students and appears to assign to the authority of the University a function properly belonging to the Military Department. No doubt, the subject of military training belongs to the Government of India and, perhaps it may be, under certain limitations and restrictions to the Local Government also. Though it may be that primarily that is a function either of the Central Government or of the Local Government, what is there to prevent either the Central Government or the Local Government transferring or delegating this function to any other body such as the University ?

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In fact, it is a function of Government to provide for education. Education is a function of this Government. By passing the University Act we have already transferred certain educational functions to the University so far as higher and secondary education is concerned. Nothing can prevent the Local Government from delegating some of its functions to a body which that Government considers as the most fitted and the most qualified to discharge that function. Therefore, I do not see any reason at all why objection should be taken to the transfer to the University, by means of legislation, of military training of its students. There is nothing wrong in it and it is absolutely unobjectionable.

As the bill stands at present, it appears to me that it is open to another objection of a somewhat fundamental character. The original clause which was inserted in the select committee and which was accepted by this House is this, namely, "make provision for the physical and military training of students." The words "and military" are there. When I read this amending bill, what strikes me is this, namely, suppose the Senate of the Bombay University wants to pass a resolution in favour of compulsory military training among its students. This honourable House is aware that as a matter of fact a distinct resolution was brought forward in the Senate probably a couple of years ago.....

The Honourable MOULVI RAFI UDDIN AHMAD: It was not for compulsory military training but for compulsory physical training.

Mr. R. G. PRADHAN: Unless I am mistaken, there was also a resolution brought forward by Dr. Paranjpye for the introduction of compulsory military training and not only compulsory physical training. No doubt that resolution was not passed at the time. Suppose the Senate of the Bombay University again wants to pass that resolution, nothing can prevent, as the law stands, the Senate from passing such a resolution and taking such steps as it may be advised in order to give effect to that resolution, but, as the bill stands at present, any resolution of that kind or any kind on the part of the Senate would, I am afraid, be considered *ultra vires* in view of the specific omission of those words "and military" by means of the second clause and also in view of this new clause that is sought to be inserted in the present bill, namely, "make grants from the funds of the University towards the maintenance of any University Corps established for the University under the Indian Territorial Force Act, 1920." In other words, what is likely to be contended under this bill is that the action of the University, so far as the imparting of military training and so far as making provision for the imparting of military training are concerned, is strictly restricted to the making of financial provision for the constitution of a University Corps which may be established under the Indian Territorial Force Act. In other words, it comes to this. The present freedom which the University at present enjoys in this matter of military training, in the matter of providing for military training is likely to be restricted, curtailed to a considerable extent by the omission of the words "and military"



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and by the insertion of the words proposed in the clause. That, I am afraid, is likely to be the consequence of this bill, and therefore it appears to me that this bill is not of such a simple nature, is not of such a formal character as the Honourable Minister has tried to make out. Certainly, this House would have been in a much better position, would have derived much help if this bill had been submitted to the Senate of the University, and an opportunity had been given to that body to express its specific views on the matter. I do not wish to oppose the first reading of the bill, but I think it is my duty to bring to the notice of the House the apprehensions that I feel on this matter.

Rao Bahadur R. R. KALE (Satara District): Sir, the object of the present section appears to me to lay down one of the discretionary duties of the University, because section 18 says "The University may make provision for the military and physical training of the boys." It is not an obligatory duty. It is not compulsory for the University to do so, but it may do so. Now, Sir, the section as it is, necessarily contemplates that it may do so, provided that it does not infringe any of the functions of the central legislature. Perhaps the Remembrancer of Legal Affairs might be able to enlighten us on that point. If the section stands as it is, I fail to see how it invades any central subject, for instance the provisions of the Indian Territorial Forces Act. That is to say, supposing the University makes a provision, or passes a resolution, well, unless and until, under the Territorial Forces Act it is allowed to do something, the provision will be of no use. So, when the University proceed to make a provision, certainly they will have to approach the authorities for the necessary sanction under the Indian Territorial Forces Act; and it is only after they obtain the sanction under the Indian Territorial Forces Act authorising them to establish a corps, then certainly they will proceed to make provision by way of laying down any rules and also by way of providing the necessary funds required. So, to my humble mind, the provision as it is, does not seek in any way to do something which it cannot do. That is my position. It is within the competence of the University to do that. The further giving effect to it no doubt depends on some other laws. If really the provision is allowed to stand as it is, I do not know why the Government of India should think that it infringes certain other departments or a certain other subject, that is to say, a central subject. Therefore, I do not know whether this aspect of the question was brought to the notice of the Government of India. It seems to me now that the Honourable Minister has stated that the matter is finally settled, perhaps it might be too late, but if the correct reading of this provision is really brought to the notice of the Government of India, I do not think they would insist on the change now sought to be made. The change proposed is that the University may make grants. Instead of retaining the existing provision enabling the University to make provision for military training, the clause says that the University may make grants from the funds of the University towards the maintenance of any University Corps established for the University under the Indian Territorial Forces Act; that is to say, the corps has to be

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established for the University under the Indian Territorial Forces Act, and the University is to make grants towards the maintenance of the corps. It seems to me that it comes to the same thing. That is, they must make provision first of all and approach the Indian Territorial Force authorities, and as soon as any corps is established, then they are to make a grant. So, in short, I really fail to see the necessity of this amendment, namely clause (ee) proposed in the bill. I do not know whether such an amendment is really necessary, and whether the section as it stands is really something which is causing any anxiety, or whether the insertion of the word "military" by itself causes any apprehension. Of course, as the honourable member pointed out, I was no doubt responsible for the insertion of military training, and it was to be pointedly brought to the notice of the University as a sort of discretionary duty, and it was for that reason that that word was inserted in the section which originally was confined to only physical training. I never thought that that would mean that the University was arrogating to itself any function which does not belong to it, or is not within its limitations. The University may exercise certain power if that power is given to it. The object was to give the University a power enabling it to do certain things, and I think there is some force in what the honourable member who spoke last said that if we omit that provision, which is in the nature of a discretionary duty as it were, hereafter the question may be raised as to how the University can appropriate any funds for something for which it has not the power to provide. So, there might be that quibbling. But in my humble opinion, there is the provision enabling the University to make grants for the establishment of a University corps. I think there is that power, and I do not think that there will be any objection to the University adopting a resolution to that effect hereafter, if such a resolution is brought forward. On that point, as I stated at the outset, perhaps the Remembrancer of Legal Affairs may be able to offer his views, so that the House might be in a position to have its doubts removed. In my humble opinion, the change does not make any serious alteration, and therefore there is no ground for the House to oppose the first reading of the bill.

The Honourable MOULVI RAFI UDDIN AHMAD: Sir, my honourable friend from Nasik, in his usual lucid and eloquent manner, dealt with the bill and said that perhaps I was not enamoured of the bill, and therefore I did not take the responsibility of moving it. Sir, that is not the case. As far as the whole bill is concerned my opinion is well known to the House and to my honourable friend from Nasik. The only reason for which I did not move the bill is that I did not want it to be a joint offspring. I thought that my honourable colleague should be entitled to claim the paternity of the bill for all time to come. I do not want to claim even an adoptive character with reference to this bill. Hardly there is anything in the bill which is objectionable. When my honourable friend from Nasik (Mr. R. G. Pradhan) said that it was not usual for the honourable member from Satara to make amendments in a careless

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manner I quite agree with him. But I go further and say that he has always a deep meaning, and inserts clauses and words which appear to be simple but which have a deep and significant bearing. There is no difference, says Mr. Kale, but if his words had been inserted they would have given an equivocal meaning. Therefore I think it would be recognised that the bill is simplified and made clear by the amendment.

I am one of the oldest members of the senate as well as of this Council. This resolution was brought before the senate by Dr. Paranjpye two or three years ago. No doubt, the words attributed to him by my honourable friend from Nasik are correct but the meaning and intention was merely for physical culture. Sir, myself, my honourable friend the Honourable the General Member and my honourable friend Mr. Jadhav were all present at the meeting and all voted against it and the senate in its usual logical manner rejected the resolution. Therefore it cannot be contended that the senate will be sorry if this clause is passed here; on the contrary I think when the original bill was placed before the senate the simple amendment suggested in the select committee by my honourable friend from Satara of one or two words "military training" was not before it. Therefore it could not be stated that we are doing anything against the wishes of the senate. On the contrary we are taking away the significant sentence, word or expression which has been used by my honourable friend from Satara. If that be removed the senate will be further pleased. The vice-chancellor has the authority to speak on behalf of the senate. If I may say so, although apparently it is the child of my honourable friend to my left (the Honourable Dewan Bahadur Harilal D. Desai) it is really the child of the vice-chancellor. (Laughter.) The Government of India will give the Act its wholehearted support and this Government will be further pleased if this bill is carried. No harm will be done. I think that the whole House will unanimously pass it.

Mr. N. A. BECHAR (Karachi City): Sir, both the Honourable Minister who is piloting the bill and the Honourable Minister who should have piloted the bill are in a peculiar position to-day. The bill is not so innocent as the now Honourable Minister for Local Self-Government makes it out to be. He told us that the intention of this bill is merely to reshuffle the clauses from one position to another. (An Honourable Member: there is a reshuffling of portfolios also.) I am not prepared to take that view.

I shall presently show how it is really a matter of very great importance. It will clearly appear from this section 18 that the senate shall be the supreme governing body of the university and shall exercise all powers and so on. Then the powers are defined in the various sub-clauses with regard to the matters specified in them. Therefore this clause really gives power to the senate to provide for physical training and military training. The Honourable Minister wants to substitute this by the words.

"make grants from the funds of the university towards the maintenance of any University Corps established for the University under the Indian Territorial Force Act, 1920."

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My objection to it is this. The university corps of the Indian Territorial Force is composed of people who voluntarily join it. Assuming at a certain time a resolution is brought forward by a senator for making military training compulsory for every student in the university, that is, in colleges affiliated to the university, some one may logically argue that that resolution is *ultra vires* of the University Act, because the senate has not got the power to make military training compulsory, as the clause only says that the university can make grants for the maintenance of a university corps. If, in spite of this, the Honourable Minister still contends that this is merely changing the position of the clauses, I humbly submit that the Government of India are not so simple-minded nor their Legal Department so fastidious as to suggest the removal of one clause from one place to another without any real significance. There is a deep meaning in it. It reveals the spirit of distrust and foreign character of Government of India. Just as in Germany, France and many other countries every youth has to undergo compulsorily a course of training either in Army or Navy one would expect that Government of India should welcome a desire on the part of people themselves to impose military training upon the youths. Military training is a matter entirely within the province of the Government of India. We agree, but what we say is that if the senate makes certain regulations for making military training compulsory they will have to go to the Government of India for necessary sanction and that amount of support which may be required to their scheme, because under the Arms Act, rifles and other similar things cannot be in possession of persons without license. Ultimately the sanction of the Government of India to this scheme adopted by the senate will become necessary; and therefore any fear apprehended on that score that there will be state within state and that the senate will be in power to set up a military organisation under this clause and enforce military training on all college students will not bear any examination. This clause merely gives power to enforce military training upon students if and when made compulsory. Therefore, I would very much wish that it was possible for the Honourable Minister to carry on further correspondence and so amend the amendment he is proposing to-day that the real purpose which this House wanted to serve by section 18 would remain unimpaired without serious objection from the Government of India.

Then, coming to the question of clause 33 (2) (kk), which is proposed to be added to transfer the power from the Syndicate to the Senate, we have just heard from the Honourable the Minister the opinion of the Vice-Chancellor. He put it in such a way as to make it seem that the University thought that by the manner in which this clause emerged from the select committee the powers of the Senate had actually been taken away by the Council. Sir, I entirely differ from that point of view and for this reason. The clause as it stands gives power to the Syndicate, whose ordinances are not subject to approval by the Chancellor. By the transfer of this clause as proposed in the amendment the power will be given to the senate and therefore its statutes under the Act will have to go to the Governor as Chancellor for sanction. That is the

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difference made by the clause, and I wish to draw the attention of the Honourable Minister to that. Sir, as we all know, Government already possess powers to enforce its demands on the secondary schools and colleges by the system of grants-in-aid which they give to these institutions. Therefore, there will be dual control of Government over the educational system of this country.

Mr. B. G. PAHALAJANI: Government does not want it.

Mr. N. A. BECHAR: Government want it, because they want to transfer the power to the Senate, so that the power of ultimate sanction will rest with the Governor as Chancellor. So that, apart from the power which the Director of Public Instruction and Government possess for enforcing their control over the educational institutions by the system of grants-in-aid, they also want that the independence of the University should be further toned down. That is the real effect of this clause. I wonder whether this House will be prepared to accept this bitter pill in this manner.

Sir, I must confess to you that the manner in which the motion for the first reading was allowed to be made without any protest from this House shows the spirit and temper of this House. I am really very sorry for that, and I wonder whether we are actually discharging the functions of legislators when we say ditto to everything that Government say. That is my experience of yesterday and to-day. I would have been very glad if it were possible for this bill to be brought forward either on Saturday or on some other day when members like the leader of the Swaraj party were in the House to represent the real sentiments of the graduates of Bombay. Sir, it is no use quoting to us only the opinion of the Vice Chancellor of the University. Sir, you will recall to mind that immediately after the bill emerged from the select committee and was blessed by the member representing the University and also by the Vice-Chancellor, the Senate convened a special meeting and said that they would not accept the bill. That was the anti-climax within the University itself. Therefore, his quoting with authority the opinion of the Vice-Chancellor as support for these very significant amendments will not deceive us on this side of the House. I see, Sir, there is no alternative. One man here and one man there may place their points of view, but I find that an opposition does not exist. My honourable friend Mr. R. G. Pradhan might be tickled in his honour and vanity, if there is any, by Government benches calling him the leader of the opposition, but I do not see any opposition at all. There is no opposition: that is my regret. I would like to see some real liveliness, but there is absolutely nothing.....

The Honourable the PRESIDENT: Will the honourable member come to the University Bill!

Mr. R. G. PRADHAN: Leader of Co-operation.

Mr. N. A. BECHAR: Sir, I have done.

Dr. M. K. DIXIT (Surat City) : Sir, as the honourable the previous speaker said there was no opposition in this House, I alone would not claim to constitute the opposition, but I must enter my protest against this bill being passed into an Act. The fact is that in the February session the University Bill was rushed through and the assent of the Governor General was almost received except for the two clauses which are sought to be modified by this amending bill. As the honourable member from Nasik said, we were left with only two alternatives, namely either to remain satisfied with only the old University Act of 1904 which is in operation to-day or to accept the modification. If that be true, the only course open to us is to accept the lesser evil with strong protest. The protest which I wish to enter in this particular matter is this. When in the select committee the words "and military" were introduced in clause (2) of section 18 of the University Bill, it was done at the instance of my honourable friend Rao Bahadur Kale, the honourable member from Satara. My honourable friend could not have meant to use the words only in such an innocent manner that he tried to picture to us. He might have introduced the word "military" only with the same object with which and in the same sense in which the phrase 'physical training' is used, and meant that just as physical training could be given to university students, military training also might be imparted to university students; yet as the wording went in the bill, that we adopted in the last session, it meant that just as the Senate can provide for physical training in the same manner the Senate can provide for military training for the university students.

He interprets this word as a sort of formal change to be adopted. If that were so, I do not think the Government of India would have taken so much trouble in framing a new amendment clause and insisting upon removing the words "military" from the previous sub-clause and creating a new clause. To my mind the change is a very significant one. When we say that the senate is empowered to provide for physical training, it is very different from saying that the senate is empowered to make grants for physical training. When we say that the senate can provide for technical training it does not only mean that the senate can grant money for technical training but it would also mean that the senate can create technical institutions, technical laboratories and engage technical experts and technical teachers and also equip those laboratories with technical apparatus and technical instruments. If you say that the senate can provide funds, it can only provide the funds and nothing beyond. I suppose there is a lot of significance in the change that the Government of India propose. They may have been justified in proposing this amendment, because of certain military Acts like the Territorial Forces Act, etc. that are likely to come in the way of such a clause being allowed to remain on the statute book. In the new University Act the words were allowed to remain as they are and the senate can provide for physical training, and military training. It will mean that the University will be in a position statutorily not only to make grants but to engage officers to train university under-graduates, to purchase rifles, ammunition and

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several other things which would be required for the training of the university corps. But as I said certain military Acts may be coming in the way of allowing such a clause to remain and it is therefore, I infer, that the Government of India propose to remove the word "military" from the clause and substitute a new clause. If it was possible to have this clause I think the senate will have powers which the University may well be proud of. If it is not possible, it is better to have power to provide for certain University Training Corps and to allow our under-graduates to receive military training. I do not know if it will be possible, if the amendment is passed, but I think this should be made clear in this House by the Honourable Minister who is piloting this bill through, the following fact, viz., that if the University thinks of making military training absolutely compulsory for the under-graduates, the University should have power to do so under the new Act, when it comes into operation.

There is very little that I can say about the second amendment about the transferring of one clause from one place to another place. The case has been fully explained by the Honourable Minister. If it existed in the statute book as it is at present, the resolution of the senate will be final and not subject to the control of the chancellor. But with a view to avoid delay in bringing the new University Act into operation the amendment may be accepted, and the senate will be better advised to fight for this privilege by bringing in a fresh amendment bill later on at a more opportune time rather than that the new University Act should remain a dead letter without any change. With these words I support the first reading.

Mr. B. T. DESAI (Bombay City, South): Sir, I must say at once that I rise to oppose this bill. From what I have been able to make out I think that the new Act will take effect only if we accept this amending bill. If we do not accept it the Act will not come into operation. If this is so, I would appeal to those members who had tooth and nail opposed the University Bill to oppose this bill and if they had really been genuine in their opposition I consider this is a good opportunity to grasp so that they may enforce their will upon the Government. They did not want the University bill and they carried on various campaigns against the bill. But now why is their opposition dwindling away? Either the opposition was genuine or it was not. If the opposition was genuine, based on principle and on self-respect then, Sir, they should grasp this opportunity of defeating Government. I think therefore that this splendid opportunity should not be allowed to go. The amending bill should now be unceremoniously thrown out and the whole of the unpopular University Act will be thrown out.

The Honourable the PRESIDENT: That is an Act now.

Mr. B. T. DESAI: It will not come into operation if this amending bill is not passed. It will become a dead letter if this bill is not passed. If it is not in operation our purpose is served. The amending bill has been moved as a very formal one as the dropping of a few words here and

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transferring some other provisions to another place. I cannot persuade myself to believe that it is only a formal and innocent amendment. So far as military training is concerned I think it must form part of a popular institution. Military training should be under the control to a certain extent of a popular institution. This popular institution is concerned with the youths of the presidency and those who believe that the youths are the future makers of the nation would want that they should be given military training. Of course we know the Arms Act and various other measures of that sort have come in the way of the youths learning to make use of arms, which is their birthright. We have seen the disastrous and emasculating effects of these measures. Why should not the University be given this power? The statement of objects and reasons says:

"Section 18 (2) (e) of the Bombay University Act, 1928, empowers the senate to make provision for the military training of students and appears to assign to the authority of the University a function properly belonging to the Military Department. This was not intended."

I cannot understand this reason. Why should the giving of military training be appropriated to the Military Department, and the Military Department alone? Why should it not be left to the various institutions to give military training to those who are trained there? What is there special? But in India there are so many things that the Indians are denied, and, therefore, they say "Let us restrict it to the Military Department." And, Sir, this bill, of course, originally did want to give this power to the University, and it was so far a beneficial enactment. But now they think that if this power is given to the University, perhaps thousands of youths or lakhs of youths would be trained in military affairs and, therefore, perhaps it would be contrary to the provisions of certain enactments which had been provided with a particular view which may not be carried. Well, I may tell the Government and the front benches that now the time has come when the military training ought to be made compulsory for every adult youth. It must be so done. It is being done in several other countries, and if India is left in the lurch, then the Government will know to its cost the results of the ban that has been put on the Indians. Therefore, now be careful and be awake to the necessities of the times, move with the times, and give military education to every youth of India, which would perhaps save the situations that are likely to arise in the future. And, Sir, it is with that good intention that the University should be given this power and further on, Sir, it may lead to the compulsory military training by the University. Well, that will make India a better India, I am quite sure; at least the Bombay province a better province, if we do not talk of India. Therefore, Sir, there is nothing in the reason that it is the sole function of the Military Department which is going to be transferred to a certain extent to the University. I say it should be transferred to the University and, therefore, Sir, this should not be allowed. Now, Sir, the other thing is, "Oh," he says, "it is simply dropping the word 'military,' but we are giving you in substance as to what could be done.



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You have got money; you pay funds to the Territorial force, and some persons will be admitted." Now, the less said the better about this argument of taking away certain power invested in the University and telling them "You can make some provision for money, and we will look after you." Of course, we are paying money for several things, and we know, Sir, how we are being looked after. Sir, it is no use being deluded in any way by such provisions of our safety at the hands of others. The University should not be told "Oh, you should not make provision for military training of the students, give that power to the Territorial Forces; you give the money that is demanded, and you will be all right." I say it will really act to the detriment of the University so far as the military training is concerned. And this territorial force and all these things are really a part of the Military Department. And, Sir, here is a question of principle that a function of the Military Department, which is solely given to the Military Department, is going to be transferred to a popular institution. Military training is to be taken in hand by the popular institution, namely, the University. That is the principle that is to be vindicated, and not a few students to be trained here and there, and the University to be supplying funds. That is not the point. The point is whether the Indian University, which ought to be an Indian popular institution, has the right to give military training to its students. I say this power, which is denied at present, ought to be vindicated and this amendment ought to be thrown out.

With regard to the other amendment, it is also said that the University has enjoyed the power so far as the admission of the students is concerned. But the Government of India does not want it. Then, we come at a compromise, namely, take it away from the Senate and give it to the Syndicate, so that the Chancellor may control it. I say, Sir, that is also an argument which cannot commend to the persons who look to the University as a popular institution of great importance. Why should the right that is in the University, which is not controlled by the Chancellor, and which can be exercised by itself,—there is no other authority over it to dispute or control anything,—why should the University be deprived of that absolute right and why should this right be made subject to the sanction of the Chancellor? Of course, Sir, we had opposed this bill on the ground of the Chancellor being the Governor of the province, on principle, and also we had said that the Chancellor should not be nominated. As long as the Chancellor is not an elected member, of course, he is really not a part of the University, but an officer who is controlling the University. So, the power which the University has itself is to be delegated to the Syndicate in order that it may be controlled and supervised by the head of the province! Well, I think there could not be a more mischievous provision than this. Both these amendments are absolutely mischievous and detrimental to the popular interests, and, Sir, they are a breach of principles on which popular institutions are run. Therefore, I strongly appeal to the House that they will look into this matter very carefully and throw out the amendments in the interests

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of the youths as well as in the interests of the popular institution, namely, the University.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to make a few observations as regards the provisions of this bill. It was observed by the Honourable Minister that the bill is of a formal nature. I beg to submit to this House that the provisions of the bill are not so simple as they appear to be. It is intended by this bill to make some important changes in the sections of a bill which has received recently the sanction of His Excellency the Viceroy and which became an Act only in August last. The bill seeks to take away some powers from the University and to transfer it to the Chancellor, who is head of the Government. Sir, the House is aware of the prolonged debate upon the question of the visitatorial powers of the Chancellor. It is only a few days ago it was only in August last,—that Act IV of 1928 became law. I do not know what led the Honourable Minister to think that the powers of the Chancellor as described in the Act were defective and that they must be augmented. I beg to submit to this House that the powers of the Chancellor are ample enough and they do not require to be augmented at all. In the statement of objects and reasons it is stated that the Syndicate has got power of control over the secondary education and that it has got power to shape the policy of secondary education by the present Act. I ask why this Syndicate should be distrusted in this connection. I want to know why it is intended that the powers of the Syndicate should be done away with in this respect. Is not the Syndicate a body to be trusted to look properly after the secondary education of this Presidency? What has made the Honourable Minister—I mean the previous Minister of Education—doubt its efficacy, doubt its ability in this connection? I beg to submit to this House that by saying that the Syndicate's control should be transferred to the Senate, it is only intended to increase the powers of the Chancellor. I beg to submit to this House that it is not desirable to increase the powers of the Chancellor within such a short time. Within two months of the passing of the Act, the powers of the Chancellor are sought to be extended! At least I expected that the Government would allow sufficient time to give the Act a chance, an opportunity, to work and would wait for the results. And if it was then seen that it was necessary, or that the work of the University was not carried out properly, then Government would have been perhaps right in coming forward with a bill of this nature.

With regard to the other amendment sought to be effected by this bill by the deletion of the words "and military," I beg to submit that this is a change of a far-reaching character. The statement of objects and reasons states that the retention of these two words would mean that the University will be encroaching upon the powers of the Military Department and that the provisions of the Indian Territorial Force Act will be invaded. When the University Bill was under debate in this House last year, every section and every clause of it was submitted to the most careful scrutiny and examination. It was not then objected that the

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provisions of the Indian Territorial Force Act of 1920 were invaded by the provisions of the University Bill nor was it contended then that the powers of the Military Department were sought to be encroached upon by the University Bill. I beg to submit to this House that by the retention of the words "and military" no such encroachment or invasion takes place and the University Act does not come in conflict with the provisions of the Indian Territorial Force Act of 1920. All that is said by that Act is that the University should make provision for military training of its students. When the Legislature passed the Act containing these words "and military," it clearly meant that the University would make provision for military training in conformity with the provisions of other Acts that were in force. It was not intended that the University Act should be so worked as to provide for military training not in conformity with the provisions of the Indian Territorial Force Act or other Acts of the Government of India. The retention of these words is simple enough. These words are innocent in the sense that the University, which is a body which has to impart, to shape and to develop every form of training and every form of culture and every sort of education of the youth of the Presidency, should be given the power to do so. The University is the only body which can be safely entrusted with the work of imparting military training of its students. The deletion of these words "and military" will certainly be most injurious. If the words are deleted, the University will be indirectly precluded from effectively discussing any matters relating to the military training of the youth of this Presidency. Long before the University Bill was brought in this House, a proposition was moved in the University of Bombay to provide for the military training of its students. It was then thrown out, but since then times have changed, conditions have altered, the aspirations of the people have changed and much water has flown under the bridge. The very fact that these words were allowed to be retained in the bill which became an Act only a few months ago clearly shows that the feelings and the aspirations of the people have changed since then. I am quite sure that if this bill were now to be sent back to the University, the University would certainly oppose the deletion of the words "and military" from the provisions of the University Act. I beg to submit to this House that the deletion of these words will deprive the University of a legitimate power which has been given to it by an Act of this legislature. The country has been crying for military training since long; hence, Sir, it follows clearly that if you deprive the University of its legitimate power of imparting military training to the youth of this Presidency you mean a death blow to the growth of military spirit in this Presidency which has such a glorious record of its past military achievements. With these words I oppose the first reading of the bill.

Mr. V. N. JOG (Dharwar District): Sir, I rise to oppose this bill. This is another instance where the University of Bombay Act that has been passed by this House is hampered in its way of becoming a complete law and the threat which is always used is that if a certain amendment proposed by Government is not accepted, the whole Act or the bill stands the

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chance of being lost. You will remember, Sir, that when the first bill was being discussed last year and almost the whole Act was passed, there came another section which said that visitorial powers must be given to the Governor General and the same threat was at that time held out, namely, unless those powers were given, the bill, which was in its nature more democratic than the first bill, would be lost; we had then to yield to certain of the demands of Government. Now I submit to this House that if such threats are used, we should neglect them and go on with a firm mind and get what we want to have. I was also a member of the select committee and at that time the words "and military" were advisedly put there. So far as the change is concerned, I am of opinion that there is a good deal of difference between removing these words from the particular portion of the section where they now are and transferring them to another portion as it is intended at present by this bill. The present attempt of Government to make this change shows another indication that Government have no confidence in that august body namely, the University of Bombay. This is the second instance I have to refer to. I have already quoted the first instance with regard to the visitorial powers. It seems to me that something is behind the mind of Government which they do not want to disclose when they say that this is an innocent and a merely verbal change and that it should be effected. But it is clear that Government have not full confidence in the University and they desire that the University should only supply funds and that the military training should be left to the Military Department and should be meted out to the Indians in the most frugal manner in which they wish to have the youths of India to be trained in the military course. We should now be firm and enter our protest and in spite of the diminished strength we have to-day on the non-official side, we must try to vote against this measure.

This House may also remember what large sacrifices we had to make with regard to the University Bill in the hope of getting a more democratic statute and certain statutory provision of finance for the University. When the bill was being ushered, we had to make a large sacrifice even at the cost of being humiliated by the public, we lost an elected seat of the Vice-Chancellor and at that time we were told that if we did not make this sacrifice, the statutory provision of finance would be lost and that it would be a discretionary grant. We must now enter a vigorous protest against this bill and throw it out.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, we have been told that this is a very innocent bill and that it should be passed. The change proposed by Government, however, appears to me to be of a very far reaching character just as the provision of visitorial powers for the Chancellor or the Governor General was. We have been told that if these changes were not assented to by the Government of Bombay, the Governor General would have withheld his assent to the University Bill as passed by us a few months ago. That is not the way in which a popular Minister should have negotiated with the Government of India.

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It is the right of this House to legislate. Government should not have arrogated to themselves the power of the Legislature and given an undertaking to make changes without consulting the House. In my opinion the Honourable the then Minister ought rather to have allowed the Governor General to send the bill back to us for reconsideration than yield to the threat held out by the Governor General that he would have to refuse his assent to the bill if the Government of Bombay did not agree to the deletion of the words "and military." In that case, we would have seen in the most naked form the intentions of the Government of India towards the aspirations of the people of this country. Here the Government of India have been saved from doing a wrong thing themselves and they have been able to veil and clothe their naked intentions through the instrumentality of a popular Minister. The popular Minister ought to have stood against such a proposal on the part of the Governor General, and he should have asked that the bill be sent back for reconsideration. In that case, we could have shown how unceremoniously the bill would have been thrown out.

Now, what are the proposed changes? The purpose of the new University Act was to provide for military training. The change was made by the House, and the words "physical and military training" were put in section 18 (e). Now it would have been all right if merely this change had been made, that is to say, make provision for the physical and military training of students. If the clause was to be separated, they would have put down a provision for the physical training of students, and then they would have said "financial provision for military training." If some such change had been made, it would have been all right. But the way in which the change is sought to be made as suggested by the Government of India shows that they want to take away military training out of the hands of the University altogether. What will be the condition of the University if the clause is accepted? It will be like that of the Indian States under the Subsidiary Forces Act. It would pay for the establishment of a corps, but it would have no control over the corps, and it would not have the power to guide the policy as regards the corps. The University would be giving the money, but would not be able to have any say as regards the way in which military training has to be imparted.

With regard to the other changes proposed, one of the important changes is that they want to transfer to the Senate the power to frame statutes with regard to the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the matriculation examination. This means that such statutes must be framed under the sanction of the Chancellor, that is to say the local Government. Therefore, it is an important change, and the Government want to have the matriculation examination under their control. It should be the duty of the Syndicate to decide the calibre of the students for the purpose of being admitted to the University. Everywhere the matriculation examination is under the control of the University. Even

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in England and other places, the matriculation examination, which determines the qualifications of the candidate for entering the University, is under its control. According to section 35 (1) (c) of the Act, the University is empowered to put down the conditions for granting degrees, diplomas, and such other things, and under section 35 (1) (c), it has complete control of the matriculation examination. Now, this bill seeks to transfer the power to a body which would have to go to the Chancellor for sanction. Therefore, I think that the changes are of a far reaching character. They are not so innocent or harmless as they have been made out, and therefore I think it would be desirable for the House to pause and consider before it comes to a judgment on the question. It would therefore be desirable to refer this bill to a select committee before it is passed, so that the necessary changes may be made in select committee. If even after that the bill is sent back to us for re-consideration by the Government of India, we can once more insist that we should be able to legislate in the matter of the University according to our wishes, and we should be allowed to have our say and should be allowed to have our changes inserted in the bill which will be put before us at the instance of the Government of India. Therefore, this bill should not be passed in all its stages now, but it must be sifted through a select committee before it is allowed to pass.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I rise not to oppose the whole bill, but only clause 2. The reason for it is that when the University Bill was passed by this House on the last occasion, the section about military training was inserted therein. I do not understand why it is now proposed to remove that provision. When the sanction of His Excellency the Viceroy was asked for the Bill for the first time, there was no objection, but after the whole of the University Bill was passed by this House and it went back to His Excellency the Viceroy for his sanction, it is suggested that this provision should be repealed. Sir, if this provision is removed, it will do much harm to the warrior classes of this country, who are mostly Marathas and Muhammadans. We must bear in mind that if college students belonging to these classes get military training, they would serve their own country better. It must also be borne in mind that this is not a minor clause, and if it is retained, it will be in the interest of the whole country in general and the warrior classes in particular. We must also bear in mind that the proposed change would do very great harm to us and to our future generations. With this object in view, I would say that this provision should not be allowed to be repealed at all. Our college students are in great need of such training, and therefore they must get it. Every student of these two classes may desire to have such training, but they cannot get it unless it is made compulsory in the colleges. If they get military training, they will have some knowledge of it, and then they will be of great use in defending their own country. Sir, anyhow, sooner or later, the British Government is going to give more powers into the hands of Indians, and as such I do not see any reason why they should object to give such

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military training to the people who are really worth receiving the same, and who have got some inclination and desire, as also those who are fit for receiving the same. Such people ought not to be obstructed in their efforts to get military training. With this object, I oppose only clause 2 of the bill, which should be deleted from this bill.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I notice that there have been some serious misapprehensions in the minds of honourable members with reference to this bill. I again repeat, and I will show later on, that these are formal amendments, and nothing of suspicion ought to arise in the minds of honourable members. I take first, the transference of the powers under clause 35 (1) (e) to clause 33. In my opening remarks, I had referred to section 25 (1) (o) in the Act of 1904. There the power of laying down the conditions with reference to candidates for the matriculation examination is with the Senate. The sections runs thus :—

"The Senate, with the sanction of the Government, may from time to time make regulations consistent with the Act of incorporation as amended by this Act and with this Act to provide for all matters relating to the University."

At present the power of laying down the conditions is with the Senate, with the sanction of the Government of Bombay, not of the Chancellor. That is the power which exists at present. In Bill No. XXVIII of 1928 that power has been retained, but in the distribution of powers it was put under the head of the powers relating to the Syndicate.

In October last after we passed all the clauses of the bill, except clause 5, objection was received from the Government of India with regard to the clauses covered by the bill. That was a subject of long discussion and this Government later on insisted that this power of laying down conditions with regard to the recognition of secondary schools must rest with the university, as it has been enjoying that power for the last 24 years. The Government of Bombay supported the view of the University and stood out against the view of the Government of India and insisted that this power should not be taken away from the university. The Government of India turned round and said that "if you want it to remain then let it remain where it was originally". Originally all the regulations passed by the senate were subject to the sanction of the Government. In the new Act we have provided that only statutes framed by the senate are subject to the approval of the chancellor and not the Government of Bombay. The Government of India said that this provision should remain under the provisions relating to statutes which are subject to the approval of the Chancellor. So, we are not taking away any power from the senate which they now possess. Consequently I submit that the transference of clause 35 (1) (e) to section 33 does not mean the taking away of any power of the university. The Government of Bombay have had a very long correspondence both by post and by telegraphic messages to retain this power to the university and eventually they have succeeded in having that power retained to the senate, subject to the approval of the Chancellor and not of the Bombay Government as it existed before. We have stood by the views of the university,

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and there is absolutely no reason for any suspicion that we are now taking away any of the powers of the senate. (An Honourable Member : What about clause 2 ?) I am coming to that. I am dealing with the transference of the clause, because there has been some misapprehension particularly in the minds of the honourable members from Bombay and Dharwar. We have on the contrary tried to bring the Government of India to the view of the university that the power in question should remain with the university as it has been enjoying it for a long time. (An Honourable Member : So, the additional power that is given by the Act is being taken away.) The power is there : but it is under the clauses relating to the syndicate. The Government of India wanted that the provision in question should exist where it was in the original Act. Therefore, we are not taking away any of the powers of the university, but we effect the change as concurred in by the Government of India and to restore the clause to its existing position.

As regards amendment to 18 (2) I still maintain that it is only formal. At the time when the bill was before the select committee, we did not quite realise that the putting together of military training and physical training in one clause would create confusion. This was not recognised even at the time of the second reading. Thereafter the Government of India drew our pointed attention to the fact that there is difference between making provision for military training and that for physical training. They pointed out that for physical training we can not only make a budget provision, but can also appoint instructors for its propagation, etc., as it is a matter which is not the concern of the Central Government, but one which is within the province of this Government. As it is within the power of this Government, this Government are quite right in delegating that power to the university. There was no entrenching on the powers of the Central Government. Honourable members have to remember that this Government can delegate powers which they possess but they cannot do so in the case of powers which they do not possess. In the case of physical training, as it does not entrench on the powers of the Central Government, this Government have delegated their powers to the university and the university can make budget provision, purchase implements that are necessary and appoint instructors and so on. As regards military training you can make a budget provision as in the case of physical training but as regards the rest—appointing instructors and purchasing rifles and so on—this Government have no power and therefore they cannot delegate any power to the university. That power rests with the Government of India. I refer honourable members to section 2 of the Indian Territorial Force Act of 1920 which distinctly lays down :

“ University Corps ” means any corps of the Indian Territorial Force constituted for the appointment thereto of students of, and other persons connected with, a University established by law in British India or college affiliated to such a University.”

In section 11, it is stated :

Every commissioned officer, non-commissioned officer and man of the said force when embodied for, or otherwise undergoing military training in the prescribed manner shall be subject to the Indian Army Act, 1911, and the rules made thereunder :



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Provided that the said Act and rules shall in their application to such persons be modified to such extent and in such manner as may be prescribed :

Provided, further, that officers, non-commissioned officers and the men of a University corps shall, when undergoing military training, be subject only to such disciplinary and other rules as may be prescribed in this behalf."

Section 13 says :

"(1) The Governor General in Council may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

(e) prescribe the military and other obligations to which members of a University Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases."

So that, the Indian Territorial Force Act of 1920 which has been passed by the central legislature provides for the University Corps and military training, and therefore in the matter of military training the Government of Bombay has no powers which they can delegate to the University : that authority rests with the central Government. Therefore, section 18 (2) (e)—"make provision for the physical and military training of students"—meant two different things. In one case, in the case of physical training, it meant that the Senate could make not only budget provision but also exercise all the powers which it was within the province of the Bombay Government to delegate ; but in the other case, in the case of military training, as stated in the statement of objects and reasons it appears that the provision assigns to the authority of the University a function properly belonging to the Military Department. The Government of India said that it was not within our powers to assign that function to the University. They said "Drop these two words and add another clause, so that under the Indian Territorial Force Act the University can apply for the formation of a unit and the Government of India will then consider their application." In this connection, I wish to make a further submission that, as my honourable friend stated, I am one of those who would like that the University students should have compulsory military training. I am one of those who hold that view. However, we have to go by the arrangements as they exist, by the legal provisions as they exist. In this matter of military training, the University can make a budget provision and then apply to the Government of India if they want to make it compulsory. In the Act of 1904 which is in operation there is no provision enabling the University to make provision at all for physical and military training. Yet the University has discussed the question of making physical training compulsory and also the question of making military training compulsory. That was done even when there was no provision in the Act. In the present Act we make a definite provision : when we authorise them to make a budget provision, they may pass a statute or regulation saying that every student appearing at a degree examination shall have passed through a course of compulsory military training ; they may make that condition, and after that they will have to make a budget provision and then approach the Government of India and say "We have passed this regulation ; we want

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to make military training compulsory; we have made budget provision; will you kindly allow us?" When a corporate body is authorised to make a budget provision, it is impliedly authorised to consider the object for which that provision is necessary and to do all that may be necessary to achieve it. They can do everything themselves in the case of physical training; in the case of military training, they have to approach the authorities whose sanction is necessary. My submission is that there is nothing insidious meant by the amending bill which proposes that the words "and military" be omitted from section 18 (2) (e) and that separate provision be made under a separate clause. It would not prevent the University passing a resolution to make military training compulsory. Even the Act in operation, which contains no provision at all, has not stood in its way. So that there ought to be no fear in the minds of honourable members that there is anything beneath the surface when Government seek to omit the words "and military" from section 18 (2) (e) and make a separate provision for it in a new clause.

Mr. R. S. ASAVALE: Sir, on a point of information. The Honourable Minister stated that there is no objection to the University asking for the sanction of the Government of India. So, where is the harm if the words "and military" are left there? They have no power to bring it into force unless they get the sanction of the Government of India. I am quite sure that if the words remain there the University cannot enforce compulsory military training on the students without getting sanction from the Government of India.

The Honourable Dewan Bahadur HARILAL D. DESAI: I am very glad my honourable friend has given me the opportunity to meet that point. The point is, as the honourable member the Legal Remembrancer will tell us, that in framing the phraseology of sections of Acts we have to frame it in such a way that there will be no ambiguity. In the case of the present section, section 18 (2) (e), we have the words "make provision for the physical and military training of students". Apparently it means that the University in the case of physical training can not only make budget provision but may employ physical instructors, found institutions and equip them with implements. They can do so in the case of physical training, but in the case of military training it does not mean all that; it means much less. So, in order that the clause may not be liable to misconstruction, it is necessary to clarify the situation by removing the words "and military" from there and to provide for whatever is possible for military training by a separate clause. That is all that is intended. I assure my honourable friend that this amendment does not take away any power of the University for enforcing military training for students who want to pass a particular examination. That power remains with them. It is rather an additional provision that we are making, which will bring to the notice of the University that this is a matter in which they have a duty, because the legislature has provided a new clause. I may submit to honourable members that I have every respect for the rights of this House: I have not given

[Dewan Bahadur Harilal D. Desai]

away the rights of this House. This is only a proper provision in view of the explanation I have given.

I appeal to the honourable House to pass the first reading of this bill. The University is very keen that the Act should come into operation at once. If this bill is not passed in this session, then there would be delay in fixing the date for the coming of the Act into operation. The bill will have to come again in the February session and it will be a long time. The Vice-Chancellor and several members of the Senate have distinctly told me that they are very keen on the Act coming into operation soon. They have appointed a committee for the purpose of framing statutes, ordinances and regulations as provided by section 44; they are proceeding with it. If we pass this bill now, they can hold the elections in January or February; but if this is delayed, then March, April and May being very busy months for the University, there will be very great inconvenience all round. It is therefore that I urge that this bill deserves to be passed by the honourable House as early as possible.

Question put; House divided; 40 for the Ayes: and 36 for the Bill read a first time. Noes. Motion carried.

*Division No. 1.*

**Ayes.**

AHMAD, the Honourable MOULVI RAFI UDDIN.	KNIGHT, Mr. H. F.
ALLISON, Mr. F. W.	LALJI NARANJI, Mr.
ANDERSON, Mr. F. G. H.	MARTIN, the Honourable Mr. J. R.
BOLE, Mr. S. K.	MAXWELL, Mr. R. M.
BRANDER, Mr. J. P.	MILLER, Mr. E.
BROWNE, Mr. D. R. H.	MUJUMDAR, Sardar G. N.
CHIKODI, Mr. P. R.	NAIK, Rao Bahadur B. R.
COVERNTON, Mr. S. H.	OLIVEIRA, Mr. F.
DESAL, the Honourable Dewan Bahadur HARILAL D.	OWEN, Mr. A. C.
DESHPAKDE, Mr. L. M.	PARALAJANI, Mr. B. G.
DIXIT, Dr. M. K.	PAINTER, Mr. H. L.
GEONAL, Mr. J.	PATEL, Mr. J. R.
GHULAM NABI SHAH, Khan Bahadur.	PRADHAN, the Honourable Mr. G. B.
GILDER, Dr. M. D.	RYEY, the Honourable Mr. J. L.
HARRISON, Mr. R. T.	SHIVDASANI, Mr. H. B.
JADHAV, the Honourable Mr. B. V.	SMART, Mr. W. W.
JONES, Major W. ELLIS.	SMYTH, Mr. J. W.
JOSHI, Mr. S. C.	SULANKI, Dr. PURUSHOTTAMRAI G.
KALK, Rao Bahadur R. R.	TURNER, Mr. C. W. A.
	WADIA, Mr. N. J.
	WILES, Mr. G.

*Tellers for the Ayes:* Mr. S. C. JOSHI and Mr. N. E. NAVLE.

**Noes**

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab.	CHANDRACHUD, Mr. N. B.
ALLAHBAKSH, Khan Sahab.	DAWOODKHAN SHALEBHOY, Mr.
ANGADI, Rao Bahadur S. N.	DESAL, Mr. B. T.
ANAVALE, Mr. R. S.	HAJI MIR MAHOMED BALUCH, Mr.
BECHAR, Mr. N. A.	ISRAK, Khan Sahab GHULAM MUHAMMAD
BUTTO, Khan Bahadur S. N.	ABDULLAH KHAN.
	JAY MAHOMED KHAN, Khan Bahadur.

JATOL, Khan Bahadur HAJI IMAMBAKSH KHAN.	NAVAL, Mr. B. R.
JITTEAR, Mr. HAJI ISRAHIM HAJI MAHOMED.	NAVLE, Mr. N. E.
JOG, Mr. V. N.	NOOR MAHOMED, Mr.
KAMBLI, Rao Bahadur S. T.	PATIL, Rao Sahab D. R.
KARKI, Mr. M. D.	PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO.
KHURRO, Mr. M. S.	PRADHAN, Mr. R. G.
LACHARI, Khan Sahab RAIS FARAL MUHAMMAD.	RAJMAL LAKHICHAND, Mr.
LALLJEE, Mr. HOOSAINBHAY ABDULLA-BHOY.	SARDESAL, Mr. S. A.
LEGADE, Mr. S. P.	SHAIKH ABDUL AZIZ, Mr.
MANSURI, Khan Sahab A. M.	SURVE, Mr. V. A.
MAREBAN, Mr. P. J.	SWAMINARAYAN, Mr. J. C.
	THAKOR of KERWADA, the.
	VANDEKAR, Rao Sahab R. V.

*Tellers for the Noes :* Mr. L. M. DESHPANDE and Mr. V. N. JOG.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I now move that the bill be read a second time. In support of this I beg to say that the original bill was not translated into any vernaculars and therefore it is not necessary now to do so.

The Honourable the PRESIDENT: The question is that the bill be read a second time.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I move that the bill be referred to a select committee consisting of the following:

The Honourable Dewan Bahadur Harilal Desai;

Mr. K. F. Nariman;

Mr. Hoosainbhoy Lalljee;

Mr. B. G. Pahalajani;

Rao Bahadur Kambli;

The Honourable Moulvi Rafiuddin Ahmad;

Mr. K. M. Munshi;

Mr. V. N. Jog;

Mr. Balubhai Desai;

Mr. Noor Mahomed;

The Remembrancer of Legal Affairs; and myself,

six to form a quorum, and the committee to report within two months.

Of course, the matter is not so simple as is told us. But it is a very important matter, and, as the rights and privileges of the University are involved, we should not pass this legislation in a hurry without referring it to the select committee.

Question put and lost.

Bill read a second time.

Question, that the bill be read a second time, put and carried.

*Bill read clause by clause*

The Honourable the PRESIDENT: I now take the bill clause by clause.

Clause I (*Short title*) ordered to stand part of the bill.

The Honourable the PRESIDENT: The question is that clause 2, (*Amendment of section 18 of Bom. IV of 1928*) do stand part of the bill.....

Mr. R. S. ASAVALE: I ask for a division.

The Honourable the PRESIDENT: If the honourable member wants a division, I can count.

Mr. R. S. ASAVALE: Yes.

Mr. NOOR MAHOMED: May I request you, Sir, to give us the benefit of a regular division, so that we may have it on record as to who supported and who opposed it?

The Honourable the PRESIDENT: Very well. I was only trying to save the time of the House.

Question put. House divided. Ayes, 40; Noes, 32. Motion carried.

### *Division No. 2.*

#### Ayes

ADDYMAN, Mr. J.  
AHMAD, the Honourable MOULVI RAFI-  
UDDIN.  
ALLISON, Mr. F. W.  
ANDERSON, Mr. F. G. H.  
BOLE, Mr. S. K.  
BRANDER, Mr. J. P.  
BROWNE, Mr. D. R. H.  
CHIKODI, Mr. P. R.  
COVERNTON, Mr. S. H.  
DESAL, the Honourable Dewar Bahadur  
HARHAL D.  
DIXIT, Dr. M. K.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir.  
GILDER, Dr. M. D.  
HARRISON, Mr. R. T.  
JADHAV, the Honourable Mr. B. V.  
JONES, Major W. ELLIS.  
KALE, Rao Bahadur R. R.  
KNIGHT, Mr. H. F.

LALJI NARANJI, Mr.  
MARTIN, the Honourable Mr. J. R.  
MAREBAN, Mr. P. J.  
MAXWELL, Mr. R. M.  
MILLER, Mr. E.  
MUJUMDAR, Sardar G. N.  
NAIK, Rao Bahadur B. R.  
OLIVEIRA, Mr. F.  
OWEN, Mr. A. C.  
PARALAJANI, Mr. B. G.  
PAINTER, Mr. H. L.  
PATEL, Mr. J. R.  
PRADHAN, the Honourable Mr. G. B.  
RIEU, the Honourable Mr. J. L.  
SHIVDASANI, Mr. H. B.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTAMRAI G.  
TURNER, Mr. C. W. A.  
WADIA, Mr. N. J.  
WILES, Mr. G.

*Tellers for the Ayes:* Mr. S. C. JOSHI and Mr. N. E. NAVLE.

#### Noes

ABDUL LATIF HAJI HAJRAT KHAN, Khan  
Sahab.  
ALLANBAKSH, Khan Sahab.  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BHUTTO, Khan Bahadur S. N.  
DAWOODKHAN SHALESBOY, Mr.  
DESAL, Mr. B. T.  
HAJI MIR MAHOMED BALOCH, Mr.  
ISRAK, Khan Sahab GHULAM MUHAMMAD  
ABDULLAH KHAN.  
JAM MAHOMED KHAN, Khan Bahadur.

JATOL, Khan Bahadur HAJI IMAMBAKSH  
KHAN.  
JITKEAR, Mr. HAJI ISRAHIM HAJI  
MAHOMED.  
JOG, Mr. V. N.  
KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
KETHRO, Mr. N. S.  
LAGHARI, Khan Sahab RAIS FAZAL  
MUHAMMAD.  
LALLJEE, Mr. HOOSHEENBOY ABDULLA-  
BOY.  
LEGADE, Mr. S. P.

MANSURI, Khan Saheb A. M.  
 NAVLE, Mr. N. F.  
 NOOR MAHOMED, Mr.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO  
 JIVAJIRAO.  
 PRADHAN, Mr. R. G.

RAJMAL LAKRICHAND, Mr.  
 SARDESAL, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SWAMINABAYAN, Mr. J. C.  
 SYED MUNAWAR, Mr.

*Tellers for the Yeas* : Mr. L. M. DESHPANDE and Mr. V. N. JOG.

Clause 2 ordered to stand part of the bill.

Clause 3 (*Amendment of section 33 of Bom. IV of 1923*) was then put and declared carried.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City): Sir, I want a division.

The Honourable the PRESIDENT: I would request honourable members, particularly on those last benches, and I would like to address my words to the honourable member Mr. Noor Mahomed, whether now that he has obtained his object of having recorded the dissenting votes on a division, would he and his friends still insist on a division being taken?

Mr. NOOR MAHOMED: I assure you, Sir, that I did not inspire the honourable member Mr. Baloch to ask for a division.

The Honourable the PRESIDENT: I am merely asking the honourable member Mr. Noor Mahomed whether he would like to assist me to find out the wishes of honourable members on that side.

Mr. D. A. JANVEKAR: May I request the Chair to let us know whether it is the honourable member Mr. Noor Mahomed's opinion alone that is to prevail upon this whole House?

The Honourable the PRESIDENT: The honourable member Mr. Noor Mahomed was asked to give his opinion because I thought that he represented the wishes of the honourable members on those last benches who were asking for the division.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: We want to have the names recorded.

Khan Saheb ALLAHBAKSH: May I point out, Sir, that even one honourable member can ask for a division to be taken and recorded?

The Honourable the PRESIDENT: The attention of the honourable members is drawn to Standing Order V-11 (2), which says:—

*Votes may be taken by voices or division, and shall be taken by division if any Member so desires. The President shall determine the method of taking votes by division.*

And the method I decide is that honourable members will stand in their places and show the side that they wish to favour. I ask those honourable members to stand in their places who are in favour of clause 3.

An Honourable MEMBER: What about their names?

The Honourable the PRESIDENT: Rather than accept the suggestion of that cumbersome procedure, I would allow a regular division.

Question put. House divided. Ayes 41: Noes 27. Motion carried.

*Division No. 3.*

**Ayes.**

ADDYMAN, Mr. J.	MARTIN, the Honourable Mr. J. R.
AHMAD, the Honourable MOULVI RAFIUDDIN	MAXWELL, Mr. R. M.
ALLISON, Mr. F. W.	MILLER, Mr. E.
ANDERSON, Mr. F. G. H.	MUJUMDAR, Sardar G. N.
BOLE, Mr. S. K.	NAIK, Rao Bahadur B. R.
BRANDER, Mr. J. P.	OLIVEIRA, Mr. F.
BROWNE, Mr. D. R. H.	OWEN, Mr. A. C.
CHIKODI, Mr. P. R.	PAHALAJANI, Mr. B. G.
COVERNTON, Mr. S. H.	PAINTER, Mr. H. L.
DESAI, the Honourable Dewan Bahadur HARILAL D.	PATASKAR, Mr. H. V.
DIXIT, Dr. M. K.	PATEL, Mr. J. R.
GHOSAL, Mr. J.	PRADHAN, the Honourable Mr. G. B.
GHULAM HUSSAIN, the Honourable Sir GILDER, Dr. M. D.	RIEU, the Honourable Mr. J. L.
HARRISON, Mr. R. T.	SHIVDASANI, Mr. H. B.
JADHAV, the Honourable Mr. B. V.	SMART, Mr. W. W.
JONES, Major W. ELLIS	SMYTH, Mr. J. W.
KALE, Rao Bahadur R. R.	SOLANKI, Dr. PURUSHOTTAMRAI G.
KNIIGHT, Mr. H. F.	SYED MUNAWAR, Mr.
LALJI NARANJI, Mr.	TURNER, Mr. C. W. A.
	WADIA, Mr. N. J.
	WILES, Mr. G.

*Tellers for the Ayes: Mr. S. C. JOSHI and Mr. N. E. NAVLE*

**Noes.**

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb	JOG, Mr. V. N.
ALLAHBAKSH, Khan Saheb	KARKI, Mr. M. D.
ANGADI, Rao Bahadur S. N.	KHURRO, Mr. M. S.
BECHAR, Mr. N. A.	LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD
BHUTTO, Khan Bahadur S. N.	LALLJEE, Mr. HOOSEINBHOY ABDULLA-BHOY
DAWOODKHAN SHALEBHOY, Mr.	MANSURI, Khan Saheb A. M.
DESAI, Mr. B. T.	MARZBAN, Mr. P. J.
HAJI MIR MAHOMED BALOOCH, Mr.	NARIMAN, Mr. K. F.
ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN	NAVLE, Mr. N. E.
JAIRAMDAS DOULATRAM, Mr.	NOOR MAHOMED, Mr.
JAN MAHOMED KHAN, Khan Bahadur	RAJMAL LAKHICHAND, Mr.
JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN	SHAIKH ABDUL AZIZ, Mr.
JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED	SHETH, Mr. A. D.
	SWAMINARAYAN, Mr. J. C.

*Tellers for the Noes: Mr. M. L. DESUPANDE and Mr. V. N. JOG.*

Clause 3 ordered to stand part of the bill.

Clause 4 (*Amendment of Section 35 of Bom. IV of 1928*) ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I now move that the Bill be read a third time.

Question proposed,

Mr. B. T. DESAI (Bombay City, South): Sir, I object to this bill being read a third time today.

The Honourable the PRESIDENT: What is the Standing Order the honourable member is referring to?

Mr. B. T. DESAI: I rely upon Standing Order VIII, 11 (2) (a) which says:

"If any amendment be made when a Bill is submitted clause by clause, any Member may object to the Bill being read a third time at the same meeting."

The Honourable the PRESIDENT: Where is the amendment?

Mr. B. T. DESAI: In the opposition that the whole clause be dropped.

The Honourable the PRESIDENT: I disallow the objection.

Mr. F. W. ALLISON: Sir, I move the following amendment:

"In clause 1, for the figures '192' substitute the figures '1928'."

Question put and carried.

Bill read a third time. Question "that the bill be read a third time" put and carried.

The Honourable the PRESIDENT: The bill is read a third time and passed into law.

#### SUPPLEMENTARY GRANTS.

Supplementary\* grant for Rs. 22,000 for remodelling of the Kander branch ex-Mahiwah.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a demand of Rs. 22,000 which is to be met out of the savings that we have under 55, Irrigation. It is for the purpose of remodelling the Kander Branch ex-Mahiwah. The total cost of this will be Rs. 43,159. This demand I am moving in pursuance of the great cry for improvement, and it is in the interest of the poor agriculturists whose cause this House has always been advocating.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I do not intend to oppose this grant but I wish Government to give an explanation on certain points. We are told that this project was put forward so far back as 1919 and then again in 1925 and now we are in 1928, when we are advised to sanction this grant because it will be in the interest of the people as well as of revenue purposes. I want to know why Government have not done what they are now proposing to do all these years since 1919. From the figures that are placed before us we find that Government expect the acreage under cultivation to increase by about 60 per cent as a result of this scheme, that is, instead of 3,226 acres dry crop and 433 acres rice crop, we will have as a result of this scheme, 3,885 acres dry crop and 1,942 acres rice or a total of 5,827 acres over the original acreage of 3,669. Further what we find is that they will get a



[Mr. Hoosainbhoj Abdullabhoj Lalljee]

return of 14 per cent. on the outlay. They will have a further return of 14 per cent. as a result of this, because they say :

"Further, the project will not only set right conditions in the Kander branch but will result in an appreciable quantity of water now being wasted in the upper reaches of Kander becoming available for augmenting the supply in the Masuwah, where it is urgently required. This will cultivate an area of 2,250 acres of dry crop and bring in additional revenue of about 14 per cent. on the capital invested."

Furthermore they say :

"The work is therefore very urgent and very productive..."

May I ask the Government why this project has been kept back since 1919 and why they have brought it forward now? Is it because that they were busy with the Sukkur Barrage that they entirely neglected the agriculturists on this side of Sind or is it because that they did not wish to bring forward such a scheme to avoid the return on this being compared with that on the Sukkur Barrage?

One more point I wish to make on which I need explanation. The estimated cost of the work is Rs. 32,441 and it is stated that it will come to Rs. 43,159 including all charges, direct and indirect, which means 40 per cent. over the estimated cost. I desire to know what these charges are "including direct and indirect." Further I should like the honourable member to explain whether we will get a return of 28 per cent., because in one place it is stated 14 per cent. and in another place it is stated "additional revenue of about 14 per cent."

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to support this demand. I wish that the supplementary grant were made not on the ground of the return that is expected but on the ground of adding to the produce from land. The greatest benefit that will accrue from this scheme is not to be considered in terms of the percentage of return like 14 per cent. that it will bring to Government on the outlay but in terms of the additional produce that it will bring to the people and the happiness that it will bring in an increasing measure by such projects.

The only comment I wish to make will be that it is evident from the statement tabled by Government that this project has been under the consideration of Government since 1919. We know that the machinery of Government is moving slowly and in matters where the liberty of the people is concerned we know that it moves still more slowly. But in a scheme like this which will bring in a return of 14 per cent. this delay should not have taken place. It is also shown that the overhead charges will amount to 40 per cent. of the estimated cost. It cannot therefore be argued that on account of insurmountable difficulties for want of staff this delay has taken place. I do not wish to say anything in the spirit of hostile criticism, because I really feel that it is a very good investment. I hope Government will take this criticism in the spirit in which it is offered, and expedite such schemes not on the mere consideration of addition to the revenue alone but in consideration of the produce it will bring to the masses of the tilling humanity who are the real backbone of this presidency. With these words I support the demand.

Khan Bahadur S. N. BHUTTO (Larkana District) : Sir, while supporting this demand I am anxious to draw the attention of the honourable member who has asked for this supplementary grant to one fact. My only anxiety is—from what I find in this statement—that a little more investigation may be necessary before the project is taken in hand. What I wish to bring to the notice of the Honourable the General Member is whether it is not an erroneous step to remodel the Kander canal before remodelling the main canal Mahiwah. The Module system is a controversial subject, people apprehend disastrous results. The fears may not be genuine, all the same it needs cautious and careful consideration, particularly where the main canal itself is not remodelled, as in case it fails all the money spent on remodelling its branches is lost.

In addition I wish to draw the attention of the Honourable Member in charge and the honourable the Secretary in charge of the Irrigation Department to the figures that have been given in the statement. The average area cultivated in the 5 years 1920-25 on the Kander branch is 3,669 acres. It has been admitted by Government in the statement that for the first time the proposal was made in 1919 and then in 1925 for a second time to improve this branch but it was postponed or dropped on account of the fact that the mouth of the main canal itself had gone bad and the supply fallen. Therefore the mouth of the main canal had to be improved before Kander branch could be remodelled. A new mouth was given to Mahiwah in 1924. It is further stated in the statement :

“The experience of the last two years, however, shows that though the Kander Branch has been getting much more than even its designed discharge.....”

Apparently, it is quite clear from this statement that cultivation must have expanded along this branch. The Government have asserted in their statement that since a new mouth was given to the Mahiwah in 1924 extra water has come into the Kander Branch. Therefore larger areas must have come under cultivation along this branch since then. Therefore, the proper and right thing for Government was to supply the honourable members of this honourable House with the figures of acreage under cultivation for the last two years, the acreage that was under cultivation ever since a new mouth was given to the Mahiwah and excess water began to flow into the Kander branch. Instead of that we have been given the figures of acreage under cultivation for the previous years when the main canal was said to have been doing very bad and consequently the branch canals also were suffering. These figures do not help us at all to come to any conclusion as to what return this remodelling project will give us. I am afraid that the increased areas that have been shown in the statement that is to be brought under cultivation after remodelling Kander branch may already be under cultivation. In fairness the Council ought not to be hoodwinked and therefore, we should have been supplied with the latest cultivation figures, that is of the last two years since the improvement in Mahiwah and not of the previous years when there was so little water in the Kander Branch. If I may be permitted to say so, a faulty incorrect statement has been supplied to this

[Khan Bahadur S. N. Bhutto]

House. I wonder how Government have given their administrative sanction when the most essential information has not been supplied to them.

Further, in the statement we are told that some 45 cusecs of water will be made available for augmenting the supply of water in the Masuwah. Now what I feel—these are my apprehensions: I may not be correct, and I will be very glad to be corrected by the honourable member the Secretary for Irrigation if it is not so—what I feel is that the Irrigation authorities are attempting perhaps to take away 45 cusecs from the upper reaches of the Kander Branch at the cost of people depending on it; instead of the full loaf they are wanted to be contented on half; and the people along the Kander Branch are to be deprived of the prosperity which they are enjoying after the improvements made to Mahiwah. I do not mean that people receiving water from Kander Branch are intentionally hit; irrigation officers may honestly be feeling that by improving Kander and supplying with regularity they will satisfy Kander Branch almost from head to tail and at the same time almost all of Masuwah. I repeat I may not be correct, but I feel very strongly that it needs further investigation and also that unless the figures of the last two years are given us, figures since the improvements made to Mahiwah which brought additional discharge of water into the Kander Branch, we will not be in a position to know what return this project is going to give us. I wish to draw the attention of the Honourable Member in charge and the honourable the Secretary for Irrigation to this in the interest of both, the Government and the people concerned. With these remarks, I support the demand.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the motion. I believe that money spent on irrigation will end in benefit to the cultivators of the whole of the presidency and that the presidency as a whole will indirectly benefit from irrigation schemes. I wish only to point out in this connection, that the Karnatak has been neglected hitherto and the irrigation needs of the Karnatak have been almost ignored up to this time. I hope the new Member will not neglect the interests of the Karnatak hereafter and will view with sympathy proposals coming before him for irrigation schemes in the Karnatak. There has been a tendency in the past to view with disfavour irrigation schemes relating to the Karnatak. This is not a fair attitude to adopt on behalf of the Government. I hope that the new Member for irrigation will treat all parts of the presidency equally and will try to correct the mistakes committed in the past. With these words I support the motion.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the house in Urdu): Sir, I wish to ask the Honourable Member one question. It is stated in the report that the work is proposed to be commenced in the current year and that Government has already given sanction; and that the sanction of the Legislative Council is requested to the expenditure in question. May I ask him whether he has already spent the amount and is coming to the Council after spending the money, or whether he is

[Mr. Haji Mir Mahomed Baloch]

going to spend the money only after getting the approval of the Legislative Council? We are told then that the construction of modules will regulate the supply. May I ask whether the effect of the moduling is always to give water on equal terms to the bigger and the smaller zamindars?

I am agreeable to the system of moduling the canals as it affords at least in theory, an opportunity for a fair and equitable distribution of water at any time of low or high inundation. But in practice lot of corruption and favouritism creeps in, if the Executive Engineer concerned is not an honest man or if the higher officers do not minutely examine the sizes and heights (of the sills) of the modules. The favourites and the friends of the Executive Engineer get larger openings and sills are more advantageously placed. And any water saved by moduling the head reaches of canals goes to the favourite zamindars instead of to the rightful ones. Take the case of Mithrao Canal moduling. Due to the above described favours and corrupt practices some lands in Sindhri Deh which never received any supply even for dry crops are now yielding rice after the modules were constructed. Why so? It is because these lands belong to zamindars who are favourites of the Executive Engineer and the high Public Works Department officers and contribute thousands of rupees for annual Shikar *bandobast* of these tin gods in whose hands are placed the destinies of the poor zamindar.

I shall give another example. In the Eastern Nara Division (on the same Mithrao Canal) sometime back some gentlemen possessed lands. As there was constantly severe deficit in supply of water poor fellows sold those lands at Rs. 10 or Rs. 20 per acre. It might have been an accident but the friends and the relatives of the Executive Engineer purchased those lands. Now those lands are receiving beautiful supply of water and would fetch anything like Rs. 200 per acre. These purchasers have benefitted by such distribution after moduling. I ask the General Member, Who have suffered a loss of Rs. 30 lakhs? Are not officers of the department benefiting themselves directly or indirectly when we place in their hands opportunities provided by construction of modules? It is very unfair and I would request the Honourable the General Member to enquire into the matter.

Rao Bahadur S. N. ANGADI (Belgaum District): I am very glad to support this grant. As pointed out by the honourable the Deputy President, the claims of the Karnatak are being neglected by Government particularly in the matter of irrigation works. They have been guilty of gross misconduct towards the people of Karnatak. I may point out to you, Sir, that out of nearly 60 crores of rupees which Government have spent over irrigation works in the Presidency, only a meagre amount of 19 lakhs has been spent over the construction of Gokak Canal in Karnatak. There are feasible schemes of irrigation and we all know how they have been shelved. Still there are two or three very feasible schemes for affording relief to the people of Karnatak. If they are taken up by Government they would only be doing their duty by the people of Karnatak. Sir, some of the talukas of Bijapur always suffer

[Rao Bahadur S. N. Angadi]

from famine. Similarly some part of Belgaum District often suffers from famine. Under these circumstances, we hope that under the regime of Sir Ghulam Hussain something will be done to ameliorate the condition of the people of Karnatak and that he will undertake some irrigation schemes for the Karnatak, so that he may earn their gratitude.

The Honourable Sir GHULAM HUSSAIN : I welcome all the criticisms that have been made in connection with this grant. I assure the honourable House that I will take them into consideration before allowing this work to start. I was asked by the honourable member the representative of the Muhammadan constituency of the Karachi City, why sanction to the work had preceded the sanction of the Council. I should think that the honourable member who had dealings with this department knew much better than many. It was merely a technical or departmental sanction. I assure the honourable House that no contract has been given and the work will not be proceeded with without the sanction of this House.

Then, Sir, my honourable friend from Karachi blew hot and cold in the same breath. At one time he was against modules, and at the same time when it suits his purpose he says that these wicked officials do not provide modules, and that as a result the poor zamindars had to sell their lands, and that as soon as the relatives of the officials purchased these lands, modules were introduced which supplied them with water. In consequence lands which fetched Rs. 10 or Rs. 20 were now worth Rs. 200. This part of his speech was in favour of modules. Lands which could not fetch Rs. 10 were worth Rs. 200 as soon as modules were supplied. However, my honourable friend has not said which Executive Engineer he is referring to.

Mr. HAJI MIR MAHOMED BALOCH : I did not say that the price of land rose on account of the introduction of the modules, but that as soon as the land was purchased by the friends of the officers, water was supplied and in consequence of this supply of water the price rose.

The Honourable Sir GHULAM HUSSAIN : My honourable friend said that there was no water at all before, and that after the modules were introduced water was available. And therefore the price of the land rose. However, if he has no definite allegations to make against any officers of my department, I will ask him not to indulge in vague statements which merely prejudice the House. I do not like that any imputation should be made against officers who may belong to any community without those officers being given an opportunity to explain. If he has any definite allegations against anybody, let me tell him that I will make enquiries into the matter.

As regards Khan Bahadur Bhutto's criticism, I will bear that in mind. He perhaps read out certain portions of the statement, but he did not read it to the end. The experience of the last two years, however, shows that though the Kander Branch has been getting much more

[Sir Ghulam Hussain]

than even its designed discharge most of this extra water has been drawn off by the karias taking off above the Fall regulator in mile 5/7 and the conditions below this regulator have remained practically the same.

So, Sir, whatever suggestions, whatever criticisms, the honourable member has made, I will bear in mind and I will enquire into again. But I think most of the water has been drawn off by the karias taking off above the Fall regulator in mile 5/7 and the conditions have remained practically the same as before.

Now, coming to my honourable friend from Bombay...

Khan Bahadur S. N. BHUTTO : On a point of information, Sir. I am sorry the honourable the General Member has not appreciated the points I have raised, perhaps he has not caught them. The total area depending on Kanderwah, the area under cultivation at present and the proposed area to be brought under cultivation after remodelling have been shown, to prove that it is a very paying proposition. There is no dispute between the head and tail. I admit it may be that tail people are receiving no water; the point is to what extent the cultivation has increased since the improvements in Masuwah and Kanderwah as a whole. The very point that the Honourable Member has mentioned goes to show that there have been more cultivation during the last 2 years, when there is so much water available in Kanderwah that 45 cusecs of water could be stored even for Masuwah. Certainly all this extra water must have caused increased cultivation; whether it is in upper or lower reaches is not the question. Why the area cultivated upto 1925 is shown and not of the last two years, cannot be understood. If they had shown the figures of the last 2 years, since they admit that there has been more water than its designed discharge, it would have been really useful for the House to know the facts exactly as they stand this day. I have again and again repeated those facts for the advantage of the House and for the information by the Honourable Member in order that the matter may be looked into.

The Honourable Sir GHULAM HUSSAIN : I am thankful to the honourable member for the information. But I must say that my reading of the statement differs from his. Though there was more water drawn off by the karias taking off above the Fall regulator in mile 5/7, it never reached the stage sufficient for more cultivation. However, as I said before, I will enquire into every point which has been raised in this honourable House.

Coming to my honourable friend from Bombay, Sir, he says, why were Government waiting for such a long time in this matter? Now, the honourable member will see that the Government were every time endeavouring to bring it forward. They were thinking of the various schemes, as the statement shows.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : For 9 years !

The Honourable Sir GHULAM HUSSAIN : Yes. Now, in 1925 three years back, they had actually a project for improvement, but they were waiting for the result of that scheme, and when they saw the results were not successful, they found it necessary to remodel the whole thing. With these words, I trust the honourable House will pass this demand.

Rao Bahadur S. T. KAMBLI : Any assurance about the schemes in the Presidency, for instance for Karnatak ?

The Honourable Sir GHULAM HUSSAIN : I assure this honourable House that I will take into consideration all the various schemes in regard to the whole Presidency. But the honourable member should realise that, when we are spending the public revenues on various schemes, we ought to take into consideration the return also. We cannot spend the whole of the public revenue on unproductive schemes all over the country. However, I assure my honourable friends representing the Karnatak that any practical schemes of theirs will receive due attention from Government.

Question put and carried.

Excavating the Pateji Branch ex-river Indus to the 62nd mile Western Nara.

The Honourable Sir GHULAM HUSSAIN : Sir, I move for a supplementary grant\* of Rs. 1,53,000, which are savings under 55-Irrigation, to be spent for excavating the Pateji Branch ex-river Indus to the 62nd mile Western Nara. The whole scheme will cost about Rs. 2,08,000. Without this present scheme, Sir, we are losing nearly Rs. 80,000. The scheme will bring in a revenue of about Rs. 70,000. Not only are the zamindars of these places are anxious, but every honourable member from Sind is anxious, about that scheme. It will be a profitable scheme, as the statement shows, and it will go to relieve distress amongst the zamindars, and even the zamindars are holding themselves responsible if there is any loss to Government in this scheme. I hope this honourable House will sanction the demand.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I have nothing to say against the granting of this demand. But I must say that I cannot keep quiet after the statement which the Honourable the General Member has made that this scheme is wanted by the members of this House, by the general public, and that now Government have also realised that they want it. Well, Sir, they have really stated in the statement that this scheme, if put into operation, would be of the greatest benefit to the zamindars, and Government and so forth and so on. But I ask, when did they realise this ? From the statement we find, Sir, it is stated that many petitions have been received pressing for the immediate execution of a new Feeder from the Pateji Branch, etc., etc. But I ask, how long have they been receiving these petitions ? And does the Honourable the General Member wish us to believe that the executive officers are not able to realise what is really good for the

[Mr. Hooseinbhoj Abdullabhoj Lalljee].

country and what is good for the people, and they take so long to decide a scheme which they find beneficial to both people and Government. And not only that, but up to the time that they took an undertaking from the landlords—zamindars—they were not sure. I feel, Sir, that they have taken this undertaking to put pressure on zamindars, which is often complained of. I think, Sir, that in asking this undertaking, the object of the Government is not to benefit, but that they do want these zamindars to be under them for some reason or another (Mr. K. F. Nariman : Hear, hear). Why should they have asked for this undertaking, when they admit, within a few months, that it is a scheme which is not only to the great benefit of the zamindars but also to the benefit of Government ? Sir, we are told that when the Honourable Sir Cowasji Jehangir met these zamindars in December 1927, he said that he could not take up the scheme in view of the fact that it was improbable that the Legislative Council would accept the liability in view of the fact that the work would be useless as soon as the barrage scheme would commence to operate. I ask the Honourable the General Member whether the same is the position now, and I ask, for how many years has this position been created and for how many years have the people been suffering in view of the Sukkur Barrage scheme ? And I would also ask him how many other canals would be useless after the Sukkur Barrage begins to operate ? Will the capitalised cost of these be put upon the Sukkur Barrage Scheme and would the cost of the Sukkur Barrage be re-estimated in view of the facts, if they are the facts, as stated here ? I think it is due to this House and the public to tell clearly what real burden will fall on them as regards the Sukkur Barrage Scheme. The ordinary revenue budget ought not to be burdened with the cost of the canals which would be useless after the Sukkur Barrage Scheme.

In the last demand, I asked from the Honourable the General Member why was it that 40 per cent. over the actual cost a provision was made for direct or indirect charges. I again ask him in this respect the same question. The cost of this scheme is said to be Rs. 1,53,000 and including direct and indirect charges it is Rs. 2,08,000, which means nearly 34 per cent. Will he kindly lay before this House what this 33 or 40 per cent. includes by way of direct or indirect charges ? With these remarks I support the demand made by the Honourable the General Member.

Mr. P. J. MARZBAN (Bombay City, South) : Sir, I ask your indulgence and the indulgence of the House and request that I may be allowed to ask for leave to introduce my bill to amend the City of Bombay Police Act, 1902, on Friday next, as I shall be away from Poona to-morrow and the day after.

The Honourable the PRESIDENT : Friday may be a holiday—I do not know it for certain—but there is a request before me to that effect.

Mr. P. J. MARZBAN : Then Saturday will do.



The Honourable the PRESIDENT: I understand that the honourable member Mr. Marzban will not be here to-morrow and the day after. If the House of course continues until the honourable member returns, I will give him a chance to ask for leave to introduce his bill. I understand he wishes to absent himself to-morrow and the day after owing to illness in the family. Is that correct?

Mr. P. J. MARZBAN: Yes, Sir.

The Honourable the PRESIDENT: I would allow him to introduce his bill on Friday or Saturday when he returns or, if there is no holiday, on any day the House may be sitting.

As to the question of a possible holiday on Friday, I should like honourable members to be prepared to give me their opinion to-morrow because to-morrow I think the first hour or so would be Government business and then, after that, the four days for private business might commence. Under those circumstances if honourable members would like a holiday on Friday, the Council would continue till Monday.

As to to-morrow, we meet half an hour earlier. The House is adjourned to 1-30 p.m. to-morrow, Wednesday, the 26th September 1928.

*Wednesday, the 26th September 1928*

The Council re-assembled at the Council Hall, Poona, at 1-30 p.m., on Wednesday, the 26th September 1928, the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 ALLISON, Mr. F. W.  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GILDER, Dr. M. D.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JADHAV, the Honourable Mr. B. V.  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JITKAR, Mr. HAJI IBRAHIM HAJI MAHOMED

JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUCHRO, Mr. M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MAXWELL, Mr. R. M.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Saheb D. R.  
 PAWAR, Mr. SADASHIVRAO alias KHASERAO JIVAJIRAO  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAL, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNBEE, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WADIA, Mr. N. J.

WASIF, Mr. G. A. D.

WILES, Mr. G.

The Honourable the PRESIDENT : Questions.

BRIDGE OVER THE INDRAYANI RIVER NEAR KAMSHET  
RAILWAY STATION.

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they are aware that there is no bridge over the Indrayani river near the Kamshet Railway Station ;

(b) whether they are aware that there is only a narrow dam which is absolutely dangerous in the monsoons ;

(c) whether they are aware that the villages beyond the river are greatly inconvenienced by the absence of any communication in the rainy season with other villages on the other side of the river and especially in respect of their affairs in the court at Vadgaon or Poona ;

(d) whether they are aware that almost every year the stream sweeps away some villagers while passing over the dam ;

(e) whether they are aware that the ferry arrangements are quite unsatisfactory to the people and often prove harassing to them ;

(f) whether the building of a bridge over the river is in contemplation ;

(g) whether the District Local Board has been asked to submit its suggestion in that behalf ;

(h) whether it has been settled by them that the bridge is necessary and, if so, whether the work of erecting it will be taken up early ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) Yes.

(b) Yes ; the dam is not meant for a crossing.

(c) Yes.

(d) No. Some fatal accidents have occurred. One occurred in July 1927.

(e) There is no public ferry on the river but a ferry is maintained by the Bhois of Khadkala, which Government understand, is not always available.

(f) Yes ; by the District Local Board.

(g) No.

(h) Yes, a raised causeway is considered necessary. The District Local Board expects to take up the work shortly.

Mr. R. S. ASVALE : As regards (b), it is stated that the dam is not meant for crossing. Then, what is it meant for ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It is for the purpose of holding water. When you throw a dam across a river near a

town, it is intended for the purpose of holding more water than would ordinarily be available.

Mr. R. S. ASAVALE : How is it that accidents occur there ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Because people try to pass over the dam in spite of the fact that it is not intended for crossing.

Mr. R. S. ASAVALE : Is there any notice fixed, so that the people may understand that the dam is not meant for crossing ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They ought to know it. No notice is necessary.

#### BRIDGE OVER INDRAYANI NEAR KAMSHET STATION

Mr. N. R. GUNJAL (Poona District) : Will Government be pleased to state—

(a) whether they are aware of the fact that a fatal accident occurred on 4th July 1927 at the Indrayani river crossing near the Kamshet Railway Station in the Poona District due to the increase of water level of the river owing to the construction of two tanks by the Tata Company on the tributaries of the river ;

(b) whether they intend to take any action to remove this difficulty of crossing the river ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) A fatal accident did occur but the cause was not as stated in the question.

(b) The matter is under consideration.

Mr. R. S. ASAVALE : Will the Honourable Minister state as to what was the cause of the accident ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It was on account of a slip. The man was walking and he slipped away.

Mr. N. R. GUNJAL (speaking in Marathi) : Is it not a fact that accidents occur on account of the increase in the water level due to the construction of the tanks by the Tata Company ? It is stated in the reply that it is not so. I ask whether it is not a fact that on account of the tanks constructed by the Tatas, the level of the water there rises and therefore accidents occur.

The Honourable Dewan Bahadur HARILAL D. DESAI : The dam is intended mainly for the G. I. P. Railway to have more water. It is possible that on account of the leakage from the Tata dams, there may be some more water there.

Mr. N. R. GUNJAL (speaking in Marathi) : The G. I. P. Railway put up a dam and the Tata Company build tanks, and the result is to obstruct the people from crossing the river. Why should the local board tax the people and construct a causeway.

The Honourable Dewan Bahadur HARILAL D. DESAI : The local board is going to build a causeway, which would remove all possibility of accidents.

Mr. N. R. GUNJAL (speaking in Marathi): Since the people are obstructed from crossing the river on account of the Tata tanks, have Government considered the question of getting the money for the construction of the causeway from the Tata Company ?

The Honourable Dewan Bahadur HARILAL D. DESAI: That matter is under consideration.

#### EDUCATIONAL INSTITUTIONS, SIND : GRANTS BY LOCAL BOARDS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the names of private educational institutions of (1) primary and (2) secondary grades (separately) to which each district local board in Sind gave a grant-in-aid in each of the years from 1922 to 1927, both inclusive ;

(b) the amount of the grant-in-aid to each institution in each of the above years ?

The Honourable MOULVI RAFIUDDIN AHMAD : The accompanying statements A and B give the information required.

#### STATEMENT A

*Statement giving details of contributions to private Educational Institutions (Secondary and Primary) by District Local Boards in Sind during the years 1921-22 to 1926-27*

Name of Institution	Amount contributed in					
	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<b>SECONDARY INSTITUTIONS</b>						
<i>District Local Board, Karachi</i>						
Sind Madrasah, Karachi ..	2,000	2,000	2,000	2,000	2,500	2,500
<i>District Local Board, Hyderabad</i>						
Sind Madrasah, Karachi ..	1,500	1,500	1,500	1,500	1,500	9,000
Lawrence Madrasah, Tando Bago ..	..	..	..	..	1,000	1,000
Muslim Boarding House, Hyderabad ..	..	..	..	..	..	4,500
<i>District Local Board, Newshah</i>						
Sind Madrasah, Karachi ..	1,500	1,500	1,500	500	600	600
K. C. Academy, Bhiris ..	..	..	..	..	500	500
A.-V. School, Bhelani ..	..	..	..	..	200	200
A.-V. School, Kandiaro ..	..	..	..	..	200	200
A.-V. School, Balani ..	..	..	..	..	200	200
Ramshing Academy, Pad Idan ..	..	..	..	..	400	400

Name of Institution	Amount contributed in					
	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
<b>SECONDARY INSTITUTIONS</b> —contd.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>District Local Board, Thar Parkar</i>						
Sind Madrasah, Karachi ..	600	600	..	..	1,800	600
<i>District Local Board, Sukkur</i>						
Sind Madrasah, Karachi ..	1,000	750	750	750	2,000	7,000
Sukkur Madrasah Boarding House ..	2,500	2,500	2,500	3,000	4,000	4,000
Guru Nanak Academy, Garhi Yasin ..	300	100	100	100	100	100
<i>District Local Board, Upper Sind Frontier</i>						
Sind Madrasah, Karachi ..	1,500	1,500	..	1,500	750	750
<i>District Local Board, Larkana</i>						
Sind Madrasah, Karachi ..	1,500	1,500	1,500	1,500	2,000	7,000
Meher Madrasah ..	3,000	1,000	1,000	1,000	1,000	1,000
A.-V. School, Talti ..	500	300	300	300	300	300
A.-V. School, Banguldero ..	700	300	300	300	500	500
<b>PRIMARY INSTITUTIONS</b>						
<i>District Local Board, Karachi</i>						
Hashim Madrasah, Sujawal ..	..	..	..	..	1,500	1,500
<i>District Local Board, Thar Parkar</i>						
Guru Nanak Kanya Pathshala, Mirpurkhas ..	200	200	..	..	..	200

## STATEMENT B

Statement showing the total grants paid by District Local Boards to each of the Educational Institutions

Name of Institution	Grants paid in					
	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Secondary Institutions</i>						
Sind Madrasah, Karachi ..	9,800	9,350	7,250	7,750	11,150	27,450
Sukkur Madrasah Boarding House ..	2,500	2,500	2,500	3,000	4,000	4,000
Muslim Boarding House, Hyderabad, Sind ..	..	..	..	..	..	4,500
Guru Nanak Academy, Garhi Yasin ..	300	100	100	100	100	100
Meher Madrasah ..	3,000	1,000	1,000	1,000	1,000	1,000
A.-V. School, Talti ..	500	300	300	300	300	300
A.-V. School, Banguldero ..	700	300	300	300	500	500
K. C. Academy, Bharia ..	..	..	..	..	500	500

Name of Institution	Grants paid in					
	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Secondary Institutions—</i>						
<i>contd.</i>						
Lawrence Madrasah, Tando						
Hogo ..	..	..	..	..	1,000	1,000
A.V. School, Dhelani ..	..	..	..	..	200	200
A.V. School, Kandiaro ..	..	..	..	..	200	200
A.V. School, Balani ..	..	..	..	..	200	200
Rambling Academy, Pad Idan ..	..	..	..	..	400	400
<i>Primary Education</i>						
Guru Nank Kanya Pathshala,						
Mirpurkhas ..	200	200	..	..	..	200
Hashim Madrasah, Sujawal ..	..	..	..	..	1,500	1,500

#### SIND CANALS : PRESS NOTES ON PUNJAB IRRIGATION SCHEMES

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state whether they have considered the desirability of issuing periodically a press note reviewing the progress made with new irrigational schemes in the Punjab which are likely to affect the water supply available for Sind canals ?

The Honourable Sir GHULAM HUSSAIN : The Government of India have given an assurance, as *mutatis mutandis* they have the Punjab Government, that no new major irrigation project in the Punjab will be sanctioned, until the Government of Bombay have received timely notice and full information as regards the scheme in hand and have been given the opportunity to represent their case, should such project appear to them to be unfavourable to their interests. Government see no purpose, therefore, in issuing periodically a press note reviewing the progress made with new irrigation schemes in the Punjab, which are likely to affect the water supply available for Sind canals. Reference to such schemes is, however, made in the Irrigation Administration Reports from the year 1925-26.

#### SCHOLARSHIPS SANCTIONED BY LOCAL BOARDS, SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state the number and value of scholarships sanctioned by each district local board in Sind for (1) primary, (2) secondary and (3) collegiate education for boys and girls (separately) of Advanced Hindu, Intermediate Hindu, Backward Hindu and Muslim communities (separately) ?

The Honourable MOULVI RAFI UDDIN AHMAD : The accompanying statement gives the information required.



Statement showing the number and value of scholarships

District		Advanced Hindus	Intermediate Hindus (Brahmins only)	
Karachi ..	Boys ..	....	<i>Scholarships in</i> 14 @ Ra. 3 each 20 @ Ra. 3 ..	
	Girls ..	....	....	
		Total ..	— 34	
			<i>Scholarships in</i> Nil.	
		Boys ..	....	<i>Scholarships</i> ....
		Girls ..	....	....
Hyderabad ..			<i>Scholarships in Medical</i>	
	Boys ..	....	....	
	Girls ..	....	....	
		Total ..	— 12	
			<i>Scholarships in</i> Nil.	
			<i>Scholarships</i> Nil.	

sanctioned by each District Local Board in Sind

Backward Hindus	Muslims	Common for all communities	Total
<i>Primary Schools</i>			
3 @ Ra. 3 each ..	50 @ Ra. 3 each ..	....	278
*6 @ Ra. 3 ..	25 @ Ra. 2 ..		
	*30 @ Ra. 3 ..		
	*30 @ Ra. 2 ..		
....	....	*50 @ Ra. 1 each	
		*30 @ Ra. 2 ..	
		*15 @ Ra. 3 ..	
		*5 @ Ra. 4 ..	
<hr/> 9	<hr/> 135	<hr/> *100	<hr/> 278
		One-third of these scholarships is reserved for Hindu girls and the rest for Muslim girls.	
<i>Secondary Schools</i>			
<i>in Colleges</i>			
....	8 @ Ra. 30 each ..	....	8
....	....	....	
Total ..	<hr/> 8		<hr/> 8
<i>School, Hyderabad</i>			
....	....	2 @ Ra. 15 each ..	2
....	....	....	
	Total ..	<hr/> 2	<hr/> 2
<i>Primary Schools</i>			
27 @ Ra. 3 each ..	50 @ Ra. 3 each ..	5 @ Ra. 5 each ..	149
....	40 @ Ra. 2 ..	15 @ Ra. 3 ..	
<hr/> 27	<hr/> 90	<hr/> 20	<hr/> 149
<i>Secondary Schools</i>			
<i>in Colleges</i>			

District		Advanced Hindus	Intermediate Hindus (Brahmins only)
Thar Parkar ..	Boys .. ..	....	<i>Scholarships in</i> 30 @ Rs. 3 each
	Girls .. ..	....	....
		Total ..	30
	Boys .. ..	....	....
	Girls .. ..	....	....
		Total ..	....
			<i>Scholarships</i>
	Boys .. ..	....	....
	Girls .. ..	....	....
Nawabshah ..	Boys .. ..	....	<i>Scholarships in</i> 10 @ Rs. 3 each
	Girls .. ..	....	....
		Total ..	10
			....
			....
			<i>Scholarships in</i> Nil.
			<i>Scholarships</i>
	Boys .. ..	....	....
	Girls .. ..	....	....
			<i>Scholarships in Medical</i>
	Boys .. ..	....	....
	Girls .. ..	....	....
Sukkur .. ..	Boys .. ..	....	<i>Scholarships in</i> 4 @ Rs. 3 each
	Girls .. ..	....	....
		Total ..	4

Backward Hindus	Muslims	Common for all communities	Total
<i>Primary Schools</i>			
10 @ Rs. 3 each	4 @ Rs. 5 each 26 @ Rs. 2 ,, 31 @ Rs. 2 ,,	.....	174
.....	.....	73 @ Rs. 1 each.	.....
10	61	73	174
<i>Secondary Schools</i>			
22 free boarderships @ Rs. 10 each.	40 free boarderships @ Rs. 10 each.	.....	62
.....	.....	.....	.....
22	40		62
<i>in Colleges</i>			
.....	1 scholarship @ Rs. 20.	1 @ Rs. 20 common for all Hindus.	2
.....	.....	.....	.....
Total ..	1	1	2
<i>Primary Schools</i>			
3 @ Rs. 3 each	50 @ Rs. 3 each 25 @ Rs. 2 ,,	.....	88
.....	.....	.....	.....
3	75		88
<i>Secondary Schools</i>			
<i>in Colleges</i>			
.....	4 @ Rs. 30 each	.....	4
.....	.....	.....	.....
Total ..	4		4
<i>School, Hyderabad</i>			
.....	.....	2 @ Rs. 15 each	3
.....	.....	.....	.....
	Total ..	3	3
<i>Primary Schools</i>			
.....	50 @ Rs. 3 each 25 @ Rs. 2 ,,	.....	79
.....	.....	.....	.....
	75		79

District		Advanced Hindus	Intermediate Hindus (Brahmins only)
			<i>Scholarships in</i>
			Nil.
			<i>Scholarships</i>
			Nil.
			<i>Scholarships in</i>
Upper Sind Frontier	Boys .. ..	....	3 @ Rs. 3 each ..
	Girls .. ..	....	....
		Total ..	— 3
			<i>Scholarships in</i>
			Nil.
			<i>Scholarships</i>
			Nil.
			<i>Scholarships in</i>
Larkana ..	Boys .. ..	....	....
	Girls .. ..	....	....
			<i>Scholarships in</i>
			Nil.
			<i>Scholarships</i>
	Boys .. ..	....	....
	Girls .. ..	....	....

\* These scholarships have been sanctioned by the School Board

Backward Hindus	Muslims	Common for all communities	Total
<i>Secondary Schools</i>			
<i>in Colleges</i>			
<i>Primary Schools</i>			
....	75 @ Rs. 3 each ..	....	128
....	50 @ Rs. 3 ..	....	
	....		
	125		128
<i>Secondary Schools</i>			
<i>in Colleges</i>			
<i>Primary Schools</i>			
....	50 @ Rs. 2 each ..	*15 @ Rs. 3 each ..	139
....	35 @ Rs. 3 ..	*25 @ Rs. 2 ..	
....	....	*14 @ Rs. 3 ..	
Total ..	85	*54	139
<i>Secondary Schools</i>			
<i>in Colleges</i>			
....	4 @ Rs. 40 each ..	....	6
....	1 @ Rs. 20		
....	1 @ Rs. 15		
	....		
Total ..	6		6

and will be paid on receipt of Government sanction.

**Mr. R. S. ASAVALE :** In the column of 'Intermediate Hindus' only Brahmins are shown. Are the Brahmins considered intermediate Hindus in Sind ? Under what class do the other backward Hindus come ?

**The Honourable MOULVI RAFI UDDIN AHMAD :** All these classes are published in the Government Gazette, and the honourable member may refer to it.

**CHIEF ENGINEER'S OFFICE, SUKKUR BARRAGE : REORGANIZATION**

**Mr. JAIRAMDAS DOULATRAM (Eastern Sind) :** Will Government be pleased to state—

(a) the total number of clerks or other officials in the office of the Chief Engineer of the Sukkur Barrage Scheme ;

(b) the organization of the office before the appointment of the Special Senior Superintendent, the nature of the reorganisation of the office effected by him since his appointment and the nature of the further reorganisation yet to be effected ?

**The Honourable Sir GHULAM HUSSAIN :** (a)

No.	Posts
1	Personal Assistant (Executive Engineer—Indian Service of Engineers).
1	Personal Assistant II (Assistant Engineer—Bombay Service of Engineers).
2	Upper Subordinates.
36	Members of clerical establishment.
5	Members of Drawing establishment.

(b) Before the appointment of the Special Senior Superintendent there was no proper organisation, the office being newly started, nor was there any definite method of distribution of the huge mass of correspondence which poured in daily. The Special Senior Superintendent was specially appointed to organize the office on the lines of the Public Works Department Secretariat. This was not possible for a man who had not actually worked in such an office, however competent he might be. The Special Senior Superintendent organised the office on the general lines of the Public Works Department Secretariat. He introduced the "Maxwell" system of filing records, and his services were required by the Chief Engineer to watch the system for some length of time to ensure its successful working. After the introduction of the scheme the services of the Special Senior Superintendent were considered to be necessary to supervise the routine working of the office and thus to enable the Personal Assistant to attend adequately to the more important questions of a professional nature. The new system of filing which is in full operation is highly specialised and as such demands a close and vigilant watch in more ways than one. Such prolonged supervision might not have been needed in a well established office like Secretariat Departments where a distinctly better type of clerk is available due to the attraction of permanent status. The men appointed in this office,

being temporary, often leave their posts for better appointments elsewhere and new recruits are required to be trained, hence constant and very close supervision is necessary. In its absence the system would be sure to drift into a hopeless state of chaos in course of time.

#### LOCAL BOARDS, SIND : MEMBERS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of members elected and nominated (separately) constituting each taluka and district local board in Sind during each of the three triennial periods preceding its reconstitution under the Local Boards Act of 1923);

(b) the number of Hindu and Muslim members elected and nominated (separately) on each of the boards during each of the above triennial periods ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) The information required is given in statement no. 1 (a) and (b) appended to the resolution reviewing the reports on the administration of local boards in the Bombay Presidency, copies of which are supplied to the Reading Room of the Legislative Council.

(b) The information is given in the appended statement.



Serial No.	Name of the Board	First triennium				
		Nominated Members			Elected Members	
		Hindus	Muslims	Ex-officio	Hindus	Muslims
<i>Karachi District</i>						
1	District Local Board, Karachi .. ..	3	3	..	3	3
2	Taluka Local Board, Karachi .. ..	..	..	..	..	..
3	" Tata .. ..	Not available.				
4	" Mirpur Sakro .. ..	1	1	..	1	7
5	" Ghurabari .. ..	2	1	..	..	4
6	" Sujawal .. ..	1	2	..	..	3
7	" Jati .. ..	Not available.				
8	" Shan Bunder .. ..	1	1	..	..	3
9	" Mirpur Bathoro .. ..	1	2	..	..	4
10	" Kotri .. ..	1	4	..	4	1
11	" Manjhand .. ..	Not available.				
<i>Hyderabad District</i>						
12	District Local Board, Hyderabad .. ..	..	5	..	3	..
13	Taluka Local Board, Hyderabad .. ..	2	5	..	3	5
14	" Hala .. ..	3	5	..	2	7
15	" Tando Allahyar .. ..	2	5	..	1	6
16	" Badin .. ..	3	2	..	2	5
17	" Gumi .. ..	2	3	..	1	5
18	" Dero Mohbat .. ..	3	2	..	1	5
19	" Tando Bago .. ..	2	3	..	2	4
<i>Sukkur District</i>						
20	District Local Board, Sukkur .. ..	2	4	6	..	11
21	Taluka Local Board, Gahri Yasin .. ..	3	3	2	1	7
22	" Shikarpur .. ..	..	5	2	1	6
23	" Sukkur .. ..	1	5	2	..	8
24	" Rohri .. ..	3	3	2	4	4
25	" Pao Akli .. ..	2	3	2	1	6
26	" Ghotki .. ..	..	5	2	..	7
27	" Mirpur Mathelo .. ..	..	3	3	..	6
28	" Ubauro .. ..	2	1	3	1	5
<i>Larkana District</i>						
29	District Local Board, Larkana .. ..	3	3	7	..	12
30	Taluka Local Board, Larkana .. ..	..	5	3	..	7
31	" Labdaria .. ..	1	1	2	..	10
32	" Kamber .. ..	1	4	3	1	7
33	" Ratodero .. ..	1	4	2	4	3

Note.—Number of nominated members in the Hyderabad  
\*Appointed under section 24(5).

Second triennium					Third triennium				
Nominated Members			Elected Members		Nominated Members			Elected Members	
Hindus	Muslims	<i>Ex-officio</i>	Hindus	Muslims	Hindus	Muslims	<i>Ex-officio</i>	Hindus	Muslims
3	3	..	2	9	2	4	..	9	13
..	..	..	..	Not available.	..	3	..	..	2
1	2	..	1	3	..	1	..	1	5
1	1	..	2	6	1	1	..	3	5
2	1	..	2	2	1	2	..	2	5
..	1	..	1	5	1	1	..	2	6
2	..	..	2	4	2	..	..	1	5
..	1	..	2	4	1	1	..	3	5
1	..	..	..	6	2	..	..	..	8
1	2	..	5	7	1	2	..	5	7
1	1	..	5	3	1	1	..	5	3
..	4	..	6	10	2	2	..	4	9
1	2	..	5	7	1	3	..	4	7
1	3	..	5	9	1	3	..	4	8
1	1	..	2	8	1	1	..	3	6
3	..	..	1	8	3	..	..	3	6
2	4	..	2	8	3	..	..	..	9
1	2	..	2	7	1	2	..	..	7
2	1	..	2	8	2	1	..	2	8
2	3	6	2	17	1	4	5	2	18
..	4	2	1	11	1	4	1	..	12
2	2	2	2	10	3	1	2	1	11
..	4	2	..	10	..	5	1	..	12
2	2	2	4	8	2	2	2	4	8
3	1	2	1	11	2	2	2	1	11
1	3	2	..	12	1	3	2	..	12
..	2	2	1	7	..	2	2	1	7
2	..	2	2	6	2	<i>Nil.</i>	2	1	7
4	1	5	2	18	3	2	5	3	16
..	2	2	..	9	Information not available.	..	2	..	9
1	1	2	..	10	..	..	2	..	10
1	2	2	1	9	1	2	2	1	9
1	3	1	4	6	1	2	2	4	6

district does not include *ex-officio* members.

† Appointed under section 24.

Serial No.	Name of the Board	First triennial				
		Nominated Members		Elected Members		
		Hindus	Muslims	Ex-officio	Hindus	Muslims
<i>Larkana District—contd.</i>						
34	Taluka Local Board, Mirokhan .. ..	1	3	2	..	6
35	" Mehar .. ..	1	3	2	2	5
36	" Warah .. ..	..	6	2	1	6
37	" Kakar .. ..	1	5	2	2	5
38	" Dadu .. ..	1	1	2	..	3
39	" Johi .. ..	1	2	2	..	4
40	" Sehwan .. ..	1	3	2	2	3
<i>Nawabshah District</i>						
41	District Local Board, Nawabshah .. ..	2	3	4	1	7
42	Taluka Local Board, Shahdadpur .. ..	1	4	3	5	2
43	" Sinjhoro .. ..	4	1	3	1	6
44	" Nawabshah .. ..	1	3	3	2	4
45	" Sakrand .. ..	2	3	3	1	6
46	" Moro .. ..	1	4	3	..	7
47	" Naushahro .. ..	3	2	3	1	6
48	" Kanriaro .. ..	3	2	3	3	4
<i>Thar Parkar District</i>						
49	District Local Board, Thar Parkar .. ..	1	5	..	4	7
50	Taluka Local Board, Jamnabad .. ..	2	3	..	2	4
51	" Mirpurkhas .. ..	2	3	..	4	3
52	" Digri .. ..	3	2	..	2	4
53	" Umerkot .. ..	1	4	..	3	4
54	" Khipro .. ..	..	4	..	2	4
55	" Samaro .. ..	1	3	..	1	5
56	" Saaghar .. ..	1	3	..	2	4
57	" Mithi .. ..	2	2	..	..	..
58	" Diplo .. ..	2	2	..	..	..
59	" Chachro .. ..	2	2	..	..	..
60	" Nagar Parkar .. ..	2	2	..	..	..
<i>Upper Sind Frontier District</i>						
61	District Local Board, Upper Sind Frontier .. ..	..	13	..	..	..
62	Taluka Local Board, Jacobabad .. ..	1	5	..	..	..
63	" Shahdadkot .. ..	1	4	..	..	..
64	" Thul .. ..	1	5	..	..	..
65	" Kandkot .. ..	1	5	..	..	..
66	" Kaohmore .. ..	1	5	..	..	..

\*The number of ex-officio (nominated) member

Second triennium					Third triennium				
Nominated Members			Elected Members		Nominated Members			Elected Members	
Hindus	Muslims	Ex-Officio	Hindus	Muslims	Hindus	Muslims	Ex-Officio	Hindus	Muslims
1	1	2	..	6	1	1	2	..	8
1	2	2	3	7	1	2	2	3	7
..	3	2	1	9	..	3	2	2	8
2	1	2	1	9	1	2	2	2	8
1	1	1	<i>Nil.</i>	6	1	1	2	1	7
<i>Nil.</i>	2	1	1	5	..	2	2	2	6
1	1	2	2	6	1	1	2	4	6
1	3	4	6	12	3	2	3	5	11
2	3	3	3	2	2	2	2	7	5
3	2	2	2	4	1	2	2	5	5
..	4	3	4	2	2	1	2	3	7
2	3	3	3	5	1	2	2	1	9
1	4	3	2	5	2	1	2	1	9
2	2	3	1	3	2	2	2	4	8
1	4	3	3	5	1	2	2	3	7
1	6	..	6	11	2	3	..	3	12
2	..	..	3	4	..	2	..	6	2
..	2	..	3	4	1	1	..	2	5
3	2	..	1	3	1	1	..	2	5
..	3	..	3	4	3	6	..	..	..
..	2	..	2	4	1	1	..	1	5
1	1	..	1	3	1	1	..	1	5
1	3	..	3	6	..	1	..	2	4
2	2	..	..	..	2	2	..	..	..
2	2	..	..	..	2	2	..	..	..
2	2	..	..	..	2	2	..	..	..
3	1	..	..	..	3	1	..	..	..
..	13	..	..	..	..	13	..	..	..
1	5	..	..	..	1	5	..	..	..
1	4	..	..	..	1	4	..	..	..
1	5	..	..	..	1	5	..	..	..
1	5	..	..	..	1	5	..	..	..
1	5	..	..	..	1	5	..	..	..

has not been shown in this statement.

## BENCH MAGISTRATES : THAR PARKAR DISTRICT

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) : Will Government be pleased to state—

(a) the reasons for not reappointing the bench magistrates who were acting in the year 1926 as bench magistrates in Thar and Parkar ;

(b) the subscription paid individually towards the Blind Relief Fund to the Collector in cash or land by the new bench magistrates and the old ones who have been discharged ?

The Honourable Mr. J. R. MARTIN : (a) One Bench was abolished, two magistrates desired to be relieved of their magisterial duties and the other changes were made to increase the efficiency of the Benches.

(b) A statement giving the desired information is laid on the Council Table.

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**STATEMENT**

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Statement showing the amount paid to the Blind Relief Association by each of the  
and by those who had been Bench Magistrates in 1926 or 1927

New Magistrates, 1927		Persons not reappointed in 1927	
Name	Amount	Name	Amount
1	2	3	4
	Ra.		Ra.
Mr. Kishinchand P. Vawani ..	100	Mr. Kismat Lalchand ..	Nil
Eais Rasul Baksh Sherkhan Mari ..	250	Lala Ramditoomal ..	{ 64 300
Mr. Tejumal Chanchaldas ..	{ 200 100	Wadero Ali Muhammad Abu Bakar Mehar.	150
Haji Punhu Haji Sobatkhan Mari ..	{ 300 200	Khan Bahadur Mir Allahdad Khan.	{ 650 650 1,000
Abdullahkhan Mir Khan Laghari ..	{ 100 30	Seth Udernomal Karumal ..	{ 200 150
Muhammad Bahintulla Muhammad Buta ..	Nil	Choudri Illahibaksh ..	Nil
Muhammad Ali Chiragdin Mehar ..	200	Mr. Zamankhan Kamar-ud-Din Khan.	25
Mir Amedkhan Jan Muhammad Khan ..	{ 200 200 300	Seth Narumal Tilochand ..	{ 100 100
Mir Kadir Baksh Khan Jan Muhammad Khan.	{ 100 200	Seth Naurangeing Batansing ..	100
Mir Dhalakhan Bachal Khan ..	{ 100 200	Wadero Sakhi Muhammad Palli.	Nil
Abdullah Hundo Palli ..	100	Muhammad Ali Setabe Khan Palli.	Nil
Seth Begomal Teckchand ..	Nil	Thaker Lachmansing ..	150

*new Bench Magistrates in the Thar Parkar District appointed in 1927 and 1928, but were not reappointed in 1927 or 1928 respectively*

New Magistrates, 1928		Persons not reappointed in 1928	
Name	Amount	Name	Amount
b	c	d	e
	Rs.		Rs.
Wadero Shakil Muham- med Ahmed Palli.	Nil	Wadero Muhammad Sawai	100
Mr. Muhammad Khan Allahdadikhan Khoso.	Nil	Jointly with one Muhammad Ankib Walldad Khan Palli.	
Mir Haji Ghulam Muhammad Khan.	Nil	Note.—Mir Ahmed Khan Jan Muhammad Khan. Mir Kadir Baksh Khan Jan Muhammad Khan. Mir Dital Khan Bechal Khan.	} Who are entered in column 1 ceased to be Bench Magis- trates owing to the abolition of the Bench of which they were members.



Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu): Who recommends the appointment of honorary magistrates ?

The Honourable Mr. J. R. MARTIN : I presume the Collector.

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : It is shown that the persons whose names are mentioned in column 1 and who were appointed as new magistrates contributed towards the Blind Relief Fund. Are these contributions considered as fees for the appointments of magistrates ?

The Honourable the PRESIDENT : That is not a proper way of putting the question.

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : The Blind Relief Fund is under the control of the Collector. Are these contributions the fees for creating appointments of magistrates for the persons who have contributed ?

(No reply.)

Mr. HAJI MIR MAHOMED BALOCH (speaking in Urdu) : In column 2 the amount given by each person is given. Are these gentlemen not appointed because they did not again pay the next year and the collector has found out new fishes ?

The Honourable Mr. J. R. MARTIN : I have no information on the subject. I would, however, call the attention of the honourable member to the fact that persons not reappointed as honorary magistrates have paid larger sums than persons who have been appointed as magistrates.

The Honourable the PRESIDENT : It is not properly understood. Will the Honourable Member please repeat his answer ?

The Honourable Mr. J. R. MARTIN : I would call the attention of the honourable member to the fact that persons who have not been reappointed as honorary magistrates have paid larger sums than those who have been appointed as honorary magistrates.

The Honourable the PRESIDENT : Order, order. I have now to announce to the House that the following Acts have received the assent of His Excellency the Governor General :

1. An Act further to amend the Bombay Local Boards Act, 1923.
2. An Act further to amend the City of Bombay Improvement Trust Transfer Act, 1925.

### SUPPLEMENTARY GRANTS

*(Discussion on supplementary grant regarding excavation of Pateji branch resumed)*

Mr. L. M. DESHPANDE (Satara District) : Sir, I rise to support this grant subject to some conditions. The first thing is whether there is a real saving under the head 55, Irrigation as stated in the note of the Honourable the General Member. It says that there are savings available under the voted grant for irrigation works other than Lloyd Barrage

[Mr. L. M. Deshpande]

and Canals Construction under head 55. In this connection I should like to point out that the total sum allotted under the Major Head 55 is Rs. 2,75,00,000; and this distribution of this amount is for Sind Rs. 2,00,00,000 and the remaining amount is to be spent for the presidency proper which means Gujarat and the Deccan. I want to know whether it is savings out of the sum allotted for the presidency proper or savings out of the sum allotted for Sind. I do not think it can be savings from out of the sum allotted for Sind, because in the present demand he has made he wants an additional sum of 25 lakhs of rupees for the Barrage.

The Honourable Sir GHULAM HUSSAIN : It is quite different.

Mr. L. M. DESHPANDE : I am coming to that.

Yesterday the House sanctioned a small supplementary grant for Sind. So, I think that there cannot be any saving out of the sum allotted for irrigation in Sind. It follows therefore that if there are any savings they must be from the sums allotted for the irrigation works in the Deccan and Gujarat. I would like to bring to the notice of the Honourable the General Member the position of the works that have been sanctioned in the last budget. There is no sum allotted for productive works in the Deccan and Gujarat. The only sum allotted is for unproductive works. The first is a sum of Rs. 15,000 in connection with the Godavari canals and the main item is that for the Nira Valley development Rs. 4,00,000 and Rs. 9,00,000 for the Nira Right Bank. All these schemes have been sanctioned by Government in the various departments. I should like to know whether any of these works have been completed and whether there are savings. Hardly six months have elapsed and there is no likelihood of the work being completed. When the Honourable Member in charge says that there are savings I believe that he means that the works already budgetted for and sanctioned are to be stopped and the sum transferred for these new services in Sind. It will be seen from the note that not only the sum of Rs. 1,17,000 asked for is required but the total amount that will be required for that scheme is more than Rs. 2,00,000. So, the sum available for this work is not from the sum allotted for Sind irrigation works.

There is another point which I wish to mention. The works on the Nira canal is very important. If this work is to be stopped, the Honourable the General Member knows that Nagar, Sholapur, Bijapur and the eastern part of Satara districts which are frequently visited by famines will suffer for same reasons that exist in Sind. The work on the Nira canal in Malshiras taluka cannot be stopped and the amount transferred to Sind irrigation works.

There are again new schemes which have been held over for want of funds. Mr. Lowsley, the special superintending engineer, has forwarded a number of schemes which have been lying idle for want of funds. I do not think that it is right that the sum already allotted for the presidency proper should be transferred to works in Sind. If Government have got other funds I have no objection to spend them on irrigation works in Sind.

[Mr. L. M. Deshpande]

The next thing is whether there is urgency for this new scheme. It is stated in the note that these schemes would be of no use when the barrage operates. It is likely that the barrage will come to operate soon. I ask whether it is advisable on the part of Government to take a loan of Rs. 2,00,000 from an urgent work to a work of temporary utility. It is also stated here in the note that the Honourable Member's predecessor has stated :

"The Honourable Sir Cowasji Jehangir pointed out that even if the figures quoted (by the Sind zamindars) could be accepted as accurate, it was most improbable that the Legislative Council would accept the liability in view of the fact that the work asked for would be useless as soon as the barrage scheme commences to operate."

So, there is every likelihood of the Barrage scheme being completed soon. In these circumstances, I do not think there is any necessity for Government to go in for expenditure of such a large sum for tiding over a few years and that too when there is a general stringency of finances.

One more point I would like to bring to your notice and to the notice of the honourable House, and that is that only this year we find that these supplementary grants are being brought before this House without their being referred to the Finance Committee in the first instance. We have got the proceedings of the Finance Committee for the past years, and I find that every supplementary grant brought in this House in the past years was placed before the Finance Committee first. I do not think that anything of that kind has been done this year. I wish to draw the attention of the House to rule 32 of the Legislative Council rules which says :

"(1) An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year; or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year."

This is a new service not contemplated in the original budget. Therefore, this demand should have been dealt with as stated in rule 32 as if it were a demand for grant. Demands for grants for new services are placed before the Finance Committee before they are brought before this House. I submit that that has not been done in this case. I leave it to you to decide whether this is proper.

Then, I would request the Honourable the General Member to explain whether there will be real savings and whether the work is of so urgent a nature as to require an immediate expenditure of two lakhs. Though the expenditure is not proposed to be met from the ordinary revenue, yet interest on it will have to be paid from the ordinary revenues. I hope he will enlighten us on this point also.

Rao Bahadur B. R. NAIK (Surat District) : Sir, in supporting the demand, I wish to make one or two observations. I will support any proposition or project that is meant for the development of agriculture in this presidency. This seems to be an excellent proposition which is going to give a return of 33 per cent. to Government and do a great deal

[Rao Bahadur B. R. Naik]

of benefit to the agriculturists. I hope it is not a mere paper profit that is shown by the Honourable the General Member. This profit was disbelieved by the former General Member Sir Cowasji Jehangir. He stated that even if the figures quoted could be accepted as accurate he was not sure that the Legislative Council would accept the liability in view of the fact that the work asked for would be useless as soon as the Barrage scheme commenced to operate. Again, it is stated that this project will give a revenue of Rs. 70,000 per year, so that the capital outlay would be returned within three years. Yet the General Member wanted a guarantee from the zamindars against any loss on the scheme. If the whole amount can be recouped in three years, I do not see how Government stand to lose. The statement is so vaguely worded that it cannot be taken as authoritative.

Then, like the last speaker I would also like to have an explanation from the Honourable the General Member as to whether he proposes to take funds allotted for other irrigational works than the Sukkur Barrage for the prosecution of these works and if so from what particular works he proposes to reappropriate the money.

Yesterday, when speaking on a similar grant the Honourable the General Member assured this House that it is his intention to put into operation such schemes as may be feasible in other parts of the presidency as well. The cultivated area of the Bombay Presidency is only 29 per cent. of the total area and therefore there must be large waste lands which can be worked by such projects as the one under discussion with profit. Yesterday we had a project which showed at least a paper return of 28 per cent. per year, and today this project is shown to give a return of 33 per cent. If the Honourable the General Member will apply his mind and explore the possibilities in other parts of the presidency, he will find a large amount of area lying waste for want of irrigation. I request the Honourable the General Member therefore to give his attention also to other parts of the presidency which are in need of irrigation works.

Whenever the budget is put before this House and some expenditure is proposed by honourable members in this House, for nation-building departments, Honourable Members in charge of transferred departments say that they have no money and that the Honourable the Finance Member declines to give them more. But I find that the Honourable the General Member is able to get additional funds whenever he requires them out of surpluses from other works. I do not know how Government prepare their budget: they seem to have plenty of money whenever they require. When the Honourable the Finance Member has got so much surplus money, I hope he will also help the transferred departments whenever they require funds.

I do not want to say anything against this grant for irrigation in Sind, but I find that honourable members from Karnatak and Deccan have urged the demands for irrigation in Karnatak and the Deccan, but nobody has said anything about Gujarat. I do not know if the Honourable the General Member knows that there are some parts of Gujarat where

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irrigation works are badly required. In reply to a question of mine, the late General Member (Sir Cowasji Jehangir) had replied to me that there was a project under consideration for Gujarat, but since then we have not heard anything about it. Now that the Honourable Sir Ghulam Hussain has taken the reins of that office, I hope he will pay his attention to Gujarat whose interests have been neglected. There are vast possibilities for irrigation in the Bombay Presidency as its cultivated area is only 29 per cent.

With these remarks I support this grant.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I support this grant but I wish to bring to the notice of the House the conduct of the Engineers of the Department. For the last ten years the ryots have been complaining that they had no water for cultivation and that as a result their lands were lying waste. No action was taken for the last ten years and it is now only that a supplementary grant is being asked for. Now they have come to realise that the scheme is a good one and that it would be productive. For the last ten years the poor zamindars were agitating and as there was no response from Government they had to sell their lands at very low prices. Now the Government say that they will take care of these zamindars and that the scheme is likely to do some good and so on. If the Engineers of the Government had been a bit careful and little more honest while eating the salt of the public, including these zamindars, all this trouble would have been avoided. Not only that but these ruined zamindars would have prospered and the Government would have gained also. I submit that as it was on account of the fact that the Engineers in the past had failed to do their duty that the poor zamindars had to suffer so much loss, these Engineers must be made to pay for it for their carelessness.

But from the above it is evident that the Engineers and the Government have no confidence in themselves and have no experience of irrigation works which they are managing. They did not dare to touch this scheme till a legal guarantee was given by the experienced zamindars to indemnify Government due to any loss.

I further beg to bring it to the notice of the House that the Government having failed completely to concern themselves with the welfare of the people or what they are proud to call "Ryot parwari," several zamindars cried hoarse and most of them got ruined and others in sheer despair for any solicitude for them by the Government approached Government and offered to pay for any loss if the scheme suggested by them did not pay for itself before even the working of the Barrage started. Then the Government which is never tired of saying that it is the custodian of the dumb millions, acted as a "bania" and traded by getting legal documents executed—out of nervous feelings and anxieties—indemnifying against any loss. Is this the behaviour of a Government which is anxious for the popular welfare? Government now say that the zamindars were right and that the project will pay for itself in three

[Mr. Haji Mir Mahomed Baloch]

years and will prove beneficial to Government. It is but right that all profits must go to zamindars who have given an undertaking to bear the loss. I may remind Government that their experts are always blundering and their reports about popular representations must be taken with a little caution. The case under discussion is a clear warning. I may give another example of blundering of the engineers. I may remind Government that their experts excavated a cut for feeding the Ghar Canals at its mouth from the river against the definite advice of the zamindars of the locality, and spent two lakhs of rupees over it, but the attempt did not prove successful as predicted by the experienced zamindars in the vagaries of the river. Government had to go back to Arab Dhoro which was the place at first suggested by the zamindars. How can we now trust the reports of the Engineers who wasted and blundered all along? I hope Government will warn its officers.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, this is one instance in which the supineness of Government in the matter of looking after the interests of the public is laid before this House. It is not an instance, as my honourable friend Mr. Deshpande said, in which any favouritism is shown to Sind. This is an instance of what should have been done earlier....

Mr. L. M. DESHPANDE : At the cost of others ?

Mr. B. G. PAHALAJANI : No; not at the cost of others. But if it had been done earlier it would have acted on the prosperity of the whole Presidency. From the facts that are given to the Council, it will be seen that the Western Nara Canal, a big canal 88 miles in length refused to supply any water beyond mile 72. That is, the last 16 miles from mile 72 to 88 of the canal had absolutely no water to irrigate about 18,000 acres of arable land lying upon the length of the Nara canal. The landlords affected were clamouring from time to time and they were petitioning Government to take the matter into consideration. The whole land was lying waste without cultivation and though the Chief Engineer supported their claims and with all the support that it received Government refused to listen to the cries of these poor zamindars. This is the state of affairs. In December 1927, the then General Member, Sir Cowasji Jehangir, came to Sind. He did not care to realise the seriousness of the state of affairs. He was in Sukkur; I was myself present with two honourable members from Larkana; the whole body of Hindu and Muhammadan zamindars of that part of the country was present. They represented to him that from mile 78 to mile 82 even at the highest time of inundation, namely July and August, the canal was absolutely dry. My honourable friends on either side of the House will realise the state of affairs when I say that a canal with 10 to 12 feet of water normally was absolutely dry for the last 16 miles of the canal. When this representation was made the Chief Engineer was there and the present Secretary, P. W. D., Mr. Harrison was there. Everybody admitted that the claim was urgent but they feared that it may not be productive although the zamindars and landlords told them that the scheme must be introduced. In order to obtain reliable figures

[Mr. B. G. Paha'sajani]

I put questions to Government last July and these are the figures. The loss to the Government on account of want of cultivation and on account of remission of land revenue which Government were compelled to give are given in the 10th list of Questions issued last July. You will be pleased to find that out of the total area commanded by the Western Nara within miles 72 to 88, namely 72,149 acres, the total loss of revenue in 1923-24 was Rs. 97,000 which the Government was incurring on account of their refusal to open this branch. Next year (1924-25) it was Rs. 54,000; in 1925-26 the total loss to Government rose to Rs. 1,16,226 and in 1926-27 it was Rs. 1,00,384. According to these figures Government were suffering losses on account of the refusal to spend about a lakh of rupees on this work. Government simply refused to listen to the clamour and the repeated cry of the distressed people and they sat tight for years. Sir Cowasji Jehangir agreed to look into the question and the landlords from that part of the country came here last February and March and they saw nearly every Member of Government. They literally sat *dharna* at the doors of every Member of Government for nearly three-fourths of the period of the session. Even then the heart of Government became harder like that of Shylock in the Merchant of Venice and finally they consented to dig the canal. They consented only to dig the canal under certain conditions and the poor zamindars were constrained to accept the conditions. By this arrangement the Government agreed to do the excavation; four years after this scheme will be merged in the barrage. But for the four years the loss that the Government will suffer was 4 lakhs of rupees, apart from the loss that the zamindars were suffering themselves; the Government wanted to protect themselves against this loss; the zamindars and the occupants, poor people, were compelled to agree that they must hold themselves liable for the deficit after the land revenue realized was credited towards the debt. They did it, Sir; they agreed to it. But, unfortunately, when matters proceeded, some mischief-makers in Sind as always will be found everywhere, made some zamindars to refuse to sign this agreement. But since then the Government saw the justice of the claim, and have collected the figures, and it is very clear now from the figures given,—and the Honourable the General Member cannot take his stand except on these figures which he has given,—that until the barrage operates in the country, the revenue to Government will be Rs. 4 lakhs and the produce and income to the people will be certainly far more than Rs. 4.

No, this is the state of affairs, Sir. I think my honourable friends on the opposite side will admit that the coming into operation of the barrage has no connection with this. Up to that time the area shall be dry. The figures of the depth of water given at the Western Nara are for 1925-26 1' 6" in the months of June, July and August, the best months; for 1925-26 the figures are 1' 7"; and in 1926-27 it is .2. In 1927-28 it is dry. That is to say, Sir, for these four or five years nothing will be done, and until the water comes in the barrage in 1932—it is not coming earlier—these lands will continue

[Mr. B. G. Pahalajani]

uncultivated, because there is no possibility of improving water there. Now Government have seen the utility of the scheme, realize that the scheme is going to be productive, and that the zamindars and occupants were justified in saying that the scheme would be productive, and Government want to have it as they find that it will give them a saving and it will recoup all the expenses. And yet, Sir, they stand upon that old agreement given under those circumstances, that the zamindars do execute that agreement. I put it to the General Member, after the figures he has given, is it fair, is it not exacting the pound of flesh, is it not driving a hard bargain, after all those figures have been given, to insist on the agreement? The money is not being taken away from the Presidency at all. It is set apart every year for irrigation work, for excavation. Money saved in one part is appropriated in another, and so far as Sind irrigation is concerned, the appropriation usually takes place within the sum allotted to it. It has nothing to do, as some of my honourable friends might think, with money for irrigation works in the Presidency proper, and it will not affect those schemes. And we would be foremost in supporting any schemes lying in the archives of the Government Secretariat that are opened and brought before the Council; because, after all, they do pay the money and we would support them in trying to make the Government wheels move faster. But, so far as this thing is concerned, there is not the slightest doubt, from the figures given by the Government themselves, that this scheme is going to benefit the people and that Government also will benefit to the extent of Rs. 1 lakh every year. All the Rs. 2,08,000 that is going to be finally spent will be recouped within two years. And yet, I will put it to the Honourable the General Member whether he should not forego that agreement given under special circumstances given in February, and whether, after these figures are given, it is worth while to continue this agreement. I therefore support, and I trust all the honourable members on this side will support, this scheme going through without the slightest delay, because up to May there are only four months when the water will subside, and this scheme cannot be carried into effect.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, there now seems to be a new procedure started by Government. Formerly all these supplementary grants were placed before the Finance Committee and, after they were passed by the Finance Committee, they were brought in the House. This time the Finance Committee has altogether been neglected. They are bringing them directly before the House. I should like to know whether Government are going to deprive the Finance Committee of the functions it is already performing.

Sir, the other thing that strikes me is that in this note it has been pointed out that the scheme will be useless as soon as the barrage scheme begins to operate. There is another supplementary demand, in which it is stated that the barrage will be proceeded with to its expectations and the work is being done so rapidly that after this grant is sanctioned, a demand for supplementary estimate of Rs. 25 lakhs will be made for the barrage scheme. Then, if the scheme of the barrage is proceeded



[Mr. J. C. Swaminarayan]

with rapidly and the scheme we are discussing is going to be useless as soon as the barrage begins to operate, I do not know what would be the effect and benefit of spending away Rs. 2 lakhs at this stage when the financial condition of the Presidency is so very tight. Sir, it has been pointed out that the scheme will be giving an additional revenue of Rs. 70,000 a year and at the same time we are told that the scheme has to be completed before the end of May of 1929, that it can only be worked for three years, 1929, 1930 and 1931, before the Barrage begins to operate. Then, I do not know whether this revenue will be actually obtained by Government in these three years, namely, 1929, or 1930 or 1931. But, whenever we are asked to undertake schemes, we are given very blooming prospects of bright revenue, but when it comes to practice, all those expectations are not realised according to the way in which they have been put down. Now, it has been said that the zamindars living in Mehar and Kakar talukas have been compelled to give an undertaking that if this extra revenue is not sufficient to liquidate Rs. 2,08,000 *plus* interest before the barrage scheme begins to operate, then the amount will have to be made good by the zamindars. I heard from a member from Sind, the honourable member Mr. Mir Mahomed Baloch, that these zamindars were impoverished on account of the conditions prevailing in those talukas on account of want of the supply of water. I do not know how these zamindars will be able to pay such large amounts of money. This extra revenue is not forthcoming before the barrage begins to operate. Therefore, before sanctioning the scheme, we should like to know when the barrage scheme will be able to operate in that zone. It may be four years or even less, and though the prospects have been painted bright in the note supplied to us, I doubt whether those happy prospects will be actually realised. We have been told in this note that there will be an addition of 700 cusecs of water which will cultivate 17,500 acres and that every acre will yield four rupees as revenue and that thus we shall have Rs. 70,000 a year. Of course the note has described the prospects in a very attractive fashion but I do not think that the amount spent will be liquidated in three years. Whenever we are asked to sanction a scheme, then bright prospects are held out before us but we find afterwards that they are not capable of realisation.

The other thing that should be pointed out in this connection is that this amount of Rs. 2,08,000 is to be spent from the savings. I do not know where the savings are likely to occur. Perhaps, Government have overbudgetted and therefore they expect there will be savings or it means that Government are not going to utilise money sanctioned for other parts of the Presidency like Gujarat, Deccan and Karnatak as liberally as they should do and thus they may expect to effect some savings to be utilised for this project in Sind. I do not think it right that Government should try to economise on the already small amounts sanctioned for other parts of the Presidency such as Gujarat, the Deccan and Karnatak, and if the amount of Rs. 1,53,000 is to be spent from those savings, certainly it is an objectionable way of proceeding with the same.

[Mr. J. C. Swaminarayan]

Therefore, we should like to be enlightened in these respects before we should vote for this expenditure.

Mr. P. R. CHIKODI (Belgaum District): Sir, I wish to make a few observations in regard to this supplementary grant. Our complaint is not against money being spent upon irrigation, but is against the policy of keeping back schemes which are of more urgency than the one which is now placed before us. We have been told that there has been a cry for the last five years from the zamindars of Sind for this scheme and hence it is being taken up, but I want to point out to this House that there are tracts in this Presidency, which are famine-stricken, which have various schemes ready and which have been crying and crying for the last forty years and yet nothing has been done. I should like to hear from Government whether they have done anything for irrigation in the Karnatak during the last forty years. Since the construction of the Gokak Canal, what has been done for the Karnatak? Is not the Bijapur district suffering from famine year after year? What has been done there? Even the few small tanks that are in Dharwar and Belgaum districts are silted up and whenever money is asked for, we are told there is no money. That being so, how can we support such a grant as the one now under discussion,—a grant which has been placed before us in such hot haste without even consulting the Finance Committee. It savours of sheer partiality on the part of the Honourable the General Member who has newly taken over the Irrigation Department. I say so deliberately and with a full sense of responsibility. When the Sukkur Barrage is going to be completed and brought into operation within four years only, this scheme is said to become entirely useless. Cannot my honourable friends from Sind wait then for four years and allow this money to be utilised in tracts which are in greater need of it, especially as we in the Karnatak have at present no prospect at all of getting irrigation from big schemes like Sukkur Barrage even during the next forty years. Take for example the Bijapur district. What prospect is there of big projects coming into operation within any measurable distance of time? Even the small irrigation schemes which have been formulated by the special Superintending Engineer, Mr. Lowsley, have been held up for want of money. That being so, I do not know why we should support this motion.

My honourable friend says that the agreements proposed to be taken from the zamindars should not be taken and that Government have been acting the part of Shylock in demanding these agreements. I say, Sir, that as these schemes will be quite useless after four years and as our Sindhi friends have been demanding a separation of Sind from the Bombay Presidency, we should not be expected or asked to bear a liability of this kind, even for interest on money to be spent on this scheme during that period. In fact, I am tempted to say that as far as Karnatak is concerned, Government have been acting the part, not of Shylock, but of Satan as during the last forty years they have done nothing at all to give us irrigation in spite of its great need there. Therefore, I appeal to the Honourable the General Member that he should not

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be so partial to Sind but that he should extend the liberality of his mind and heart to the other parts of the Presidency which have so far remained in the background, such as Karnatak, and that he should equally readily provide money for them just in the same way as he has found money for many schemes in Sind even without placing them before the Finance Committee.

Mr. S. K. BOLE : Sir, I am not going to oppose the grant but wish to put before the House some of the grievances of the cultivators of the Ratnagiri and Kolaba districts in the Konkan. Nothing in the way of irrigation has been done there.....

Mr. R. T. HARRISON : On a point of order, Sir. Are the remarks of the honourable member pertinent to the demand before the House ?

The Honourable the PRESIDENT : Remarks like those are pertinent because the feeling is that money is being spent in one direction at the cost of another, and they wish to point out how unjustly this money is going to be spent in Sind when other places require more urgently even smaller amounts than the present grant.

Mr. S. K. BOLE : Thank you, Sir, for your kind assistance, and I hope the official concerned will take a lesson from it.

As far as the Konkan is concerned, nothing has been done. Although there is plenty of rain in the Ratnagiri and Kolaba districts, all that water is wasted. The Konkan tract is studded with hills and hillocks.

Mr. R. T. HARRISON : What does the honourable member mean by "hills and hillocks" and why mention them with particular reference to the Konkan ?

Mr. S. K. BOLE : My honourable friend, I am sorry to find, does not know where Konkan is and what are hills and hillocks, and he is the Secretary in charge of the Irrigation Department (Laughter). I want to point out that nothing has been done for irrigation in the Konkan. There are so many hills and hillocks and if steps would be taken to hold up the reservoirs, tanks can easily be constructed and good irrigation schemes can be worked out with a very much less expenditure than the money spent or to be spent in Sind. So also, Konkan is full of rivers and rivulets, but they are silted, and if steps are taken to remove the silt, then the cultivators will get plenty of water for cultivation purposes. I hope the Honourable Member in charge of the Irrigation Department will keep a soft corner in his heart for the poor cultivators of the Konkan.

Mr. M. S. KHURO (Larkana District) : Sir, I must congratulate the Honourable the General Member on his asking, in the form of a supplementary demand, for this most essential grant. Sir, this question, if I go to its historical side, was raised as long ago as 1913-14. The question arose first, as has been briefly stated in the statement before the House, in 1913-14, when deficiency of water was felt in the Mehrar and Kakar talukas and downwards, because the supply in the Western Nara was quite inadequate. This scheme was prepared in 1914, but owing to the Great War it was

[Mr. M. S. Khuhro]

suspended for five or six years. The question was again raised, so far as I can remember, in 1920-21. At that time, the question of the Sukkur Barrage was pending, and Government thought that if the Barrage were sanctioned, this scheme would not be of any use. But during the period of the War and afterwards, the zamindars felt terribly the deficiency of water, and most of the lands which were cultivated have turned out to be uncultivable lands. The zamindars suffered owing to the deficiency of water, they became very poor, and their lot was pitiable. Sir, in 1920 and afterwards the zamindars of Kakar taluka sent petitions and deputations to Government, that this branch must be opened at an early date, but, as I have pointed out, owing to the Sukkur Barrage, this scheme was not considered by Government. Again, last year, when the Honourable the General Member toured in Sind, he in a conference at Sukkur with the zamindars of those places, considered this question very carefully, and he stated that as the Barrage would be completed in 1931, this scheme was unnecessary and he also probably apprehended that it was not possible that this would be a paying one. Figures were supplied to him—I do not say that they were absolutely accurate—to show that in Kakar taluka something like Rs. 80,000 were remitted by Government in the shape of assessment every year and over and above that the zamindars in Mehar taluka suffered terribly on account of the deficiency of water and the remissions allowed to them are very great. As has been pointed out, if we calculate the remissions that would have to be made by Government during the next three years, Government will have safely realised the amount spent over this scheme, since the completion of the Barrage Scheme has also been postponed by one year. But I am very much surprised to find some honourable members belonging to the Presidency proper raising objections and asking why money is not being spent on irrigation in the other parts of the presidency and why it is spent in Sind alone, where the Barrage is expected to be completed in a short time. To that, I would reply that in Sind, wherever these schemes have been taken up and completed the result has been a yield to Government of from 12 per cent. to 14 per cent. and even 20 per cent. This return has been realised from the schemes undertaken in Sind. But in the Deccan the returns have been very poor. Generally, hardly 1 per cent. or 2 per cent. is realised, and they are generally protective schemes. But in Sind all the schemes undertaken have been productive schemes. We are told that the completion of the Barrage is going to be postponed by one more year, but one does not know what exactly will happen, and it may possibly be postponed to some further date. This particular scheme is so very essential that if it is not undertaken most of the zamindars will be in a very critical condition, and their condition is very critical at present. I must say that in the *ab kalani* season, i.e., in June and July, in the upper reaches of the canal there is sufficient water, but lower down there is not even enough water for the cattle to drink. It is a pitiable thing that Government should have postponed this scheme for such a long time. Schemes like this should, I think, have the unanimous support of the Council, looking to the conditions,

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Even then, the wonderful part of the whole thing is that in addition to the precautions taken by Government in this matter, they have taken a guarantee from the zamindars to make good any loss on the scheme. Never before, in their schemes, have Government ever taken a guarantee from the zamindars to that extent. When the zamindars saw that it was impossible to induce Government to sanction the money for the scheme, they agreed to enter into an agreement that if the scheme involved Government in any loss, they would be prepared to risk it. This had to be done, because otherwise there was no possibility of having the scheme executed, and the Honourable the General Member made it very clear in the Sukkur conference, that he could not do it unless there was a guarantee of this nature, and the Council would not sanction the money unless the zamindars bound themselves to make good the loss if the scheme does not pay itself before the Barrage is completed. I think such a guarantee was not necessary, and I have shown clearly that a scheme like this is essential for Government also. I do hope, therefore, that the Council will give its unqualified support to the scheme.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to support this grant asked for by the Honourable the General Member. Sir, it is a matter of great satisfaction that the assumption of office as General Member by our honourable friend Sir Ghulam Hussain has synchronised with a number of schemes for the improvement of agriculture in Sind. I hope that these schemes for which supplementary demands for grants are made, will be the precursor of many more such schemes not only in Sind but in other parts of the Presidency, about which we have just had a discordant note from other members on this motion. It is hardly necessary for those of us who come from Sind to say that we entirely sympathise with the demands made by the other Divisions of the Presidency for purposes of irrigation, because it is necessary that all parts of the Presidency should be developed simultaneously as a whole, and, as our friends the zamindars from Sind came and represented, and even went to the length of giving a guarantee to bear the loss should any occur, so if the same procedure, the same course, was followed and the same amount of tenacity was shown by my honourable friends from the Karnatak and Maharashtra, things there would be much better than what they are just now. I am not much concerned with those who own the land—but the fact that the productive value of these 72,000 acres should lie unutilised is, to my mind, the greatest disgrace upon our capacity.

I look at it from that point of view. Therefore I consider that we should strain our every nerve to increase the productive capacity of the land so that the general prosperity of the people may increase and the amount of pressure that there is on land in different parts of the presidency may to a certain extent be relieved by increased production.

Then it has been pointed out by my honourable friends representing the other divisions that this scheme is being undertaken in the absence of any figures from the Honourable the General Member whether this

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amount is being spent out of the savings from the amount allotted for irrigation works in other parts of the presidency. I am sure the Honourable the General Member when he rises to reply will make the point clear. I am sure that he is not doing this by curtailing the programme in the other divisions. After all, we have got to remember that these schemes are not financed from the current revenue. It is a matter of capital outlay, expenditure incurred out of our capital programme. Even if we exceed the estimated total expenditure by a few lakhs surely it will not make any difference because Government can always draw upon their large balances which are lying with the Government of India at a low rate of 2 or 3 per cent. interest. If we can utilise our money for such productive purposes—and it has been shown that this amount will be recovered, within a period of three years—it is worth while going in for it immediately. I do not think any individual when such a paying proposal is made to him will require a moment's thought to proceed with the scheme immediately. We will be getting a very large return of 33 per cent. on the outlay. I hope therefore that the Council will unanimously support this scheme.

Therefore I hope my honourable friends will not harp upon the point which they have definitely made that as soon as barrage begins to operate this work will cease to be useful, since the zamindars themselves have given a guarantee that the total amount spent by Government will be made good by them if there is any deficiency left between the period the canal is used and the time when the barrage comes into operation. With this guarantee I do not think there can be any apprehension or objection on the part of any section of this House in according their support to this scheme. I hope the Honourable the General Member will at once proceed with the work and relieve the anxiety of the people who are suffering in that tract.

(At this stage closure was moved and accepted.)

The Honourable Sir GHULAM HUSSAIN: Sir, Government have been accused by one set of honourable members of indifference and by the other set of honourable members of partiality towards the agriculturists of Sind. I shall presently show to this honourable House that Government are neither indifferent nor partial to the agriculturists of Sind. There is no doubt that there was a demand for this improvement. But Government anticipated the criticisms of this House which we have now heard that the Government are partial to the agriculturists of Sind and that the scheme will become useless after the barrage comes into operation. So, before carrying out the scheme, Government investigated the scheme and, after coming to the conclusion that it is a paying one, have placed it before the Council. We have not only the guarantee that it is a paying scheme but we have the additional guarantee of the zamindars that they would make up the amount expended on the scheme in the event of its becoming useless as a result of the barrage coming into operation. This shows that the Government of Bombay is not partial to the agriculturists of Sind as has been made out by certain honourable

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members. On the other hand Government wanted to be careful about spending the tax payers' money, investigated the scheme and did not launch the scheme till they had the double guarantee—the guarantee of the zamindars and the guarantee that it is paying. (An Honourable Member: Do they always do like that?) So, the accusation against the Government of Bombay that they are partial to the agriculturists of Sind and that they are indifferent is groundless. My honourable friend from Sukkur has made out a clear case that the scheme is productive, and that it is in the interests of the agriculturists. I assure honourable members representing different parts of this presidency who have been making demands for various irrigation schemes that their schemes will receive the same treatment provided they are as good as the one we are now introducing in Sind. (An Honourable Member: Double guarantee?) With the only guarantee that the scheme will be a paying one. In this particular case the scheme is a paying one and we have the additional guarantee of the zamindars that they will make good the amount. As has been pointed out by the honourable member from Sukkur when the zamindars are sure that the scheme is productive they have nothing absolutely to be afraid of in giving the guarantee. With these remarks I hope the House will sanction the grant.

Mr. L. M. DESHPANDE: The honourable member has not stated anything about the savings.

Question put and carried.

Supplementary grant for Rs. 20,000 for the purchase of Sera and vaccine for Civil Veterinary Department.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I make a demand for a supplementary\* grant of Rs. 20,000 for the purchase of sera and vaccine for the Civil Veterinary Department to be taken from 47-Miscellaneous and transferred to 34-Agriculture. The Superintendent of the Civil Veterinary Department originally asked for a grant of Rs. 40,000 for purchasing sera and vaccine. Government were able to provide only Rs. 25,000 in the budget. Up to this time, since April last, about Rs. 20,000 and odd has been spent in the purchase of sera and vaccine and only an amount of Rs. 3,900 remains for the remaining months of the year, which the Superintendent reports is not sufficient: he says that Rs. 20,000 more will be required. There was a widespread outbreak of haemorrhagic septicæmia and black quarter in this year among agricultural animals and therefore more money had to be spent and the expenditure has been a little more than anticipated and more money will be required. I submit therefore that the honourable House should give a grant of Rs. 20,000 as demanded by me.

Question proposed.

Mr. P. R. CHIKODI (Belgaum District): Sir, I do not wish to oppose this grant asked for by the Honourable Minister of Education, but

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I would like to know from him what the latest figures are of deaths due to haemorrhagic septicaemia and black quarter during the current year. I want to know whether the disease has been increasing from year to year, and what steps he is going to take to fight it. I want some light to be thrown on this question. This department has been entirely neglected. Although cattle form the wealth of the agricultural population, nothing seems to have been done to protect them, at least not to the extent that should be done. The figures of the last few years show that the epidemics are spreading at a rate greater than one can conceive. In the year 1921-22, there were 14,713 deaths; in 1926-27, there were 26,434 deaths in all. Therefore, the matter is rather becoming very serious and I would like to draw the attention of the Honourable Minister to it and request him to see that more money is granted not only to meet the epidemic but also to take preventive measures for the future. I hope he will come before the house for more money for this purpose.

Dr. M. D. GILDER (Bombay City, North) : Sir, I rise to ask for some information. I want to know whether the Veterinary Department of Government is aware that in French Indo-China this disease of haemorrhagic septicaemia has been abolished at a very small cost by a different form of treatment—treatment by the bacteriophage and if so, whether they wrote to the Government of India to help them in getting the assistance of the gentleman who was responsible for its discovery, because that gentleman was in India for some time making researches in cholera in the Punjab. I think he might have helped us in the Bombay presidency, if the Government of Bombay had sought his assistance through the Government of India. I want to know if they did so.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, from the papers that I have got, I cannot say that the attention of Government has been called, but I do undertake to bring to the notice of the Superintendent of the Civil Veterinary Department the point raised by my honourable friend Dr. Gilder, and I have no doubt that the necessary action will be taken to substitute a more efficient remedy as he proposes.

As regards the remarks of my honourable friend from Belgaum I wish to assure him that this department will be only too ready to demand the amount required, and the Superintendent will not be behind if more money is wanted. In view of what the honourable member Dr. Gilder said, if the treatment will be cheapened then there would be no case for more money : it will be only substituting one form of treatment for another. I undertake to see that the attention of the Superintendent is drawn to it.

Mr. P. R. CHIKODI : I referred not only to this epidemic but other epidemics also such as rinderpest which have been causing heavy loss every year. What does the Honourable Minister propose to do to prevent the spread of these epidemics ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If more money is required for that, it will be readily supplied.



Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I do not wish to oppose this grant, but I wish to know if this disease is prevalent in Bardoli and if so, to what extent : I would also like to know in what other parts of the presidency it is prevalent.

The Honourable Dewan Bahadur HARILAL D. DESAI : It is not prevalent in Bardoli, so far as I know. In what other parts of the presidency it is prevalent I cannot say off-hand.

Question put and carried.

Additional funds required for the Lloyd Barrage and Canals Construction Scheme.

The Honourable Sir GHULAM HUSSAIN : Sir, I move a demand\* for Rs. 25,00,000 for the Lloyd Barrage and Canals Construction scheme. As the statement shows, Rs. 25 lakhs were cut down by Government from the total demand made by the Chief Engineer of the Lloyd Barrage in order to avoid interest charges on any possible unspent balances of loan money. This was done even last year by Government, and last year this honourable House allowed a supplementary grant on that account. This year we have a demand from the Chief Engineer, Barrage, for about Rs. 45,42,000. But on this occasion we only ask for a supplementary grant of 25 lakhs to push on the works. The sooner the Sukkan Barrage is completed the better for the interests of the agriculturists and the interests of the presidency as a whole. With these remarks, I hope this honourable House will sanction this demand.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I cannot agree to the sanction of this grant without further information. I for my part regard that the information placed before us is very scanty and very unsatisfactory. To agree on this information to a grant of Rs. 25 lakhs, which implies also an expenditure of Rs. 45 lakhs ultimately, is unsatisfactory. Sir, we are asked to agree to an expenditure on a workshop of Rs. 11,35,000, and we are told that it will take only two or three years for the Barrage to be completed. I do not know what new machinery is required and what repairs are necessary. I do not know if the workshop has already been installed or is going to be installed, and we are only told that a large amount of machinery is going to be imported for this workshop. Sir, the only statement made is "additional plant and machinery required in Dragline Workshop." I do not know why such a big sum as Rs. 11,35,000 is proposed to be spent now. If this was a necessity it should have drawn the attention of Government before. It only means that we have been spending lakhs of rupees for so many years and that we have not employed the required plants. If it is not so, I would like to know what developments have taken place to force Government to get this machinery. To my mind this is quite unsatisfactory unless full explanation is placed before the House. So that Rs. 11,35,000 is asked for out of the total of Rs. 45,00,000 without giving any explanation. Then, Sir, we are asked to sanction no less a sum than Rs. 7 lakhs for "certain works in the Right Works Division which could not be foreseen and extra piling and early receipt of the sills and grooves for

[Mr. Hooseinbhoy Abdullabhoj Lalljee]

the Barrage." The first item being unforeseen, I take it that a large portion of Rs. 7 lakhs is unforeseen expenditure. When such a big amount is unforeseen, something must be wrong somewhere. They must have made changes in the estimates and if this is so we must know the position and we must know why this change has been made. This brings the total for which explanations are wanting to Rs. 18,00,000. Furthermore, we come to an item of Rs. 16,00,000, for "further probable expenditure on Works in the current year." I do not know what this is. For small items of Rs. 3 lakhs or so as the item No. 1 and No. 2 full explanation is given and for this sum of Rs. 16 lakhs only two lines have been written. What is the further probable expenditure? - We are further asked for a sum of Rs. 1,84,000 for suspense account. What is this? Is this also unforeseen? So we are asked to sanction—

Rs.

11,35,000	for additional machinery ;
7,00,000	for unforeseen expenditure ;
2,00,000	for suspense account ; and
16,00,000	for further probable expenditure.

out of the total of Rs. 45,42,000. We are asked in the shape of supplementary grants to consent to items of this sort. I submit, Sir, only things which are essential and necessary and urgent must be placed before us in the shape of supplementary grants after they have been placed before the Finance Committee. If Government put in these items in the supplementary grants and if we want to criticise them during the budget time, Government will say "You have already given your consent to these items." Therefore, I submit that full details must be given and the Honourable the General Member will be well advised to bring in grants for only such works which are urgently necessary and for which full explanations can be given, in the Finance Committee as well as in this honourable House.

I should certainly like to make one more remark about the Development Department from which they want to borrow Rs. 25 lakhs. I am surprised that this balance has been kept with that department. From what we know of the Development Department, I think it would be unfair to keep such large sums as their balances. With these remarks I would ask for additional information, before I agree to the demand.

Mr. G. WILES: Before we have any more misunderstandings perhaps I may be allowed to say that the honourable member who spoke last is chasing an imaginary hare. If he had read the explanation given in this note a little more carefully he would have understood that we are not asking now for any new expenditure which has not been placed before the House. Full estimates and a programme of the Sukkur Barrage were placed before this House in March last at the time of the budget session and the House will remember that owing to the failure of the Barrage in past years to work up to the programme put before the House, the Finance Department decided to cut Rs. 25 lakhs as "probable savings" from the total sum that was asked for. We found in the last year as the

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House will remember that the working of the Barrage was becoming more and more satisfactory and after the sum of Rs. 25 lakhs had been actually cut, we had to ask I think for a supplementary grant of Rs. 14 lakhs. That was in no sense additional expenditure incurred without the full cognizance of the House.

Mr. HOUSEINBHOY ABDULLABHOY LALLJEE: It is said "additional plant."

Mr. G. WILES: I am talking now of last year.

We cut Rs. 25 lakhs from the total provision for the works, but as we found that we have been able to work more nearly up to the programme we wanted Rs. 14 lakhs more.

This year again we cut down Rs. 25 lakhs. But the Chief Engineer finds that he will be able to work fully up to the programme. Moreover last year we were not able to provide more than Rs. 14 lakhs. Some of the expenditure, therefore, incurred before the year was over had actually to be met in the current year, and that is an additional reason for making this demand of Rs. 25 lakhs. The Chief Engineer now comes to us and says that he would be able to spend a sum of Rs. 45 lakhs; but we have asked only for an additional sum of Rs. 25 lakhs. This is for works which are provided for in the programme, and are according to the estimates.

As for the last remark of the honourable member about the provision of Rs. 25 lakhs from the Development Department, I do not know whether I have misunderstood him or whether he is under a misapprehension. As the House will remember the Development Department has had to cut down its activities. We find that in the provision made for that department this year we have provided Rs. 25 lakhs more than we shall want during the year for works. This amount of Rs. 25 lakhs will not be spent until the last day of the year, in paying interest to the Government of India. Instead then of placing Rs. 25 lakhs in deposit with the Government of India which would be the normal procedure, we propose, instead of borrowing from the Government of India at 5½ per cent. for these six months, to utilise the savings and thereby reduce our interest charges.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (in Urdu): Mr. President, I rise to oppose this supplementary demand. We are always asked to sanction more and more money, but we are never told how that money is being spent. We never know whether the money that we sanction is rightly spent or not. This is a matter which should be enquired into. I am not opposing the provision of money for the Sukkur Barrage because I am not opposed to the scheme itself. The success or otherwise of the scheme depends upon how the expenditure is restricted to the real necessities of the case, and it is most criminal to go on spending extravagantly as Government appear to have been doing. Two years ago Government told us, on our serious allegations of want of experience of those in charge of works and maladministration of funds sanctioned by the House, they were going to appoint a committee of experts to go

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into all these questions regarding the barrage. But they appointed a committee of men mostly of jo-hukum type. But up to the present, we have not seen any result of any such committee's working. In fact, we do not know what work the committee has done, if appointed, and what they have found out as the result of their deliberations or enquiry. We have no faith and confidence in the officers at present conducting the works, specially after the revelations of the Mears Committee where it was proved that none of them was either qualified for the job or considered himself responsible for it. Now, the Back Bay Reclamation and the Sukkur Barrage are two most gigantic ventures on which Government have embarked, and we know how the Back Bay scheme has ruined not only this generation but has ensured the ruin also of the posterity, at least of six future generations as well. The Barrage is likely to prove a great grandfather of Back Bay if we do not immediately set matters right. We understand a committee was appointed and that a sum of nearly Rs. 8,000 or so has been spent on it already. But the Council does not know what work it has actually done. We have seen no report by any such committee. And yet grants after grants are asked for and the Council has never yet refused any demand. We were told that till June last a sum of 6 crores has been spent, but of which 2 crores have been spent in machinery including 52 lakhs on dredgers which are not even paying for their interest charges. One crore represents the cost of buildings and 1 crore is eaten up by salaries of officers and staff. The original estimate was for Rs. 16 crores including interest charges; two years ago it was increased to Rs. 18 crores. Last year it was stated that Rs. 20 crores in all would be required.....

The Honourable the PRESIDENT : I should point out to the honourable member that if he is anxious to enter upon the general policy of the barrage, it will be irrelevant. He has to confine himself more to the demand before the House.

Mr. HAJI MIR MAHOMED BALOCH : Rs. 25 lakhs have been asked for from this Council, Sir, and I want to point out that we are not sure that this sum will be spent properly by Government, and if I do not explain in sufficient detail and clearness how the position stands, how are the honourable members to know or appreciate the whole matter ?

The Honourable the PRESIDENT : Well, those rulings have been given before on the question. The occasion to discuss the policy of barrage would be at budget time. The honourable member would be in order in referring briefly to some matters in support of his point and to show as to why these Rs. 25 lakhs cannot be granted.

Mr. K. F. NARIMAN : May I draw your attention, Sir, to rule 32, sub-clause (3), which says that supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants ? I take it, Sir, that if this demand of Rs. 25 lakhs were made at budget time in the ordinary way, a member opposing this grant would be justified in criticizing the policy, particularly the expenditure side of it, to show how extravagant and wasteful the expenditure is, and

[Mr. K. F. Nariman]

therefore the grant should not be made. Similarly, my submission is that the supplementary grant ought to be dealt with in the same way as the original demand. My submission is that at least so far as the extravagance of the department is concerned, the criticism is relevant in order that the House may consider whether, in view of the previous extravagance, they are entitled to have this further grant or not.

The Honourable the PRESIDENT : The honourable member is partly right. But, as to the rule he has quoted, I might inform him and remind him of a ruling that that refers to the procedure to be followed, and not to the manner of dealing with the demand as it is dealt with in the budget. I agree with him to a certain extent, if the honourable member arguing the point can make it relevant, bearing in mind all the time the demand before the House.

Mr. HAJI MIR MAHOMED BALOCH : Sir, I only want to point out that while 6 crores of rupees have been spent on the Barrage by the department, they—the Government—have come to know that there will be an excess of Rs. 4 crores in the original estimate of Rs.16 crores, and they will want to spend about 28 crores at this rate to complete the works. I do not want to actually oppose this present demand, but all I am insisting upon is that Government should give the House an assurance that they have appointed or are appointing an expert committee to carefully go into all this expenditure, and that they undertake to see that what has happened in the case of the Back Bay scheme will not happen here, too, in the case of the Sukkur Barrage. It is known to the whole House and to Government that Government had stated that expert staff from the Punjab would be brought to Sind to carry out the work. Now, one who knew a little about the works, viz., Mr. C. S. C. Harrison, who was in charge of this barrage, has gone on leave and in his place an officer, who when brought on to the Barrage staff was 45th in the rank of Executive Engineers and was made an acting Superintending Engineer and is now about 15th in the same rank, has been appointed as a Chief Engineer, and who has already by his inexperience and mismanagement and maladministration and corrupt practices increased expenditure in his own circle by about 2 crores. Surely this gentleman Mr. S. C. Mould is the last man to be put in charge of this scheme where only experts with very great reputation dare risk it in holding the command. Government will say they had already asked for 25 lakhs in the budget and that they must therefore be allowed this amount.

We had also first asked that such an experienced and capable officer as Mr. Satarawalla should be put in charge temporarily as Chief Engineer till the arrival of an expert but that recommendation was put aside and an officer absolutely incompetent has been kept at the head and I want to give you only one example of how the Barrage administration is freely wasting public money. Take the floor of the head regulators. I had asked from the Chief Engineer for plans and measurements as I suspected some collusion between officers and contractors. There was no reply. I wrote to the Honourable the then General Member and told him that it

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was most necessary to have the plans and measurements before I ask for check by a committee of the House, but I was informed by him that the matter was receiving his attention. I came and saw him and told him that I was in full possession of the happenings there, and I told him that the foundations constructed are less than as what they were designed for and paid for by allowing the full measurements. I wanted check measurements to be taken in my presence at any particular spot that I may choose. But that was not permitted.

As remarked by my honourable friend Mr. Hooseinbhoy Lalljee, when work is nearing completion they want to get spare parts of dragline excavators worth 11 lakhs and about Rs. 7 lakhs for workshop. I do not see any details of the seven lakhs of rupees asked for gates' accessories. This is the outcome of Government not putting competent people in charge of works. Until and unless a proper explanation is given of all amounts and steps to be taken to stop forthwith all waste and put the conduct of the works under the direction of a competent man, we should not sanction the present demand.

Khan Sahab ALLAHBAKSH (Sukkur District) : Sir, I rise to support the demand. The demand of Rs. 3,43,000 is I suppose for both the Pateji branch and a part of the Eastern Nara. I should like to know how much of this Rs. 3,43,000 will be debitable to the Eastern Nara and how much to the Barrage and whether that amount which would be debitable to the Eastern Nara will be realised within that period of three or four years or not. If it is found that it will not be realised within that period, I do not think it should be debitable to the Eastern Nara. Therefore, I require an explanation about this from the Honourable the General Member.

As to item No. 5, additional grant for machinery required for dragline workshop, it has not been stated whether by spending this 11 lakhs over the draglines the work will be kept within the estimates. I remember last year the Honourable the General Member issued a note in which he showed that the cost of clearance with the draglines would be Rs. 11 in one case and Rs. 9 in another case. But no assurance is given as to whether by spending this additional 11 lakhs the cost would be or would not be exceeded. We wish to be satisfied on this point also. If it is going to be within the estimate as per the assurance of last year, then I think the House will have no objection but if it is going to be an additional burden by which the rate will increase.....

The Honourable Sir GHULAM HUSSAIN : There will be no additional burden. It will be within the estimates.

Khan Sahab ALLAHBAKSH : As regards item No. 6, viz., certain works in the Right Works Division which could not be foreseen and extra piling and early receipt of the sills and grooves for the barrage, Rs. 7,00,000 I do not see why the consignment should be received earlier. I would like to know whether, if the consignment will reach earlier, the company will be made to bear the interest or not. An assurance on this point is also necessary. If interest is not going to be paid back in case

[Khan Saheb Allahbaksh]

of earlier receipt, the consignment should not be received before time but on due date.

The third point is that raised by my honourable friend Mr. Hooseinbhoj Lalljee. He said that it will be behind programme. I do not think so. The House has been very generous in sanctioning all these amounts and the work should not be behind time. It has been already late by one year. An assurance was given by the Honourable the General Member, Sir Cowasji Jehangir, that the work should be completed by 1932. Therefore we wish that that assurance should be repeated now.

As for the allegation about Rs. 8,000, referred to by my honourable friend Mr. Baloch, I should invite an explanation from him, because I do not know how he comes to that figure. With these remarks, I support the grant.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose this grant on the ground that the Council wants to enforce its own will with regard to a particular procedure as with regard to the particular motion that is now submitted to it, and if it is not submitted in proper form, the Council can only enforce its will by turning down the grant. That is the only weapon that we have. Of course, so far as the Council is concerned, it is the sanction of the Council that is required and it is fair that the Council expects the Honourable the General Member to put his grants in an understandable form and also that proper information should be given to the Council. Now, the grievance that we make is this that in this grant no information which one can follow intelligently is given. Of course certain statements are made which require confirmation. An explanation was however attempted to be given, but that explanation was worse than the information contained in the document which is before us namely, the statement comprising the supplementary demand. What we really require is that we should be supplied with more details so that we may understand that it is necessary for the purpose of carrying out the works for which a particular grant is asked for. That is not made clear. Certainly, we would ask information and if that information is not given, then the only weapon that we have is that we must turn down the grant and I will appeal to the House that as a punishment to the Honourable the General Member, who has not had the fairness to give us all information, this grant should be turned down. Now, Sir, let us see the interesting document which has been placed in our hands. It says that the first estimate was Rs. 2,13,72,000. It says:—

"In the budget estimate for the current year the voted grant under the head '53—Construction of Irrigation, Navigation, Embankment and Drainage Works' is Rs. 2,13,72,000 and it includes a provision of Rs. 1,96,23,000 for the Lloyd Barrage and Canals Construction project as shown below:—"

There Rs. 1,60,83,000 is shown for Works. That is all right. So far as the budget estimate is concerned, this grant has been made, but it does not mean, therefore, that anything and everything that you bring before us should be granted to you. You must show, and give us particular reasons why a particular thing was not done. After having

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taken our sanction with regard to this estimate what happens? It says :

" In preparing the current year's budget estimates for the Lloyd Barrage and Canals Construction Project a lump deduction of Rs. 25 lakhs was made by Government from the Chief Engineer, Lloyd Barrage and Canals Construction's original demand under 'I-Works'."

And what is the ground that is given? It is, in order to avoid interest charges on any possible unspent balances of loan money. Now, what is this explanation? You first take, in anticipation that a particular work requires such an amount, Rs. 1,60,83,000. At that time, you did not give reasons. At that time, you did not have correct figures before you. On what figures and facts was this based? Of course, you very well know that we are not in the know. But after taking our sanction, they themselves feel that perhaps this sum of Rs. 25 lakhs would not be spent, and therefore Government made a lumpsum deduction. Now, is this fair? First to obtain sanction and then to cut out moneys? Why should sanction for a greater amount have been obtained from us. If that is so, Government also ought to be very fair to us; they must put us in possession of all the facts. But behind our back, after having obtained our sanction, they cut down Rs. 25 lakhs, and the reason given is that interest may be saved on any possible unspent balances. How do these possible unspent balances come up? How they are manufactured, I do not know; how they are created, one does not know, unless we can speculate and say that it is solely the inefficiency of the department, which thinks that a particular work can be done, but actually is incapable of fulfilling its programme. Of course, they have not told us why these Rs. 25 lakhs should have been possible unspent balances. The explanation given is "Oh, you have given sanction; there is no extra work that has to be done, this is for the whole work" and all that. Government had a similar arrangement with regard to the previous year, when they agreed to a cut of Rs. 25 lakhs, but an additional grant of Rs. 14,19,000 was given. Now, when this grant was placed before the House, I remember that I criticised it; I took up each and every item that was given, and then also I stated that proper explanation had not been given. What does the Government expect us to do? Shall we walk into the net that is spread for us and say "yes" to everything that is placed before us? Is that the way in which they expect us to give our sanction to an expenditure of Rs. 25 lakhs? If that is their view, then I may assure them that the Council is not going to walk into their net like that. Certainly the Council will turn down the grant, and say "Come out next time with better information and figures; if we are convinced we will sanction the money; otherwise, we are not going to be dictated to by you to give our sanction to anything that you may bring forward". Now, Sir, with regard to that grant of Rs. 14 lakhs also, they say :

"While this additional grant was in the process of sanction, the Chief Engineer asked for a further sum of about Rs. 11 lakhs, but as the demand was received too late....."

This gives us an idea as to what sort of procedure they are adopting. The Chief Engineer appears to have been bossing the whole show, and he is controlling the Honourable Member who has put this demand before



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us. Otherwise, he would not have put up with nonsense of this kind. Then I may say that as proper information is not supplied to us, perhaps the Honourable Member in charge is not posted up with all the information that is necessary. Whatever it may be, the procedure and the way in which these things are put before us and are hurled forth at us is objectionable. The note says:

"While this additional grant was in the process of sanction the Chief Engineer asked for a further sum of Rs. 11 lakhs, but as the demand was received too late for submission to the Legislative Council, Government had to instruct the Chief Engineer to restrict the expenditure in 1927-28 to the modified grant plus the supplementary grant sanctioned by the Legislative Council."

Now, Sir, this is absolutely ridiculous, and such stuff ought to have been kept by the Honourable Member for his own edification; he must not have put it before the Council. The note goes on to say:

"For this reason some of the adjustments, which were unavoidable and had to be made last year, caused an excess over the grant for that year, and some payments had necessarily to be deferred to the current year."

Now, Sir, we are not told what the adjustments are, or how there was an excess over the grant for that year. Of course, we must know all these things,—that there were adjustments, that they were right adjustments, whether the excess over the grant was correct, whether it was unavoidable, or anything of the kind. We would surely have excused it, but here of course a statement like that does not enlighten us in any way whatsoever. The note further says:

".....some payments had necessarily to be deferred to the current year. These charges are, therefore partly responsible for the necessity of the additional grant now being asked for."

So, the less said the better about the arguments that are put forward. The note goes on to say:

"Another and the main reason for the necessity of the present demand is that, as in 1927-28, progress of work in all Circles and Divisions of the scheme has so fulfilled expectations that the deduction of Rs. 25 lakhs from the Chief Engineer's original demand for the current year is now required to be restored."

This also does not appear to be quite correct, because in the last year's budget Rs. 25 lakhs had been taken away. In the present year's budget also Rs. 25 lakhs had been taken away by Government. If the work of the last year had fulfilled expectations, we are not given facts and figures to show how the expectations were not likely to be fulfilled, and the Government expected that there would be possible unspent balances, and how it turned into the full satisfaction of the expectations with regard to the programme. We are not informed about it. But if that is so, then what was the reason for the Government to deduct Rs. 25 lakhs in the current year?

Mr. G. WILES: May I point out, Sir, that the honourable member is misleading the House? If he would only read the Blue Book, he would find that full details were given at budget time of the reason for the increased demand last year; and yet he complains that information has not been given now.

Mr. B. T. DESAI : My grievance is that we are not supplied with correct facts, and therefore to proceed with the same argument, notwithstanding the interruption which does not enlighten us any further, notwithstanding the experience of the Government how is it that Government could not anticipate that the work will more than come up to their expectations, and why do they now come to the Council for an additional grant ? The note further says :

"According to the Chief Engineer's latest report it appears that in the current year he could spend some 45 lakhs more than the current year's budget grant....."

In what way can he spend 45 lakhs more ? That is not made clear. We are given two or three lines of information, and we are expected to know everything about the Sukkur Barrage in a way which necessitates your reading this document, or that document, or other things which happened behind your back. I think that is also very unfair.

"According to the Chief Engineer's latest report it appears that in the current year he could spend some 45 lakhs more than the current year's budget grant for the Lloyd Barrage and Canals Construction Scheme."

Then the serial number of the extra items are given. With regard to item No. 3 which is payment of the cost of some of the dragline machines obtained for the North Western and Western Circles which could not be paid for last year, we are at a loss to know what is the number of the machines and whether it was first-hand, second-hand or third-hand. We have had very bitter experience of these dragline machines and dredgers. The *Kalu* was purchased for Rs. 3,00,000 and repaired for Rs. 6,00,000. The *Jingo* was purchased for 1½ lakhs and repairs were then carried out for 9 lakhs. Of course, it is the duty of the Government to enlighten us before coming for a grant of this nature on the number of machines, their condition and where they are needed. It has been the habit of the people concerned with the Development and Sukkur Barrage to come forward with a small grant and then tie us down, spread their nets and exact more money day after day. I think that procedure should be stopped and should not be encouraged by this Council. Item No. 4 relates to works connected with regulators, falls, bridges, etc., in the Western and Rohri Canal Circles. No. 5 relates to plants and machines required in dragline workshop, Rohri Canal Circle and Power Supply Division. This is a big item which costs 11 lakhs. Then item No. 6 is very interesting, where a demand is made for Rs. 7,00,000 for certain works in the Right Works Division which could not be foreseen and extra piling and early receipt of the sills and grooves for the Barrage. You want 7 lakhs for certain unforeseen works. This cannot be a definite item. An expense could not have been foreseen by Government while framing the budget. But it ought to be explained what those unforeseen things are and why they could not be foreseen, when they come forward for a supplementary grant. Then item No. 7 relates to a demand of Rs. 16,19,000 for further probable expenditure on works in the current year. Then comes the item for tools and plant and then suspense Rs. 1,84,000. The Council should be in a position to understand properly what that suspense account is. It is in this way that the total demand of Rs. 45,42,000 is made up. Now, we are asked to sanction 25 lakhs and later on we will have to sanction

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the balance. I hope the Honourable the General Member will enlighten us on the points I have referred to when he gets up to reply.

One thing more which I wish to say is that this amount of 25 lakhs is to be taken from the working balance of the Development Department for six months. This shows that the Development Department has got a working balance of 25 lakhs which carries interest which has to be taken as a loan now and repaid later on. In short I wish to say this. It may be that this grant is necessary. If it is really required then a case for it ought to have been properly made out so that the Council may be in a position to understand fully the reasons for the demand. As it has not been done in this case, I hope the Council will turn it down and teach a lesson to Government that whenever they come forward for a grant they must give full particulars to the Council.

Mr. N. A. BECHAR (Karachi City): Sir, I should like to make a few observations on this demand for grant. First of all my grievance and complaint is that an expenditure of this magnitude ought to have been scrutinised by the Finance Committee elected by this House before it was brought to the Council, as that would have given an opportunity for the members of the Finance Committee to go through all the items carefully. This would have had the effect to a certain extent of allaying the fears and suspicion in the minds of honourable members on this side of the House as to how this expenditure is being incurred. I am sorry to say, Sir, that this procedure has not been followed in this particular case. I would like to have an explanation from the Honourable the General Member as to why he has not done so and has unnecessarily added to the discussion in this House.

Another thing is this. As a result of the criticism made by this House on the demands for Sukkur Barrage from time to time the Government appointed a committee to look into the whole affair. That committee went and inspected the works last year and the report of that committee has not still seen the light of day. This is the way in which we are being treated by Government.

The Honourable Sir GHULAM HUSSAIN: Not by Government but by the committee.

Mr. N. A. BECHAR: The third thing is this. I hope the honourable member the Finance Secretary will bear with me when I read the figures. Last year Ra. 1,96,23,000 were provided for the Lloyd Barrage Works. The statement here states that 25 lakhs were cut down from the total demand made by the Chief Engineer of the Lloyd Barrage. If you look into the statement you will find that out of a total of Ra. 1,96,23,000, Ra. 1,41,000 were provided for tools and plants. As against this we have got the supplementary grant of Ra. 11,35,000 for additional tools and plants. I should like the honourable member the Finance Secretary to explain whether this Ra. 11,35,000 were originally provided for in the budget prepared by the Chief Engineer for this year. It is not enough for us to know that he wants Ra. 11,35,000 this year but I want to know whether he had actually made that demand in the last year's

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budget which was cut down. I cannot easily imagine that a demand of about 12 lakhs would be brought down to Rs. 1,43,000. Therefore, Sir, this point really requires explanation.

Then, I would like to know whether we are working within the estimates prepared for the whole scheme. From Rs. 18,32,00,000 the estimates have been brought up to Rs. 20,00,00,000; and I do not know whether this twenty crores is going to be the final figure. I am anxious to have this information more particularly as regards plant and machinery. After two or two-and-a-half years, when this barrage will be completed, all the plant and machinery for these workshops are going to be a dead loss except for the ten or twenty per cent. that may be realised on their sale, unless Government are going to utilise them for some other purpose. I would like to know that from the Honourable the General Member. We also want to have some idea as to what were the original estimates for tools and plants and how much money we have already spent under that head, and also whether this Rs. 11,35,000 falls within the total estimates for tools and plant. In engineering works of this type a lot of graft is possible—things do happen that way—and we ought to be careful with regard to this item.

As regards item No. 1 "Eastern Nara Cuts, etc., Rs. 3,43,000" it is meant to quicken the completion of the works and therefore no objection will be taken on it. No objection can be taken by us to such items. But when Government ask us to sanction large sums of money for plant and machinery, it does cause alarm and anxiety. I therefore hope that some satisfactory explanation will be forthcoming on this question.

Having said that much, I consider that there ought to be some kind of advisory committee for going through the whole of the expenditure that is being incurred on the Lloyd Barrage. Sir, to throw upon one officer the responsibility for a work involving twenty crores of rupees, however good and well intentioned that officer may be, is to put too much burden on him. Of course the estimates are scrutinised by the Secretary of the Public Works Department in the Secretariat; and although I have no doubt that all care is being taken, yet it is only done from the Secretariat and not on the spot. The Chief Engineer, Lloyd Barrage, remains ultimately as the person who is the arbiter of twenty crores of expenditure. Whenever such large works are started, we in municipalities do usually have committees to give advice and see whether expenditure on plant and machinery and such other things are rightly incurred. We had our water-works costing very nearly twenty lakhs of rupees, and although we had a very experienced chief engineer in Mr. Lea we still had a committee and that committee did useful work. I do not think that any spirit of distrust should prevail or that we could be told that a committee ought not to interfere with the executive functions of Government. I can understand such argument as regards the day to day administration in revenue and other departments, but in the case of a constructional work like this that plea cannot hold good. We are well advanced towards the completion of the scheme, and I do

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not know if this suggestion will receive sympathetic consideration and will be put into force by Government. But I do seriously suggest to Government that they ought to do something effectively to allay the fears that are expressed every time such items are brought forward for sanction before this House. With these few observations I resume my seat.

The Honourable the PRESIDENT : I do not know how many honourable members wish to speak, but I wish to point out that some honourable members have really repeated the arguments which previous speakers have already advanced. However, that is a thing which has always been brought to the notice of honourable members, but I hope this time they will save the time of the House by omitting points which have already been dealt with.

Now, there are two points which have been brought up by honourable members who have spoken so far. I think they need some sort of reply from the Government benches. I wish to bring them to his notice before the Honourable Member in charge gets up to reply. One is that these supplementary demands were not brought before the Finance Committee. I would give the honourable the Secretary of the Finance Department also an opportunity if he wishes to speak. The honourable House will understand that I have got no power, either under the Standing Orders or the Rules, to force Government to place Supplementary Demands before the Finance Committee before bringing them up here. I, however, know that the practice is being established—I may even go so far as to say that it has been established—that supplementary grants should first be placed before the Finance Committee and then brought up before the House. That practice is in the best interests of all. I would, therefore, on behalf of the House, bring it strongly to the notice of the honourable members on the Government benches that that should be adhered to as far as possible.

Mr. B. G. PAHALAJANI : Sir, I wish to call your attention to the chapter on Financial Business (chapter XI), Rule 1A :

"When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible."

Here we have got one item, No. 6 "Certain works in the Right Works Division which could not be foreseen. . . . Rs. 7,00,000." Now, my submission is that if the Chair holds that it is a new scheme that was never foreseen, then the House is entitled to have all material details of it as early as possible, and in the absence of such details the Chair has held before that the Honourable Member in charge is not entitled to bring the scheme for sanction before the House. That was in the case of certain items brought before this House by Sir Cowasji Jehangir.

The Honourable the PRESIDENT : I think this point is beside what I was going to say.

The second point that has been referred to by some speakers to-day is that there was a committee appointed by Government—certainly not in

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this House—to go into the affairs of the Barrage and to submit a report. I have no information on that unless I have missed it somewhere in some Government communique. I think honourable members will remember that this matter was alluded to in the last July session. As the then Honourable General Member (Sir Cowasji Jehangir) pointed out a few members of this Council were voluntarily invited by the Department at the cost of the Department to visit the Barrage and to return with whatever views they could gather, so that those views would enable them to understand the questions connected with the Barrage. I think I am right, and the Honourable General Member will correct me if I am not, that no report was expected, nor a committee of the Council was appointed to investigate matters and to submit a report. If this is so, honourable members are not right in alluding to the visit of certain members from the public in the manner in which they have been doing. If it is so, the Honourable General Member would inform me so that I may be able to stop honourable members from repeating it.

As to the point of order raised by the honourable member from Sukkur I think the honourable member the Secretary, Public Works Department, was going to say something. I would now call upon him to speak.

Mr. R. T. HARRISON: With regard to the point mentioned by you, Sir, may I say that an invitation was given by Sir Cowasji Jehangir, late Honourable Member for Irrigation, during the March session in 1927, to members of this House to visit the Sukkur Barrage works on the expression of many honourable members of this House that they were kept in the dark as to what is going on there! It was chiefly on account of this feeling that Sir Cowasji Jehangir,—as far as I am aware because I was not a member of this House then—gave that invitation and I think eleven honourable members were eventually chosen, four or five from Sind and seven or six from the Presidency. They were then written to—and the letter was signed by me—stating that all facilities would be given them to inspect the Sukkur Barrage works, that their expenses would be paid and that Government expressed the hope that on the conclusion of their inspection they would formulate their views on the efficiency or otherwise of the work. The honourable member Mr. Bechar remarked that Government have not laid before the House any such report. I may say to that that no report whatever, either verbal or written has been received from any of the members with the notable exception of the honourable member Mr. Addyman who has expressed his very full appreciation of the efficiency and thoroughness of all he saw.

Mr. R. G. PRADHAN: May I know if Government asked for their report on their return?

Mr. R. T. HARRISON: Government, as I have said, expressed the hope that they would formulate their opinions on the scheme after their investigation. It was the honourable member Mr. Bechar who specifically referred to the report and suggested that there was a report before Government which Government had kept to themselves. All I wish to make clear in my reply is that there was no report from anyone with the

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notable exception as I have said of the honourable member Mr. Addyman—and I take this opportunity of thanking him personally very gratefully for it.

Sir, I do not know whether there has been any general misunderstanding on this point. If so I hope I have explained it away. I should now also like to endeavour to remove the several other misapprehensions that have been expressed in the speeches that I have just heard. The honourable member Mr. B. T. Desai appears to think that there is a mystery surrounding these figures that we have presented in this Supplementary Demand. I must apologise that they are not more explicit than they are and I much regret it. I regret further that item (6) has been stated as "unforeseen." There is however no question, as implied by the honourable member Mr. B. G. Pahalajani, of our asking for something new. It only means that we have done more work than we anticipated we would do. I may add in reference to this point that the only alternative if we are not provided with more money is that the work is likely to stop. I am surprised at the trend that the debate has taken....

Mr. HAJI MIR MAHOMED BALOCH: I would ask the honourable member to speak a little louder. We are not able to hear.

Mr. R. T. HARRISON: Sir, I must apologise to the honourable member if I have not the voice that he possesses. If I am not able to make myself heard as easily as he can, it is my misfortune but hardly my fault. I am doing my best. But I do not however see what effect this can have one way or the other upon the honourable member, as he has professed to us that he does not understand English.

The sum of Rs. 7 lakhs which the honourable member Mr. Pahalajani has referred to, was unforeseen, as I have said, merely in this way, that we did not expect so much work to be done; and to cope with this situation two alternatives present themselves; either to pay for this extra work from the attenuated funds at our disposal and hold up work in some other part of the Barrage or to pay for that other work as we have done and to stop this work. All that we are asking for is a sum of money which was budgetted for by the Chief Engineer but which was cut out by an arbitrary stroke of the pen of the Finance Department from our budget.

The honourable member Khan Saheb Allahbaksh asked for explanation of certain of these items.

Mr. R. S. ASAVALE: On a point of order, Sir. I want to know whether the honourable member is answering the point of order or making a speech on the subject.

The Honourable the PRESIDENT: Making a speech. I shall take up the point of order later on.

Mr. R. T. HARRISON: The honourable member Khan Saheb Allahbaksh criticises the item of Rs. 3,43,000 with regard to Eastern Nara Cuts, and he wants to know the proportion which will be charged to the Eastern Nara. The percentage is fifty. And he wants to know, if this expenditure is to become useless after the barrage is constructed, why this money should

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be spent. The barrage scheme was undertaken some five years ago, but it was very necessary, apart from that, that we should do something to improve the conditions of the water supply of the three important districts of the Eastern Nara and the two Jamraos which had been suffering from serious deficiency of water for several years past and we hope to improve these conditions by canalizing the Eastern Nara Channel all the way down to the Makhi Weir in the Eastern Nara District. When the barrage scheme started, it was decided to give that establishment the execution of these improvements to the Nara Channel and so relieve the Eastern Nara Division of this duty. This was done to avoid overlapping of establishment and duties. The Barrage Establishment thus undertake this work and debit the ordinary administration with half the cost.

The next item of extra expenditure reported by the Chief Engineer is Rs. 2,30,000 required to pay for the railway diversion and bridge on the North Western Railway, which was expected to be completed last year. That calls for no further explanation. We cannot pay for that work from this year's budget grant because we have not got enough funds.

Now with regard to items (3) and (4), I think they require no further explanation as they are self-explanatory. Item (3) consists of two sums of Rs. 50,000 and Rs. 70,000 which are required for payment of Dragline Machines employed in the North-Western and Western Circles respectively and which payments were held over from last year.

Item (4) consists of two items, viz., Rs. 35,000 for additional works on bridges in the Northern Dadu Canal Division and Rs. 1,53,000 for additional work on Regulators, Falls and Bridges in the Rohri Canal Circle. Work obviously has exceeded expectations and this is surely all to the good.

Item (5) includes three sums aggregating Rs. 11,35,000. Rs. 2.79 lakhs are required to pay for 24 Diesel machines in the Rohri Canal Circle. Rs. 45,000 are required for the Workshop plant of the Draglines Workshop. I need not say that this workshop is a very necessary institution as it is imperative to maintain these Dragline machines in thorough and constant working order; otherwise the excavation of the canals comes to a standstill: and I may add that one day's idleness of any of the big Dragline machines means a loss of Rs. 1,500. Rs. 8.11 lakhs are for additional steel sheet piling and other plant. Big as this amount may seem, it is easily accounted for as the sheet piling is required for the cofferdams of the Barrage and for the upstream protection of the Barrage pavement itself.

In regard to item No. (6), it is unfortunately worded, as I have previously said, but is merely for the payment of more work done in the Right Works Division than was expected.

Now, Sir, there was a point raised by the honourable member Mr. Bechar as to how the amount of Rs. 8 lakhs odd could come out of the amount for tools and plant referred to on the front page of



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the Supplementary Grant statement. Well, the item "Tools and Plant" referred to there and amounting to Rs. 1,41,000 is for *ordinary* tools and plant, meaning such general and various articles as "surveying instruments, carpenter's tools, and odds and ends." Rs. 1,41,000 is not a very large amount for such general utility implements considering the great magnitude and nature of the scheme. Such items as dragline machines and similarly special articles.....

Mr. B. T. DESAI: "Some dragline machines" refers to how many?

Mr. R. T. HARRISON: No, no. I meant to say, if I did not, *all* the dragline machines and special cutting and quarrying tools, dredgers, pontoons, etc. These are termed *special* tools and plant.

I hope, now, that I have been able to explain to the House what this grant we are asking for really refers to, and I must mention again that there is no mystery whatever about it, we are simply asking for Rs. 25 lakhs which the Chief Engineer, Lloyd Barrage, budgetted for but which was cut out. If the House does not grant it, well, we must retard the progress of the barrage. That is all. That is the only alternative, and all I ask you is that once having put our hands to the plough, let us try and finish off this work as quickly as possible. If you will only support us and give us your encouragement, sympathy and help.....

Mr. K. F. NARIMAN: Our fingers have been burnt once, and we do not want to burn them again.

Mr. R. T. HARRISON: That interruption was worthy and typical of the honourable member. Well, Sir, I will cut short my remarks by merely saying that we do not ask for any favours, but we hope for and have a right to expect fair-play.

Mr. K. F. NARIMAN: What about the point of order?

The Honourable the PRESIDENT: As to the point of order raised I should further like to hear the honourable member the Finance Secretary on the point. The matter referred to is under clause A of Standing Order XI. Attention has been drawn by the honourable member from Sukkur to that clause, which reads:

When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible.

These are two points there,—whether it is a new scheme or not and whether this Standing Order would apply. We have to take the word of the honourable member the Secretary for Irrigation as the word of an expert, and he has so far told us that this is no new scheme. The second point is the question of not supplying the information to the honourable members in due time or as early as it should have been. The third point is in regard to material details, *riz.*, whether the details given in this note can be held as full. I should like the honourable member the Finance Secretary to express himself on these points before I give my ruling.

Mr. G. WILES : I understand, Sir, that the honourable member the Secretary for the Irrigation Department has already explained that there is no new scheme contained in this demand. If you accept that explanation, then the other points of order do not arise. As there is no new scheme, obviously we cannot give any information about it, and no information, no further details are required.

The Honourable the PRESIDENT : I personally have no other means except of relying on the word of the expert on the point that this is no new scheme as he has fully explained and therefore 1 (a) of the Standing Order does not apply.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, my submission is that it need not be a new scheme but it is a new expenditure under a new head, and I do submit that under the pretext of work in progress under which the first four items are probably covered, they have put in some additional items which certainly do not come properly under the supplementary demand. The first four items, as explained by the honourable member the Chief Engineer, are, we understand, as regards work in progress and have been necessitated by the progress of work sooner than was expected. With regard to items 5, 6, 7, 8 and 9, on the face of them they are certainly new expenditure although the scheme may be as old as Adam, the expenditure is new and it was not contemplated at the time when the budget was under discussion. The honourable member the Finance Secretary has been flourishing the Blue Book in his hand and showing its outer cover only to the members opposite. He ought to have read out the particular items and quoted the page on which they were shown and said "here is that item." What is the use of flourishing the Blue cover of the Blue Book to the members opposite? That does not make us any wiser at all. If the items were already in that Blue Book, he should have read out the page containing those items and referred us to that page. All that the honourable member the Finance Secretary says is that probably the particulars have been given and probably the honourable members are not well aware of them and probably they do not read the Blue Book as properly as it should be read. That is not the way of treating this demand because very large amounts are concerned. Our demand is a very legitimate demand. The principle in regard to new demands is that the Council whose consent is desired should be acquainted with all the facts and figures with regard to that expenditure; otherwise that is an old expenditure and it should be covered by rule 32 which reads:—

(1) An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year; or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.

With regard to the second clause namely, "when a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year", they must either show it under clause 1 or clause 2. They

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say that the progress is more than anticipated and therefore this is a new expenditure. They say a surprise has been sprung upon them which was not foreseen at the time of the budget and therefore it is that they make this demand. I submit that this is rather important because by virtue of this procedure of supplementary demands, Government are trying to deprive this House of their right which they enjoy with regard to the original demand. By virtue of a ruling of the Chair which the House must obey under ordinary circumstances when a demand of this description comes before this House in the form of an original grant, the House is in possession of full particulars such as where they are given in the Blue or the White Book, what they are for and so on and so on ; as to where the tools and machinery are going to be imported, when they will be imported, at what price, how much expenditure will be made in England and how much in India and all such details are given, whereas in the case of this supplementary grant the Honourable the General Member is secure because general criticism is not permitted, even the policy cannot be attacked, and he simply gives us three or four lines which do not make the House wiser at all with regard to any information on the subject. He is now trying to push along other items (which are not supplementary but new) with items which are of a supplementary nature. I do submit that the Budget session is coming only four or five months hence. I do not see the urgency of these items or the necessity of spending lakhs of rupees in such a hurry. Even if the liability for this expenditure has been incurred, why not wait till the budget session comes on and then place the item in the regular budget for next year and get it passed by this House? The item is a large item and must be fairly dealt with. I therefore submit that although the first four items are of a supplementary character, the last five items are certainly not so, and I would therefore request you to rule them out of order.

The Honourable Mr. J. L. RIEU : Sir, may I be allowed to explain that the honourable member who has just spoken has endeavoured to make this clause 1-A of Standing Order No. XI apply by using the word "expenditure" for the word "scheme" ? I noticed particularly in the course of his speech that he referred to "new expenditure" whereas this clause of Standing Order XI makes it perfectly clear that it only applies in the case of any new scheme or the provision of a scale of pay or allowance or the creation of new appointments. I submit, Sir, that while it has been explained that this expenditure is not of any new character, it certainly is not a new scheme and could not possibly be brought under the definition of a new scheme. That being the case, this clause of the Standing Order cannot possibly apply....

Mr. K. F. NARIMAN : I referred to rule 32 (2) on page 234, not to Standing Order.

The Honourable Mr. J. L. RIEU : I understood that the point of order referred to clause 1-A of Standing Order XI....

Mr. K. F. NARIMAN : No, no.

The Honourable the PRESIDENT: That is the point of order raised by the honourable member from Sukkur. There was a further point of order raised by the honourable member Mr. Nariman and that was under rule 32 (2) on page 234 of the Bombay Legislative Council Manual, 1926, which reads:—

When a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.

He then pointed out that the items 5, 6, 7, etc. are of that nature.

The Honourable Mr. J. L. RIEU: Rule 31 on the same page reads:—

When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member.

That has been complied with.

The Honourable the PRESIDENT: The honourable member, Mr. Nariman, has, I suppose, followed the Honourable the Leader of the House.

Mr. K. F. NARIMAN: I could not hear what he said.

The Honourable the PRESIDENT: Well, then, either the honourable member who has raised the point intends to read rule 32 with Standing Order XI, 1-A or he simply raises his point of order under rule 32. If he refers to the Standing Order XI, 1-A, then that does not apply to the present case. If he relies entirely on 32 (2), the reply that the Honourable the Leader of the House has given is that in accordance with it the supplementary demand is placed before the House in the form that it has been presented, as rule 32 (1) lays down that an estimate shall be presented to the Council for a supplementary or additional grant in two circumstances (i) and (ii).

Mr. K. F. NARIMAN: My submission is that it apparently comes under 32 (2). There is no other rule under which supplementary grants can be asked for. My submission is that the present case is not covered by the requirements of rule 32 (2). I submit that as regards this expenditure namely, additional plant and machinery required in Dragline workshop, Rohri Canal Circle and Power Supply Division—it is for them to show that this could not be foreseen at the time when the budget was prepared and an estimate for the Sukkur Barrage total amount was called for, and this is something subsequent to the preparation and the passing of the budget, which on account of certain circumstances could not be thought of then.

The Honourable the PRESIDENT: That has been explained in the note.

Mr. K. F. NARIMAN: My submission is that they do not suggest that this was not thought of, or could not be thought of, on account of certain circumstances, at the time of the preparation of the original budget.

The Honourable the PRESIDENT: The misunderstanding has arisen because the two points of order have followed one after the other, and

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therefore the Honourable the Leader of the House thought that the honourable member referred to Standing Order XI, 1A.

Mr. K. F. NARIMAN : I have not referred to it.

The Honourable the PRESIDENT : Quite so, but even under rule 32, what is the fault that the honourable member finds with the supplementary demand which is placed before the House? It was not thought of, and that is explained in the note.

Mr. K. F. NARIMAN : I quite follow, but the note does not make it clear that this expenditure could not be thought of at the time of the preparation of the budget on account of some unforeseen circumstances which have been discovered since. That is the only excuse for a supplementary demand after the budget, and I submit that the Honourable the General Member who puts forward this demand should satisfy the House that this is an expenditure which was not thought of on account of some circumstances which were not within their purview at the time, and that circumstances have arisen, since the preparation and passing of the budget, which have necessitated a supplementary demand. This demand contains an item for additional plant and machinery for a workshop. This is a matter which should come under the ordinary budget. Similarly, there is an item of further probable expenditure on works in the current year. That is not an unforeseen expenditure which could not be included in the budget.

The Honourable the PRESIDENT : I think that the honourable member would feel satisfied if I say that, technically speaking, this point of order does not stand. It becomes a matter for argument as to whether the note is sufficient or is not sufficient, and this point was discussed very largely by honourable members who have spoken so far, and may be discussed by honourable members who will follow. I am sure that the Honourable the General Member in his reply will give his explanation on that point. As a point of order, I do not think it is one which needs a ruling.

(After Recess).

Mr. K. F. NARIMAN : Sir, I rise to a further point of order with regard to items Nos. 5 and 6 in the supplementary demand. My submission is that this demand is not presented in the form required by rule 32. Under rule 32, the requirement is that an estimate shall be presented to the Council for a supplementary or additional grant, and sub-clause (3) of the rule says that supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants. Now, if we look at items Nos. 5 and 6 of the demand, I submit that under no construction could the total figures be construed as estimates. If you will look at the Blue Book where, under similar requirements estimates are required to be presented to the House, you will find details of expenditure, showing each item of expenditure; estimates of even the previous expenditure have been given. Here only the total lumpsum is given as being required for a particular item, namely, Rs. 11,35,000. Under the

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rules, in presenting an estimate, they would give the nature or the make of the machinery, the value of particular machines, and the total of the different items, making a total of Rs. 11,35,000. Such an estimate must have been presented by the Chief Engineer to the Honourable the General Member, and that estimate, under the rules, should have been circulated to honourable members under rule 32, because there is no difference between the presentation of an estimate for a supplementary demand and the original demand. Whereas when for every expenditure in the original demand all the details and estimates are worked out, I do not see why in the supplementary demand, particularly for such a large sum, no estimates should be prepared. I refer particularly to item No. 6 "Certain works in the Right Works Division which could not be foreseen." Even then it is only a probable figure which they think would be the expenditure when the work is completed. They cannot foresee themselves what the amount will be. They simply say "Certain works." That is not an estimate. Therefore, the requirements of rule 32 are, I submit, not fulfilled.

Mr. G. WILES: Sir, I do not quite understand what the honourable member's contention is. He really cannot be meaning by this point of order that the detailed technical estimates shall be submitted by the Department to this House. That is quite out of the question. This House is not competent to deal with technical estimates. I think, therefore, his argument about the word "estimate" is mere quibbling. An estimate in this connection means information as to the total sum which is wanted for a particular work. We have here an "estimate," which says that Rs. 11,35,000 is required. No further details are necessary to be included in this non-technical "estimate." It is provided in the Standing Orders that for new schemes

"all material details of such scheme or revision shall be supplied to all members as early as possible."

Though such details may in such cases be included in the term "estimate," I have to submit that there is no new service contemplated here which was not contemplated at the time when the budget was prepared.

The honourable member from Bombay in his most charming tub-thumping manner accused me of brandishing the outside of the Blue Book; I brandish the inside also, and ask him to look for the details on pages from 30 onwards of the Blue Book wherein honourable members will find the estimates on Barrage Canal Construction. (Interruption.) There is nothing in any of the items shown in the statement before us which constitutes a new service. All these items were contemplated in some measure at the time of the budget and they are included in the Blue Book. The additional plant and machinery required in dragline workshop was contemplated and it is not a new service. Owing to the progress of work they require more machinery than was budgetted for. Here Rule 32 (1) (i) applies which says:

"the amount voted in a grant is found insufficient for the purpose of the current year;"

They have found the machinery in the dragline workshop insufficient

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and they have asked for more. It is not a new service not contemplated in the budget.

As regards the item "works which could not be foreseen," the honourable member the Secretary for the Irrigation Department has already explained to the House what "works which could not be foreseen" means. It cannot bear the interpretation which honourable members are trying to put upon it. It does not refer to works not included in the sanctioned estimate, but to works which have made progress further than was foreseen at the time of the budget. This is a matter for congratulation. Budget provision was not made for certain sills and grooves, because they expected that they would be received next year. But on page 143 honourable members will find a note against one item that "this provision includes the cost of sills and grooves." It was then a service contemplated at the time when budget was framed. As the provision is insufficient, the Chief Engineer is asking for more. As the honourable member the Secretary for the Irrigation Department has not seen the details of the item for a demand of Rs 7,00,000, he has not been able to give the details. But there is nothing to lead us to suppose that any new service is contemplated. Under no circumstance I submit can Rule 32 (1) (i) be said to be applicable to the demand. No need has arisen for a new service not contemplated in the budget sanctioned by this House.

The fact is that we cut a lumpsum from the estimate, because in an estimate amounting to crores of rupees it is quite possible that considerable savings may occur in any one year. In order to save the interest on this amount we made the cut, and we are now coming back to ask you to restore the 25 lakhs of rupees. No new service is contemplated at all, but only an extension of the service already contemplated.

Mr. P. R. CHIKODI (Belgaum District): I hold, Sir, that this is a new instrument of service though not a new form of service. According to the memorandum issued by the Auditor General whether it is a new instrument of service or whether it is a new form of service, when such a large amount of expenditure is being demanded for it, the estimate must be presented to the House. (Interruption.) A mere provision for a lumpsum can never be an estimate. Suppose we are going to construct a house the value of which is one lakh of rupees. Putting down on paper merely one lakh cannot be an estimate. Estimates as such must have been placed before the House; and since this has not been done, it is an encroachment upon the rights of the House. The House is therefore entitled to demand full estimates and until these are not supplied, I think the supplementary grant now asked for is clearly out of order under the rules.

The Honourable the PRESIDENT: I quite well understand and sympathise with the feelings of honourable members who have raised the point of order that their financial control should not in any way be reduced to nothing. They should have every opportunity of going into

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every amount of expenditure that is being brought before them for sanction. But I am not yet satisfied whether this is really a point of order on which I can give a ruling. I understand from the Finance Secretary that this is not a new service even in the other form which the honourable member Mr. Chikodi has pointed out. Even if it be an instrument of service, it is not entirely new service, but kindred to the one already contemplated—I believe that is what is meant by instrument of service—the honourable member the Finance Secretary has referred to pages in the budget—I rely on him because it is difficult for me to go into them now—to show that these items in the statement were contemplated in the budget. So, these items are not either instruments of service or new service entirely. I believe that the Honourable the General Member will satisfy the House as regards some details if he is in possession of them.

The Honourable Sir GHULAM HUSSAIN : I am going to do.

The Honourable the PRESIDENT : Objection has been taken with regard to two or three items. If details are given the House will understand what they are going to agree to as a grant. There is no quarrel with the demand but the House desires to have the details. The House will proceed with the discussion and await the Honourable the General Member's reply in which I hope he will give an explanation which will satisfy the House.

Mr. J. C. SWAMINARAYAN : I rise to another point of order. Sir, Bombay Legislative Council Rules, Rule 26 (2) runs :

“ Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.”

Now, according to Rule 31 (3), supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants. Therefore, it is an obligatory duty on the part of Government to give detailed estimates as regards these additional grants for additional plant and machinery to the extent of Rs. 11,35,000. As they have failed to do so, the demand for supplementary grant is quite out of order.

Mr. A. C. OWEN : On this point of order.....

The Honourable the PRESIDENT : On the point of order raised by the honourable member from Ahmedabad ?

Mr. A. C. OWEN : Yes. It seems to me, Sir, that the matter would be much simplified if the House is informed that this sum of Rs. 11,35,000 for plant and machinery is included in the main estimates for the Barrage.....

The Honourable Sir GHULAM HUSSAIN : It is.

Mr. A. C. OWEN : If so, those estimates have been definitely approved of by the House. The expenditure has to be incurred at some time or other : it is only a question of when it shall be incurred, this year or the next year. If Government want to incur the expenditure this year, I hold they are quite right in bringing it forward for sanction now.



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I quite agree that the wording in the statement is unfortunate; it says "additional plant and machinery." It cannot be additional plant and machinery as it is included in the main estimates. I think that wording ought to be amended.

The Honourable the PRESIDENT: I am afraid I am not yet quite satisfied and cannot accept it as a proper point of order:

"Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items."

The estimate that is put before the House is in connection with the demand for Rs. 25 lakhs. The details of the total amount of 45 lakhs given under various heads are the estimates, I suppose, of the demand of 25 lakhs.

Mr. P. R. CHIKODI: The point of order seems to be against the item of Rs. 11,35,000.

The Honourable the PRESIDENT: The demand is the total demand before the House, and it is composed of so many items which make up the details of that demand.

Mr. K. F. NARIMAN: Where are the detailed estimates?

The Honourable the PRESIDENT: The detailed estimates are there, and the Honourable the General Member has promised to give further details.

Mr. K. F. NARIMAN: After the debate is over, in his reply!

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am one of those who have never been against the Barrage and I am one of those who have wanted the Barrage to be completed as soon as possible. So far this demand for Rs. 25,00,000 is concerned, out of all this discussion one fact has emerged clear, and that is that the Honourable the Member in charge and the honourable member the Secretary have not considered it fit to take this House into confidence. Up to this time, they have not taken either the Finance Committee or this House into their confidence by giving them all the details that are necessary for the purpose of coming to a conclusion. The result is that a certain consciousness of being treated with contempt—a consciousness which is absolutely justified, whatever the good intentions of the Barrage authorities—has been roused. I should be the last to support the grant if the official side is not prepared to lay all the details before the House before the demand is made. The Finance Committee is a small representative committee of this House and it is usually called upon from time to time to consider not only items relating to the Sukkur Barrage but even expenditure relating to travelling and other allowances. Looking to the importance of the matter, the matter ought to be put before the Finance Committee who will then be in a position to get all the details of the expenditure of this eleven lakhs and they can then lay before their colleagues on the non-official side an account of these details. Now, as regards this particular item, the expenditure may be justified on the details. But the question at issue is not that: the question at issue is whether the non-official members should not assert their right and say

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that these figures shall be placed before the House long before the subject is taken up here. This House must insist that Government have no right to spring a surprise upon this Council with a demand for Rs. 25 lakhs howsoever justified it may be. There are two courses open. Either this House will have to assert their power over the finances of this presidency by refusing to grant this item, or the other side should meet us half way by postponing this grant till February. Money may have been spent in many of these instances, and money will have to be paid before the 31st of March 1929 before the year is closed. But, Sir, the dignity of the House has to be maintained. I wish to ask the Honourable Member whether he wishes to carry this item when the whole House feels the indignity and the whole House wishes to know the details. I appeal to the Chair to assert the dignity of the House by insisting that Government must give the details long before the item comes up before the House and not after the item is brought, when we cannot reject it. Therefore, I will respectfully submit to the other side of the House that they will be well advised to postpone this subject till the February session and to allow us to have detailed information especially as the Finance Committee had not had an opportunity of examining this grant. It is surprising that this question should have been taken up within three days of the Council meeting, not even giving the seven days' notice required. I would request the honourable members on the non-official side to go to a voting if necessary in order to assert their dignity.

Mr. J. C. SWAMINARAYAN : On the point of order raised, Sir....

The Honourable the PRESIDENT : I have given my ruling, however greatly I may sympathise with the non-official side of the House. I must say that I fully agree with the honourable member who spoke last, but the House must help me in finding out the authority under which I can rule this grant out of order. I have expressed to the House that I have not been so far satisfied with any of the points of order raised to enable me to rule out this demand.

Mr. R. G. PRADHAN : May I know if the Honourable General Member would be prepared to accede to the request made by the honourable member Mr. Pahalajani ?

The Honourable Sir GHULAM HUSSAIN : I shall explain my difficulty.

Mr. LALJI NARANJI (Indian Merchants' Chamber) : All the points of order that have been raised on this subject clearly show the desire on the part of the honourable members to know more details about the demand for grant of 25 lakhs. The previous speaker made it quite clear that they were not opposing this grant, but they only want to have more details. One thing is that in the case of big supplementary grants such as this the Finance Committee should first be consulted. There is, I believe, no difference of opinion on this point and the whole matter will be simplified if the Honourable the General Member will agree to give us details

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of these figures, especially the item of Rs. 11,35,000. Of course I may say that all these demands are justified from my own experience. You cannot work draglines and several other machinery economically without a workshop and for a work costing Rs. 2½ crores, this sum of Rs. 11,35,000 on a workshop will be money well spent. It is not that we are opposed to the spending of this money, but that full details have not been given to the House. Some of the previous speakers wanted to turn down this demand, but I certainly think that it should not be turned down for it will be loss to the Presidency. If we are not going to allow the spending of this Rs. 25 lakhs, the over-head charges will continue to go up. I do not think that any member wants that there should be a loss to this Presidency.

Mr. B. G. PAHALAJANI : Money has been spent already.

Mr. LALJI NARANJI : Some of it may have been spent. I agree with the Finance Secretary, when he said complimentary things about the Sukkur Barrage people that they have been able to spend more than they anticipated. It means that the work will be finished sooner than they expected. For these reasons, I should like to see full details given and the demand brought up after two or three days. We should not vote against this proposal simply on account of sentiment. I join with the previous speakers in demanding fuller details of the items of expenditure which will simplify matters. It is not a question of exercising a technical right and I think Government will be well advised in giving full information.

Mr. G. WILES : May I rise, Sir, to make an explanation as to why these supplementary items were not placed before the Finance Committee ? It has always been the practice of Government to place all supplementary items before the Finance Committee. It is a procedure which was started by Government themselves and it is a procedure which the Finance Department always follow. It was not, therefore, out of any disrespect either to the House or to the Finance Committee that these supplementary items were not placed before them. As you will see this is a very short session and these grants came up before the Finance Department quite recently. We had two alternatives ; to summon an urgent meeting of the Finance Committee before the House met or after the session had commenced. The latter procedure was obviously impossible. We could not have summoned the Finance Committee, obtained their approval and then placed the demand before the House during the time allotted to Government business.

Mr. B. G. PAHALAJANI : It has often been done.

Mr. G. WILES : It did not seem to me to be possible. And for the last week or so we have been busily engaged with the Public Accounts Committee and the Finance Department had quite as much food to chew as they could manage. If under these circumstances the need escaped my notice of summoning the Finance Committee I can only apologise. The reason is, as I have said, the shortness of the session and it was to

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my mind practically impossible to have summoned the Finance Committee and placed these supplementary grants before them.

Mr. R. S. ASAVALE: Will this be placed before the Finance Committee after the sessions are over? (Laughter.)

Mr. G. WILES: There would be no object in doing so now.

SYED MIRAN MUHAMMAD SHAH (Hyderabad District): Sir, I listened to the debate on the question of the Sukkur Barrage with very great interest. It is the first time for me to listen to the debate of this House on this great project. It is a sorry fact to note that some of the honourable members are opposing this grant. The honourable member from Sukkur suggested the postponement of this great work which should not have been done. It is a progressive work in which are involved issues of greater importance than this item itself.

Mr. K. F. NARIMAN: Shut your eyes.

SYED MIRAN MUHAMMAD SHAH: I am coming to the question of shutting and opening eyes. The honourable member will understand shortly what I mean. I mean to say that criticism has been levelled against two items, namely items Nos. 5 and 6. It would have been advisable on the part of the Department to have supplied all the details in order that the criticisms that we have heard may have been avoided. If they have not supplied those details, we should not reject the grant on that account only. We ought to look to the purpose, what it is required for. Is it required for a project for the development of a province which wants to be autonomous and stand on its own legs as early as possible? (Interruption.) Sir, I have got every sympathy with the anxieties of the honourable members of the Presidency in connection with this matter because it is a matter of money. Every one with even a particle of common sense will look after his money more than anything else. But that does not mean that we should be so stingy as not to spend even for our household necessaries. I mean to say that it would have been very easy to have got on with certain items for the present. For instance, the Honourable the General Member could have taken away some lakhs of rupees from at least two items namely items No. 5 and 6 and reduced the demand to Rs. 25 lakhs total, so that it would have avoided all the criticism levelled against these two items. Sir, I would also refer to the suspicions and fears of the honourable members. This is not the fault of the honourable members of this House. For they are having very horrid instances in the Presidency proper, as regards expenditure on such huge schemes; for instance, the Reclamation and the Back Bay Scheme; so that their fears are well grounded. I think the remedy for that disease is only an appointment of a committee of this House to investigate thoroughly into the working of the scheme and see whether expenditure is properly made or not. I think such a promise would come from the Honourable the General Member. There is nothing in that to fear. Why did his department invite informally some members of this honourable House to go and see the project?

[Syed Miran Muhammad Shah]

Such an informal committee called by the department by private invitation has proved useless. It is for this honourable House to appoint a committee which would be responsible to this honourable House, and the department should, from time to time, supply details to the committee. And I am sure this honourable House will have complete confidence in that committee and that committee could go into details of every expenditure, and then the whole House would be pleased to pass the grants without any criticism. I am not sure whether it would be time now to make a motion, but I am sure the Honourable the General Member would feel it advisable to bring a motion in the next session to appoint such a committee because he has had to face very hard criticism to-day on this supplementary demand. But taking all things together, I am going to support the grant, because otherwise the progress of this work, which ought to be finished as early as possible, will be retarded. Sir, I know the sentiments of the inhabitants of Sind. They want that this scheme should fructify as soon as possible. A good many things are postponed on account of this scheme. The whole of lower Sind is waiting for the results of this barrage, because they have fears that they will be affected by the construction of this barrage and they are demanding another barrage on Kotri side. They have to wait till this barrage is completed. So that, in the interests of my constituency, I have to see that this scheme is completed as soon as possible. I think, therefore, an assurance from the Honourable the General Member that he will bring a motion for the appointment of the committee for Lloyd Barrage in the next session of the Council will satisfy the honourable members for the time being and the House will sanction this amount without any hesitation.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, it is the duty of this House to see that not a single pie is wasted when such projects are undertaken. It has had a very bad experience in the case of the Development Department, because the whole Presidency has been saddled with a subsidy of Rs. 32½ lakhs for 60 years, and we do not know what more amount may be required from the Presidency for liquidating further losses on that scheme. Similarly, we have to take care that the amount of money that is voted is not being lavishly spent and that unnecessary demands are not made by Government. It was not necessary for the department to come to the Legislative Council just now for this grant, because last time also when they found that the amount voted was not sufficient, they came for a supplementary estimate for Rs. 14,19,000 in March. Just now they have got Rs. 160 lakhs with them for works alone; they have not spent the whole amount yet. They have also got Rs. 1,96,23,000 for Lloyd Barrage Scheme. They have not spent that whole amount. They could have gone into details more carefully; they could have placed all the details before the Finance Committee and then they could have brought this matter in March next if they found that the amount was necessary. Formerly all supplementary demands were placed before the Finance Committee, while during the current year Government are bringing supplementary demands,

[Mr. J. C. Swaminarayan]

without previously getting the sanction of the Finance Committee. I should like to know why Government have discontinued the practice and on what grounds. Sir, at the time of the budget when we were voting a grant of Rs. 1,96,23,000, tools and plant were put down as Rs. 1,41,000 only. But this time the child is perhaps bigger than the father. For a grant of Rs. 1,96 lakhs we required tools and plant worth Rs. 1,41,000; but just now, when a supplementary demand is made for Rs. 25 lakhs, we have under tools and plant, "additional plant and machinery" worth Rs. 11,35,000 without any details being given! In this way I think the House will not be justified in allowing this grant at this stage. The work will not stop. Some honourable members seem to think it will stop. It will not stop, and for all the works on the basis of which this demand is made, they have already got about a crore and sixty lakhs. It is necessary to ask the Chief Engineer and other people doing the work to go on more cautiously and in as careful a way as possible, and then, if they realise in the month of February next that something more would be needed, at that time they should come with all the details to this House. It is no use bringing such grants before the House in this way hurriedly. The notice regarding this supplementary demand was thrust upon us only on Monday last. Sir, there was one ruling given or convention made by you, on the report that you received from the presidents of other Councils, that at least a week's notice for such matters should be given. Instead of that, this demand is made to this House and the papers are placed in their hands on Monday, without any details about plant and machinery costing as much as Rs. 11,35,000! We do not know what kind of machinery is to be ordered. Originally, only Rs. 1,41,000 was demanded and granted for tools and plant or machinery. If they want new machines, the House should understand for what purpose money is needed. Otherwise it would be very difficult to play in the hands of the engineers, who will devour all the money and this Presidency will be in such an insolvent condition that it will not be possible for it to bear the burdens and losses that will be left on its shoulders. Sir, it is necessary at this stage for Government to awaken fully in regard to this matter. In the case of the Development Department also the House was pressing Government to awaken and see what was going on in that Department. My honourable friend Mr. Nariman was always pressing for it; but he was not heard, and at least two years later it was found that everything Mr. Nariman had said with regard to the Development bungle was all right and correct, and then Government had to come forward in sack cloth and ashes, and admit that "everything was not all right in the State of Denmark".

Similarly, two or three years later they may come forward and say these huge losses must be liquidated. We ought to be very careful in the present stage before we sanction any further amounts. I would suggest that Government should invite some experienced officer who may be an expert in irrigation of this kind from the Punjab and get his report so as to satisfy themselves and this House that everything is being carried on as satisfactorily as possible. What is the use of sinking crores

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and crores of rupees and then saying "Oh, these crores of rupees have to be liquidated"? I would therefore strongly urge upon the Government the necessity of such an expert's report and ensuring that not a single pie of money is wasted. The Honourable the General Member may therefore do well to postpone the present demand to the next budget session. Meantime work can and will go on, money has been sanctioned and if it is found absolutely necessary to do so, then the demand can be made in the next budget meeting.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, it seems to me that everybody admits that the Sukkur Barrage is an important work and an urgent work, but that is the very reason why I think that this Council is not only entitled to but that it is the duty of this Council to scrutinise every item of expenditure placed before it for sanction. In fact I think this Council will fail in its duty if it does not do so. It appears that the Honourable the General Member has not handy all the information which the members of this Council are demanding, or else I am unable to understand the reason why he has been sticking to his seat throughout all this discussion. If he has got these facts, I say it is not fair to this Council that he should let the Council waste all this time and then at the end place the information before it without giving members of the Council any right of reply. My own view is that the irregularity admitted by the honourable member the Finance Secretary ought to be rectified, and if the Finance Committee has not been able to meet (though I am not quite satisfied why it could not meet before the Council, just as the Public Accounts Committee met), I would suggest that you, Sir, should exercise your power under Standing Order IV-3 on page 239 of the Council Manual and adjourn this business to two or three days hence so that in the meanwhile the Finance Committee could meet and go into all the details which are required. If, after that, an adjournment of this item to the next session is found to be necessary, that may be done as I do not see what difficulty it will thereby create.

Rao Bahadur R. R. KALE (Satara District): Sir, before the Honourable the General Member gets up to reply, I would also like to know what is meant by the reference made by the late Finance Member in his budget speech. In that speech the late Finance Member made a reference to a committee in these words:

(Paragraph 28) A special committee of the House visited the Sukkur Barrage last year after the Council sessions. They went carefully over the whole works. On behalf of the Finance Department I put at their disposal the services of the Financial Adviser Mr. Dalal. One member of the Committee has sent in his remarks to Government; but the report of the whole Committee has not yet been received. Government are awaiting it with interest.

I think that, if as a matter of fact such a report had been received, much criticism that has been made with regard to the Sukkur Barrage would have been dispensed with, as the very object that was in view when this subject was discussed at the March sessions of 1927 was to enable this House from time to time to know the progress of the work and that the work is progressing satisfactorily, having had a very sad experience of similar work in the Bombay Development Scheme. I therefore would

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like to know from the Honourable the General Member when the committee was appointed, who the members were, what powers they had.....

Mr. B. G. PAHALAJANI : Powers of inspection.

Rao Bahadur R. R. KALE : The committee was not appointed by this House. We did expect a report of that committee. The Honourable the Finance Member expected a report from that committee as he had placed the services of the Financial Adviser at the disposal of that committee. If the House had been supplied with a report of that committee, we would have been in a position to see whether satisfactory progress was being made and that there was nothing wrong so that when fresh money was found necessary it could have been sanctioned without much trouble. But it seems to me that the appointment of this committee was made solely at the discretion of the late General Member and if the Financial Adviser's services were placed at the disposal of that committee, it seems to me that the powers of that committee must have been to observe and make a report as to whether or not money was being properly spent. Such a report ought to have been insisted upon so that this House would have been in a position to be satisfied on that point. I would therefore ask the Honourable the General Member to explain this important point. At least I do not know who the members were, what work they did, and as the expenditure incurred by that committee was the taxpayers' money sanctioned by this House, it seems to me that the Honourable the General Member will do well to enlighten us on this point.

Mr. J. ADDYMAN (Bombay City) : Sir, I was one of those who were invited by the Honourable Sir Cowasji Jehangir about eighteen months ago to go to Sukkur and inspect the Barrage there. I must say at once that previous to my journey to Sukkur I had heard many alarming stories and on my way there even at Karachi I was told what a huge failure the Barrage was going to be. I therefore expected to find at the Barrage works much to criticise and condemn.

During the period of inspection we were given every facility it was possible for the Engineers to render and we were thus enabled to obtain first-hand knowledge and to form our opinion based on what we had actually seen. As a practical man and as the result of my observations I found nothing to criticise but on the other hand much to praise.

I am going to tell this House now and I am prompted to take this step especially in view of the fear even still expressed by some honourable members that I have never seen in all my experience a more efficient organisation than I saw on the Sukkur Barrage Works.

The Chief Engineer and his Executive Engineers deserve the congratulations of this House.....

Mr. K. F. NARIMAN : Hear, Hear !

Mr. J. ADDYMAN : for the very efficient and economic manner in which they have brought a scheme of such magnitude to its present satisfactory position. The question before the House is whether an



[Mr. J. Addyman]

amount of 25 lakhs should be sanctioned. I am in full agreement with those who hold that this item should have been discussed by the Finance Committee.....

Mr. B. G. PAHALAJANI: None opposes the grant.

Mr. J. ADDYMAN: It was not however so discussed but the Finance Secretary has explained and I trust the House will accept the explanation and pass the grant. I feel it is our plain duty in view of the fact that the money is required for the purpose of carrying on the job to sanction same. Let us give all those men who have worked so efficiently throughout the terrible hot months in Sukkur all the support and encouragement we can give them and make them feel that they enjoy the confidence and full support of this House to which they are justly entitled.

It is, Sir, most certainly in the best interests of Sind in particular and the Presidency in general that the Barrage scheme shall be brought to a state of completion at the earliest possible date. The fact that those into whose hands the work has been placed—a work of such magnitude—are working so very close to estimates is indeed creditable to all concerned. The fear was expressed a few minutes ago by the honourable member from Karachi that there were possibilities for graft. I regret these inferences because I feel perfectly satisfied that the Chief Engineer and his staff stand far above such possibilities. There can be no possibility of graft and corruption so long as the present Chief Engineer is at the head of affairs and so long as he possesses as he does now possess a staff of fully competent and honest engineers. I support the grant.

An Honourable MEMBER: I move the closure.

The Honourable the PRESIDENT: I accept it. The Honourable the General Member to reply.

The Honourable Sir GHULAM HUSSAIN: Sir, no one regrets more than myself that this supplementary demand was not referred, in the first instance, to the Finance Committee, but I am sure the explanation of the honourable member the Finance Secretary must have satisfied the honourable House that he could not call a meeting of the Finance Committee before the session because he and other honourable members were engaged on the Public Accounts Committee, and he could not call it while the session is going on because the Council will sit this session only for a few days; it is a short session. I assure the House that in future we will refer to the Finance Committee every supplementary demand that is to be moved, and we will obtain the approval of the Finance Committee for it.

Mr. JAIRAMDAS DOULATRAM: On a point of order, Sir. I appealed to you a short while ago referring to the Standing Orders and requested you to take the action I suggested. I had no reply.

The Honourable the PRESIDENT: I thought that was part of the honourable member's speech. Was there a question put to me directly?

.. Mr. JAIRAMDAS DOULATRAM: Certainly, Sir.

The Honourable the PRESIDENT : I see the feeling of the House and I sympathise with it, but I am all the time hoping that if the details are given by the Honourable the General Member no such step need be taken by me and adjourn the meeting to another date within this short session. That step must be resorted to in extreme cases. This may prove to be an extreme case if the Honourable the General Member does not satisfy the House. I know the House is determined to know certain details of certain items, and I understand that the Honourable the General Member, as far as such details are in his possession, is going to give them to the House. I do not accept at this stage the suggestion made by the honourable member.

The Honourable Sir GHULAM HUSSAIN : As regards the report of those honourable members who were invited from this House to inspect the Sukkur Barrage, only one honourable member sent a report about the working of the Sukkur Barrage. He spoke just now, and he gave us his opinion and his observations on the working of the Sukkur Barrage. He in fact complimented all the officers that have been working there. This House will also bear in mind that the honourable member Mr. Lalji Naranji was one of the honourable members so invited, and the expression of his opinion in this House to-day clearly shows that he did not find fault with the work. Otherwise, he would surely have criticised the working of the Sukkur Barrage and opposed this supplementary grant. It was indeed very kind of him to have supported it on the ground that if we do not pass this demand we will have to pay additional overhead charges.

The Honourable the PRESIDENT : May I interrupt the Honourable the General Member for a minute ? A reference to the party—I would still call it a party—which visited the Sukkur Barrage has been made. The honourable member from Satara has read out a certain passage which goes much further than I did that a committee or party had gone there. Now, I should like in the interests of the House, a definite statement from the Honourable the General Member on the point, as he has referred to it, as to whether this was a committee authoritatively appointed either by the Honourable the General Member or by Government to visit the Sukkur Barrage and submit a report, which in turn is due to the House. If it is not so, I would be within my rights in disallowing honourable members making any further reference to it. If a report is due to the House, the Honourable Member has to explain as to why it has not been submitted.

Mr. B. G. PAHALAJANI : What power and directions were given to the committee ? That also must be placed before the House. There was no power given.

Mr. LALJI NARANJI : There were no terms of reference for the committee.

The Honourable Sir GHULAM HUSSAIN : As far as I understand, it was a party invited to inspect the Barrage, and it was for them to express their opinion. The very fact that a number of honourable members of this House went and inspected the work and that they have not

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adversely criticised the scheme shows that they found everything well with the scheme.

Mr. B. G. PAHALAJANI: We could not investigate.

The Honourable Sir GHULAM HUSSAIN: Even the Financial Adviser of the Sukkur Barrage was placed at their disposal.

Mr. B. G. PAHALAJANI: That is a wrong statement made by the present General Member and the last Finance Member. He was never placed at the disposal of the committee; he happened to be there and accompanied us.

The Honourable Sir GHULAM HUSSAIN: When the party went to inspect and the Financial Adviser was there, could they not ask him any question relating to the Sukkur Barrage, or its expenditure? If not, what was the good of that officer being with them? That was done in order to assist the party. If they wanted to make an enquiry on the financial side, he was ready to give all possible information.

Now, coming to the other point, some honourable members are perhaps under the impression that there is no financial control over this scheme. We have a Financial Adviser for the Sukkur Barrage, an expert in finance. He scrutinises every scheme before it comes up to Government. Then the scheme is scrutinised in the P.W.D. Secretariat. Then it goes to the Finance Department. There it is again scrutinised and examined. So, every precaution is taken to have sufficient financial control over the various schemes of the Sukkur Barrage. Now, this House last March sanctioned a revised scheme for the Sukkur Barrage, and these items that are now shown are not beyond the sanctioned scheme. They are within that scheme, and I assure this House that, even if we were to spend one rupee outside those estimates of expenditure, it would be brought before this House.

Now, this difficulty would not have arisen had not the Finance Department cut down by Rs. 25 lakhs this year's estimate. The Finance Department did it in the interests of the finances of the Presidency. They thought that the Barrage authorities might not be able to spend all the money for which they were asking. Therefore, they cut it down by Rs. 25 lakhs, so that there may be a saving of the interest charges. I think the Finance Department deserves the thanks of the House, because they are so careful to see that there is no over-budgetting. Therefore, they cut it down, and they said "If you are able to spend more money, you can come up again and ask for a supplementary grant." That was done to save interest. If the House takes up this attitude, then the Finance Department will not cut down expenditure in future. (An Honourable Member: Take the House into your confidence). We will willingly take the House into our confidence. I have placed before you the reasons why this grant could not be placed before the Finance Committee.

I will now deal with the various items:

[Sir Ghulam Hussain]

Rs. 3,43,000 are required for the Nara Cuts for which the estimates were submitted to Government both for the Right and the Left.

Rs. 2,30,000 are required for the completion of the diversion and bridge at Arain in the North Western Circle which were expected to be completed last year, and for which no provision was made in the current year. Otherwise we would have had to pay interest on it.

Item No. 3: Rs. 1,20,000 required for the payment of cost of dragline machines obtained for the North Western and Western Circles which could not be paid for last year owing to the fact that it was not decided then whether they would be taken after trial or not. (An Honourable Member: How many have you got?) I cannot give you the exact figure.

Rs. 1,88,000 is required for works connected with regulators, falls, bridges, etc., in the Western and Rohri Canal circles.

I now come to the most important item, the additional machinery required in dragline workshop, Rohri Canal Circle and Power Supply Division. My honourable friend from Ahmedabad does not make a distinction between ordinary tools and plant which are required for the ordinary work and the plant and tools that are required here. The provision for the ordinary tools and plant is Rs. 1,41,000. But these are special tools and plant which are already in the budget. It consists of the following items: Rs. 2,79,000 for cost of 24 Diesel Machines at Gambat in the Rohri Canal Circle; Rs. 45,000 for the workshop plant, etc., for the Dragline Workshop; Rs. 8,76,000 for additional steel sheet piling and other plant required in the Power Supply Division; and Rs. 7,00,000 for certain works in the Right Works Division which could not be foreseen.

With regard to item No. 6 we have already made provision for certain works on the Right Works. There has been an unexpected development in these works. So, we require more money to go on with the work. (An Honourable Member: Is it in connection with restoring the wash-away last year?) No. This is in connection with more work that is being done there than was anticipated. The extra piling, sills and grooves are for the Barrage.

I think these are the details. I assure the House that I am always ready to take the House into my confidence and place all the details before them. I have already explained the difficulty which stood in the way of placing this grant before the Finance Committee. A meeting could not be called either before the session or during the session. I request honourable members to bear in mind that we are within the sanctioned estimate and we have not exceeded it by a single farthing. With these words, I hope the honourable House will sanction the grant.

Mr. K. F. NARIMAN (Bombay City, South): Sir, I desire to move an adjournment of the consideration of the item to a future date under Standing Order IV, 4 (2), which says:

"A motion that consideration of a Bill which has been introduced or of a motion to amend the Standing Orders which has been reported on by a Select Committee or any

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resolution moved in Council be adjourned to any future day in the same session available for such business or to any future session or *sine die* may be moved by any member at any time and such motion shall take precedence of any other motion then before the Council.....”

The Honourable the PRESIDENT : Does it apply to anything here ?

Mr. K. F. NARIMAN : There is a resolution before the House that the supplementary grant be passed.

The Honourable the PRESIDENT : A resolution is a recommendation. I do not think the honourable member can call it a recommendation. It is a demand for a supplementary grant.

Mr. K. F. NARIMAN : Business before the House should be either a resolution, motion or bill.

The Honourable the PRESIDENT : “Motion” refers to particular kind of motions like motion to amend Standing Orders, etc., and not this.

Mr. K. F. NARIMAN : I should like the Honourable the General Member to state what the business before the House is. It must be covered by either of the kinds I have stated.

The Honourable the PRESIDENT : I do not know what the Honourable the General Member has got to say.

The Honourable Sir GHULAM HUSSAIN : The word ‘motion’ in the Standing Order refers to Standing Orders. This is a supplementary grant.

Mr. K. F. NARIMAN : If you rule me out, under Standing Order IV, 3, under which you can exercise the power to adjourn any meeting or business I request you to exercise your power and adjourn this item of business. We expected that the Honourable the General Member will be in a position to satisfy this side of the House with regard to details. The details he has given are absolutely useless from the point of view of debate. You will find that the information he has given is absolutely unsatisfactory. None of these items involving large amounts of expenditure were placed before the Finance Committee elected by this Council specially for considering such expenditure. A few days’ delay is not going to injure or harm this scheme. In view of the fact that Government have adopted an attitude which is certainly most unreasonable, in view of the fact that they have refused to comply with the most modest of all modest demands, I do appeal to the Chair to regard this as a proper occasion to exercise its prerogative. So many lakhs are for plant and machinery—that is what is stated. How are we to know whether they are the cheapest available ? So many lakhs for a dragline workshop : how are we to sanction it without details ?

The Honourable the PRESIDENT : What has the Honourable the General Member to say to that ?

The Honourable Sir GHULAM HUSSAIN : Sir, I have sufficiently explained. My honourable friend the representative for Bombay, when he has no argument, always appeals to the sentiments of the House. I am sure the House would not be led away by his appeal. What will be the result if we postpone this demand ? We will be stopping the progress of the works.

The Honourable the PRESIDENT : The motion before the House is that the discussion of the demand be postponed to some day within the session, so that the Honourable the General Member may be in a position to satisfy the House regarding the details of the various items shown in the statement before the House.

The Honourable Sir GHULAM HUSSAIN : I have placed all the information available before the House.

Mr. R. G. PRADHAN : There are no details about the eight lakhs.

The Honourable Sir GHULAM HUSSAIN : The eight lakhs are for additional piles.

Mr. R. G. PRADHAN : Three lakhs !

The Honourable Sir GHULAM HUSSAIN : Additional works proposed to be carried on in the Eastern Nara on the Right and Left Banks.

Mr. B. G. PAHALAJANI : Eight lakhs for piles. That is not a reasonably detailed item. If it were placed before the Finance Committee, it would know where the matter stands. Then there is seven lakhs for unforeseen works. Therefore I would make a special request to the Chair to come to our assistance.

The Honourable the PRESIDENT : I would ask the Honourable the General Member first whether he will be in a position, if I agree to the motion to postpone the consideration of this particular item and to take it three days hence, to give any further details.

The Honourable Sir GHULAM HUSSAIN : How can I get it so soon from Sind ?

Mr. B. G. PAHALAJANI : By telegram : it can be got by telegram from Karachi. It appears that they have not got it themselves.

Mr. LALJI NARANJI : It would take only one hour of the Finance Committee to examine these amounts.

Dr. M. K. DIXIT : As the Honourable the General Member himself is not well informed, we should postpone it.

The Honourable Sir GHULAM HUSSAIN : How can I get the details so soon, Sir !

Mr. LALJI NARANJI : Such information as is available with the General Member may be placed before the Finance Committee. The Finance Committee will not take more than one hour. With the assistance of the honourable member the Chief Engineer they will not take long. Whatever figures the Honourable the General Member has, will be discussed in the Finance Committee in an hour.

The Honourable Sir GHULAM HUSSAIN : All the information that is available I have placed before the House.

Mr. LALJI NARANJI : There must be more information. I am sure when such demands are made the departments must have written several times.

The Honourable Sir GHULAM HUSSAIN : How can I get it at this stage !

The Honourable the PRESIDENT : The Honourable the General Member has certain information in his hands which he has placed before the House.

Mr. LALJI NARANJI : All information that he has got at present with the correspondence on this subject.

The Honourable the PRESIDENT : Yes, all that he has at present. The honourable member points out that even if this demand is postponed for a few days—there are very few days before the close of this session—he will not be in a position to get any further details. I understand that the suggestion of the honourable member Mr. Lalji Naranji is that these very details should be placed before a special meeting of the Finance Committee and examined by them in their various aspects. Is that what he suggests ?

Mr. LALJI NARANJI : Yes.

The Honourable Sir GHULAM HUSSAIN : I am ready to do that.

Rao Bahadur R. R. KALE : Sir, I understand that there is a proposal from some honourable members to have Friday as a holiday on account of *Anant Chaturdashi*. I do not know if the Chair will agree to that, but if the Chair does, then Friday will not be suitable.

The Honourable Mr. J. L. RIEU : Saturday for the meeting of the Finance Committee and Monday for the discussion in the House.

The Honourable the PRESIDENT : On Saturday the House meets at half-past ten.

The Honourable Mr. J. L. RIEU : Saturday between two and three.

The Honourable the PRESIDENT : Saturday in the afternoon ?

The Honourable Sir GHULAM HUSSAIN : Sir, I have called a conference on Friday to consider the strike situation ; it may take up Friday and Saturday. To-morrow would be better for our purpose.

An Honourable MEMBER : It is only one hour on Saturday.

The Honourable Sir GHULAM HUSSAIN : All right : Saturday will do.

The Honourable the PRESIDENT : In accordance with the proposal made by the honourable member for Bombay, I postpone the consideration of this item to Monday.

The Honourable Mr. J. R. MARTIN : Sir, in my statement made two days ago regarding affairs in Godhra, I promised that I would keep honourable members informed from time to time of the facts of the situation there.

Yesterday I had a short telegram which I communicated to certain members of the House who saw me in connection with the matter. I shall not read that because the facts contained in it are repeated in the information which has reached Government in a report from the District Magistrate to-day. This report states :—

"The situation after the disturbance of 18th September remains quiet but there is a certain amount of uneasiness and excitement on both sides. A strike of the Hindu shops was observed on the 20th the day following the death of Mr. P. M. Shah. Several

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Hindu shops have remained closed since that date. Some of the Hindu leaders including Dr. Maneklal Shah inform me that they are trying to get these shops opened again, that they are not closed by order of the Mahajan, but that they are closed out of fear and out of protest.

The funeral of Mr. P. M. Shah was carried out from the Civil Hospital to his house, all round the bazar, on the afternoon of the 19th. There was no disturbance, although the Hindus had told the police that they were not going round the Bazar. The body was carried at night from the house to the burning ground by the direct route. The District Superintendent of Police and I went down to see that no further excursion was made into the Bazar without notice.

On the 20th there was a general alarm after midday. I went to the spot and found the District Superintendent of Police there. The trouble was merely a scuffle between a Hindu boy and a Muhammadan boy, near the Civil Hospital, but as partisans of both sides began to come up, it might have developed, had not the police and the Hospital staff intervened. On the night of the 21st some mischief mongers fired guns near the Ghanchi-wada. Some Ghanchis came rushing out to pursue the firers but no one was found and they returned home without doing any damage.

Instances of baseless rumours that have been made are now given. I received a written information last night, 22nd September, that a certain mosque and the surrounding premises were full of stones and sodawater bottles and that a disturbance was to be raised there. I immediately went down to the mosque and had it and the surrounding premises inspected by a Muhammadan officer and looked in myself. There was nothing at all there. The District Superintendent of Police received information this morning from Mr. Mukadam while at the Civil Hospital, where Mr. Mukadam and those of the injured who have not already been discharged, are lying, that there were 300 Ghanchis assembled near the washing ghauts at the tank and that they intended mischief. The District Superintendent of Police at once went there taking Dr. Chandulal of Broach, who was present when the information was given. They found no sign of any Ghanchi. There were two Hindu constables on guard there who had seen no Ghanchis. About 100 Hindu women were quietly washing their clothes at the ghauts. The District Superintendent of Police took me down there, and I saw the same thing. Yesterday I received deputations, from the Godhra Bar (Hindus), and from the Hindu Mahajan (as well as from Mahomedans). Both Hindu deputations asked for military to be sent for I informed them that I would see about getting more police. Later I learnt that my request for 50 (fifty) more police made that morning, had been complied with. They suggested that arms licenses should be suspended to create public confidence. After consulting the District Superintendent of Police I issued an order for the temporary suspension of Godhra town arms licenses that evening.

To-day I held a meeting of leaders of both communities and explained to them that the local authorities were taking all the action possible, and asked them to reassure the public and to keep the peace between themselves. A copy of the English version of my speech is attached for information. At the suggestion of some of the Hindus, I am having copies of it printed for distribution, as there is no well-established local newspaper printed here.

Mr. Mukadam and Dr. Maneklal Shah have written more than once complaining that there is a plot to murder them that night. These rumours appear to be baseless. I have informed Mr. Mukadam that the Civil Hospital is guarded by armed police since the 19th. This guard has since been doubled. I have allowed Dr. Maneklal as a special case as requested by him to be accompanied by two of his men with sticks to protect him.

The Hindu leaders at the meeting to-day expressed themselves as satisfied on hearing the information given to them by the District Superintendent of Police and myself, on the understanding that the leaders of Muhammadan mohollas would be made to give a special undertaking not to commit mischief. The undertaking was given the same afternoon.

These Muhammadans are being called up for the purpose, although the District Superintendent of Police has already, it seems, spoken to them. Various Hindus, official and non-official, whom I have questioned lately, have assured me that all is quiet and they are not at all molested."

I have with me a copy of the speech which the District Magistrate delivered at the meeting of the leaders of the two communities. This may be of interest to the members of this House, and I shall make it available for the perusal of any who desire to see it. I will only read a short extract from it.



[Mr. J. R. Martin]

The Police are constantly patrolling, and are watching by day and by night to prevent any further disturbance and I have requested for additional police, who will shortly arrive here, to relieve the strain which the continuous work imposes upon the local force.

Orders have been issued prohibiting the carrying of sticks and other weapons, and the delivering of speeches, and other provocative acts. The tea shop or hotel licences have been suspended, which means that all the hotels in the town must close by 9 p.m.

I think honourable members will see from the statement of facts and measures taken that everything possible is being done to maintain the peace, restore confidence and bring the guilty to book. I have already informed honourable members and the local authorities that any reinforcements or assistance which the situation demands will be supplied by Government. Extra police are on the spot and a special police investigating officer is being sent immediately.

The measures taken by the District Magistrate have been effective, as will be seen from the fact that in spite of alarms and rumours, not the slightest injury to any one on either side has taken place since the day and time of the offence.

The facts regarding the alleged firing have been explained in what I have already read. This firing was not either by the police in the suppression of the riot or, as far as can be seen, directed by either party against the other. This will explain the answer, which I gave to certain questions two days ago, that Government had not received any information of firing and that they believed that, if such firing had occurred, it would have been reported.

I would appeal to the honourable members not to be carried away by the series of telegrams which they are receiving. As they are aware, the gentleman who has sent the latest and others of these is suffering from serious injuries and is confined to hospital. His information must therefore be second-hand and untested by himself.

This is the case where any giving way to panic would be most inadvisable and still more undesirable to attack the officers of Government who, far from showing indifference, have been taking all the measures I have described to meet the necessities of the situation.

I trust that honourable members will, in view of this full and lengthy statement of affairs, be assured that every necessary measure has been and will be taken both by the local authorities and by Government.

The Honourable the PRESIDENT: May I ask the Honourable the Home Member whether the matter as far as the culprits are concerned is *sub judice*?

The Honourable Mr. J. R. MARTIN: Yes. The police have arrested 8 men and the District Magistrate has taken cognizance of certain offenders.

Mr. R. G. PRADHAN: How many arrests?

The Honourable Mr. J. R. MARTIN: Eight arrests.

An Honourable MEMBER: In connection with....(Inaudible).. or in connection with....(inaudible)?

The Honourable Mr. J. R. MARTIN: In connection mainly with the latter. Two arrests, were made in connection with the stone

[Mr. J. R. Martin]

throwing; other arrests were made in connection with more serious offences.

An Honourable MEMBER: Is the investigation complete?

The Honourable Mr. J. R. MARTIN: The investigation is still continuing.

Mr. B. G. PAHALAJANI: Investigation does not mean that it is *sub judice*?

The Honourable Mr. J. R. MARTIN: Cases have already been sent up and taken cognisance of by the District Magistrate.

An Honourable MEMBER: In connection with the murder?

The Honourable Mr. J. R. MARTIN: Yes.

Mr. J. C. SWAMINARAYAN: I shall just read from a telegram received from Mr. Mukadam. It says:

"More arrests of hooligans and culprits are delayed by police; most of them still at large."

The Honourable the PRESIDENT: Is that a telegram that the honourable member is reading from?

Mr. J. C. SWAMINARAYAN: Yes; I have received it just now from Godhra.

Demand for formal transfer of Rs. 80,378 from 59-Bombay Development Scheme to 42-Bombay Development Scheme.

The Honourable Sir GHULAM HUSSAIN: Sir, I move for a demand\* of Rs. 80,378. It is a formal transfer from head 59-Bombay Development Scheme to head 42-Bombay Development Scheme. This sum has been already sanctioned by the House. It is only a formal transfer from one head to another.

Question proposed.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I wish to have some explanation from the Honourable the General Member upon the working of these two departments, before I make up my mind as to whether it is necessary to separate these from the Development Department. Sir, the Ambernath industrial area has got two schemes; one is the water supply scheme and the other the electric supply scheme. So far as we know, Sir, the working of these schemes has been always causing us heavy loss and these schemes were undertaken for the development of this area, and until and unless Government are prepared to estimate the actual losses that have been incurred on these schemes, I think it is not fair that these two schemes should go on the general revenues and that the losses should be borne by the general revenues. At the present moment, the losses that are incurred are going into the Development Department losses and we know what it costs us and now if these schemes are transferred, the losses will fall upon our regular revenues. My own suggestion is that both these schemes could be very well disposed of, instead of being maintained by the Government, by handing them over to the G. I. P. Railway at reasonable cost and to do away with them altogether. They can work

\*Appendix B.

[Mr. Hooseinbhoy Abdullabhoj Lalljee]

these schemes and pay us what they are worth. It is no use keeping these two departments with Government, and if we agree to transfer these schemes, it will clearly show what the Bombay Development Scheme losses are.

The Honourable Sir GHULAM HUSSAIN: If only my honourable friend had read the whole note carefully, he would have understood it. The expenditure has already been sanctioned by this House under 59-Bombay Development Scheme, and we are now merely transferring it under the same scheme. Only the transfer is to the grants under 42-Development Scheme. However, all the suggestions that he has made we will take into consideration.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Will not by transfer the losses of this department now go direct to the general revenues, instead of to the Development Department in the first instance?

The Honourable Sir GHULAM HUSSAIN: If that is the question, the reply is 'Yes.'

Question put and carried.

Expenditure on relief purposes in the areas affected by the floods of July 1927.

The Honourable Mr. J. L. RIEU: Sir, I move for a grant\* of Rs. 1,87,524 under 43-A Famine Relief, the amount being provided from the Famine Insurance Fund. The items which compose this item are stated in the note that is before honourable members and I would briefly explain that none of these items constitute any new form of expenditure. It is merely the carrying on of operations in connection with flood relief which were initiated last year and were not completed, in consequence of which we have now to make further provision during the currency of this year. The only item which possibly might be looked upon as a new one is the fifth one, the last on the list, Rs. 12,850; and in regard to this I might explain that when Government decided that tagavi grants for the resowing of lands the crops of which had been destroyed by the floods, should be free of interest, naturally a similar concession had to be made in regard to the loans made by co-operative societies, and this grant of twelve thousand and odd is to indemnify the co-operative societies for the loss of interest on this tagavi which they have advanced. I trust that this grant will commend itself to the House.

Question put and carried.

The Honourable the PRESIDENT: Now, that finishes the Government business, except for one item postponed.

The Honourable Mr. J. L. RIEU: That concludes Government business, except for that one item.

The Honourable the PRESIDENT: As the Government business is over, except as I say again, the one item which is postponed to Monday, the House would have ordinarily met to-morrow for private business at 2 o'clock. But I understand there is a motion the Honourable the Leader of the House is bringing, regarding the election of a member in place of the Honourable Minister Mr. Jadhav, who has

[The President]

resigned from the Committee to represent the House on the Simon Commission. That motion would take hardly a few minutes. I suppose honourable members have received a copy of the motion, which has been circulated this evening. If the House would like it, I would ask the House to assemble at 1-30 p.m. again to-morrow, so that we could dispose of that little business within half an hour and go on with private business from 2 o'clock ; so that we could have four days *minus* that period which the House would take for the one item which has been postponed.

The Honourable Mr. J. L. RIEU: The half hour would cover the time required for that election and any more time required for the discussion of the motion . . . . .

The Honourable the PRESIDENT: It is a simple election and it ought therefore not to take more than half an hour to finish the whole business, but if the election and the moving of the motion takes a little longer than that, I would stop that work and have the election on Monday and go on with private business.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: What is the position of the members who are not present today with regard to this election? They do not know that the motion is going to come up to-morrow.

The Honourable the PRESIDENT: They will know that to-morrow.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Those that are absent in Bombay will not have any notice.

The Honourable the PRESIDENT: There is no period of notice for a motion.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: The motion will be an important motion and it is necessary that the absent members should have notice of it.

The Honourable the PRESIDENT: Since there is no period fixed for any motion, I would stick to the arrangement I have explained.

There is the other matter regarding a request signed by many honourable members I have received for a holiday on Friday next on account of Anant Chaturdashi. Has the Honourable the Leader of the House any objection to that?

The Honourable Mr. J. L. RIEU: There is no objection to this from the official side of the House, Sir, in view of the fact that it is now inevitable that the sessions should be carried on beyond Saturday, to next week.

The Honourable the PRESIDENT: If that is the general sense of the House on the non-official side, that Friday should be a holiday. . . . .

Mr. R. G. PRADHAN: Yes, that is the general sense.

The Honourable the PRESIDENT: I will announce that holiday to-morrow.

The House is adjourned till 1-30 p.m. to-morrow, Thursday, the 27th September 1928.

Thursday, the 27th September 1928

The Council re-assembled at the Council Hall, Poona, on Thursday, the 27th September 1928, at 1-30 p.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar.-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
ADDYMAN, Mr. J.  
AHMAD, the Honourable MOULVI RAFIUDDIN  
ALLAHBAKSH, Khan Saheb  
ALLISON, Mr. F. W.  
AMBEDKAR, Dr. B. R.  
AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BHOSLE, Mr. M. G.  
BHUTTO, Khan Bahadur S. N.  
BIJARANI, Khan Bahadur SHEH MUHAMMAD KHAN  
BOLE, Mr. S. K.  
BRANDER, Mr. J. P.  
BROWNE, Mr. D. R. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
COVERNTON, Mr. S. H.  
DABHOLKAR, Sir VASANTRAO  
DAWOODKHAN SHALEBHOY, Mr.  
DESAI, Mr. B. T.  
DESAI, Rao Saheb D. P.  
DESAI, the Honourable Dewan Bahadur HARILAL D.  
DESAI, Mr. J. B.  
DESPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
GHOSAL, Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
GILDER, Dr. M. D.

- GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISHAN, Khan Sahab GHULAM MUHAMMAD ABDULLAH KHAN  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHUHRO, Mr. M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Sahab RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSEINBHOY ABDULLABHOY  
 LALJI NARANJI, Mr.  
 LELY, Mr. W. G.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MAXWELL, Mr. R. M.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 NANAL, Mr. B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Sahab D. R.  
 PAWAR, Mr. SADASHIVRAO *alias* KHASERAO JIVAJIRAO  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.

RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAJ G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIBAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WADIA, Mr. N. J.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.  
 The Honourable the PRESIDENT: Order, order.

### GODHRA RIOTS.

The Honourable Mr. J. R. MARTIN: With your permission, Sir, I should like to correct a mistake which appears in the papers today as regards what I said yesterday. In the paper which is before me, I find that I am reported to have stated that the telegram sent by Mr. Mukadam contained information which must be second hand and distorted by himself. I did not use the second of these phrases. I said that the telegram contained information which must be second hand and not verified by himself, or words to that effect. I have not got a copy of my speech before me. There is an important difference, as honourable members will realise, between saying that information is distorted and that information is not verified. I hope that all the newspapers concerned will correct this mistake as quickly as possible.

### INDIAN STATUTORY COMMISSION COMMITTEE.

The Honourable Mr. J. L. RIEU: Sir, the motion which I desire to place before the House reads as follows:

\* That as a vacancy has occurred in the Committee elected by the Bombay Legislative Council on the 2nd August 1928 to take part in the joint conference of the Indian Statutory Commission by reason of the resignation of the Honourable Mr. B. V. Jadhav, a member elected to the said Committee, this House do proceed to elect another representative in the place of the Honourable Mr. B. V. Jadhav. "

Question put and carried.

The Honourable the PRESIDENT: In connection with this, I might inform honourable members that their nomination papers should be placed in the hands of the Secretary before 4-30 p.m., and he will try and have the voting paper ready to be distributed for election after tea time. That will take only a few minutes particularly as we begin private business soon after this, I mean before 2; so these few minutes would compensate for the time taken then out of the time for private business. We will proceed after tea time with the election.

### APPRECIATIVE REFERENCE : SIR CHUNILAL MEHTA.

Mr. LALJI NARANJI (Indian Merchants' Chamber): With your permission, Sir, I wish to move the special commendatory resolution in relation to the services of the Honourable Sir Chunilal Mehta. I beg to move :

"That this Council places on record its high appreciation of the invaluable services the Honourable Sir Chunilal Mehta has rendered and the outstanding ability with which he has discharged his arduous duties as Minister, Member of the Executive Council and Leader of the House, and expresses its regret at the great loss it has sustained by his retirement."

Sir, this is the proper time when a review should be taken of the work of the Indian Executive Councillor and Minister who has worked the new Reforms right from the beginning, when the Reforms were granted to India under the Montagu-Chelmsford Reforms Scheme by the Government of India Act, 1919. Sir Chunilal represented the constituency to which I have the honour to belong. Under the Reforms Scheme, he was first taken up in Government service on the 4th of January 1921 as a Minister, at the beginning of the Reforms period. But even before he became a Minister his public services are well known. Even during the period of his school and college life he was a good sportsman, and he had captained the Hindu cricket team for a number of years. It is an acknowledged fact that sportsmen always prove very loyal to their duties, and they discharge their duties in a charming way. After working in the Bombay municipality, of which he was also the president and chairman of the Standing Committee, he was called upon at a young age to perform the responsible task of working the Reforms, of which we are now about to take a review. Sir Chunilal's services are very important from this point of view, that they show what Indians are capable of doing as responsible officers. Sir Chunilal Mehta is a typical example of that. He worked for about two years as a Minister. As a Minister he had Agriculture, Forests and Excise in his charge. Wherever he has worked, he has left the mark of his great ability on the departments that were under his control. In connection with the Forest policy, he initiated the working of the Dangs forests, as a result of which the revenues had improved considerably. As regards agriculture he was the first man to provide relief measure as well as precautionary measures against famine by providing storage of *kadbi* and grass. He was also responsible for the introduction of a special department with an expert officer in charge for proposing minor schemes of irrigation,



[Mr. Lalji Naranji]

which were not possible before on account of the Government rules then existing. His further help to the agricultural community is to provide an annual grant of Rs. 3,50,000 for land improvement loans through co-operative societies and co-operative banks. He has done an eminent service with regard to co-operative movement. He created a keen interest in co-operative movement throughout the presidency. He also introduced schemes for bunding and providing boring machines by means of which agriculturists will be supplied with water for their operations. One of the most important achievements he has made is the organising of taluka development associations by means of which the co-operative activities would be co-ordinated. The Royal Commission on Agriculture has strongly recommended such a system not only for this province but throughout India. This is a great testimony to his abilities and methods of studying the subject of which he was in charge. As a Minister he was able to achieve all these things.

In the Excise Department he played no mean part by initiating the system of rationing as a means to attain the goal of prohibition.

Then he had to take the serious responsibility of taking over the portfolio of finance. It was for the first time that an Indian Member was given charge of that portfolio. It is well known to the House the conditions under which he had to take charge of that portfolio. That was a time when the presidency was groaning under the losses on account of the Development Department and other losses which were the aftermath of the war, to which this Government was no exception. At such a time it was very difficult for a finance member to balance his budget. We all know the position of the Bombay presidency. It is a highly taxed presidency which affords more amenities of life to the people than any other presidency. As this presidency had taxed itself to its fullest capacity even before the advent of Sir Chunilal, the Honourable Sir Chunilal tried and avoided any further taxation. But he managed his finances in such a way that it neither imposed any fresh taxation nor stopped any programme of development. We also know how he fought, as his predecessor did, in getting the Neston settlement re-adjusted. Though he was not successful in his attempt to get the wrong righted, we hope that his efforts and his predecessor's efforts in that direction will not go in vain. Let us hope that when the future adjustment is made, this presidency will be treated in such a way that it will be able to put its finances in a better condition. Also let us hope that the proverb that God helps those who help themselves will prove good. Of course you will find that these are rare qualities in a merchant, because it is often stated that merchants could not be good administrators. (Honourable Members: No, no.) It is not so. This presidency is lucky in that Sir Chunilal, a merchant, was to succeed another merchant, who was not a less success as administrator. I mean Sir Ibrahim Rahimtoola. Sir Ibrahim is also a member of the constituency to which I belong. It is a great satisfaction to me that they discharged their duties to the country in such a way as to advance all interests. But it is a matter for regret that they happened to be in a local Government.

[Mr. Lalji Naranji]

It was not possible for them to help the industries of the presidency, as it was not in their purview but in the purview of the Central Government. Whatever they could do as Members in charge of local Government to help the industry they did. The Honourable Sir Chunilal saved the Industries Department from abolition. He also provided last year more than a lakh for Industries Department. One thing more about Sir Chunilal I should not omit to mention—the pluck with which he rose and did a signal service to the presidency in connection with the recent floods in Sind and Gujarat. Though the finances of the presidency were not sound he took courage and provided one crore of rupees to provide relief for the flood stricken people in Gujarat and Sind. He personally visited the afflicted parts and did everything as was humanly possible as a Government officer. I therefore commend this resolution for the acceptance of this House which I hope will pass it unanimsly.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Mr. President, I support the resolution moved by my honourable friend Mr. Lalji Naranji eulogising the services of Sir Chunilal Mehta. In doing so, my remarks will be brief, because my honourable friend Mr. Lalji Naranji has left very little more for me to say. Sir, as this House is aware he became a Minister on the 4th January 1921, and within two and a half years he was raised to the dignity of an Executive Council Member. Within that short period he rendered such important services that it is hardly possible for any of his followers to achieve the success he has achieved. Now, my honourable friend Mr. Lalji Naranji has told you about his school and college career. I am very little concerned with his school and college career, because it is the career after the college life when one enters public service is more important. Sir, the world is in need only of practical men; the world is not in need of learned men, but of practical men who can achieve great things and set up an example to be followed by a large number of persons. Although he served only for a period of two and a half years as Minister of Agriculture he achieved wonders. I shall mention only a few of his achievements. He assisted the rural areas by establishing agricultural bias schools all over the presidency, and these bias schools are 78 in number, 23 in the Kanarese Division, 29 in the Marathi Division, 4 in Gujarat, 8 in Sind and 4 under missionaries at Baramati, Ankleshwar, Manmad and Wadi. His next achievement is the introduction of spare time industries for agriculturists in the rural areas, as for example itinerant weaving schools all over Bombay presidency. He not only assisted the agriculturists by helping them to make better use of their spare time and thus add to their agricultural income, but he also helped them in improving their agriculture in many other highly commendable ways. I value his scheme of co-ordination very much, because it is a scheme not prevalent in any other presidency. This scheme is the combination of agriculture and co-operation in the divisional board of agriculture, which consists of the Assistant Registrar of Co-operative Societies, the Deputy Director of Agriculture and a few nominated members on behalf of these two departments. This

[Mr. S. A. Sardesai]

combined body aims at improving the condition of the agriculturists. His taluka development scheme is in operation in several talukas of the Bombay presidency. The highest amount that could be spent through the development association is Rs. 2,000 as decided by Government. If the development association collects Rs. 1,000 Government will contribute an equal amount by way of grant. In that way the development scheme was organised by Sir Chunilal. Although these associations have got only a small capital they have been doing beneficial work in the rural areas.

Sir, I must eulogise Sir Chunilal as a fine sportsman. My honourable friend Mr. Lalji Naranji did not fully eulogise his achievements as a sportsman. He is not only a fine cricketer but a fine tennis player and also a fine player of golf. It is no small achievement to have become the captain of the Hindu team. He maintained that captainship for a number of years. That is the highest honour that could be achieved by a sportsman. As a tennis player he has achieved wonderful success in many of the tournaments and once or twice he has beat His Excellency the Governor in tennis. Although he was introduced to golf very late, he has won a trophy in Mahabaleshwar last season to the heart burning of other golf players and established a record. I speak with pride when I say that he has won laurels everywhere he played any of these three games.

Sir, I hope Sir Chunilal's successors as Minister of Agriculture will follow his footsteps and try to achieve things as he did. Looking to the past history of the legislative councils I find that some of the Ministers on becoming Executive Council Members have changed their policy. This was not the case with Sir Chunilal, because whether as a Council member, as a Minister or as an Executive Council Member he was fully loyal both to Government and the people. He has always tried his utmost to improve the agricultural condition of the country. His political career has been so very successful that the whole of the Bombay presidency is looking back with gratitude to his past services. I think, Sir, that there are few people who can achieve such wonderful things as Sir Chunilal has achieved. I think he has set up an example to be followed by Ministers in this presidency and in other presidencies. When the British Government is considering the grant of Home Rule to Indians, they are examining — and I think they are right in doing so — whether Indians are efficient to discharge the duties of Home Rule. I think, Sir, Sir Chunilal's example is the greatest example in this respect, and he, as an Indian, has discharged his duties efficiently in all his official spheres. That is a good example for the consideration of Government in seeking to grant Indians a further instalment of reforms. There may be many other instances, but this is an occasion on which we are concentrating our attention in eulogising the services only of Sir Chunilal, and I can declare with pride that his achievements have been the highest either in the political sphere or in any other sphere, and this fact alone makes us feel proud of our nationality. With these few remarks, I eulogise the services of Sir Chunilal.

Mr. N. R. GUNJAL (Poona District) (in Marathi) : I rise to support the resolution moved by my honourable friend Mr. Lalji Naranji appreciating the services rendered by Sir Chunilal Mehta. I have known him ever since I became the representative of my constituency in this House, that is for the last four or five years. I should like to say a few words how he was the fittest man to represent the people in this House. He was always trying to put to practical use all the knowledge that he acquired at the school or college. His work after his coming to the Council has been described by the previous speakers and I do not wish to say anything more on the subject. Under the reforms he became a Minister and I had several opportunities of putting before him the point of view of the people and on none of these occasions was he oblivious to the interests of the people. He was one of those who were always trying to do good to the people without at the same time betraying the interests of Government. If this art of satisfying the people and the Government at the same time has to be learnt we have to go to Sir Chunilal Mehta. As a Finance Minister people say that the interests of the people have not been as satisfactorily safeguarded as they wish. But I can say that his love and affection for the interests of the people did not wane for one moment. This is a point which we should bear in mind. To safeguard the rights of the people without losing sight of the interests of Government is not an easy art and I certainly think that nobody else could have done better than Sir Chunilal Mehta in this respect. That Sir Chunilal respected public opinion though it went counter to his own is illustrated by his not moving the Small Holdings Bill in deference to the wishes of the people.

His place has been filled by a fellow-member of this Council and I trust that he will follow in the foot-steps of his predecessor and earn the good-will and appreciation of the House just as Sir Chunilal Mehta has done.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I associate.....

The Honourable the PRESIDENT : Before the honourable member proceeds, I should like to point out that Sir Chunilal was such an esteemed personality in this House that many honourable members of this House would feel tempted to speak on this resolution. But I should remind the House that it has already entered upon private business, and there are only four days in this very short session which, as I think, the House desires to be well utilised. The President allows a resolution of this nature priority simply because he feels that it is of a formal nature. The most that is to be said on the resolution is expected to be said by the honourable member who moves it; others have merely formally to associate themselves with the resolution. Honourable members will pardon me for drawing their attention to this, because I know every one is full of material for a long speech. I, therefore, hope that honourable members will briefly associate themselves with the resolution whenever they rise to speak.

Mr. J. C. SWAMINARAYAN : I associate myself with the sentiments expressed by my honourable friend Mr. Lalji Naranji in moving this resolution. I shall refer only to one aspect in my connection with him. As soon as I was elected to this Council, I pointed out to him how miserable the condition of the people in some parts of Gujarat like the Bhal tract was as regards drinking water, and that they were using even water of tanks for drinking purposes because in those parts it was not possible to bore suitable wells for obtaining drinking water because wells would give salt water. He at once visited those parts and tried his level best to help in relieving the miserable condition of people in that part of the country. Thus, whenever he was approached with any reasonable demand, he always tried to understand the situation and to help the people. Of course, this is not an occasion when all the aspects of his life could be entered into. I should really associate myself with the sentiments expressed by the honourable mover of the resolution and resume my seat.

Mr. J. ADDYMAN (Bombay City) : Sir, on behalf of the non-official Europeans it gives me the greatest pleasure to associate ourselves with the resolution. I am sure all who have had the privilege of coming into personal contact with Sir Chunilal Mehta must have been impressed with his outstanding character and perhaps more important still his sincerity of purpose. In whatever sphere of life one has found Sir Chunilal engaged it has always been pleasing to note how he has at all times endeavoured to play cricket.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I had the fortune of being associated with Sir Chunilal Mehta from the very commencement of the reformed Council. We had him as a Minister together with our present honourable colleague Sir Ghulam Hussain, and for the time that he acted as a Minister, he was responsible for starting a policy in the Forest Department and in the Co-operative Department which exists up to the present day. His intention to make Forests a commercial department was very clear to his mind. He took into his confidence the Chief Conservator of Forests. How far he succeeded, how far his efforts succeeded, and how far they are carried into effect by his successors still remains to be seen. His originality in all that he did, his intention to follow in the footsteps of his illustrious predecessor, Sir Ibrahim Rahimtoola, I think, are fresh to the minds of those people who worked with him. That he protected the rights and privileges of the non-official Indians on this side, in spite of many difficulties that he had to encounter within the Government, is well known to the non-official side of this House. Not much more dilating on the subject is necessary, but I think every honourable member on the non-official side will realise that it was with considerable regret that we parted company with him. He was respected by us, he was respected by the official side; and I think with this expression of regret at our parting with him, I will resume my seat.

Mr. S. K. BOLE : Sir, I fully associate myself with the remarks offered by the previous speaker. Sir Chunilal Mehta was known to me

[Mr. S. K. Bole]

for many, many years. Really, when he came to the front on the cricket field, he became the captain. In the industries also, he became a captain of one of the industries. When he came to the civic life also, he became the president of the Bombay Corporation. Here in this House, he became a Minister, and then a member of the Cabinet of the Government, and he did his duty in a very efficient manner. Here also in this Council he became a captain of this House. So, he has proved his merit and qualifications all round. Still he was very social and accessible to all. I specially want to express my thanks to him for coming to the help of the Government peons, to whom he sanctioned pension at the rate of half their pay. Of course, he gave effect to one part of my resolution on the subject,— but I hope his successor will give effect to the other part of it,— I mean the increase of the pay of the Government peons. With these words I support the resolution.

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Sir, I rise to associate myself with the remarks of the previous speakers. I want to point out one special feature of Sir Chunilal Mehta's character. During the eight years, both as a Minister and as a Member of the Executive Council, he watched with equal eye the interests of both the sister communities. With these remarks I resume my seat.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, in rising to speak on the resolution moved by my honourable friend Mr. Lalji Naranji about the late Finance Member, Sir Chunilal Mehta, I want to say that he was a good and a clever man in financial matters. I just want to observe, Sir, that it seems to have become a habitual practice with this House to bring forward motions of this character on every such occasion. My own personal opinion is that the time has now come when such resolutions should not come before this Council, merely as a matter of an old standing practice or routine irrespective of the work which the member concerned may or may not have done during his regime. In fact I believe that it would be more appropriate to give public expression of our appreciation of really public work being done by public men such as Pundit Motilal Nehru, Lala Lajpatrai and others like them.

The Honourable the PRESIDENT (In Urdu): Order, order. Does the honourable member support or oppose the resolution?

Mr. HAJI MIR MAHOMED BALOCH (In Urdu): I oppose this resolution because my own view is that such resolutions should not come forward only as a matter of old practice.....

The Honourable the PRESIDENT (In Urdu): I am rather surprised. If the honourable member does not seriously mean to oppose the resolution I would hold his remarks as out of good taste; as such formal and customary resolutions are seldom, if ever, opposed or met with such remarks. If, however, the honourable member wants really to oppose the resolution on the ground that such resolutions should never be brought up before the House and become a practice because they put some

[The President]

honourable members in awkward positions, his best course would be to bring a separate resolution and raise the general question of such resolutions independently of this resolution.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : I oppose this resolution, although in doing so I wish to acknowledge that Sir Chunilal Mehta was no doubt a very good man, a very capable man.....

The Honourable the PRESIDENT (In Urdu) : He is still so.

Mr. HAJI MIR MAHOMED BALOCH (In Urdu) : He might have carried out the work of Government most ably. Many honourable members have said that he also gave them help in many ways but I say if he did that, he was doing his duty for which he got handsome salary, honour and privileges. But what did he do for the public welfare ? In my opinion any man, even a European, appointed to such a post as the one held by Sir Chunilal would be bound to do what was done by Sir Chunilal, but my opposition to the resolution before the House is based on the general principle that a resolution of this kind should at least hereafter not be brought before this Council only as a matter of form or routine.

Khan Saheb ABDUL LATIF HAJI HAJRAT KHAN (Poona and Sholapur Cities) : Sir, I fully associate myself with the remarks that have fallen from the honourable member Mr. Lalji Naranji in moving the resolution before the House. But it seems to me that it seems to have escaped the notice of the honourable members who have spoken in support of the resolution that Sir Chunilal Mehta took great interest in the Boy Scouts Movement and that he was the Provincial Commissioner for the Bombay Presidency. I do not wish to say anything more than this. I merely draw attention to this aspect of Sir Chunilal's career because somehow or other it did not receive special mention in the various speeches I listened to today in this House.

Mr. NOOR MAHOMED (Hyderabad District) : Sir, coming as I do from Sind, I must dissociate myself from the remarks that have just fallen from my honourable friend from Karachi City, Mr. Baloch. Placed as Sir Chunilal was, whether as the Leader of the House or as the Vice-President of the Executive Council, it is quite natural that he should have a large number of admirers as well as critics and no one situated like that can escape criticism. I see that the Honourable the Minister for Local Self-Government (Dewan Bahadur Harilal Desai) nods and agrees with me in that, as he also has got some enemies (Laughter) and also some admirers though they may be of a temporary character. My point is that now that Sir Chunilal has left this honourable House, it is necessary to remember that he showed very good qualities during the five years that he was in this House. Particularly one great quality that impressed me, although I was myself one of his critics in some way, (and for which I held him in great respect) was that he knew how to carry himself about as an Indian, he knew how to leave his mark on the administration of the Presidency. That was a great thing which Sir Chunilal

[Mr. Noor Mahomed]

did and, as Indians, we should be proud of the great name that he has left behind on the administration of the Presidency. With these words, I sincerely associate myself with the resolution and I trust that we will have many more Indians who will rise and be as great as Sir Chunilal was. I am only sorry to say, however, that in the latter part of his regime there was some little feeling, very dim, which of course did not show his work of former years as clearly or visibly as he in fact did, but I think that also was due to various circumstances that prevailed in this House and due to the formation of various interests and various parties in this House, but I do not think there was anything very great or anything very substantial in the regime of the Honourable Sir Chunilal Mehta which would give anybody in this House any cause to seriously find fault with, and therefore I say that I am sincerely supporting this resolution and that we all ought to be proud of Sir Chunilal Mehta.

Mr. R. G. PRADHAN (Nasik District) : Sir, it gives me very sincere pleasure indeed to support this resolution from the bottom of my heart, and I fully endorse the words of appreciation that have fallen from the lips of my honourable friend Mr. Lalji Naranji. I am glad to find that a friend of mine, the honourable member Mr. Noor Mahomed, who had at times, just as I had at times, to become a critic of the Government and of Sir Chunilal Mehta, has heartily associated himself with the terms of this resolution and the sentiments that it embodies. My honourable friend Mr. Lalji Naranji has recounted the services which Sir Chunilal has rendered first as Minister and then as a Member of Council. He presided over various departments and in each of those departments, in the conduct of his duties in connection with that department, he brought credit not only to himself but to the country which he had the honour to represent in the Council of the Governor. His achievements have by no means been inconsiderable. I for one have been impressed more by his many qualities of the head and the heart with which he was endowed. I venture to think that a Member sitting on the opposite front bench, whether he is a Member of Council or whether he is a Minister in charge of transferred departments, has got to become not only an administrator but also a statesman, and as I have studied the career of Sir Chunilal Mehta, watched him in this Council, listened to his speeches and come in personal contact with him both within this Council chamber and outside, I always carried with me the impression that he has something of the statesmanship with which, if circumstances had been favourable and if he had found himself in more encouraging environments, he would have been able to achieve a far greater success than he did. He was a man of sound ideas, he had considered views on most of the questions and on most of the departments with which he had to deal. He had a definite policy ; he had a definite policy on the question of excise ; he had a definite revenue policy ; he had also a definite policy in connection with finance. He, along with some of the other Members of the Government and most of us, fully realised that there was no hope for the departments of this Government making any substantial progress unless that iniquitous Meston Settlement was unsettled and readjusted,



[Mr. R. G. Pradhan]

so as to enable this Government to have more money. He had also something of the English doggedness, that characteristic of the English character, firmness of purpose, determination. When he had made up his mind to achieve something, he would do it; he would leave no stone unturned to carry out the object which he had in view. That firmness of purpose marked him and made him strong in resolution, and always put him on his mettle. Owing to his various qualities of head and heart, I think it perfectly sure that he has been able to leave his stamp on the administration of the province. With these words, I heartily support the resolution.

Mr. HOUSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I rise to support the resolution moved by my honourable friend Mr. Lalji Naranji, and associate myself with the remarks that have fallen from him and the other previous speakers. Sir Chunilal was a personal friend of mine, and I have had the honour of working with him in the Municipal Corporation of Bombay as also in this council. I will only say that given the opportunity and responsibility, Sir Chunilal like Sir Ibrahim Rahimtoola has proved that Indians can do what anybody else can do, and I only wish that Government benches will follow his example and take this side of the House into confidence whenever a question of difficulty arises and get over it as Sir Chunilal did it successfully at times.

Rao Saheb D. P. DESAI (Kaira District) : Sir, I associate most sincerely with the resolution moved by my honourable friend from Bombay. After all, Sir, in spite of the differences that this side often has with the Government benches, sometimes we have to express our sense of appreciation for whatever good that is done by a Member of Government. I had on many occasions—I might say on almost all occasions—to differ from the Honourable Sir Chunilal, but at the same time I cannot help appreciating the work that he did as the Minister of Excise. Sir, it was he who initiated the policy of prohibition, a policy which you, Sir, when you were Excise Minister, officially recognised and kept going, and if for nothing else at least for the bold initiation of the policy of prohibition, he deserves the thanks of the non-official side of this House. Then again, though not born as an agriculturist, he entered into the subject, and within a short time he started measures for the development and improvement of agriculture of this Presidency. Unfortunately, as Minister of Agriculture he was not given sufficient funds, and naturally he could not push forward that policy successfully and to its logical conclusion. But, after all, his idea is there, and his action is also there. I hope, Sir, that his successor will try to enter into the spirit of his policy and keep it going. Then as the Revenue Member, I am not talking about his revenue policy as such, but I am talking about his improvement of the condition of peasants by other means. For example, during his regime, grants to local bodies for the improvement of water supply were given on a very generous scale. Not only that, but for improving the system of well irrigation he started on a larger scale. Unfortunately,

[Rao Sahab D. P. Desai]

in that connection his zeal outran his discretion, and he insisted upon the appointment of the water diviner against the desire of this House; yet, nobody can say that he did not do it sincerely. As Finance Member, though he may not have done exactly what this side of the House told him, and perhaps he may have on occasions taken away useful grants in order to cover the reckless expenditure to which this Government is often inclined, it was his desire not to tax the people any further and to make both ends meet from the funds available, and this I think we should all appreciate. With these remarks I heartily support the resolution.

Khan Bahadur S. N. BHUTTO (Larkana District): Sir, I will not repeat the high qualifications and valuable services of Sir Chunilal Mehta which have been already given expression to by my honourable friends in this House. I will content myself with only a few remarks that he was a perfect gentleman, about which there can be no dispute, and enjoyed the full confidence of both sides of the House. Sir, it should not be understood from the speech of my honourable friend Mr. Haji Mir Mahomed Baloch, he being one of us a Muslim member, that he was against this resolution appreciating the services of Sir Chunilal Mehta. He expressed his views on the principle. He was not against this resolution itself, but he said, as a principle, it is not right to move such resolutions not only in the case of Sir Chunilal but in the case of any honourable member belonging to the Government benches. With these remarks, I associate myself with the resolution on behalf of the Muslim members of this house.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, on behalf of the Sardars and Inamdars of this Presidency, I associate myself fully with the sentiments expressed by the honourable mover and the subsequent speakers on this resolution. I may be allowed to relate one instance of his kindness towards this class. Government had issued a resolution regarding the communication to Inamdars of Government orders affecting Inamdars' interests in 1918, but that resolution was not put into force by the subordinate officers. When this fact was brought to the notice of Sir Chunilal Mehta when he was Revenue Member and the question regarding the matter was brought by me in this Council and a full explanation was supplied to him, he at once issued a second resolution on my question requesting the officers to put that resolution into force seriously. This speaks for the kindness which he always showed towards this class. As a representative of that class I fully associate myself most sincerely with the sentiments expressed.

Dr. P. G. SOLANKI: Sir, it is with the greatest pleasure and most heartily I associate myself with the sentiments and appreciative remarks passed by the honourable member Mr. Lalji Naranji and other honourable members of this House with regard to his brilliant career in this Council and to the Government and the public at large. Most of the honourable members have spoken of the best services he has rendered to the country and to the Government. On my own behalf I would like just to cite two instances of the act of kindness and help which he extended

[Dr. P. G. Solanki]

to the most neglected and down-trodden classes. It was with the help of Sir Chunilal, I can say, that we could get something out of Government by way of a small grant for the hostels of the depressed classes. Further it was due to the kindness of Sir Chunilal that the resolution moved by me was wholly accepted by the Government side and Government had committed themselves to appoint a committee very soon. I regret to say that nothing has been done so far in that matter. Had Sir Chunilal continued to be here the committee might have been appointed long ago, by this time. Still I am not despondent and request the Secretary to the Government, General Department, to get the committee appointed as it is already very high time to commence the work. In conclusion I wish to say that though he was a capitalist he had the kindest feelings for the agriculturists, the backward and depressed classes. He was very earnest for doing something to help and ameliorate the condition of the depressed classes in the Council. Though his career in the Council has ended and that too with popularity among all the classes of the Presidency, I hope as a public citizen of Bombay he will do immense best services to the country, the people at large and Government. With these words, I resume my seat.

The Honourable Mr. J. L. RIEU : Sir, speaking both personally on my own behalf, as having been his colleague during the last 2½ years, and on behalf of my honourable colleagues in the Government and other Government members, I desire to associate myself most heartily with all that has been said in appreciation of Sir Chunilal Mehta's eminent services both to Government and to this House and also to the Bombay presidency in general. I give my very cordial support to this motion.

The Honourable the PRESIDENT : I do not think it is usual for the President while putting a resolution of this kind to the House to say anything. But I cannot resist the temptation. As I followed Sir Chunilal in the ministry when he handed over charge as Minister, and I took over, I think I am one who has known most about him officially. Having seen the papers which he handed over to me of the five departments which he was in charge of, I found there was sufficient material for me to admire him as an Indian of very high ability and great originality and initiative. I put this resolution formally to the House and trust that it will be carried by acclamation.

Question put and carried with acclamation.

**BILL No. XXVII OF 1927 (A BILL FURTHER TO AMEND THE  
CITY OF BOMBAY MUNICIPAL ACT, No. III OF 1888.)**

*(As amended by the Select Committee.)*

Mr. SYED MUNAWAR : Sir, I beg leave of the House to present the report of the select committee on my Bill† No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, No. III of 1888).

[Mr. Syed Munawar]

Sir, the House is in possession of the Report, from which it will be seen that the select committee has consistently adhered to the views and Corporation's suggestions as placed before the House at the time of the first reading.

The Honourable the PRESIDENT: I hope the honourable member is aware that he is to make only a short statement while presenting the report of the select committee.

Mr. SYED MUNAWAR: Sir, I know I have to make only a brief statement. I shall presently summarise my remarks. The select committee while confining itself to the range of discussion in the House during its first reading has evolved the bill in a democratic and workable form. There are six minutes of dissent and these can be discussed on their merits and demerits and amendments may be made according as the House considers them proper and expedient.

Further, the select committee has fairly and equitably advocated four seats out of the 16 seats meant for nomination. These four seats correspond to the four constituencies of capitalists, namely, the Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association and the Bombay University, which elect one member each to the Corporation. The first three are financially capitalistic while the last one I would call 'intellectually capitalistic.' The voters in these constituencies are mostly voters in the general elections as well and, being well-educated, take full advantage of their rights and privileges, and exercise their votes in a very cautious manner; whereas, though labour forms 90 per cent. of the population, yet, being poor and illiterate, does not get the benefit of general elections; and up to now they have had no constituency of their own to return their representatives to the corporation. This is the first time a bill of this kind comes before the House. If this bill is passed I feel confident that it will inaugurate a new era of self-consciousness and organisation, so far as labour in the city is concerned.

I think, Sir, it will not be out of place for me to refer here to the sympathy and good work of Government members on the select committee. I am sincerely grateful to the honourable member the Legal Remembrancer for having re-drafted the bill in a comprehensive manner so as to include all the details of procedure of elections by the proposed electoral college and for making the provisions operative with effect from the ensuing City Municipal elections of 1929.

As regards the amendments that have been tabled in connection with this bill, they will be disposed of individually as they come up before the House. With these words, Sir, I present the report of the select committee for adoption by the honourable House.

The Honourable the PRESIDENT: The report of the select committee on Bill No. XXVII of 1927 (a Bill further to amend the City of Bombay Municipal Act, Act No. III of 1888) is presented.

Mr. SYED MUNAWAR: Sir, I beg to move that my bill No. XXVII of 1927 (a Bill further to amend the City of Bombay Municipal Act, Act No. III of 1888) be read a

second time.

Question proposed.

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, I rise to support the second reading of the bill. The necessity of giving representation to Labour was discussed fully when the bill came before the House for the first reading. It is not now necessary for me to repeat the arguments that were advanced for accepting the bill at the time the bill was sent to the select committee. The principle of giving representation to Labour was supported by almost the whole House. As the principle was accepted then and the revised bill has now come from the select committee, I hope the House will pay the same regard to the bill as was given at the first reading and pass it unanimously. With these few remarks, Sir, I support the second reading of the bill.

Bill read a second time. Question put and carried.

*Bill read clause by clause.*

*Clause 2 (Amendment of section 3 of Bom. III of 1888).*

To section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following clauses shall be added as clauses (ee), (ff) and (gg), namely:—

(ee) "Registered trade union" means a trade union of manual workers employed in trade and industry, registered under the Indian Trade Unions Act, 1926, or other law for the registration of trade unions for the time being in force.

(ff) "Delegate" means a person elected by the officers or members of a registered trade union as a member of the electoral college under the provisions of section 21-A.

(gg) "Electoral college" means a body of delegates elected by registered trade unions for the purpose of electing councillors to the Corporation.

Mr. S. C. JOSHI: Sir, I beg to move—

In clause 2, sub-clause (ee), lines 9 and 10, delete the words "of manual workers employed in trade and industry."

Sir, there are many trade unions in existence in the city of Bombay which are registered under the Indian Trade Unions Act but the membership of which is open not only to manual workers but to others employed in the same industry or trade. Now, if this definition is allowed to stand as it is, such unions, although they consist mainly of manual workers, will be excluded from getting the benefit of this bill. Similarly there are many unions in existence, the constitution of which is such that membership is open to all workers, not necessarily manual but also clerical. My intention is to give the full benefit of this bill to all unions registered under the Trade Unions Act, and with that intention in view I have moved this amendment. I do not at all mean that the right of vote should be conceded to all classes of workers. If it is intended to exclude the clerks from the benefit of the vote, then a proviso may be added to clause 4 of the bill restricting the vote to such workers as are manual workers, in the same way as that clause lays down that in order to be entitled to vote a worker must be a member of a trade union for six months and also a resident of the city of Bombay for six months.

Another difficulty that will arise, if this definition is allowed to stand as it is, is regarding the interpretation of "manual workers". There is

[Mr. S. C. Joshi]

no definition of "manual worker" anywhere in the bill, and many difficulties will arise as to who should be called a manual worker.

It is for these reasons that I have moved my amendment. I am not particular that the vote should be extended to the clerks: some of the petty clerks if necessary may be included, and safeguards to exclude the rest may be made in clause 4 by a proviso.

Question proposed.

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, I rise to oppose this amendment for the simple reason that the original intention of introducing the bill was to benefit all the labourers registered under the Trade Unions Act, and only those workers who were considered as manual workers. Sir, my honourable friend Mr. Joshi said that the words "manual worker" have not been explained. But I can explain to him that manual workers are those workers who work with some tools and instruments in their hands and carry loads on their heads and not those who work with mental power such as office clerks and their heads. "Manual worker" does not include clerical worker: I think this is quite clearly defined in the Trade Unions Act. If that is not so, I hope the honourable member the Legal Remembrancer will bring in a formal amendment to that effect. Sir, in the select committee it was suggested that the words "manual worker" should be defined, but it was pointed out that the term was quite clear and there was no necessity to do so.

A second reason why the word "manual" is necessary is that it is distinctly recommended by the Municipal Corporation. I hope the Honourable Minister in charge will give an explanation to the effect that it was the recommendation of the Municipal Corporation and now it is not necessary that all the workers other than the manual workers registered under the Trade Unions Act should be given this right, the reason being that the clerical staff should not get the right of double vote as they can afford to pay Rs. 10 and above as rent, which is the franchise for general voters in the Bombay City, but such is not the case with the labourers (manual) who are unable to pay such rents which can give them franchise to vote and send in their representatives to the Corporation or to the Legislative Council. Therefore it is not necessary that the clerical staff should be given a chance as my honourable friend Mr. Joshi wants. They have got the right of voting as they are all paying a rent of Rs. 10. This will result in double voting and it will be a great botheration to the Municipal Commissioner to describe which class is labouring class and which not. What labouring class means is known throughout the world. I therefore oppose the amendment that has been moved by my honourable friend Mr. Joshi.

Mr. L. M. DESHPANDE (Satara District): Sir, I support the amendment that has been moved by my honourable friend Mr. Joshi. The point urged by my honourable friend Mr. Asavale was that the Commissioner of the Corporation will be put to further trouble and that there will be double voting. I think double voting is not quite unknown in this

[Mr. L. M. Deshpande]

House. Here there are many persons who have the right of double voting. Take the case of graduates. They have their own constituency and they can also vote as taxpayers. Again there are taxpayers and taxpayers. Because certain people may have double voting, I do not think that is an excuse for eliminating them. If we look to the original intention of the measure clause 6 runs thus :

"Four shall be representatives of labour employed in different trades and industries in the city who shall be nominated by Government in consultation with the representatives of labour organizations."

Labour organizations are there. They have been registered under the Trade Unions Act. These labour organizations at present consist of manual workers as well as those who do not do manual work. If we look to the intention of the mover himself, as has been pointed out the word "manual worker" was inserted in the select committee at his own instance. Perhaps he wanted to make a distinction between manual workers and other workers who are members of the trades unions. When this bill was given a first reading there was not such a distinction made and labourers whether they are manual labourers or other labourers were included in it. Therefore because there will be double voting I think they should not be excluded. I think the House would be well advised in carrying the amendment moved by my honourable friend Mr. Joshi.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : In discussing the amendment moved by my honourable friend Mr. Joshi I am faced with an initial difficulty with regard to the clause as it is passed by the select committee and I trust honourable members of this House will follow me in this particular matter with some attention because I find that the clause as it is now drafted defeats the very purpose of the original bill and so also, I am afraid, the amendment moved by my honourable friend Mr. Joshi. It is said in this clause that "a registered trade union means a trade union of manual workers employed in trade and industry, etc." Take now, for instance, the mill hands of Bombay. They are certainly manual workers and they are employed in an industry. But are they employed also in trade ? Because manual workers under this clause must be employed in trade and industry. In the Indian Trade Unions Act a "worker" is defined as one who is employed in trade or industry. It may be that this is the handiwork of that interfering factor—the printers' devil—and probably that is some justification for adopting the amendment of my honourable friend Mr. Marzban, who wants the bill to include proof-readers. If the wording of the clause is due to a slip then I think we should correct it at a very early stage. Because if it remains even the mill hands are likely to be excluded under this clause.

Then, Sir, coming to the amendment of Mr. Joshi, what does he want ? He says that a registered trade union means a trade union registered under the Indian Trade Unions Act. He does not make any specific mention of "manual workers."

Mr. S. C. JOSHI : May I rise to offer an explanation ? I have given notice of an amendment to clause 4 wherein I say "every member who

[Mr. S. C. Joshi]

is a manual worker" so that only manual workers will be entitled to vote. I do not want at all that the clerks should be excluded altogether. Those manual workers who are also members of the trade unions and who are working in industries should be given a vote. That is my object. It was the intention of the select committee to give the benefit to manual workers and also other workers who are members of the registered trade union.

Mr. JAIRAMDAS DOULATRAM: Sir, I am afraid the explanation offered does not clear the position completely. I am not concerned with his amendment to clause 4. If it is not carried, I hope my honourable friend will agree that the difficulty I am pointing out will remain. Now look at the definition of a trade union in clause 2 of the Indian Trade Unions Act. This is what we find:

"Trade Union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers" etc.

Now if the definition of a registered trade union remains as my friend Mr. Joshi wants it to remain, it means that if there is a trade union in which the employers only are concerned and the trade union is intended to regulate the relations between employers and employers then its members only would have a vote under this clause. For it is stated that the "registered trade union" means a trade union registered under the Indian Trade Unions Act and I contend that under the definition of the trade union as contained in clause 2 (x) of this Act it is clear that the trade union may be of capitalists only and yet it will not be excluded if the definition of Mr. Joshi is accepted. I want to know what exactly he wants. Does he or does he not wish to exclude the trade unions of capitalists?

Mr. S. C. JOSHI: Clause 4 will deal with it.....

Mr. JAIRAMDAS DOULATRAM: Clause 4 is not yet passed, and it may or may not pass.

Then it appears to me that it is not fair as our friends the representatives of labour want, to confine the bill only to such manual workers as are employed in either trade or industry. I do not know if the 50,000 or one lakh of domestic servants in Bombay can be said to be employed in "trade." I really do not know what merchandise they deal in. I am certain they are industrious. Our appetite is evidence of it, but can you say that they are employed in an "industry"? I am certain that the Council chaprasis are not employed in any industry. Though most of the time they have only to stand and wait, yet they must be said to be industrious. But are they employed in any "trade" or "industry"? Are you therefore going to deny them the benefit of the bill? I would like to ask if Mr. Joshi definitely wants to exclude all these labourers. I find it is definitely stated in the statement of objects and reasons of the bill that the bill is intended not for the purpose only of manual workers in "trade" or "industry" but for the representation of labour as such and I myself believe that our friends who want to give franchise



[Mr. Jairamdas Doulatram]

through the trade unions registered under the Indian Trade Unions Act are committing a very serious mistake in permitting only traders and industrial workers to the exclusion of many other classes of labourers. For this reason, Sir, I am not able to accept the honourable member Mr. Joshi's amendment. At the same time, I think the retention of the clause as it stands will be very unfair to labourers not employed in trade or industry.

Mr. F. W. ALLISON: I think, Sir, there has been some slight misunderstanding on the part of the honourable member Mr. Deshpande. The honourable mover of the amendment explained that he had a further amendment to propose, and I will come to that later. With regard to what the last speaker said, it is really a matter of policy for the House, not for the Legal Remembrancer. But I would like to point out to the House that all these matters were thoroughly considered in the select committee. This bill is the first of its kind, I believe, in India, and will create a beginning of the representation of labour, and the select committee thought it best to frame, not the ideal bill—as the honourable member Mr. Jairamdas seemed to suggest—but a practical bill. And the only way in which, under such circumstances, it was practical to obtain any representation for labour was, the select committee thought, through the trade unions. That, I think, answers the objection of the last speaker. But, if you do not get it through the trade unions, the select committee considered every possible way and came to the conclusion that there is no immediate means of securing representation of labour at all.....

Mr. JAIRAMDAS DOULATRAM: Does the honourable member the Legal Remembrancer admit that under the trade unions, even trade unions of capitalists and employers can come in, and secondly, whether under the clause as it is, it does not bar out all the millhands because they are not employed in trade and all the labourers in the labouring profession because they are not employed in industries?

Mr. F. W. ALLISON: I will answer that question at once. Under the clause as it stands, I am quite sure it will not enable trade unions of employers to have any representation or to vote for the election of representatives to the municipality. As for the expression "workers employed in trade and industry", I submit that the honourable member, in my opinion, has not appreciated the legal meaning of the expression as it stands. But, if he would like the substitution of the word "or" for the word "and", to make the matter plainer, I see no objection. But even as it stands, it would not, to answer the specific question of the honourable member, enable the representatives of trade unions of capitalists or employers to have the right to vote indirectly or to send representatives into the Council. But, however, I think it might be advisable to change the word "and" and substitute "or" for it.

With regard to the two amendments proposed by the honourable member Mr. Joshi, the one on this clause and one on clause 4, the reason, as I understand it, for his moving them is that there are trade unions

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which actually contain both manual workers and workers who could not be described as manual. Whether that is exactly so, I do not know. But the effect of this amendment or the proposed amendment to clause 4 would be that, if in any trade unions there are persons who are employed as manual workers and who are not manual workers, only the former would be entitled to vote. I hope, Sir, that I have explained all the points.

Mr. R. S. ASVALE : I would like to move an amendment to insert the word "or" instead of the word "and."

The Honourable the PRESIDENT : That is there. There are so many other amendments. We shall see to that later.

Mr. S. C. JOSHI : My only object, Sir, is that all the registered trade unions, however composed they may be, manual workers or non-manual workers,—and of this type there are 99 per cent. in existence at present mixed with manual and non-manual workers—should have representation given to them, but the voting should be confined only to those members who are manual workers, and with that end in view I have given notice of an amendment to clause 4, and therein also I do not want to include the words "trade and industry," so that those workers like municipal sweepers and others who are not employed in trade and industry but in a municipality, may also come in. Therefore, if that amendment is also accepted, the difficulty that may arise in practice would be removed. I hope that the House will pass the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the amendment and I am agreeable to the word "or" being substituted for the word "and" in clause (ee) of clause 2. When a reference was made to the Bombay Corporation with reference to this bill, the reply returned through the President was that all registered trade unions registered under the Trade Unions Act and composed of *bona fide* industrial and manual labourers should be included. That is what they wanted the bill to be restricted to. And, therefore, I see no difficulty in allowing the present words to remain, with the change of the word "and" to "or", so that, with the further amendment which is going to be proposed, only manual labourers, *bona fide* industrial and manual labourers, will be entitled to vote, though a trade union may be composed of a mixture of manual labourers as well as clerks. So, I think the clause (ee) as it stands ought to be allowed to remain, except for the change of "and" to "or". I oppose the amendment.

Question put and lost.

Mr. F. W. ALLISON : The formal amendment of substituting "or" for "and" might be put, Sir.

The Honourable the PRESIDENT : Yes. There is the formal amendment as follows :

In clause 2, sub-clause (ee), in place of the word "and" between the words "trade" and "industry" the word "or" be substituted.

Question put and carried.

Mr. S. K. BOLE : Sir, I beg to move the following amendment :

In clause 2 delete (ff) and (gg).

I am not in favour of these electoral colleges. That is a complicated system and leads to indirect elections. As far as this Council is concerned, there was indirect election before. Local boards were to elect their representatives and these delegates were to elect representative of the House. That has been removed now.

There should not be this indirect method of election. I am for direct election. There should be an electorate of the manual workers and then they can elect their representatives.

Question proposed.

Mr. SYED MUNAWAR : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Bole. It seems to me that in his opinion it will be a very easy affair to have a direct election from all the labourers in the city of Bombay and he appears to suppose that even if he is not connected with any registered trade unions of manual workers, he can easily come into the municipality by the direct election which he advocates. I do not mean to cast any reflections on the honourable mover of the amendment or to impute any motives to him, but I should like to impress upon him that whoever works for labour through their registered trade unions will certainly get a chance of being returned by them to the Bombay municipal corporation, by means of the electoral college. An electoral college will not entail heavy strain or expenditure upon the poor unions of manual workers and as such it is the safest and best form of a labour constituency at the present time. Under these circumstances, Sir, I hope my honourable friend Mr. Bole will please see his way to withdraw his amendment.

Mr. N. A. BECHAR (Karachi City) : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Bole, the representative of labour in this House. My honourable friends here (round about me) are asking me to taunt him and to say that he is a "nominated" member for labour. Sir, I am not going to enter into that acrimony on this occasion. I want to present to this House the practical difficulties that will be involved by the acceptance of this amendment.

I want to draw the attention of this House to this fact that the whole of this bill is based upon the right of labour to represent itself on the Bombay municipality just on the same grounds on which the Chamber of Commerce, the Indian Merchants' Chamber and the Millowners' Association have got their representatives on the Bombay municipal corporation. When this bill was circulated, in the statement of objects and reasons it was clearly pointed out that because those bodies are represented, trade unions should also get their right to elect three representatives on this body. Therefore, Sir, this representation is on a par with the representation of other bodies with this difference that the system adopted by the select committee (of which I had the honour of being a member) is somewhat different from the system followed by the Chamber of Commerce. In this particular case it so happens that about 50,000 or 60,000 workers will have the right of vote and when this bill

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was sent to the Bombay municipality, they favoured the representation of labour on the ground that it is possible for them, without spending large sums of money and without creating any sort of a big machinery for carrying on the election of labour representatives, to grant representation specifically to trade unions of which there is a very large number and of which I gave figures last time. The Bombay municipality had the benefit of hearing the labour leader, Mr. N. M. Joshi, who gave them complete data and assistance in order that the municipality might see their way to recommend to Government to concede this right of representation to labour. There is a history behind this question of the representation of labour on the Bombay municipality. Previously also a bill was brought forward and our honourable friend, Sir Ghulam Hussain, who was then in charge of the Department of Local Self-Government, opposed the bill and a number of bogeys were raised by the representatives of the millowners and others as a result of which, the bill was thrown out. Fortunately, our honourable friend Mr. Syed Munawar, who is also nominated for labour, so brought forward this bill that it was somehow made possible for Government to accept its first reading. At that time objection was raised that the principle of nomination will certainly not be acceptable to this side of the House and the select committee, in order to give effect to the criticism that was levelled against it introduced the system of election. Having introduced the system of election, we had then to contrive means whereby the municipality of Bombay would not come forward before the Government and say "you have so framed the bill and so made the Act that it is impossible for us successfully to grant representation to four representatives of labour by means of direct election consisting of an electorate ranging over 50,000 or 60,000." Therefore, what we did was that we let the trade unions have their representatives from among themselves by a system of electoral college with right to 200 members to elect one delegate and those delegates electing four representatives on the corporation. That is the best solution of the difficulty and my honourable friend who is interested in having direct elections may rest assured that I am in entire sympathy with his proposition but that we have got to consider the practical difficulties and if my honourable friend presses his amendment, the result will be that there will be a deadlock, probably the bill will not be acceptable to the Bombay municipality, the election of the Bombay corporation is coming off in next January and I am sure it will be impossible for the Bombay corporation to prepare such a large electoral roll in time and to set up the whole machinery in time to enable Labour to return four representatives on that body. The effect of this amendment will therefore be that Labour will be deprived of the right of sending their representatives to the next corporation. Surely, my honourable friend Mr. Bole does not expect Government to so bring an amending bill as to prolong the life of the Bombay municipality merely for the sake of giving an opportunity to that municipality to prepare an electoral roll and thus ultimately to make it possible for labour representatives also to be elected at the next election. Therefore, I feel, Sir,

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that in the interests of labour, which is at the heart of my honourable friend Mr. Bole, he ought not to press this amendment at this stage. I would advise him and most earnestly request him to drop his amendment this time. Let us gain experience of this system of election, this time. Let one election at least take place and if we find that it does not work well and that there is some difficulty, then will be the time for us to amend this Act so that ample time may be given to the municipality to prepare their roll for the next successive election, and thus achieve the object my honourable friend has in view. I do repeat the warning which I have just given that if he insists upon this amendment and if the House is in a mood to accept it, the effect of that will be that Labour will be deprived of the right of sending representatives at the next election. It was with great difficulty that we have somehow achieved this small measure of success by obtaining the right of representation for labour. It is thus opening a new chapter so far as Labour is concerned that their rights of electing representatives are now being recognised. Of course, it may not be a full right, but I think it is a right which we ought to cherish and ought not to allow to be taken away by imaginary difficulties by those who are certainly not very sympathetic to Labour as it is. I therefore trust that my friend Mr. Bole will not allow his zeal for direct election to outrun his discretion.

Mr. R. S. ASAVALA (Bombay City, North): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Bole. If the amendment is accepted, it will be very difficult and troublesome to have a double election, one a general election of all the voters including some of these labourers, and the other election purely of labourers which will be such a big election, as the number of voters will be nearly 5 to 6 lakhs. It will also be very difficult for the Municipal Commissioner in charge of the electoral roll to prepare such a roll. It will be very troublesome for those in charge of the industries or the trades wherein such labourers work, as they will have to keep the registers which would be very big. Taking for example the mill industry, it will be very difficult for all the millowners to maintain registers giving the names of the workmen with all the qualifications they require for voting. The object of bringing in this bill and giving representation to labourers was this, that the labourers should be united together by forming their own union as the millowners and the merchants have done. It was also the object to teach the labouring classes as to how to make use of their right of franchise, which they may have when there is such a universal franchise, and unless they are taught to use their own right of voting, it will be very difficult for Government to introduce the system of universal franchise. With these few remarks, I hope my honourable friend Mr. Bole will immediately withdraw his amendment in order to save the time of the House.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I should like to place before honourable members some of the difficulties which would arise as a result of the removal of this clause, and it will be for the House to consider whether it is necessary to defeat this amendment. Now, it is

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not denied that this is a fresh experiment in the representation of labour on the Bombay Municipal Corporation. The principle has been admitted once by this Council, it is admitted even by the honourable member Sir Vasant Rao Dabholkar, and therefore, as it is an experiment, a practical method should be adopted to ensure that labour is rightly represented. The honourable mover of the bill himself wanted not more than four members for labour. We were all agreed at the first reading and in the select committee, and we are all agreed even now that the number of members to represent Labour should not exceed four in order to represent 50,000 to 60,000 labourers; that is to say, it would be about 15,000 votes per member. Under these circumstances, in order to give representation to 60,000 labourers at one and the same time, the practical side of the situation should be considered, and it should be seen whether it would be advisable to call 60,000 voters to the poll in order to elect only four members for the representation of labour on the Corporation. Under these circumstances, the select committee thought of introducing another system, which the Morley-Minto Reforms scheme introduced as an experimental or tentative measure. When that kind of representation was in force, the municipalities and district local boards were allowed to elect one member for the Council for 10,000 inhabitants. There was an electoral college, which had to vote for members to be sent to the Legislative Council. Subsequently, as the experiment went on, and as experience was gained, direct representation was given for the Council. This is similarly an experimental measure, and it is confined to only one city for about 50,000 to 60,000 manual workers, which is too large and unwieldy a number to bring to the polls. I would therefore submit that in respect of these people, the system of electoral colleges should be adopted at the present stage.

Another difficulty that would be present is that this will be for a special representation of labour, but members of trade unions who have a right to vote for the representation of labour cannot be denied the right to vote if they are voters in the general constituency for the ordinary 106 members of the Corporation, if they are enfranchised on the rental basis; if they have the right to vote in any other way, they can bring it to bear upon the other members of the Corporation. That cannot be taken away from them. If that is not taken away from them, then there will be 50,000 to 60,000 people, or at least those of them who are enfranchised on any other basis, who will go to the polls twice. If an electoral college is framed, or if collective voting of this kind is adopted, the number of votes will be very small, and on that ground also I would advocate that this system of delegates—how those delegates should be elected is a matter which has to be discussed hereafter—should be introduced as an experimental measure at present, so that the matter may work satisfactorily for some time.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the amendment of my honourable friend Mr. Bole. We should go according to the principle. We should not fight shy of the principle, because the number of voters will be large. When we have direct

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election, we want to progress further rather than go back to the antiquated system of representation according to the Morley-Minto Reforms, according to which members to this Council were returned through two channels; the village people were electing members to the district local boards, and the district local boards in their turn returned members to this Council. Of course, the result of not accepting the amendment would be that we would be going back to that vicious system. Why should we fight shy of the principle because there will be 60,000 voters? But it should be remembered that only those who are members of registered trade unions will be entitled to vote. My honourable friend Mr. Bole does not say that the municipality should make a big list of 500,000 or 600,000 lakhs of labourers, but only those labourers who are members of registered trade unions will elect their representatives on the Corporation. I think that the clumsy process advocated in this measure will be as difficult as the method of direct election, because these members of registered trade unions will have to elect their delegates, and there will be the same difficulty of going to the polls as in the other case. In the other case, they will be able to vote for the member whom they wish to send to the Corporation. This indirect election is not desirable in this democratic age. Therefore, on principle I heartily support the amendment moved by my honourable friend Mr. Bole. The House perhaps appears in the mood not to accept the amendment, but if the House does any such thing it will mean that we are not progressing, but we are going in a retrograde direction and advocating things which are not desirable. If the House passes the amendment moved by Mr. Bole, I do not think there will be any objection, because labour will get their representatives. The registered trade unions are there; a list of members is there, and there will be no difficulty in making a collective list of members of all the trade unions and arranging an election. In my opinion, it will be less difficult to arrange for a direct election for the representation of labour, and therefore I think the House will be well advised in accepting the amendment.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I am afraid I am not able to follow my honourable friend Mr. Swaminarayan when he says that the acceptance of the clause will exclude adult suffrage. It does not. As a matter of fact it is open to him, as the honourable member Mr. Bole is attempting, to enfranchise a much larger number of the inhabitants of Bombay, until we may reach adult suffrage for the ordinary ward elections. Is it not thus possible to have adult suffrage for elections to the corporation independently of this clause? Until you reach the stage of adult suffrage for the ward elections we can have the system of electoral colleges for the representation of particular special interests.

Secondly, it is not a question of 5 lakhs or more of voters. It may be that in this particular year or for a few more years there will be a small number of members in the registered trade unions. But we surely expect this measure to be on the statute book for some time. When the population of Bombay increases, when the number of registered trade

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unions increases and when the membership of these trade unions increases, there will be a very large number of persons exercising the franchise.

Then the honourable member suggests that the municipality should prepare the electoral roll. In my view the difficulties are very much minimised under the system now proposed. The trade unions have got their own register and it is much easier for them to prepare the electoral roll. It will be very difficult for the corporation to do except by setting up separate machinery for the preparation of the electoral roll of the members of trade unions qualified to vote.

Then the honourable member stated that there was going to be a double channel for election. On the contrary a double channel will be prevented if we accept the clause as it stands. If we accept the honourable member Mr. Bole's amendment, there will be first the channel through which the inhabitants of Bombay will be electing a certain number of representatives at the ward elections and the second channel will be the trade unions which will consist of 50 or 60 thousand men. Many of these latter will probably vote in both electorates. That double channel is prevented by the system of electoral colleges. There is a further advantage in having electoral colleges for the purpose of electing representatives of special interests. If there is a direct election by labourers the issues raised in the ordinary ward election are likely to be mixed up with the issues which ought to be raised in a proper labour election. It is only when labourers elect their delegates through the trade unions and the delegates elect their representatives from among themselves that the proper labour questions will form the issues on which the elections will take place. It is dangerous in the interest of labour that the issues of labour questions should be mixed up with the issues raised in the ordinary ward elections. For these reasons, Sir, I oppose the amendment proposed by Mr. Bole.

Mr. P. R. CHIKODI (Belgaum District): Sir, I rise to support the amendment moved by my honourable friend Mr. Bole. I am surprised that the honourable member from Hyderabad should have opposed the principle of direct election. The principle of indirect election that has been incorporated in the bill is vicious and has been condemned by the Montagu-Chelmsford Report and abandoned in all democratic countries. This sort of indirect election leads to the formation of close corporations and cliques. First some delegates are to be elected and they are to send in turn some representatives. This restriction means that there will be no real representation of labour. When my honourable friend from Hyderabad stated that the issues raised on labour should not be mixed up with the municipal matters, where is the necessity to send in representatives at all to the corporation? It is because they want to safeguard their interests they want to have representation. In order to protect their own interests they must have direct representation. How this is to be secured is a matter which Government will have to find out. I express the wish that they will do so. With these words I support the amendment.



Mr. S. K. BOLE : Sir, I thank those honourable members who have spoken in favour of my amendment. (An Honourable Member : They are only two.) But they are very important two. They have replied to the points raised by those honourable members who spoke against the amendment. Many of them are labouring under a misapprehension. I do not want that the right to vote should be given to all who are not members of any trade union. I want that the definition in section 2 to remain there. That means that I want those who are members of trade unions should have the right to vote but I do not want this indirect method of election.

It was stated that the municipal commissioner will find it difficult to prepare the electoral roll. Even according to the provision in this bill the municipal commissioner will have to do that. According to my amendment the commissioner will be saved the trouble of having a separate electorate of the delegates. It will be double cost to the municipality also. The labourers will get their privilege of direct election which is necessary in these democratic days. Criticisms were levelled against me and I do not want to deprive them of their monopoly to do so. I can further say that I have survived all these criticisms.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I oppose the amendment and I only beg to say that a reference was made to the corporation. The corporation has made the suggestion to set up an electoral college. Accordingly, this provision in the bill has been inserted by the select committee.

Question put and lost.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the amendment which I move runs—

In clause 2 (ff), omit the words " officers or ".

Sir, the clause says " Delegate' means a person elected by the officers or members of a registered trade union as a member of the electoral college under the provisions of section 21-A." What I object to is the retention of the words " officers or "; that is to say, I do not want the delegate to be elected by the vote of the officers, who as the context shows need not be members. In support of that point I will ask the honourable House to read clause 4. According to section 11-A, which this clause seeks to introduce, an officer need not be a member of the trade union ; an officer is something different from a member. That is also the intention of clause (ff), because it says " 'Delegate' means a person elected by the officers or members of a registered trade union." So that, it is very clear that an officer is distinct from a member. If a person cannot be an officer unless he is a member, then the word " officer " is absolutely redundant throughout the bill. The bill, as it has come from the select committee, contemplates in very clear and unambiguous terms two entities ; one an officer who need not be a member and another a member. I move the amendment because I think that officers, as officers, should be excluded from voting. Now my objection to this bill from the very start has been that attempts have been made to get through this bill not for the benefit of the genuine labouring classes with a view to

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get representation to them, but by the capitalist representatives of labour to represent labour men who are as rich as any capitalist in Bombay. Because they happen to favour the Labour movement they call themselves Labour representatives. That is what I object to in this bill. I stand by Labour; let Labour be represented by genuine and true representatives of Labour; as in England, let Labour represent itself; let there be Keir Hardies here as elsewhere. But what happens on this bill is that capitalists, simply because they officer a trade union—people rich enough, people who do not work with their hands, simply because they become officers—they want the vote. That is what I object to. The officer, if he is a member, let him have a vote; but an officer who is not a member should not have the vote; and, therefore, the words "officers or" are absolutely unnecessary there. You will see, Sir, that down below in clause 4 special treatment is proposed to be given to an officer; if a person is an officer he is not bound by the qualification prescribed for a member that he should be a member of three months standing, but he need have joined the union only a day before. That is what I object to. I consider that the officer should have no further status than a member, and the vote should be open only to members and to none other. It is with that intention in view that I move the amendment.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Mr. President, I rise to oppose the amendment. It is a matter of great surprise that our honourable friend Mr. Pahalajani has somehow suddenly developed sympathy and concern for the labouring classes. Sir, if he wanted to show real sympathy for the labourers, an opportunity was given to him when the previous bill for giving representation to Labour was before the House. But then he, with the weight of his whole party, threw out the bill which was intended to give three or four representatives to Labour. Now, Sir, when after strenuous labour we have prepared and brought before the House a workable bill, objections are being taken on one ground or other, and attempts are made to make it less effective than it is made by the select committee.

Sir, the honourable member Mr. Pahalajani quoted the precedent of England. I wonder, Sir, whether he has any working knowledge of the Labour party in England. (Mr. B. T. Desai: What have you?). I have because I am in touch with it and I read a lot of literature of the Independent Labour Party and the Trade Union Congress. (Mr. B. T. Desai: That is second hand knowledge). Sir, may I answer the honourable friend who interrupts me saying that if my knowledge is second hand I question the first hand knowledge of my honourable friend Mr. Pahalajani? Sir, the effect of this amendment will be that Labour in its infancy will be deprived of the counsel, assistance and guidance of people who are Labour through and through. I ask my honourable friend Mr. Pahalajani, with all his supposed sympathies for Labour, to become an officer of a trade union. He will then know what it is to become an officer of a trade union. He will have not

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only to espouse the cause of Labour, but cultivate its sentiments and spirit. Even today, after many years of organisation, in England you find that the Parliamentary Labour party is composed of people who are members of Independent Labour Party and officers of trade unions. I ask him, Sir, whether all those trade union officials, full-timed and paid officials, in England are actual manual workers. Do they work in the mines or factories? Some of them have no doubt worked as labourers at a certain stage. Keir Hardie, whose name was mentioned, did not till the last day of his life in Parliament do labour work in the mines or factories. Therefore I hope we will hear no more of this kind of bunkum. So long as the interests of labour are represented, so long as their cause is espoused it answers the purpose we have in view. The officers are elected by and hold their office at the sufferance of the labourers and as such the labourers must have the right to choose their own representatives and I ask my friend Mr. Pahalajani what right he has to deprive them of that right. I therefore hope that this amendment will be summarily thrown out.

Mr. R. S. ASVALE (Bombay City, North): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Pahalajani. I am really astonished to hear him say that the officers of the trade unions should not be taken as members of the trade unions. But, Sir, may I inform him that under the Trade Unions Act not only all the officers of the trade union are members but even the honorary officers are also considered as members of that union and that such officers have to pay more attention to the interests of labour than the labourers themselves do? They spend their whole time and energy in the interests of labour. They are not paid servants, but they are honorary workers doing work in the interests of labour. May I ask my honourable friend how many officers are there in the registered trade unions at present in Bombay? May I tell him that there won't be more than 20 such officers. Would these 20 officers be a burden on nearly 30,000 to 40,000 labourers? These 20 officers are in the hands of 50,000 or 60,000 people, and I do not see any reason why they should not have the right of becoming members. I trust honourable members will not oppose such a clause which was suggested in the select committee by the Honourable Minister himself. I need not add anything further because I do not wish to take up the valuable time of the House. The report has gone through the select committee with the help of the Legal Remembrancer and the Honourable Member in charge. With these few words, I hope that honourable members including Mr. Pahalajani will not oppose such a simple provision and withdraw his amendment.

Dr. M. K. DIXIT (Surat City): I rise to support the amendment moved by my honourable friend Mr. Pahalajani. I do not wish that the mover of this important amendment should be left alone without any support. It is a matter of pity—not because I have to support it—but because I have to oppose those honourable members who have

[Dr. M. K. Dixit]

opposed this amendment. When honourable members who opposed it were speaking it was whispered that probably they are officers of the trade unions.

An Honourable MEMBER: They are.

Dr. M. K. DIXIT: I am very glad they admit they are and it is quite natural that they should come forward and oppose this amendment. Now, Sir, members who are eligible to become members of the trade unions ought to be manual workers and I do not see why their delegates should not be manual workers also. Is it not possible for a man who is a manual worker and yet be able to guide the trade union with advice and assistance? Are there not many people in the mills and industries who are really manual workers and yet able to manage works and factories worth lakhs and crores of rupees and also able to give advice to and to guide the trade union? It is quite possible, and therefore I submit that if you want to keep the word "officer" it must be qualified by saying "officers who are also manual workers". Then the necessity of removing the word "officers" would not arise and it can remain. But as officers are differentiated from members, I support the amendment. I hope this amendment will be accepted by the House.

Mr. B. G. PAHALAJANI (Western Sind): I am extremely gratified at the opposition that my amendment has met with, because, Sir, that opposition comes not from genuine representatives of labour but from honourable members who are themselves affected. If I am not mistaken one of them is an officer of the trade union and has a small palace from which he directs labour. I am glad that the directors of labour, the advisors of labour and the officers of labour who live in palaces come here to oppose this amendment. But they have nothing to do with labour in their capacity as such. Twenty is the number of officers quoted by the previous speaker and I am surprised that these twenty or twenty-five office bearers should be so anxious to get a vote. These 20 or 25 officers have nothing to do with labour; they give their advice and direct labour and at the same time they do other work also and are rich. I am surprised that these 20 or 25 should raise this opposition for a vote among this huge assembly of 50,000 or 60,000 labourers. It appears very odd and it is a pity that the honourable member from North Bombay should raise this opposition for the sake of one vote. I am not going to withdraw my amendment; I am gratified at the opposition it has met with. I have great sympathy for labour and this opposition is in the interests of the officers themselves and for nobody else. I hope the House will pass my amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI: I have nothing to say, Sir, and I will leave it to the honourable members opposite.

Question put. House divided. Ayes, 37; Noes, 14. Motion carried.

*Division No. 4.***Ayes**

ADDYMAN, Mr. J.  
 AMIN, Mr. H. J.  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DESAI, Mr. B. T.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GUNJAL, Mr. N. R.  
 HARRISON, Mr. R. T.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 KARRI, Mr. M. D.

LELY, Mr. W. G.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 NARIMAN, Mr. K. F.  
 OLIVEIRA, Mr. F.  
 PARALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 RAHIMTOOLA, Mr. HOOSHWALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 SARDESAL, Mr. S. A.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PRUSHOTTAMRAJ G.  
 THAKOR OF KERWADA, the  
 THORNBEE, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 WADIA, Mr. N. J.

*Tellers for the Ayes:* Mr. B. G. PARALAJANI and Dr. M. K. DIXIT.

**Noes**

ALLISON, Mr. F. W.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALI, Mr. R. S.  
 BECHAR, Mr. N. A.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 JORHI, Mr. S. C.  
 LALLJEE, Mr. HOOSHEBHOY ABDULLA-  
 BHOY

LIGADE, Mr. S. P.  
 MANSURI, Khan Sahab A. M.  
 NAVLE, Mr. N. E.  
 SHANKARRAO JAYARAMRAO ZUNARRAO,  
 Mr.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MUHAMMAD KAMIL SHAH  
 VANDEKAR, Rao Sahab R. V.

*Tellers for the Noes:* Mr. N. A. BECHAR and Mr. R. S. ASAVALI.

The Honourable the PRESIDENT: Now I put the whole clause as amended by the select committee to vote.

Clause 2, as amended, ordered to stand part of the bill.

Clause 3 (*Amendment of section 5 of Bom. III of 1888*).

In section 5 of the said Act, (a) for the word "sixteen" the word "twelve" shall be substituted; and

(b) below the words "one by fellows," the following shall be inserted, namely:—  
 "four councillors elected by delegates."

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I beg to move the following amendment:—

(1) In clause 3, for the word "twelve" substitute the word "fourteen."

(2) In sub-section (1) of section 5 of the City of Bombay Municipal Act, 1888, for the words "one hundred and six," substitute the words "one hundred and eight."

In support of this amendment, I wish to draw the attention of the honourable members to the minute of dissent by Messrs. Maxwell and Allison which runs as follows:—

"Government, by means of nomination, has to provide for the representation of a variety of interests including its own. We cannot therefore agree to a reduction of more than two out of the present number of 16 nominated councillors.

If more than two seats are to be reserved for the election of labour representatives, any additional number should be provided by increasing to that extent the total number of councillors in the Corporation."

In section 5 of the City of Bombay Municipal Act III of 1888, the words are "The corporation shall consist of 106 councillors." According to

[Dewan Bahadur Harilal D. Desai]

the second part of my amendment the figure 6 would be changed to 8, i.e., two more would be added to the total number of councillors, and in the case of 16 councillors appointed by Government, the word "sixteen" would be changed to "fourteen." While four seats are being given to Labour, two are to be taken out from nominations which provided for two labour seats and two are to be increased to the total strength. I submit the House will accept my amendment.

Question proposed.

*(After Recess)*

### INDIAN STATUTORY COMMISSION COMMITTEE.

The Honourable the PRESIDENT: Order, order. Regarding the nominations for the election of a member in place of the Honourable Mr. Jadhav, I find that fortunately there is only one nomination namely, that of the honourable member Rao Saheb D. R. Patil. His name has been duly proposed and seconded and I therefore announce him as the duly elected member on the committee.

*(Clause by clause reading of the City of Bombay Municipal Act Amendment Bill resumed)*

Mr. HOUSEINBOHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to oppose the amendment moved by the Honourable the Minister for Local Self-Government. I am very sorry to have to oppose an amendment, which goes against the express desire of the Bombay corporation, which has been moved by our newly appointed Minister for Local Self-Government. We have often heard in this House from the Members of the Executive Council as well as the respective Ministers for Local Self-Government who have held that portfolio, in and out of season, that they always respected and wanted to go by the opinion of the Bombay municipal corporation. In this instance, the corporation has clearly and definitely said that they would be prepared to give seats to representatives of labour and that those seats should be taken out of the number of nominated members. --

Sir, we have got 106 members. It is a municipality, although it is given the name of a corporation, and 106 members is not a small number. I do not think there is any such municipal corporation where the number of members is 106, and what is sought by Government now is to increase the number. If anybody is to be given any further representation, the number has to be increased. But I ask, why are these 16 nominees there? I may point out that Government nominate persons to represent various interests, various communities and their own interest as they say. But when the various communities are given direct representation, I do not think it is justifiable that the number of nominated members should remain as it is. Some time back, the Indian Merchants' Chamber did not have a representative; they got it; the Millowners' Association also did not have a representative on the Corporation, but they got it, and now we are offering 4 seats to Labour. Still, Government say that

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the number of 16 nominated members must remain. The most surprising thing to me is that the Corporation having expressed a desire not to have any further increase in the membership, the then Minister in charge (the Honourable Mr. Pradhan) having stated in this very House that it is not right to interfere with the affairs of the Corporation because it is a corporate body, and even in the High Court it is almost a rule not to interfere with the affairs of the Corporation, we find the present Minister in charge wishes to interfere and wants to increase the membership. Sir, it is an argument advanced by the Government—and I have already said it is an argument advanced by the Honourable Mr. Pradhan when he was in charge of Local Self-Government and during the last 4 or 5 years I have often found the Honourable Sir Ghulam Hussain when he was in charge of Local Self-Government advancing the same argument—that they have respected and want to respect the views of the Corporation. That being so, it is really unfortunate that this position should have arisen in the time of the new Minister, and that also only when he has recently taken up the reins of that department. But the most surprising thing of all is, and I really want to say it with all the emphasis that I can command, that we find that when the Honourable Minister in charge (Mr. Pradhan) has no objection, has in fact said so in the House, and has not made any minute of dissent, the Secretary of the Department, who is subordinate to the Minister so far as this subject is concerned, when this transferred subject is governed by the Minister, we find a minute of dissent by the Secretary and not by the Minister. I wish certainly to be enlightened by the Government benches as to whether the Honourable Minister can make one statement, or take one view of the question, and his Secretary express another view, and furthermore express it in words that he has used in the minute of dissent on behalf of Government.

The Honourable Mr. G. B. PRADHAN: May I correct the honourable member! Even then and there in the select committee I told the committee that it may be necessary for Government to move an amendment.

Mr. K. F. NARIMAN: Who is the Government so far as Local Self-Government is concerned?

Mr. HOUSEINBHOY ABDULLABHOY LALLJEE: That may be so, but surely the Honourable Minister should have made bold to put down on paper what the Secretary has done. It may be that he has allowed the Secretary to do it, and the poor Secretary has taken up this position while he is subordinate to the Minister. And what does he say? He says:

"Government by means of nomination, has to provide for the representation of a variety of interests including its own. We cannot therefore agree to a reduction of more than two out of the present number of 16 nominated councillors.

Now, Sir, I really wish to ask one more question. Who is it that is nominating these members? Is it a fact that, in the first instance, our own executive officer, the Commissioner is the person who sends the names and makes a recommendation to the Government, and invariably

[Mr. Hooseinbhoy Abdullabhoj Lalljee]

that recommendation of the executive officer is accepted by Government, and that it is really the Commissioner who is given this power of nomination? Sir, when we have a Corporation of 106 members, the great majority of whom is elected by the people, in municipal affairs, our own home affairs, almost social affairs, why should Government want an executive officer to interfere and have his voice in dictating the nominations or otherwise? In fact, if we take the results of the polls we find that a large number of the nominated members invariably vote for what the Commissioner has said, and it is but fair that they should do it, because, in the first instance, it is the Commissioner and the Commissioner alone who can send in their names to Government for nomination. It may be that the Minister does make enquiries. We have found that some Ministers have taken more interest than is probably their duty, however they have many a time to rely upon their Secretaries and the Commissioner, but all the same I give such Ministers credit for it, and I wish that they would do it. I do not feel justified in saying that this Council should be given this power. I do not wish to be personal, but we have had complaints of various kinds as regards the nominated members, and I do wish that Government will at least allow the people to manage their own affairs, without interfering with them in the manner that they are doing by keeping on the Corporation a large number of persons as nominated members. I appeal to the Honourable Minister that he will not flout the opinion of the Corporation. It is only now that he has taken charge of the portfolio of Local Self-Government, and I do wish that he will not begin in this way. Well, Sir, we in Bombay may at least be given credit to look after our own affairs. The administration of the Municipal Corporation cannot be conducted by anybody else, and when we have such a large popular elected majority, I think it is but fair that Government and this House ought to grant that their own people, when they have nothing to say against the administration, should be allowed to carry it on. I for one do once again ask this House to insist upon the recommendation of the Corporation being carried out, in so far as they want that the nominated members should be reduced. With these words, I oppose the amendment.

Mr. A. D. SHETH (Ahmedabad District): Sir, I oppose the amendment moved by the Honourable Minister for Local Self-Government. I enquire why it is that the Government have kept to such a large number of nominated seats for so many years past. Nominated seats are required either if the Corporation is in need of some advice from people whom they do not otherwise get on the Corporation, or if some communities or classes remain unrepresented; or else, nominated seats may be required possibly to have a decent number, if the number is not very decent. In this particular case, I hope that the Honourable Minister would at once concede that out of all the municipalities in India the Bombay municipality is the one which does not require assistance or advice from nominated members.

The Honourable Dewan Bahadur HARILAL D. DESAI: Question.



Mr. A. D. SHETH: The Honourable Minister questions it. I challenge it. Bombay is the one place producing administrators, politicians and.....

The Honourable Dewan Bahadur HARILAL D. DESAI: I beg pardon, Bombay is not the only place for them.

Mr. A. D. SHETH: The Honourable Minister will have to beg pardon of Bombay. Bombay is the one place to produce politicians, administrators, and all sorts of gentlemen who can run and move Government. I say that the record of the Bombay municipality shows that the Presidents of the Bombay municipality have gone into the highest circles, and have distinguished themselves there. The members of the Bombay municipality are a credit to the political life of India, and that is the class of people which comes into the Bombay Corporation and as such they do not stand in need of advice from the nominated element. It is because of these considerations that the Bombay municipal corporation has stated with a unanimous voice that they do not want more than 12 nominated seats. In a place like Bombay why do you want 14 or 16 nominated seats? I consider it an insult to a democratic body like the Bombay corporation to force members of Government's choice who would do nothing else but to sit down to do what Government wants them to do. I therefore wish that the Honourable Minister should not like an old miser stick to his right of nominated seats and thrust these men on an unwilling body. I would rather wish that some honourable member should bring in an amending bill for altogether doing away with the principle of nomination which Government are keeping still in the City of Bombay Municipal Act. The Bombay corporation will not lose anything if members like Sir Vasant Rao and Mr. Bole are not there to help them. They would even get better kind of help. Therefore I hope this House will summarily reject the amendment proposed by the Honourable Minister.

Mr. B. T. DESAI (Bombay City, South): Sir, I oppose this principle of nomination on various grounds. Now, it is made out that these nominations are made to represent various minorities. The first disability of a nominated member is that whatever his convictions may be if he is not faithful to the authority that nominates him he will not be nominated again. This is the Damocles' sword that is hanging on him during the term of his nomination. Whatever may be his conviction the one idea that dominates him is that he must please the authority that nominates him in order to be nominated the next time. The same thing we have seen taking place even in our own House. It has been sought to be made out that these nominations are made to represent various minority interests. But we have seen in practice that these nominated members are no more than Government voters on each and every occasion. I want to be plain and I do not want to cast any reflection on them. Certainly, Government expect them to be faithful to them, the nominating authority. But one does not know what special or minor interests these nominated members represent. But one thing is certain that wherever Government want them to vote they are ready.

[Mr. B. T. Desai]

They cannot go against the wishes of Government. Officials surround them, try to catch them and drag them to vote in a particular way. The same thing happens in the municipality of Bombay also. In spite of the fact that these nominated members are not there to protect any interest, there is still the anomaly in the Act that the commissioner should nominate some men in order to uphold the immense powers that are vested in the commissioner. These powers should not be transferred to the corporation. It is for that purpose these 16 members are there to protect the so-called interests of Government. I have asked questions in the corporation and I still challenge those nominated members some of whom by some misfortune or fortune have been nominated to this Council also to say whether some of them have not been continuously nominated for 10 years, 12 years and 18 years. (An Honourable Member: 30 years.) What minority interests are you protecting there? The answer of course must be one. They must vote according to the wishes of their nominating authority. Otherwise they will not be nominated for the next term. Therefore the principle of nomination must be done away with altogether. So long as the principle of nomination is there, democracy will not work in full swing, as these restrictions act as checks. Though the Honourable Minister was gracious enough to reduce the number of nomination from 16 to 14, I ask him why he should stick to that particular figure 14.

The Honourable Minister referred to the minutes of dissent by Mr. Maxwell and Mr. F. W. Allison. They say:

"Government must provide by means of nomination for the representation of a variety of interests including its own."

This I have dealt with. Then they say:

"We cannot therefore agree to a reduction of more than two out of the present number of 16 nominated councillors. If more than two seats are to be reserved for the election of labour representatives, any additional number should be provided by increasing to that extent the total number of councillors in the Corporation."

I do not understand how their interests would suffer by reducing the number to 12. No valid reason has been given at all. Perhaps like myself the Honourable Minister reads the notes and minutes of dissent by subordinate officers and adheres to their view. On what principle this amendment is advocated I do not know.

Then much has been said in favour of nominated members. So far as Bombay City is concerned you will find that only elected members have risen up in different walks of life and politics. Some of them have had the honour of being elected to the central legislature. But none of these nominated members who are there to protect the so-called minority interests have had ever the good fortune of rising to that position. Of course I would be happy if instances to the contrary are pointed out. As far as my information goes there is none. Nomination is only nomination and this evil should be eradicated.

Sir VASANTRAO DABHOLKAR: Mr. President, I rise to support the amendment.

Mr. B. T. DESAI: Nominated.

Sir VASANTRAO DABHOLKAR: Sir, nominated members are as intelligent as the honourable member Mr. Balubhai Desai. Sir, we have heard in this House times out of mind, certain honourable members like Mr. Hooseinbhoy Lalljee, whenever it suits them, advise this Council not to flout the opinion of the Corporation. Only in July last.....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I never said that: I said that Government were always telling us not to flout the wishes of the Corporation.

Sir VASANTRAO DABHOLKAR: Mr. President, I have heard Mr. Hooseinbhoy advising Government not to flout the opinion of the Corporation. May I know from Mr. Hooseinbhoy what right he had to go against the opinion of the Corporation when they had recommended that the fees for members of the standing committee should not be abolished? Mr. President, honourable members flout the opinion of the Corporation whenever it suits them, but when it does not suit them they want to respect the wishes of the Corporation. It has been stated that the nominated members always support the Municipal Commissioner. But facts and figures have not been produced to prove that statement.

Mr. B. T. DESAI: That is what you have been doing.

Sir VASANTRAO DABHOLKAR: There is no need to go into personalities; the fact is that there is no proof for it.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Refer to the division list and you will find the truth.

The Honourable the PRESIDENT: Order, order.

Sir VASANTRAO DABHOLKAR: I do not mind interruptions, Mr. President. Although it is a fact that the Municipal Commissioner recommends nominations, may I point out that the people's representative, the Honourable Minister, has got the final voice? My honourable friend Mr. Balubhai Desai asked what Government interests have the nominated members watched.

Mr. B. T. DESAI: I did not say that. I said: "What other interests have they? They always vote with Government."

Sir VASANTRAO DABHOLKAR: Can he quote a single instance where nominated members have always supported Government?

Mr. B. T. DESAI: Yourself.

Sir VASANTRAO DABHOLKAR: Mr. President, the nominated members have been doing their duty with an eye to the interests of the whole of the city, but the elected members representing certain wards have been partial to their wards from a lamp post to the water supply. Sir, if you follow the monthly agenda of the Municipal Corporation, you will find that they have been partial to their wards. This is especially the case in the B, C and D wards: the honourable member Mr. Hooseinbhoy Lalljee represents the B ward and the honourable member Mr. Desai represents the C ward. They are always partial to their wards as regards improvement of water supply or to take any sanitary measures. Let them challenge my statement.

Mr. B. T. DESAI : That is not true : not true, I repeat.

Sir VASANTRAO DABHOLKAR : It is a known fact that elected members of certain wards are partial to their wards.—I repeat it without any fear of contradiction ; I have unfortunately no records to prove it here ; otherwise I would have thrown them in the face of the honourable member Mr. Balubhai Desai ; however, the honourable member Mr. Role will bear me out.....

Mr. B. T. DESAI : Also a nominated member.

Sir VASANTRAO DABHOLKAR : These elected members have been partial to their wards. But the nominated members have always been taking an independent view as regards matters pertaining to the City. Mr. President, may I ask my honourable friends Mr. Hooseinbhoj Lalljee and Mr. Balubhai Desai what they did for the depressed classes when there was no representative of the depressed classes in the Corporation ?

Mr. B. T. DESAI : Those who have no eyes cannot see.

Sir VASANTRAO DABHOLKAR : It was the Honourable Member Sir Ghulam Hussain who first nominated a member of the depressed classes on the Corporation. May I ask them what they were doing for the depressed classes for so long ?

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE : Why did not the Commissioner recommend one for nomination ?

Sir VASANTRAO DABHOLKAR : It is not a question of nominating a member : it is a question of doing something for the depressed classes as far as their grievances were concerned. If the Commissioner failed to recommend a nomination, that does not prevent my honourable friends from doing something for the depressed classes for their uplift.

Then, it has been stated that the same members continue to be nominated for fifteen and eighteen years. May I point out that they are there because they have got the confidence of their constituency ? May I tell my honourable friend Mr. Balubhai Desai that he cannot be in the Corporation for that number of years, because he cannot always enjoy the confidence of his constituency in the way he is serving the City ?

Mr. B. T. DESAI : I assure you I will be there for thirty years.

Sir VASANTRAO DABHOLKAR : The honourable member Mr. Balubhai Desai may be a good corporator, but he is a bad prophet. I shall congratulate him if he manages to remain there for thirty years. If he wants to remain there for thirty years, he must be an independent man and look after the interests of the whole city and not only those of his own ward.

Here, the Honourable Minister wants two seats more for nomination : what is the objection in granting those two seats ? It was irrelevant on the part of the honourable member Mr. Hooseinbhoj Lalljee to make any reference to nominated members. It is only a question of giving two more seats by nomination.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Four and not two, and even two seats are an important thing and Corporation does not wish to give them.

Sir VASANTRAO DABHOLKAR: Sir, the interruption shows that members do not know what is passing in this Council. The Honourable Minister wants two more seats to be added. He is quite justified. Out of the sixteen, two will be given to Labour and fourteen will be retained for nomination. There are the depressed classes, and there are other minority interests and about half a dozen Government officials to be provided for. If these have to be provided for, I do not see why there should be any objection to retaining fourteen seats for nomination. It does not reduce the number of councillors in the Corporation: it increases the number from 106 to 108. The more members you get on the Corporation, the better talented citizens will be there. Why do you want to make the Corporation a family concern and confine it to a selected few? Government are seeking to enlarge the Corporation by giving two more seats by nomination. The four new seats for labour are to be filled not by nomination but by election by trade unions and such elected persons will be approved by Government. I cannot understand the argument of my honourable friend opposite as to how the question of nomination comes in. Mr. Desai tried to make out that these seats are to be filled by nomination and not by election. Why should they confuse the issues? That kind of argument may mislead some of the foolish members who may not understand the case.

Mr. President, the honourable member Mr. Hooseinbhoj Lalljee said that nominated members always vote for Government's interests. As I said before, no proof has been given for that. As far as the Corporation is concerned, I do not think nominated members always support the Commissioner. But if they did, where is the harm? You cannot expect the nominated members to follow if my honourable friend Mr. Nariman goes astray or my honourable friend Mr. Hooseinbhoj Lalljee does the same. Why should we follow them? If the Commissioner is right where is the harm in supporting him? This is no fault on the part of nominated members. Mr. President, let me say, before I resume my seat, that the nominated members have done more service to the city than the elected members of certain wards.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, the Honourable Dewan Bahadur is in an unfortunate position. The others before him were very fortunate. Sir Ghulam Hussain always used to carry out the suggestions of the corporation and he never placed himself in a position of interference as regards the wishes of the corporation. When this subject was being debated in this House a big letter from the corporation was read out to us and Government passed the first reading of the bill because that big letter came from the corporation. They said that they wanted to respect the wishes of the corporation even though it was an undesirable thing to do. Now they have gone out of their way and the Honourable Dewan Bahadur finds himself in an awkward position of flouting the wishes of the corporation. Now the honourable

[Mr. J. C. Swaminarayan]

member Sir Vasant Rao said that some of the members of this side of the House go against the wishes of the corporation whenever they like and they were going in favour of the corporation whenever it suited them. Government also do the same; they respect the wishes of the corporation whenever they want and flout their wishes whenever it suits them. On the question of fees for the standing committee Government took up the unpopular side and supported the fees and said that it was the opinion of the corporation. But here Government flout the opinion of the corporation because they want to safeguard their interests. The honourable member Sir Vasant Rao said that Government have no interest whatever in the matter. This is disproved from the minutes of dissent from the honourable members the General Secretary Mr. R. M. Maxwell and the Legal Remembrancer. They say:

"Government, by nomination, has to provide for the representation of a variety of interests including its own."

They have to attend to their own interests and that is why they want this nomination. They say that these nominated members have remained in the corporation for so many years because they are all good men. I may say that they have no electorate. Their electorate is Government and they are simply carrying out the wishes of Government. They carry out the desires of the Commissioner who is a nominated Commissioner. They do not carry out the wishes of any of the communities. Take the case of crematorium for the Hindus. Hindus did not want it. There was a lot of opposition and the nominated members voted according to the desire of the Commissioner.

Sir VASANTRAO DABHOLKAR: The statement made is not correct. That question never came up before the corporation. My honourable friend is absolutely ignorant.

Mr. HOUSEINBOHY ABDULLABHOY LALLJEE: The question did come before the corporation. It is even now on the agenda. Sir Vasant Rao was probably absent on that day.

The Honourable the PRESIDENT: Most of these remarks are properly not on the amendment before the House. Will the honourable member confine himself to the point before the House?

Mr. J. C. SWAMINARAYAN: In these democratic days Government should do away with the principle of nomination in the case of an advanced corporation like Bombay. We should welcome an amendment on the part of the popular Minister doing away with the nominated Commissioner and allowing him to be elected by the corporators themselves. This principle of nomination is there for the purpose of carrying on the affairs of the corporation in the way they want. Nominated members are always utilised by the Commissioner for his own purpose for carrying out the wishes of Government. And what is the result? The corporation has a debt of Rs. 16 crores. Out of an income of Rs. 3½ crores Rs. 160 lakhs are spent in sinking fund and interest.

Mr. R. S. ASVALE: I rise to a point of order. I want to know whether this is relevant.

The Honourable the PRESIDENT: All this is irrelevant.

MR. J. C. SWAMINARAYAN: I want to point out that on account of the carrying out of some of the schemes with the help of nominated members the Bombay corporation is indebted to the extent of Rs. 16 crores. This is the result of the nominated members always supporting the Commissioner. Why should Government now go out of their way and ask that the number of nominated members should be increased by two?

MR. K. F. NARIMAN (Bombay City South): Mr. President, in this debate I only want to urge certain principles—to my mind they are important principles—which are involved both in the amendment as well as in the original bill. I wish to point out that so far as the City of Bombay Municipal Act is concerned when any effort has been made to amend the Act, we, at least on this side of the House, have been trying to democratize the Act as much as possible and any measure that goes counter to that principle of democratization of the Act this side of the House has usually opposed. We have assurances from the Ministers on the other side that they are also for the democratization of the first municipality in India provided that democratization is consistent with the safety of progress. We had assurances from the Honourable Minister who occupied the seat before the present Minister and even his predecessor that there were two principles which they wanted to enforce so far as the Bombay municipality is concerned; one is doing away with this system of nomination which is against the principles of democracy and the other the system of nominating the commissioner as the head executive officer of the Government instead of the corporation electing or nominating its own commissioner. These are the two principles for which the corporation and the popular side of this House have always been protesting and consistently with that attitude we now oppose this amendment as going against the important principle involved in the Act.

Before I come to the merits of the amendment, I must make a passing remark upon a rather embarrassing situation—embarrassing for the Honourable Minister, that has been created by what I consider to be an unconstitutional and indiscreet act on the part of his Secretary.

I want to understand the constitutional position so far as the dissenting member of the honourable member the Secretary of the Local Self-Government department is concerned. And I do want the position to be cleared up particularly when we are at a time when such constitutional tangles should be solved. So far as local self-government is concerned, we want to understand, who represents the Government, who is the Government, so far as this honourable House or so far as the ratepayers are concerned? Looking to the constitution under the Government of India Act, deformed or defective and unsatisfactory as it is, nominally some subjects are made transferred subjects,—one of the most important is the subject of the local self-government, and an Honourable Minister, who is supposed to be, and as a matter of fact is, an elected honourable member of this House,—but unfortunately, again, *nominated*

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by Government as Minister—he is supposed to be in charge of the local self-government. And, so far as this side of the House is concerned, we recognise him as the Member of Government constitutionally representing that department of Government which is a transferred subject. Here, Sir, a very curious situation has arisen whereby we find—I do not speak of the present Honourable Minister (Dewan Bahadur) but the Honourable Minister who just vacated and who presided over the select committee meetings of this select committee—that the Honourable Minister in charge went with the select committee and he endorsed the report of the select committee, whereby nomination was done away with, nominated seats were reduced and the election was given to the labour members. Over the head of that considered opinion of the Minister, constitutionally the head of the department, who is nominally the Government so far as that department is concerned, his Secretary,—a member of the Civil Service, who again, I say, whatever his position in the service may be, but under the constitution certainly occupies a lower position and the Minister is certainly his superior,—over the head of his superior, puts in a minute of dissent which goes absolutely counter and is quite inconsistent with the considered view of the Minister! Now, Sir, I say that is a constitutional tangle which may be solved or may not be solved—it does not matter—and I only draw particular attention to it because it simply illustrates as to what constitution we are working under, how farcical and how fraudulent it is when we say that a responsible Minister is in charge of the transferred department. We have been always clamouring, Sir, that a subject is a transferred one and that a Minister is in charge of it and that he is the head of the department. And nothing illustrates better than the present instance (of this dissenting minute) that the Minister is a mere figure-head and the real power behind the scene is the Secretary and that it is the Secretary who really rules the department, as has happened in the present case. So far as the Minister is strong enough, he adheres to his opinion. He never allows the steel-frame behind him to bend him. He says “I am made of as strong a steel-frame as anybody else and I will not bend to the steel-frame of the Secretary.” That was the correct attitude for a Minister to adopt, and the Minister who presided over the select committee meetings (did adopt it and he went with the select committee report. Unfortunately, a change in the portfolios then came about, and the other Minister comes (to take charge of the local self-government) who cannot resist the force, the powerful force, of the steel-frame behind him, and he bends before it. The result is he is trying to fall in with the wishes of that steel-frame behind him and he sends in an amendment, which I venture to suggest is not the amendment of the Minister but the amendment of the voice behind the scene, of the Secretary, in pursuance of the dissenting minute he has written, and he, the Minister, says “I move this amendment as desired by my honourable Secretary, who is actually my boss (Laughter), although my electorate and the non-official members of the House and I myself do not believe in it, but here is the steel-frame behind me and that is the real power, and I must bend



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(Laughter). That is the position, Sir, practically as it is, without exaggeration. Undoubtedly, they are inconsistent. I do appreciate the position of the honourable member the Secretary, belonging to the Services, when he does desire to have the principle of nomination; and if the reform or the progress in local self-government or in any direction were to rest with our friends, the members of the local Civil Service, we would have a progress in the wrong direction and we would have amendments of a type which take us backward instead of forward, as is suggested by the honourable member the Secretary and formally moved by the Honourable Minister (Laughter). I quite appreciate that that is their point of view—and I don't blame them—but they must also appreciate that that cannot be our point of view. We cannot agree with the principle of nomination, because so long as we continue the principle of nomination, apart from personalities or the persons appointed for the nomination or the mischief played by the nominated persons,—there are a thousand and one mischiefs that are done by them,—the principle of nomination is, of course, subversive of all democratic principles, and if we want democracy, and if you are true to your declaration that “we want the local self-government to progress on the lines of democracy, or democratic principles”—declaration repeatedly made in the House and elsewhere,—then, an amendment of this nature would not and should not be moved by the Minister in charge of the department. But, having moved it, they certainly cannot expect this side of the House to support it.

Now, Sir, with regard to this nomination of my honourable friend Sir Vasant Rao Dabholkar, I say, Sir, without disparaging the services which he has rendered, it has been a misfortune to him, as much as to the people whom he otherwise would have represented, that he came by nomination. I quote his example. Here is a capable citizen (Laughter), a very good citizen, he might have been a democratic citizen, he might have been a serviceable citizen, had there not been this pernicious principle of nomination in existence. (Laughter.) Finding, Sir, that his seat is somewhat secure—Sir Vasant Rao once did come or attempted to come by the front door of election, and I think he did come. . . . . (Mr. R. S. Asavale: No, no; he failed.) . . . Once he attempted but failed. But he did try it once. But because he feels there is a more secure and less troublesome method of coming in, instead of going from door to door for votes, he feels “Why should I care for public opinion, why should I care for the citizens, when here I have got only one gentleman in high position, or a few gentlemen in high position, to please and satisfy, instead of undergoing all the trouble of going from door to door and begging for votes and promising that I will discharge my duty to their (voters') satisfaction, when I have only got to see that I will satisfy some few individuals instead of a large portion of the electorate, which certainly would expect their wishes to be carried out by their representative”! I say, Sir, it has been a misfortune to him and to his associated colleagues who have been nominated and have come by the back door of nomination. Had they come from the front door of

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election, they would not have been "ruined careers", and they might have been as good citizens as any who are now representing the corporation and who are representing constituencies in the corporation. Intrinsically, they are capable of rendering public service. But this pernicious principle of nomination comes in their way when they find they can safely come through that back door. Otherwise, they might have become as good a type of citizens as we find to-day in the corporation, namely, the elected ones. Now, Sir, that is really the position. Here is a golden opportunity when we can do away with it, the principle of nomination. I can remind my honourable friends opposite, without meaning any disrespect, that all the good and glorious members who have left a mark on the city and on the Government have all been elected members of the corporation, who have rendered service as elected members and left a mark on the corporation and left a mark on the Government benches also. One was Sir Chunilal Mehta, on whom only this morning the House showered praise. Was he not an elected member? Did he come by the back door of nomination, or did he face an election for a representative's seat? Again, I mention in the municipal corporation Sir Cowasji Jehangir; he never came by nomination. Sir Ibrahim Rahimtoola; he never came by nomination. And Sir Pherozeshah Mehta, who made such a tremendous mark on every activity he undertook; he never came by nomination. Would you mention,—without meaning any disrespect,—could you mention any instance of nominated gentlemen who left a mark like that of Sir Pherozeshah and others? You cannot. Because, naturally, the position in which nominated members are situated is extremely awkward; their "masters", the people who have nominated them, expect them to carry out their wishes and they have to vote in a wrong direction, and all prospects of a good career are thus blocked for them. They cannot progress in the manner in which they would otherwise have progressed. I dare say if those honourable members who have done good work, if they had come by the back door of nomination, would have done just as badly as some of my honourable nominated friends here. Therefore, Sir, I say the principle is bad. It only is enforced because the Government cannot have confidence even in public bodies like the Bombay Municipal Corporation. They feel they have lakhs of rupees at stake, they have got certain interests at stake, certain policies to be observed for the security and the maintenance of the present Government, no matter how pernicious its effect may be on the public life of the city of Bombay, it does not matter to the Government. They want their own security to continue to be safeguarded. That is the principle of nomination. That is the only idea behind nominations. Nominations are not wanted. I ask, whom does my honourable friend Sir Vasant Rao Dabholkar represent on the corporation? The honourable members, the Secretaries, say that various interests are to be protected by Government and that therefore it is necessary that they should reserve two seats for Government. I could understand four or five nominations. I could understand the Commissioner of Police coming in by nomination. We

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want him. He is a useful member, I admit. Often we discuss matters in the corporation in which we need the co-operation of the Commissioner of Police. We want his suggestions and he is a helpful member. I could understand the Collector of Bombay coming in by nomination because often we have land acquisition and other matters. Very often we want the Executive Engineer of the Public Works Department. He is also a helpful member and such four or five officials may be there representing particular interests, but why 16 seats? Whom does the honourable member Sir Vasant Rao Dabholkar represent? Whom is he intended by Government to represent? I would ask.....

Khan Sahab A. M. MANSURI: The millowners and capitalists.

Mr. K. F. NARIMAN: Our complaint is that the landlords are over-represented in the corporation just as the capitalist class is over-represented. Does he represent labour? Does he represent the commercial community? Does he represent the millowners? Does he represent the capitalists? Whom does he represent? Similarly, without meaning any disrespect, Sir Jamsetji Jijibhoy and Sir Byramji Jijibhoy, who represented the aristocracy of Bombay, were described as the natural leaders of the country and probably recognising their natural leadership, Government nominated them. I do ask in all earnestness, is it because Government want to safeguard particular interests or is it because Government want that their own position should be secured and there need not be any danger, as the honourable member just now said, of the corporation falling into the hands of dangerous agitators of the type of the present speaker who may run counter to the interests or the policy of Government and not counter to the interests of the people? As I said, the principle is pernicious under any circumstances, but it becomes doubly pernicious in the corporation of the city of Bombay. We have already got one nominated member in the corporation who is the boss of the whole show. He controls the whole affair so far as the corporation is concerned, and sometimes the corporation is reduced to as much faricala body as I am afraid, I am sorry to say, this body is. That is our Municipal Commissioner if any interest of Government is to be safeguarded. I can assure the honourable members opposite that so far as the Municipal Commissioner comes from the Civilian side and so far as he receives a nomination from Government, he is there to safeguard the interests of Government. Often the interests of the corporation clash with the interests of Government. He is there to safeguard the interests of Government first and he looks to the interests of the corporation afterwards. Naturally, he is first the servant of Government and he is appointed by the Government to look after the corporation affairs. Having this one nominated officer of Government, I say, Sir, the 16 members nominated by Government become much more mischievous than under ordinary circumstances. Without going into personalities or details, looking at the principle which we have always observed, so far as the amendments of the Bombay City Municipal Act, is concerned, namely, the principle of going further and further towards democracy, certainly there is nobody to suggest—even the supporters of the amendment

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cannot suggest—that this amendment takes us further towards democratising the Bombay city municipal corporation. On that principle alone, the amendment should certainly be thrown out, and I do hope that this side of the House will be consistent with the attitude which it has always taken in amending the Bombay City Municipal Act from time to time, and will throw out this amendment.

The Honourable Mr. G. B. PRADHAN: Sir, as the honourable member Mr. Nariman has made a certain reference to the constitutional issue, I will tell you, Sir, what actually happened in the select committee. The bill as it was presented to the House.....

Mr. J. C. SWAMINARAYAN: Can the Honourable Member tell the Council what happened in the select committee?

The Honourable the PRESIDENT: It is a personal explanation.

The Honourable Mr. G. B. PRADHAN: Yes, it is a personal explanation that I am going to give. The bill, as it was presented to this House, wanted labour representatives to be nominated. In order to meet the wishes of the House and the wishes of the corporation, the clause about nomination was deleted and the power to elect was given. The corporation, before this Act, consisted of 90 elected and 16 nominated members. Instead of 90, we gave 94 as elected members and instead of 16, we want only 14 as nominated members. In the bill it is 12. By the amendment we want 14. If you compare the percentage, the percentage of nomination according to the present Act is 15·1, and even accepting the amendment as it stands, it works out at 13 per cent. only. We are as a matter of fact reducing the number of nominations and we are giving more elected seats and reducing the nominated seats. Then and there I immediately said that it will be necessary for Government to give an amendment. The question was whether four or two only should be added to the nominated number. So the two Secretaries put in their dissenting minute under my direction and they are not to be blamed as they did so actually under instructions from me. As a matter of fact this is a step in the direction of democratising the municipal constitution because from 90 we raise it to 94 and from 16 (nominations) we bring it down to 14.

The Honourable the PRESIDENT: The point that the honourable members have been trying to make, and particularly the last speaker, was that the signature of the Honourable the Finance Member who was then the Minister in charge of Local Self-Government, to the report of the select committee appears to show and goes in lot with those who have agreed *in toto* with the select committee's report and there is no indication that he dissents from the view taken by the majority of the members. That was the point to which an explanation was expected. The explanation given by the Honourable Member now is that although the select committee's report does not show on the face of it anything to that effect, yet as a matter of fact it was with the consent of the Honourable Member (who was then the Minister) that the two Secretaries put in that minute of dissent.

Mr. B. G. PAHALAJANI: On a point of information, Sir. There has been a ruling of a previous President that if any dissent is given, the dissent cannot be listened to at a meeting of the Council unless an amendment to that effect as well is given. In this case, it is not the Secretaries that differ but it is Government (which is the Minister) that differs. The Minister has given no such dissent. The Secretary is his subordinate. Therefore, is it constitutional that the Minister's opinion should be reflected through the Secretary or should it be by the Minister himself who has not expressed his dissent or given any amendment?

The Honourable the PRESIDENT: It is difficult to follow the honourable member. I must confess I have not seen the ruling he refers to. What he refers to probably is that a dissenting minute has no *locus standi* in the Council unless there is an amendment to that effect tabled. Now here is an amendment tabled in support of the minute of dissent.

Mr. B. G. PAHALAJANI: Not the Minister's minute of dissent but the Secretary's.

The Honourable the PRESIDENT: I am coming to the constitutional position. If the Minister had not agreed with the amendment, according to the constitutional point made by the honourable member, the Secretaries could not have tabled the amendment. Perhaps so. But the reply is there. The Honourable Minister has accepted the amendment and the dissenting minute and presented the amendment. Where is the point?

Mr. B. G. PAHALAJANI: Is he empowered to delegate his duty of dissenting constitutionally to his Secretary?

The Honourable the PRESIDENT: He was not present there then. The present Minister, who accepts the amendment, was not there in the select committee. A different Minister was there who has agreed, as he has pointed out, to the joint minute of dissent.

Mr. B. G. PAHALAJANI: With due respect, the Minister was there, the Honourable Mr. Pradhan was there as Minister presiding at the meeting.....

The Honourable the PRESIDENT: We are talking of to-day's amendment.

Mr. R. S. ASAVALE: The Secretaries being members of the select Committee have got every right to bring an amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI: May I offer an explanation, Sir? A Minister as well as a Secretary to a Department is an honourable member of this House, and it is not because a Minister is a Minister or a Secretary is a Secretary that he is appointed on a select committee. They are appointed as individual members, and have equal rights to express their views, though in practice the Secretaries do not go against the views of the Honourable Minister.

Mr. B. G. PAHALAJANI: No, Sir. It is not a correct statement.

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not want to be interrupted. Every member of a select committee is a member of the select committee in his own individual capacity and he has

[Dewan Bahadur Harilal D. Desai]

every right to exercise his right of dissent even if he dissents from the view of the Minister himself, though in practice a Secretary does not do so. But in this case, what has happened is quite different. The report of the select committee is dated the 10th of September 1928. On the 23rd of August 1928 my honourable predecessor wrote the following minute :—

“ A minute of dissent may be given under the signature of the Secretary, G. D., or the R. L. A. If Labour wants 4 seats by election, then the total number of councillors should be 108, that is two more elected, so that the Government nominations would be 14 instead of 16.”

This is a minute on the papers made by my honourable predecessor on the 23rd of August, authorising either the Remembrancer of Legal Affairs or the Secretary to put in a dissenting minute, whereby the total number of seats will be 103 and the nominated seats will be 14 instead of 16. So that, there was that note, and with his concurrence both the Remembrancer of Legal affairs and the Secretary put in that dissenting minute. That was not in opposition to the wishes of the Minister, and all the tirade before the House by the Honourable member Mr. Nariman was certainly based on ignorance of facts.

Mr. B. G. PAHALAJANI: What was the Honourable Minister reading from just now ?

The Honourable the PRESIDENT: It was a minute by the then Honourable Minister on a file referring to this matter.

Mr. B. G. PAHALAJANI: Was it a part of the select committee's report ?

The Honourable the PRESIDENT: It was a departmental note.

Mr. K. F. NARIMAN: If reference is made to it by the Honourable Minister, then the record ought to be placed on the Council table.

The Honourable the PRESIDENT: Not the whole record, but only that to which he referred might, if necessary.

Mr. B. G. PAHALAJANI: It must be placed on the Council table.

The Honourable the PRESIDENT: He has read it; if it is wanted, it could go in. In fact, the House is in possession of it now.

Mr. HOOSEINBHOY A. LALLJEE: Will that go on record ?

The Honourable the PRESIDENT: It has gone in in the proceedings. I want to bring to the notice of the honourable member from Sukkur, in reference to what he referred to as a ruling, a Council Office circular to the following effect:

“ It has sometimes been observed that a member of a select committee who may be desirous of moving an amendment to a bill as amended by that committee incorporates the said amendment in his minute of dissent, but omits to send any separate notice thereof. I am to state that the Honourable the President is of opinion that in such cases the correct procedure would be for the honourable member to send a separate notice of the proposed amendment.”

But the honourable member (Mr. Pahalajani) means the Member in charge.

Mr. B. G. PAHALAJANI: That is what I said.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, we have listened to a great deal of criticism against the flouting of the opinion of the Corporation. Now, the Corporation has recommended that the number of nominated seats should be reduced from 16 to 13; the select committee says that it should be 12, and Government want to reduce it to 14. Therefore it is only a question of one more or less than recommended by the Corporation. This criticism comes from honourable members who say they are very jealous of the opinion of the Corporation, and Government should not flout it. But last Monday, I am told that the Council decided that the election of co-opted members should be by a single transferable vote. It was the recommendation of the Corporation that it should not be by a transferable vote, but it should be by ballot, but my honourable friend Mr. Hoosainbhoj Lalljee was very keen on retaining the system of transferable vote in spite of the opinion of the Corporation. That Bill, Sir, contained all the recommendations of the Corporation, but the select committee made many changes in it. Was that not flouting the opinion of the Corporation? The fact is that whenever it suits them, some honourable members say that the opinion of the Corporation should not be flouted; otherwise, they want to give the go-by to the opinion of the Corporation.

My honourable friend Mr. Swaminarayan referred to the resolution of the Corporation about the crematorium. This question has got a history behind it. In 1918, on receipt of petitions from the Hindu public, the Corporation appointed a committee for the investigation of the question of the crematorium for the Hindus, and my friend Sir Chunilal Mehta, who was then a member of the Corporation very strongly recommended the proposal. I have recently looked up the reports of the debate, and I find it reported that Sir Chunilal Mehta very strongly supported a crematorium for the Hindus. The question was before the committee from 1918 to 1924, when Mr. V. J. Patel became the President, and during his presidentship, without any dissent the Corporation decided that a crematorium for the Hindus should be started. There was no opposition from the Hindus then. Then, Sir, when the Commissioner went to England in 1926, the Corporation on a motion from a Hindu member asked him to study the crematorium system in England, so that the same may be started here. The Commissioner submitted a proposal to the committee, and the committee submitted certain recommendations to the Corporation for starting a crematorium. There was no opposition of any kind from the Hindu public towards the proposal.....

Mr. R. S. ASVALE: Are we discussing the crematorium or the nominations?

Mr. HOOSENALLY M. RAHIMTOOLA: To say that the 16 nominated members were responsible for the passing of the resolution to start a crematorium is not a correct statement.

It is said that the 16 nominated members flout the opinion of the public and are subservient to the Commissioner. May I ask how

[Mr. Hoosenally M. Rahimtoola]

16 members can override the opinion of the other 90 ! What are the other 90 doing ! There are 106 members in all. How can the 16 nominated members rule over the 90 who are elected by the public !

Sir, the question here is not of total abolition of nomination, nor of increasing the number of nominated seats. The question is whether the nominated seats should be reduced to 14 or 12 ; that is the only question. What I have noticed is that during the last few years Government have been nominating a larger number of members of the backward communities on the Corporation. Formerly, there were very few members of the backward communities on the Corporation, but during the last few years members of the backward communities have been increasingly nominated on the Corporation. Since then the cry has been raised by the members of the advanced communities for doing away with the nominated seats. It is only since the nomination of larger number of members of the backward communities on the Corporation that this cry of doing away with nominations has been raised.

The Honourable Sir GHULAM HUSSAIN : Sir, I had no mind to take part in the debate, but I would like to place my experience about these nominations before this honourable House. Nomination has been painted very black in this House. My honourable friend the representative of the city of Bombay (Mr. Nariman) gave the names of many stalwarts who have adorned the chair of the President of the Bombay Corporation, who have been members of the Executive Council in the Government of Bombay, and who have been some of the greatest public men in other ways.

If nomination is so bad, then some of those gentlemen whose names the honourable member mentioned should not have accepted nomination. (An Honourable Member : They were not nominated). I am coming to that. It is nomination that gave the opportunity to my honourable friend Mr. Patel who now adorns the Chair of the Legislative Assembly. He was nominated as a member of the Bandra Municipality. Had he not been given the opportunity of becoming a member of the Bandra municipality, he would not have been elected a member of this Council. In those days, municipalities had the right to return representatives to the Council. But for nomination, he would not have come to the fore and become the President of the Bombay Corporation. I will mention another most important member. - If I rightly remember, late Mr. Gokhale was nominated a member of the Poona Municipality. It is by means of nomination he rose to such an eminent position. Another stalwart, an eminent Mahomedan, Sir Ibrahim Rahimtoola, was constantly nominated as a member of this House. If I recollect aright, it was my honourable friends from Bombay, along with other members on the opposite side, who recommended the nomination of Sir Ibrahim so that the House might have an opportunity of electing him as president. Coming to other nominated members, there is the honourable member Mr. H. M. Rahimtoola, who has been elected Chairman of the Standing Committee of the Bombay Corporation and of the Improvement Trust.



[Sir Ghulam Hussain]

This shows that nomination is not so bad as was depicted. (An Honourable Member: Not so bad). But when it suits my honourable friends, they turn it down.

Then, Sir, my honourable friend representing the Mahomedan community spoke against nomination. I am sorry that I am not now in charge of the portfolio of Local Self-Government: otherwise I would have placed before honourable members the number of petitions I got from the Mahomedan community, the Indian Christian community, the Parsi community, the Mahratta community, and the backward and depressed classes, for nomination of members of their community. I may inform my Mahomedan friend that the Ismalia Khojas claim that they should be nominated and that the Isnasharif Khojas also claim that they should be nominated.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Asnajari Khoja, although their number is fairly large, was never nominated, while there have been at present four Ismalia or Agakhani Khojas nominated.

The Honourable Sir GHULAM HUSSAIN: I learn that there are two sects among the Bohras. (Mr. K. F. Nariman: That shows the mischief of nomination). At the time of nomination, we do not invite applications but still we get them. (Mr. K. F. Nariman: It is pollution of public life). The allied castes claim nomination, and say that we are nominating Mahrattas and not the allied castes. There are ladies who claim the right to be nominated. There is so much demand for nomination, which has been painted so black in this House. Yet honourable members belonging to the Mahomedan community and the Parsi community condemn the system of nomination in spite of the fact that we get a large number of applications from these communities for nomination. It does not therefore lie in their mouth to condemn it.

Coming to my honourable friend Mr. Nariman, regarding the question of the appointment of the Commissioner, I do not want to go into that question as it has been discussed threadbare in this House. My honourable friend must realise that it is the Commissioner who is responsible for the whole administration of the Corporation. The President simply presides at meetings and goes away. If the Corporation want to have an alteration in their Act, there must be somebody to be responsible for the administration of the Corporation, otherwise the Commissioner should be independent of party politics. I have got many other reasons, but I do not want to go into them. My honourable friend then stated that the Municipal Commissioner always supports Government in preference to the Corporation. But I must say that every Commissioner that I have seen has fought against Government on behalf of the Corporation and has rendered faithful service to the Corporation. As regards nomination, it is not the Municipal Commissioner who makes the nominations. It is only suggestions he makes. In many cases, his suggestions are not accepted by Government. I have now shown that the power of nomination is retained for more than one purpose. It is intended to meet the

[Sir Ghulam Hussain]

demands of the various minorities. There are the Indian Christians and the Europeans. Even Mahomedans are not elected in large numbers. There are the backward and depressed classes. The honourable member has himself admitted that there should be four officers nominated as experts. We have to nominate representatives of the depressed and backward classes. Then we have to adjust the inequalities of election. Today my honourable friend from Bombay may be happy that there are more Mahomedans elected. But there may come a time when few Mahomedans will be returned in the general election, and when we shall have to adjust the deficiency by nomination. The Mahrattas and allied castes have also been asking for nomination. It is for honourable members to decide. Let them vote in any way they like.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I do not propose to take much time of the House at this stage of the discussion and will try to condense my remarks as much as possible. I find that one of the points made out by the Honourable Sir Ghulam Hussain is that the principle of nomination is not so bad, and that sometimes it helps in making a man fit for election. But we have, Sir, on the contrary, been witnessing the opposite process. If we look at the manner in which members sitting on the front Treasury benches shift their seats we shall discover that it is the process of election which precedes the process of nomination. Leaving aside, however, the principle of nomination or election I am prepared to discuss the amendment moved by Government on the merits of their own case.

The official members of the Select Committee state in their minute of dissent that "Government by means of nomination has to provide for the representation of a variety of interests including its own." Let us, Sir, look at the way in which they have now provided for the representation of these interests. I think if we get down to the facts and the details of the actual method in which this right of nomination is exercised, we shall probably be able to settle this matter better. I find that out of the existing sixteen nominated members, three are officials, four represent Labour and probably backward classes—Mr. Bole, Mr. Balu, Mr. Nekalje and Mr. Dimtimkar.

The Honourable the PRESIDENT: He is a Muhammadan.

Mr. JAIRAMDAS DOULATRAM: But he represents Labour; does he not?

An Honourable MEMBER: No.

Mr. JAIRAMDAS DOULATRAM: Even if that be so, five other nominated seats are given to the Muslim community, one to a Hindu, another to a European trade unionist, one seat to the Parsi community and one seat to the Indian Christian community. I always understood that the principle of nomination was to be retained with a view to see that those communities which were not represented or were very inadequately represented might be represented by nomination. I would have expected the Honourable Sir Ghulam Hussain or the Honourable

[Mr. Jairamdas Doulatram]

Minister for Local Self-Government to make it clear by figures that the Muslim community, the Hindu community or other communities were not adequately represented through the electoral channel and hence the attempt to rectify the inequalities. I am afraid that that information is probably not available. What do we now find? The select committee has reduced the sixteen nominated seats to twelve, because four seats are to go to Labour. Now, these twelve seats are, in my opinion, sufficient to represent the very sections which are now represented by nomination. We have got three officials, and we have got nine extra seats for which the Muslim community, the Hindu community and other communities can come in. Out of twelve nominated seats you have three officials; that gives a balance of nine for different communities. I want to know in detail how the interests which are now represented by nomination cannot be represented by these nine seats. Unless such a case is clearly made out, I see no justification for this Council to vote for the amendment.

Sir, I will come to another point. I find that the new Finance Member with the assistance probably of the extra statistical staff that he has now got or the new statistical skill he has attained, says that there is a decrease in the percentage of nominations from 15 per cent. to 13 per cent. May I give him different figures? Is it or is it not a fact that the Bombay Corporation suggested that the nominated strength should be reduced from 16 to 13; and is it or is it not a fact that Government wishes to increase it from 13 to 14?

The Honourable Mr. G. B. PRADHAN: It works out to 13·1 per cent.

Mr. JAIRAMDAS DOULATRAM: I will come to the percentages shortly. So far as the demand of the Bombay Corporation is concerned, Government wish to increase the nominated seats. Let us take the question of percentages. I will quote him the instance of a little mofussil municipality. Sir Vasant Rao Dabholkar was a little contemptuous in his reference to mofussil members, and I want to suggest to him that here is an example from the mofussil for him and his Corporation to copy. In the Hyderabad Municipality we have got 11 per cent. as the nominated element. Out of a total strength of 45 members, only five are nominated. When our friend the Honourable the Finance Member talks of 15 per cent. and 13 per cent. I am obliged to quote the instance of this municipality. I understand that in the bill that is intended for the major municipalities there is a provision that Government may direct that all the councillors may be elected. Now I want to know, if in the case of these smaller municipalities there is this provision, that all the members could be elected, what justification.....

The Honourable Dewan Bahadur HARILAL D. DESAI: That is surprising news to me.

Mr. JAIRAMDAS DOULATRAM: It may be surprising news, but it is a fact, and I want to know why in view of this fact in the case of

[Mr. Jairamdas Doulatram]

the Bombay Corporation Government want to make a statutory provision for a minimum of 14 nominated seats.

The Honourable Mr. G. B. PRADHAN: There is communal representation in the major municipalities; that is not the case in Bombay City.

Mr. JAIRAMDAS DOULATRAM: Still you have as many as nine seats for nomination. I understand—my information may be wrong—that the total figure of 106 members for the Bombay Corporation was settled after very great discussion and there was a great conflict of interests which had to be reconciled. I fear that if anything is done by this Council over the head of the Bombay Corporation in a matter which has proved very delicate, this House will be making a serious mistake. I would, therefore, urge that this amendment should be rejected, by the House.

The Honourable MOULVI RAFIUDDIN AHMAD: Mr. President, I do not want to take any time of the House, but I do want to say a few words. My honourable friend Mr. Hooseinbhoj Lalljee comes forward as the champion of election as against nomination. May I say, Sir, that in this matter he does not represent the wishes of the Muhammadans of Bombay?

Mr. HOOSEINBHOJ ABDULLABHOJ LALLJEE: Question. Who are you to speak for Bombay?

The Honourable MOULVI RAFIUDDIN AHMAD: I say that the Muhammadans of Bombay.....

Mr. HOOSEINBHOJ ABDULLABHOJ LALLJEE: I represent Bombay; you represent Poona.

The Honourable MOULVI RAFIUDDIN AHMAD: I repeat that the Muhammadans of Bombay and the Muhammadans of the Presidency of Bombay are for nomination and not for the reduction of nomination.

An Honourable MEMBER: This bill affects the City of Bombay only.

The Honourable the PRESIDENT: Order, order: let the Honourable Minister have his say.

The Honourable MOULVI RAFIUDDIN AHMAD: I have only a few words to say. If, therefore, this House is to respect the wishes of the different communities and the different constituencies, I am ready to say here as an elected representative of the Muhammadan community that there is no desire on the part of the Muhammadan community at any rate, that these nominations in the local bodies should be done away with. Therefore, Sir, as long as it is the desire of a large number of the Muhammadans of this Presidency, I think that desire should be respected. I therefore think that the Honourable Minister is quite right; as far as this matter is concerned he has faithfully represented the wishes of the different communities of this Presidency.

Mr. N. A. BECHAR (Karachi City): Mr. President, I listened with great attention to all that the treasury benches had to say in support of

[Mr. N. A. Bechar]

this amendment. I heard very patiently the remarks which fell from my honourable friend Sir Ghulam Hussain, and it pained me very much when he enumerated to us the applications received from the various communities, thereby trying to justify the necessity for nomination. Sir, he tried to divide the Khojas into Ashnasari Khojas and some other Khojas, and the two sections of the Borahs.....

The Honourable the PRESIDENT : I must rise again at this stage and point out that there is no discussion here on the general subject of "nomination or election." Here is a definite amendment which raises the question whether the figure should be 12 or 14. While discussing that important portion of the amendment, some reference here and there to the question of election or nomination may be made, but not to leave the main amendment out of consideration and enter upon the general questions. Hours after hours have gone by, and I find that only the general question of election or nomination is being discussed. I am beginning to think that the latitude I am giving to honourable members is being abused. I am afraid I would soon be forced to stop honourable members from digressing.

Mr. N. A. BECHAR : I bow to your ruling, Sir. I have no desire to digress from the subject as the honourable members from the Treasury Bench did in discussing this subject. I was only trying to point out briefly that the Honourable Minister was dividing the Indian community into small sections.....

The Honourable Sir GHULAM HUSSAIN : On a point of explanation, Sir. I was merely making a statement of fact ; I never tried to divide them into small communities. I said that they claimed nomination on these grounds.

Mr. N. A. BECHAR : A wiser course for a responsible minister to follow would have been to tell them that such spoonfeeding will not do. They have to come on their own merits on the bodies on which they want to be nominated.

Sir, having said this, I do not wish to take the time of the House in referring to the speech of the Honourable Minister of Education. He said that the Mahomedans of the Bombay Presidency want nomination but his title to speak on behalf of Mahomedans of Bombay was challenged by a Mahomedan member from Bombay. Now my point against increased nomination is this ; that the Bombay municipality is the oldest municipality in the whole of the Bombay Presidency and if you analyse the figures of nomination on the Bombay municipality and compare it with the figures of nomination in the different municipalities in the Presidency, you will find.....

The Honourable Dewan Bahadur HARILAL D. DESAI : You do not know.

Mr. N. A. BECHAR : I am a member of the Karachi municipality and there out of a total of 54 only 6 are nominated.

The Honourable Dewan Bahadur HARILAL D. DESAI : Is there communal representation there ?

Mr. N. A. BECHAR : If there is communal representation it is because Government for reasons of their own have introduced communal representation. That does not deflect from the real position. You may try to stress points however irrelevant they may be to suit your own purpose, but it does not take away the objection. I want to appeal to the Honourable Minister for Local Self-Government whether it is right for him as a responsible Minister to flout the wishes of the House even in small matters such as these.

The Honourable Dewan Bahadur HARILAL D. DESAI : May I make an explanation ? There is no question of extra nomination. I do not understand what the honourable member is talking about.

Mr. N. A. BECHAR : The Honourable Minister must pursue a consistent policy. Any time any member gets up to interrupt, the Honourable Minister says "I do not want any interruptions."

The Honourable the PRESIDENT : The honourable member made a mistake in sitting down when the Honourable Minister got up (Laughter).

Mr. N. A. BECHAR : I only showed respect to him so that he may show respect to me.

Having said this, I want to place before the House the fact that Bombay City is far superior to many cities in the West. They have not got the principle of nomination in any of the municipalities in England or in any other place in the West. Does the Honourable Minister consider that the City of Bombay, the first City in the East, is not fit to have its municipality on an entire elective basis ? Then, Sir, you have the principle of co-option for the purpose of bringing in experts and others who may not be able to come through election. Then there is this safeguard so far as the interests of Government are concerned that they have a nominated Commissioner with such wide powers. I therefore fail to see how these two extra men are going really to conserve the interests of Government. One important point is this that we are on the eve of further reforms. I personally do not know and do not care to know what the Simon Commission is going to do. But the fact remains that even the Associated Chamber of Commerce have represented in their memorandum to the Simon Commission.....

The Honourable the PRESIDENT : Where is the relevancy ?

Mr. N. A. BECHAR : The relevancy is here, Sir. They too have recommended to abolish the nominated element in the Councils. Therefore if you are going to have a wholly elected Council perhaps after the next two or three years, is it right that you should continue to have the principle of nomination in the municipal bodies ? Why does not the Honourable Minister prepare the way from now and try to show some kind of responsibility to members on this side of the House ? Perhaps the next Minister who will be a real representative of the Council may by one stroke of the pen do away with all nominations. Then why does not the Minister respect the feelings of members on this side of the House in their unanimous demand ? Let him show some sense of responsibility if he does not want that his career should be always marked by resentment.

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not like to be flattered.

Mr. N. A. BECHAR: Then you will have to account for it to your own constituency. So far as proportion of nomination is concerned Bombay has one-seventh nomination while in municipalities like Karachi, Sukkur and Hyderabad it is one-nineths. You always claim that Bombay is in advance of other places and yet in the matter of nomination other places are comparatively much better off than the City of Bombay. Sir, I am sure that if you do away with the principle of nomination the minorities in whose name you always want to speak and want to exploit, will certainly take care of themselves and will be in a position to say "You, false friends, have done with you."

Mr. S. K. BOLE: Sir, I want to move an amendment in clause 3...

The Honourable the PRESIDENT: If the honourable member wants to speak he must speak on the amendment before the House.

Mr. S. K. BOLE: Sir, those who speak against nomination do not know the position.....

The Honourable the PRESIDENT: I am afraid we have had enough of nomination and election. All that has to be said, I repeat, is whether the justification lies with twelve or fourteen.

Mr. S. K. BOLE: I am going to show, Sir, why it is necessary to make it fourteen. Because look at the population of the city of Bombay. More than half of that belongs to the backward classes and depressed classes, and from the constitution of the present corporation of Bombay it will be seen that there is not a single representative returned to the corporation from the depressed classes. Only two are nominated. And then, from the backward classes, there is a meagre representation of some five or six. That is not an adequate number, and therefore, this increase of one or two members is necessary. It is said, Sir, that the nominated members vote according to the wishes of the Government or the Commissioner. That is not so. I can point out from my own experience that the Commissioner has never told me to vote one way or another, and it will be seen from the records of the corporation that I have several times voted against the wishes of the Commissioner. Sir, it was a nominated member who brought a bill to abolish fees in the Standing Committee against the wishes of the Commissioner, and the elected members want to talk and talk, and the nominated members are there for constructive work (Laughter), and they are not there for voting according to Commissioner's wishes or Government's wishes. They do not want to play to the gallery. And then, Sir, much has been made about progress in democracy. I shall show you....

The Honourable the PRESIDENT: No, no. I would limit the honourable member merely to the motion before the House, which is whether it should be twelve or fourteen.

Mr. S. K. BOLE: I wanted to show, Sir, whether there is democracy or hypocrisy in the Corporation (Laughter). Nominated members, I can say, from my experience, vote according to the dictates of their conscience; they do not make speeches in one way and vote in another

[Mr. S. K. Bole]

way (Laughter). They are honest and straightforward men. (Laughter). It is very unfortunate, Sir, that a person like me was not on the corporation for a long time. Had I been there for twelve years or so, I would have been able to render more service to the public. From the records of this House also and of the corporation, it will be seen that some of the nominated members have done more solid work in this Council as well as in the corporation than many of the elected members. What is to be done, Sir, if you are not going to increase the number of nominated seats? What is the position of the backward and the depressed classes? They cannot hold their own against such millowners and factory owners like my honourable friend Mr. Hooseinbhoj Lalljee. (Laughter). Sir, at the time of the elections, for their own use and benefit they put their workmen in their lorries and take them to the polling booth. What are poor men like the backward classes to do? They have not got a long purse. That is their difficulty. But nobody comes to the help of these poor people. On the contrary, I may point out that it is the nominated members that go to the help of some of these elected members at the time of the elections. They then seek the help of the nominated members like my humble self, and I give them help in my own way. That shows that at that time they recognise the importance of the nominated members. (Laughter). That clearly shows that nominated members are important in their own way; and they are not playing to the gallery. They have not come here to play to the gallery. They have come here to render public service. With these words I support the amendment.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Sir, I cannot appreciate the argument that any nominated members should come into the municipality. The only thing that I can appreciate is that all the members who want to work in a municipality must be elected and not nominated.....

The Honourable the PRESIDENT: That is irrelevant. Here the question is whether the number should be twelve or whether it should be increased from twelve to fourteen. The principle of nominated members on the municipality is not before the House.

Mr. HAJI MIR MAHOMED BALOCH: I say, Sir, it should be only twelve and it should not be fourteen. The honourable member Sir Vasantrao Dabholkar said that those who come in the Bombay municipality as elected members from the different wards look after only their wards and they only represent their wards. But may I ask my honourable friend those who come by the back door of nomination, whom do they represent? Which voters have they to go to, and whose voice do they represent? To-day the nominated seats are twelve, and they say make it fourteen. The Honourable the General Member, Sir Ghulam Hussain, told us that good and able men *have* come by nomination, and he mentioned some names. He told us that our friend Mr. Patel, the President of the Assembly, was one; another was the late Mr. Gokhale; and a third was Sir Ibrahim Rahimtoola. I admit that these worthy personages did come by nomination. But how many such persons has



[Mr. Haji Mir Mahomed Baloch]

the system of nomination produced? What is their number? It is infinitesimal. When there are six nominated seats in Karachi Municipality out of the total 54 seats, three of them are Government officials and three of them are from the public. And who are these three from the public? Either a Rao Bahadur, or a Khan Bahadur or a Dewan Bahadur. Now, where is the necessity for these worthy gentlemen to vote for public welfare measures, as they have not to ask for their votes? None at all. They always vote for their masters. Now, my point is that all these Rao Bahadurs and Khan Bahadurs and Dewan Bahadurs must be forced, must be compelled, to go to the people and secure their votes and they must come by the votes of electors. Now, if there are to be these twelve nominated members for the backward classes and Muhammadans, the persons to be nominated ought to be capable persons from backward Hindus and backward Muhammadans; they must belong to backward classes, who are too poor to fight an election. Whether they are Hindus or Muhammadans, or any other community, they must be people who are very clever, who are very sincere, but who only lack money, in whom money power alone is wanting. In appointing the twelve nominated members in Bombay City Municipality and the six in Karachi, no notice is taken of poor but good public workers, but only those with money secure nominations.

The Honourable the Minister for Education (Moulvi Rafiuddin Ahmad) levelled a charge against my honourable friend from Bombay, Mr. Hooseinbhoj Lalljee to the effect that the honourable member from Bombay, although a Mahomedan, did not represent the views of the Mussalmans of Bombay. Not being a resident of Bombay, I cannot pretend to know much of the conditions of Bombay but the fact that the honourable member Mr. Hooseinbhoj has been in the public life of that city for the last sixteen years and has been in that corporation for that period and the fact that during the last five years he has been returned to this Council by the Mussalmans of Bombay, warrants my saying that he is a true representative of the Muslims of Bombay. I do not know how the Honourable the Minister of Education, Moulvi Rafiuddin Ahmad, who is himself a resident of Poona and not of Bombay, can venture to throw doubts on the reality of the representative character of the honourable member from Bombay. Government should choose really good public workers even if they be less fortunate in point of wealth. I request Government to withdraw the amendment.

The Honourable the PRESIDENT: Does the honourable member Mr. Syed Munawar wish to say anything on the amendment?

Mr. SYED MUNAWAR: No, Sir.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, the honourable members want as far as possible to reduce the nominated element. My proposal is to that end. The original bill which was referred to the select committee wanted the total number of councillors of the Bombay Corporation to be raised from 106 to 110 and four labour representatives were to be given by nomination so that 16 would have

[Dewan Bahadur Harilal D. Desai]

been raised to 20. That is to say, the total number would have been 110 and out of 110, twenty would have been nominated. At present there are 106. The present amendment seeks to reduce the 16 nominated seats to 14 and to increase the total number from 106 to 108, so that instead of 90 plus 16 which is the number at present, we are having 94 elected and 14 nominated members. The percentage thereby of nominated members is reduced. I am personally in favour of attempting to reduce nominations as far as possible but in the present instance, the concession that we have made is all that we can make at the present moment.

Government have several interests to take into consideration. Government is a very large tax-payer in Bombay and the municipality has been of late increasing taxation and therefore there should be adequate Government representation on the Bombay Corporation for the purpose of guarding the interests of Government. At the same time certain communities are not properly represented by election.

An Honourable MEMBER: Which communities?

The Honourable Dewan Bahadur HARILAL D. DESAI: There are the Anglo-Indian community and the Indian Christian community. There are several other communities and they want adequate representation. Consequently, for these two reasons, nominations are required and Government cannot, as they are advised at present, see their way to reduce below 14 and therefore I submit, Sir, that my amendment, being in a line with the views of the honourable members of this House, ought to be passed as it is.

Question put. House divided. Ayes 45; Noes 25. Motion carried.

Division No. 5.

Ayes

ABDUL LATIF HAJI HAJRAT KHAN, Khan Sahab	LAGHARI, Khan Sahab RAIS FARAL MUHAMMAD
ADDYMAN, Mr. J.	LELY, Mr. W. G.
AMHAD, the Honourable MOULVI RAFI-UDDIN	MANSURI, Khan Sahab A. M.
ALLISON, Mr. F. W.	MARTIN, the Honourable Mr. J. R.
ANDERSON, Mr. F. G. H.	MAXWELL, Mr. R. M.
ASAVALE, Mr. R. S.	MILLER, Mr. E.
BRUTTO, Khan Bahadur S. N.	NOOR MAHOMED, Mr.
BOLR, Mr. S. K.	OLIVEIRA, Mr. F.
BRANDER, Mr. J. P.	OWEN, Mr. A. C.
BROWNE, Mr. D. R. H.	PAINTER, Mr. H. L.
COVERTON, Mr. S. H.	PRADHAN, the Honourable Mr. G. B.
DAWOODKHAN SHAKERNOT, Mr.	RAHIMTOOLA, Mr. HOSEINALLY M.
DESAI, the Honourable Dewan Bahadur HARILAL D.	RICE, the Honourable Mr. J. L.
DESAI, Mr. J. B.	SHAIKH ABDUL AZIZ ABDUL LATIF, Mr.
GHOSAL, Mr. J.	SMART, Mr. W. W.
GHULAM HUSAIN, the Honourable Sir	SMYTH, Mr. J. W.
HARRISON, Mr. R. T.	SOLANEL, Dr. PURUSHOTTANRAI G.
JANVEKAR, Mr. D. A.	SYED MIRAN MUHAMMAD SHAR.
KAMBLI, Rao Bahadur S. T.	SYED MUSAWAR, Mr.
KUTHERO, Mr. M. S.	THEAKOS OF KERWADA, the
KNIGHT, Mr. H. F.	THORNER, Mr. J. P.
	TURNER, Mr. C. W. A.
	WADIA, Mr. N. J.
	WILKS, Mr. G.

Tellers for the Ayes: Mr. S. K. BOLR and Mr. SYED MUSAWAR.

## NOMES

BECHAR, Mr. N. A.  
 BROWNE, Mr. M. G.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 DESAI, Rao Sahab D. P.  
 DESHPANDE, Mr. L. M.  
 JIKIT, Dr. M. K.  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALUCH, Mr.  
 JAIRAMDAS DOULATRAM, Mr.  
 JITERAB, Mr. HAJI ISRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.

KARKI, Mr. M. D.  
 LALLJEE, Mr. HOOSKINBHOT ABDULLA-  
 BHOT  
 NARIMAN, Mr. K. F.  
 PARALAJANI, Mr. B. G.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 RAJMAL LAKHICHAND, Mr.  
 SARDESAI, Mr. S. A.  
 SHETH, Mr. A. D.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 WANSIF, Mr. G. A. D.

*Tellers for the Nomes : Mr. A. D. SHETH and Mr. L. M. DESHPANDE.*

The Honourable the PRESIDENT : As the House has agreed to have a holiday to-morrow, the House will adjourn till 10-30 a.m. on Saturday.

There is a desire on the part of the honourable member the Joint Secretary of the Public Works Department (Mr. Browne) to show by way of a cinema film the scenes of the Sukkur Barrage and the progress on the Barrage, on Monday, for about 25 minutes after the House rises, in the Council. After the House rises, the arrangements will be ready in a few minutes.

Mr. D. R. H. BROWNE : May I say, Sir, on behalf of Mr. Harrison that this film will take only about 25 minutes of the time of honourable members ! We think it will be of much interest to all honourable members of the House, and Mr. Harrison would be very grateful for the opportunity of showing it.

The Honourable the PRESIDENT : The House is adjourned to 10-30 a.m. on Saturday, the 29th September 1928.

*Saturday, the 29th September 1928*

The Council re-assembled at the Council Hall, Poona, on Saturday, the 29th September 1928, at 10-30 a.m., the Honourable the President, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ABDUL LATIF HAJI HAJRAT KHAN, Khan Saheb  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 ALLISON, Mr. F. W.  
 AMBEDKAR, Dr. B. R.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASAVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, Mr. B. T.  
 DESAI, Rao Saheb D. P.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISRAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOG, Mr. V. N.  
 JOSHI, Mr. S. C.

KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURO, Mr. M. S.  
 KNIGHT, Mr. H. F.  
 LALJI NARANJI, Mr.  
 LELY, Mr. W. G.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MAXWELL, Mr. R. M.  
 MILLER, Mr. E.  
 MUJUMDAR, Sardar G. N.  
 NAKAL, Mr. B. R.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATEL, Mr. J. R.  
 PATIL, Rao Sahab D. R.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Sahab R. V.  
 WADIA, Mr. N. J.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

## ' DECCAN AGRICULTURISTS' RELIEF ACT: REPEAL

Dr. B. R. AMBEDKAR: Will Government be pleased to state—

(a) whether it is a fact that they are contemplating the introduction of a bill to repeal the Deccan Agriculturists' Relief Act;

(b) if so, whether they have ascertained the views of the agricultural population whose interests are bound to be affected by such a step;

(c) whether they are aware that the Royal Commission on Agriculture has expressed the opinion that the operation of the Usurious Loans Act, 1918, has not been successful?

The Honourable Mr. J. R. MARTIN: (a) and (b) The question of amending or repealing the Deccan Agriculturists' Relief Act has been postponed till the question of legislation in connection with agricultural indebtedness recommended by the Royal Agricultural Commission can be taken up as a whole.

(c) Yes.

Mr. JAIRAMDAS DOULATRAM: When was the question of agricultural indebtedness in the presidency as a whole taken up last by Government?

The Honourable Mr. J. R. MARTIN: The scrutiny of the working of the Deccan Agriculturists' Relief Act has been going on up to now. As regards agricultural indebtedness in general, I am unable to answer without notice.

Mr. J. C. SWAMINARAYAN: When will Government place the legislation for removing agricultural indebtedness before this House?

The Honourable Mr. J. R. MARTIN: The honourable member will find the reply in the answer that is given to the question.

## GOVERNMENT SERVANTS: SALARIES AND PENSIONS

Dr. B. R. AMBEDKAR: Will Government be pleased to state the total amount they paid out in 1927-28 (or any other year previous to it for which figures are available)—

(i) as salaries to their permanent servants in the subordinate and clerical services;

(ii) as pensions to servants who were in their subordinate and clerical services?

The Honourable Mr. G. B. PRADHAN: (i) Figures of the cost of permanent and temporary establishments are not separately available. The total amount expended by the Provincial Government during 1925-26 on the salaries of their subordinate establishments was Rs. 296 lakhs excluding the cost (amounting to about Rs. 25 lakhs) of the menial establishments.

(ii) Government regret that they are unable to furnish the information asked for as separate figures for different classes of establishments are not readily available.

Mr. JAIRAMDAS DOULATRAM: Are Government aware that there is a demand that the system of provident fund should replace the system of pensions?

The Honourable Mr. G. B. PRADHAN: Government are aware.

Mr. JAIRAMDAS DOULATRAM: What steps have Government taken since they became aware of the fact?

The Honourable the PRESIDENT: How is that relevant?

Mr. JAIRAMDAS DOULATRAM: It arises out of the question of the cost of the existing system.

The Honourable Mr. G. B. PRADHAN: This question is before both the Government of India and the provincial governments. As regards old employees, it has to be given up. It is impossible to have provident fund for those who have already been employed. As regards new employees the question is still under the consideration of Government.

Mr. JAIRAMDAS DOULATRAM: What is the special difficulty with regard to old employees?

The Honourable Mr. G. B. PRADHAN: If a satisfactory scheme of provident fund is worked it will cost considerably more than pensions.

Mr. JAIRAMDAS DOULATRAM: If a scheme satisfactorily worked out were placed before Government, will they be pleased to consider the matter?

The Honourable Mr. G. B. PRADHAN: Certainly.

#### RELINQUISHED HOLDINGS, SIND: REGRANTS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state whether it is provided under the special circulars of the Commissioner in Sind relating to land grants (Part II, paragraph 8) that if land which has been relinquished absolutely in favour of Government is again applied for cultivation, it should ordinarily be offered first to the original occupant or his heirs without payment of *malkano*?

The Honourable Mr. J. L. RIEU: Yes, but it is also provided that this discretionary power to offer the land free of *malkano* to the original occupant or his heirs shall apply only in cases where the relinquishment is not more than ten years old.

#### INDIAN SERVICE OF ENGINEERS: RECRUITMENT

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that as a result of the recommendations of the Royal Commission on the Superior Civil Services in India, the Government of India have laid down that the normal annual recruitment to the Indian Service of Engineers in Bombay should be 1.3 in Europe-recruited branch, 1.3 in college section of India-recruited branch and 0.7 in promoted section of India-recruited branch;

(b) what action has been taken by the Government of Bombay in regard to each of the above sections of the service since the receipt of Government of India's letter No. E-73 of the Department of Industries and Labour, Public Works Branch, dated 26th August 1926 ;

(c) whether it is a fact that the Government of Bombay are considering proposals for deviating from the above proportions ;

(d) whether it is a fact that they propose to give preference to recruitment in the college section for the next three years ;

(e) whether they propose to give this preference at the cost of both the Europe-recruited and promoted sections or only the promoted section ;

(f) what is the number of persons recruited in each of the Europe-recruited, college and promoted sections in each of the years since 1920 ?

The Honourable Sir GHULAM HUSSAIN: (a) Yes, but the rates of normal annual recruitment quoted by the Honourable Member are intended only for the Irrigation Branch of the Public Works Department if and when it is separated from the Roads and Buildings Branch. The rates are therefore provisional at this stage and are liable to revision when the whole position is re-examined at the time the question of separation of the two branches is decided.

(b) The question of the separation of the two branches is under consideration and the matter has therefore been held up pending a decision thereon.

(c) and (d) No.

(e) Does not arise.

(f) The numbers are given below :—

Calendar year	Europe-recruited	College section	Promoted section	Total
1920 .. ..	1	1	....	2
1921 .. ..	1	1	.... 1	3
1922 .. ..	1	1	....	2
1923 .. ..	2	1	.... 1	4
1924 .. ..	2	2	....	4
1925 .. ..	2	....	.... 1	3
1926 .. ..	1	2	....	3
1927 .. ..	2	....	....	2
1928 .. ..	....	....	.... 1	1

Mr. B. G. PAHALAJANI: When will Government arrive at a decision ?

The Honourable Sir GHULAM HUSSAIN: I cannot give the exact date.

Mr. B. G. PAHALAJANI: What has been the progress made so far ?



The Honourable Sir GHULAM HUSSAIN: It involves heavy financial expenditure. Honourable members will realise that in Sind irrigation engineers are carrying on the work of roads and buildings. In the presidency proper we have a roads and building division and the engineers in charge of these are carrying on irrigation work also. If we separate the two, for each branch in the presidency as well as in Sind we will have to appoint a separate staff and a separate supervising superior staff. Therefore the matter has been delayed.

Mr. B. G. PAHALAJANI: With regard to roads and building do they intend to hand them over to district local boards?

The Honourable Sir GHULAM HUSSAIN: That is also under consideration.

#### JAGIR OF MIR MAHOMED KHAN TALPUR: GRIEVANCES OF ZAMINDARS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that the zamindars of the Jagir of Mir Mahomed Khan Talpur have complained to the Collector of Hyderabad against the administrators of his jagir;

(b) whether it is a fact that the Mukhtiarkar of Tando Mahomed Khan was asked to inquire into the complaints;

(c) the result of such inquiry and the steps taken to remove the grievances of the zamindars;

(d) whether it is a fact that the zamindars told the Mukhtiarkar that they should be charged cash assessment in place of assessment in kind;

(e) whether Government intend to take any action in regard to this request?

The Honourable Mr. J. L. RIEU: (a) Yes.

(b) Yes.

(c) Nearly all those allegations, which were not shown to be unfounded or unproved, were based on a dispute as to what is the custom of the jagir and as to whether the Mir had or had not the right to make particular demands. Such matters can be decided only by a Civil Court and not by Revenue Officers. The jagirdar was, however, advised to warn his servants not to make any improper levies.

(d) No.

(e) Does not arise.

Mr. JAIRAMDAS DOULATRAM: Are Government aware that attempts to exact the improper levies have re-started subsequent to this warning?

The Honourable Mr. J. L. RIEU: I have no such information.

Mr. JAIRAMDAS DOULATRAM: Will Government place a copy of the Mukhtiarkar's report on the Council table?

The Honourable Mr. J. L. RIEU: No. I am not prepared to do that.

Mr. JAIRAMDAS DOULATRAM: What is the objection?

The Honourable Mr. J. L. RIEU: Because it is a communication from a subordinate Government officer to Government. It is not generally desirable to place on the Council table reports which are special to Government.

#### EDUCATION OF LABANA SIKHS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the total population of Labana Sikhs in each district in Sind;

(b) the number of pupils belonging to the Labana Sikh community receiving education in recognised or unrecognised schools?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) and (b) The accompanying statement giving the available information is placed on the Council Table.

#### Statement regarding Education of Labana Sikhs

District	Total population of Labana Sikhs in each District	Number of pupils belonging to Labana Sikh community receiving education	
		Secondary schools	Primary schools
Karachi .. ..	Figures are not available ..	3	30
Hyderabad .. ..	Do. ..	4	56
Thar and Parkar ..	125 ..	....	5
Nawabshah .. ..	Figures are not available ..	....	39
Sukkur .. ..	About 619 ..	....	10
Upper Sind Frontier ..	.....	....	....
Larkana .. ..	About 717 ..	1	2

Mr. JAIRAMDAS DOULATRAM: May I know whether Government will be pleased to bring this Labana Sikh community under the category of educationally backward communities?

The Honourable MOULVI RAFIUDDIN AHMA: The honourable member will do well to give notice.

#### LANDHOLDERS IN THE PRESIDENCY AND IN SIND

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) the number of persons (Hindus and Muslims separately) who held on 1st January 1926 in their own right or occupied as permanent tenants or as lessees from Government alienated or unalienated land in each of the districts of Panch Mahals, Ratnagiri, Upper Sind Frontier and Thar Parkar, on which an assessment of not less than Rs. 32 and Rs. 16 (separately) has been paid in any one of the last five revenue years or would have been so paid if the land had not been alienated;

(b) the number of such persons in each of the seven districts of Sind who have paid or would have paid an assessment of not less than Rs. 500 and Rs. 1,000 (separately) ?

The Honourable Mr. J. L. RIEU: Statements marked A and B containing the information required in clauses (a) and (b) respectively are placed on the Council table.

## A

*Statement showing the number of persons who held on 1st January 1926 in their own right or occupied as permanent tenants or as leasees from Government alienated or unalienated land (including persons to whom free grants of land were made for war or meritorious services) on which an assessment of not less than Rs. 16 and Rs. 32 was paid in any one of the last five revenue years*

District	Persons paying assessment of not less than Rs. 16		Persons paying assessment of not less than Rs. 32	
	Hindus	Muham-madans	Hindus	Muham-madans
Panch Mahals .. .. .	9,013	279	1,582	93
Ratnagiri .. .. .	17,812	1,747	4,969	503
Thar Parkar .. .. .	2,406	5,920	1,517	4,712
Upper Sind Frontier ..	386	3,339	798	3,361

## B

*Statement showing the number of persons who held on 1st January 1926 in their own right or occupied as permanent occupants or as leasees from Government alienated or unalienated land (including persons to whom free grants of lands were made for war or meritorious services) on which an assessment of not less than Rs. 500 and Rs. 1,000 was paid in any one of the last five revenue years*

District	Persons paying assessment of not less than Rs. 500		Persons paying assessment of not less than Rs. 1,000	
	Hindus	Muham-madans	Hindus	Muham-madans
Karachi .. .. .	67	150	50	93
Hyderabad .. .. .	176	319	84	169
Sukkur .. .. .	89	177	36	106
Larkana .. .. .	217	242	95	155
Nawabshah .. .. .	135	244	61	107
Thar Parkar .. .. .	138	443	34	179
Upper Sind Frontier ..	126	468	39	270

## REVENUE RECEIPTS : SOUTHERN DIVISION

Mr. B. R. NANAL (Ratnagiri District): Will Government be pleased to state—

(a) the figures of land revenue and local fund cess for each of the six districts of the Southern Division, for the last ten years :

(b) the figures of other income derived by Government from each such district showing the head under which it is derived for the last ten years ?

The Honourable Mr. G. B. PRADHAN : (a) The honourable member is referred to Appendix I to the Land Revenue Administration Reports of the Bombay Presidency (including Sind).

(b) For the figures of revenue under the heads "Excise," "Stamps" and "Registration," the honourable member is referred to the following :—

*Excise.*—Imperial Return I of the Annual Reports on the Administration of the Excise Department in the Bombay Presidency, Sind and Aden.

*Stamps.*—Statements II and III of the Annual Reports of the Stamp Department in the Bombay Presidency and Sind.

*Registration.*—Form No. III of the Annual Reports on the Administration of the Registration Department in the Bombay Presidency.

There is no provincial revenue from Scheduled Taxes in the Southern Division as the Entertainments Duty Act and the Totalizator Betting Tax Act do not apply to any place in that Division. Figures of revenue under other heads of revenue are not available since Provincial accounts are not maintained by Districts.

Mr. JAIRAMDAS DOULATRAM : Is it not a fact that Government receive from each district a report of the collections of revenue under each revenue head ?

The Honourable Mr. G. B. PRADHAN : No.

Mr. JAIRAMDAS DOULATRAM : Then what reports are received at the headquarters of Government with regard to revenue from these various heads ?

The Honourable Mr. G. B. PRADHAN : Separate accounts of revenue are received only under one or two heads. The Accountant General put a man for six months to collect the information which was sought by the honourable member in his question, and he states that he must engage that man for another six months more before he can collect the information required.

Mr. JAIRAMDAS DOULATRAM : My question is different. How do Government know how much revenue is received under a particular head of revenue, except by receiving a report from the districts to the departmental heads or from divisions to departmental heads or through some other agency. Will not the addition of these totals give the figure which is wanted ?

The Honourable Mr. G. B. PRADHAN : They are submitted by divisions : they are not submitted by districts except in one or two cases.

**Mr. JAIRAMDAS DOULATRAM:** So that, these figures of divisions regarding revenue heads could be added up.

**The Honourable Mr. G. B. PRADHAN:** The revenue divisions do not correspond with the other divisions for which information is asked by the honourable member. The excise division will be different from the revenue division. The excise superintendent has got only two or three districts, whereas the Revenue Commissioners have six or seven districts in their division. The revenue and excise divisions do not coincide; that is where the trouble arises.

**Mr. JAIRAMDAS DOULATRAM:** But Government know what excise divisions contain what districts, so that it is only a question of sorting out the figures.

**The Honourable Mr. G. B. PRADHAN:** The collection of the different figures from the different records and totalling them takes a lot of time. I have already told the honourable member that a clerk was put on this duty for six months, and the Accountant General said that he must engage him for another six months more if he was to answer this question.

### SURAT RIOTS

**The Honourable Mr. J. R. MARTIN:** Sir, before we proceed to the next business I should like to put before the House the reports which I have received this morning regarding the Surat disturbances, since the House is interested in this matter. I will read the telegram from the District Magistrate of Surat, which runs as follows:—

"Arising out of Ganpati procession serious rioting took place in Surat City to-day. Trouble arose owing to communal illfeeling reaching climax. Sporadic stone-throwing by hooligans resulted in injury to number of persons including City Magistrate and Police. One party police compelled to fire about six shots—one Pathan killed thereby—in selfdefence. Situation from about 3 p.m. very serious, but control maintained, and by 7-30 p.m. quiet restored. Both communities very nervous. I held inquest on deceased Pathan and funeral carried out peacefully. All possible precautions taken before procession and for restoring confidence. Gathering mobs at different points made situation difficult, but conflict averted without firing except above incident. In spite heavy stone-throwing on police morale maintained and serious conflict and heavy loss of life averted. Great restraint and forbearance shown by police."

I have also had a telegram from one of the honourable members of this House who had gone up to Surat on hearing of the riots: He says:—

"Serious riot broke out here in spite precautionary measures by authorities. Atmosphere quiet since morning."

That is all the information, and I am sure the honourable House would like these to be put before them at the earliest opportunity.

**Mr. J. C. SWAMINARAYAN:** How many deaths occurred?

**The Honourable Mr. J. R. MARTIN:** One.

**Mr. JAIRAMDAS DOULATRAM:** Who is the honourable member who has sent the telegram?

**The Honourable Mr. J. R. MARTIN:** Rao Bahadur Naik.

(*Consideration of Mr. Syed Munawar's Bill further to amend the City of Bombay Municipal Act, 1888 resumed*)

Clause 3, as amended, ordered to stand part of the bill.

Clause 4 (*New section II-A of Bom. III of 1888*).

After section 11 of the said Act, the following section shall be inserted :

" 11-A. *Qualifications of voters at election of delegates.*—Every member and every officer of a registered trade union shall be entitled to be enrolled as voter in the electoral roll of the registered trade union and when so enrolled shall be entitled to vote at the election of delegates, provided—

(1) in the case of a member that he has been a member for six months immediately preceding the 1st day of September 1928 and for the purpose of future elections for six months immediately preceding the 1st day of September in the year in which the electoral roll of delegates is published ;

(2) in the case of an officer that he was an officer on the date of publication of the electoral roll ; and

(3) that he has resided in the city for six months immediately preceding the first day of September aforesaid."

The Honourable the PRESIDENT : Mr. S. C. Joshi has given notice of an amendment.

Mr. S. C. JOSHI : I am now moving it.

The Honourable the PRESIDENT : The next is by the honourable member Mr. Pahalajani to delete the words "and every officer." In view of the amendment accepted in clause 3, this is only a verbal amendment. Either the honourable member himself or the honourable member the Legal Remembrancer may move it at the third reading.

Mr. F. W. ALLISON : Sir, I would advise the House to take it up now. I have framed consequential amendments following on the amendment to clause 3, but I think the honourable member Mr. Pahalajani may intend to move them.

The Honourable the PRESIDENT : Well, it would be difficult to find out whether the House will accept the consequential amendment now. I think that the better plan would be to take this up in the third reading.

Mr. JAIRAMDAS DOULATRAM : It may lead to some confusion. It is better to adopt the usual procedure of taking up consequential amendments at the third reading.

Mr. F. W. ALLISON : I will move the amendment in the third reading.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I move :

In clause 4 (11-A (1)) substitute "three" for "six" in the second line.

The clause as amended would read :

" In the case of a member that he has been a member for three months immediately preceding the 1st day of September 1928 and for the purpose of future elections....." I will inform the House why I want "three" to be substituted for "six." This is a new measure which is being enacted and it is a measure which seeks to enfranchise a large number of labouring classes. If we insist upon the period of six months, in my humble opinion many people who have had no knowledge of the passing of such an Act may be excluded. My submission therefore is that if we substitute "three" for "six,"

[Mr. B. G. Pahalajani]

those who had been members of the trade union for three months may have also the right of vote. An analogy can be found in the Major Municipalities Act. When the old Act was in force the qualification required was six months residence or the payment of taxation for 6 months. When the new Act was brought before the House, the Honourable Minister in charge, Sir Ghulam Hussain, made a change and reduced the period to three months so that people who have had residence for three months may also be entitled to vote. My submission therefore to the House is that this period of six months should be reduced and three months substituted so that those who have enrolled themselves as members three months before 1st September may become voters. Three months is a reasonable period and it would be a more equitable distribution of their privileges. I hope the House will pass my amendment.

Question proposed.

Mr. N. A. BECHAR (Karachi City): I rise to support this amendment. Sir, this, I hope, is the first and the last amendment of the honourable member Mr. Pahalajani I will have the privilege of supporting, because the amendments of which he has given notice are, I am afraid, retrograde and reactionary and likely to make the bill innocuous, and I must necessarily oppose them. The only reason why I support this amendment is that there is not much time left for the election to the Bombay corporation. Sir, if you will read this clause carefully, it says that for succeeding elections the first day of September in each year will be the criterion for a member to be entitled to vote at future elections. This amendment merely refers to the first period and I think, Sir, that some latitude might be given because there may be many unions which may be in a fluid state now, more particularly on account of the strike. They may have not been able to pay subscriptions and many might like to join as a result of the right of voting for the Bombay Corporation granted to the labour unions under this Act. I would appeal to the Honourable Minister to see his way not to oppose this amendment.

Mr. HOOSENALLY M. RAHIMTOOLA (Bombay City): Sir, I rise to oppose the amendment moved by my honourable friend Mr. Pahalajani. He wants to reduce the period of residence in the case of members who are eligible to become voters. According to this, members who are temporary residents of the city, will become eligible to vote which is not desirable. I therefore oppose the amendment.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose this amendment. The day fixed here is the first day of September. We are now on the 29th of September. Consequently, whatever has been done before the 1st September will hold good, whether it is six months or three months it would not be affected. With regard to the next September, i.e., September, 1929, there will be enough time for everybody. I therefore think that there is no meaning in the amendment. Besides in the preparation of the electoral roll for the Legislative Council the period is put down as 6 months: period here is also put in as six months. Moreover, this period has been put in by my predecessor with

[Dewan Bahadur Harilal D. Desai]

the consent of the other members of the select committee and consequently there is no reason for those who were not in the select committee to come forward and move an amendment with regard to the period which had been agreed to by the other members of the select committee.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I am rather surprised at the argument of the Honourable Minister in charge. He says it is 29th September to-day and the 1st of September is past, and therefore, this question cannot be considered. I will bring it to his notice that the words are

"In the case of a member that he has been a member for six months immediately preceding the 1st day of September 1928."

so that, Sir, the membership is a past affair, and even whatever the date may be, the membership must have commenced on the 1st March 1928. Whether the electoral roll is prepared on next November or January does not come into the question at all. The whole question is, Sir, whether the membership for qualifying a person to vote should commence on the 1st March 1928 or whether it should commence on the 1st of June 1928. That is the whole question, and I think the Honourable Minister was wrong in stating that because the 1st of September is past and the 29th September is come, therefore, the question should not be affected. Rather the contrary. They are seriously affected, because it will disfranchise all the people who have been members between March and June, which is a serious handicap in their right of vote, and I respectfully suggest that the three months' period should be maintained.

Another argument of the Honourable Minister that the select committee has fixed it at six months and, therefore, it should be maintained, is certainly, in my humble opinion, an insult to the intelligence of the other members of the Council. They have their reasons for not fixing it at six months and they are placed before the rest of the members of this House,—all the members including the Government members and the Remembrancer of Legal Affairs,—our reasons for reducing it to three months are placed before them, and I do not think, Sir, that if the members of the select committee had at that time before their mind the fact that even in the City of Bombay Municipal Act the qualifying period is three months prior to the date of the electoral roll and not six months as it was in the old Act—I am certain if the members of the select committee had that before their mind, they also would have asked for three months instead of six in the present case. To my mind,—and I am here supported by one of the members of the select committee,—others of course have not resisted or opposed it because they had not all the facts before their mind. My submission to the House, therefore, is that they should accept this three months' period instead of six months.

Mr. F. W. ALLISON: Sir, I only want to say a few words to the House. This bill was discussed at very great length in the select committee, and every member of that committee will agree with me that there are very few bills more complicated than this to deal with.



[Mr. F. W. Allison]

We devoted a lot of attention and thought to this bill. We discussed this matter fully and we came to the conclusion that six months was a most reasonable period, and I do not think now that the House should be asked to upset that considered decision on grounds like those put forward by the honourable member Mr. Pahalajani.

The Honourable the PRESIDENT: The Honourable Minister has nothing further to add to what he has said, I believe.

The Honourable Dewan Bahadur HARILAL D. DESAI: No; I have nothing further to add.

Question put and lost.

Mr. B. G. PAHALAJANI (Western Sind): Sir, my next amendment is to omit sub-clause (2) and the other amendment is to omit sub-clause (3). The amendment reads:

"In clause 4, delete 11-A (2) and 11-A (3)."

If sub-clause (2) is deleted, *ipso facto* that would be a matter for third reading that the words "in the case of an officer that he has resided in the city for six months immediately preceding, etc." will go off, Sir, automatically, on account of the vote of the Council, when the Remembrancer of Legal Affairs comes to place those corrections. Now, as regards sub-clause (3), presumably the residential qualification mentioned there applies both to members and officers. I believe I am correct there. If I am correct, I will move the amendment.

Mr. F. W. ALLISON: Yes; that is my recollection; I think the select committee decided that the residential qualification should apply to both.

Mr. B. G. PAHALAJANI: Very well. As regards clause (2), in accordance with the opinion just now expressed, an officer is no longer entitled to vote. Therefore, the only clause that remains to be moved and that remains to be considered by the Council is whether any member of a trade union should be compelled to have a residential qualification of six months' stay immediately preceding the 1st day of September. I respectfully place before the Council that these two qualifications, separate qualifications, are not necessary. This qualification would have been necessary if the House had agreed with my previous amendment and changed six months into three, so that the residential qualification could have been a separate and distinct one from that of membership of a trade union.....

The Honourable the PRESIDENT: I should like to interrupt the honourable member here. Does he feel satisfied that the explanation given is borne out by the context of clause (3)? I am reading (1), "in the case of a member that he has been a member for six months" and so on. Then, there is a distinction in clause No. (2), "in the case of an officer that he was an officer on the date of publication of the electoral roll; and (3) that he (that is to say, the officer) has resided in the city for six months." Does it not read like that?

Mr. B. G. PAHALAJANI : Yes ; that was my doubt, Sir, and therefore, I asked the honourable member the Legal Remembrancer whether the condition mentioned there in clause (3) applied both to members and officers.

The Honourable the PRESIDENT : Does it read like that ?

Mr. F. W. ALLISON : I think so, Sir. May I say that in the case of a member the first premise applies, in the case of an officer the second premise applies, and after that comes a general clause about residence, which applies, and is meant to apply, to both members and officers.

Mr. B. G. PAHALAJANI : Now, Sir, it is said that provisions of clauses (2) and (3) apply both to members and officers. At present, we have to consider the residential qualification of a member. Now, the House, by expressing its last vote, maintains that a member in order to get a vote should have six months' membership on any trade union. If, Sir, six months' membership of a trade union is a qualification, I do not think, Sir, that any member of a trade union will be leaving his place, leaving Bombay, for any length of period and still continue to be a member of a trade union. I cannot understand why a double qualification should be maintained. One is that he should be a member of a trade union. I believe he is expected, in order to earn a vote, to remain in the city of Bombay working or going about the mills and he is, therefore, a member of a trade union. For that even, an additional qualification of residence is absolutely unnecessary. And is it, Sir, a six months' continuous residence without a break, or six months' residence before the 1st of September or the possessing of a house or paying rent somewhere for six months ? Suppose a man who is a member of a trade union, suppose a labourer, has stayed in Bombay for five months and then goes away for a month or say two months or so. Would the interruption of one month first, or two months next, or three months at the last time, be considered as not possessing the residential qualification of six months' residence in Bombay ? Are we to understand that because he has not lived in the city of Bombay for six months continuously he becomes disqualified for voting ? If the select committee or the honourable member the Remembrancer of Legal Affairs had cleared this point of six months' continuous residence without a break or if we had been given any interpretation of what the six months' residence meant, then there would have been some sense in retaining it. We have got six months' qualification as a member of a trade union. We presume in the case of these labourers who have to earn their living in Bombay that they have to remain in Bombay for six months ; we presume that the membership of a trade union implies also the labourer's residence in the town of Bombay. Now to put in another qualification that he must also reside in the town of Bombay for six months, which presumably means continuous six months, and if there is a break, though he is a member of a trade union for six months and though he has lived in the town for seven or seven and a half months or even nine months, if the poor man happens to be absent for the intervening three months or two months, are we to suppose that his six months'

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membership is not sufficient to make him a qualified voter ? The whole question of this six months' residence confounds the issue of the membership of a trade union because we do not know whether the residence is to be continuous or whether it is to be an interrupted residence or whether there should be no break whatever or whether there should be only a week's or a month's break. The whole clause, as it is, only confounds the first issue, and my submission to the House is that if you want to give representation to Labour, you should not put in such a qualifying limitation which in reality amounts to this, that if a man resides in Bombay only for five months, though he is a member of a trade union for more than six months, he incurs a disqualification and cannot vote. Let us not put so many limitations upon the poor labourers' votes. It should be enough if he is a member of a trade union. He gives his subscription for six months. What is the necessity of retaining another limitation and a six months' residential qualification also ?

Question proposed.

Mr. N. A. BECHAR (Karachi City) : Sir, may I just explain the import and the significance of this clause ? There are many trade unions whose membership is not only restricted to the city of Bombay but is extended to outside the limits of the city of Bombay as in the case of the G. I. P. Railway unions and the B. B. & C. I. Railway unions. That was one of the conditions which necessitated the inclusion of this sub-clause 3 in question. A labourer may be a member of a particular trade union which is registered in Bombay and which has its head office in Bombay but that particular member may not be residing in Bombay. What is the position then ? It affects the strength of delegates which each union will have the right of electing on the basis of 200. You may have 10,000 to 15,000 members of the B. B. & C. I. Railway union spread over the whole of the line and then, according to that, they will be entitled to, say, 70 members but if the restriction present here in sub-clause 3 is adhered to, then their representation will be limited only to the number of members who will be residing in the city of Bombay only. That was one consideration.

The second consideration was that Bombay is a very large port where large numbers of seamen reside and try to seek employment on board steamers visiting Bombay. There is a very large number of members of the seamen's unions numbering about 25,000 or 30,000. Now the position is that if this clause is not there, it will mean that members of the seamen's unions will be entitled to vote although they may not at all have resided in Bombay for six months for the purpose of giving them some kind of a stake or interest in the city for which representation is given to the labour unions in Bombay. Therefore, this clause was found to be necessary. I personally felt that we were certainly putting some kind of restriction on the labourer but we had also to consider that the election should be based on such lines as would not lead to any corruption or lead to the charge that these elections are only illusory. The point that the honourable member from Sukkur made was that a member of a trade union will not continue to be so if he does not reside in Bombay. Let me

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correct that impression. Labourers are more loyal to their unions than many of us are to our own unions and they pay their fees immediately. They return or immediately they happen to have money. Supposing a seaman goes out, he comes after a long voyage to Africa or America and he has taken about five or six months for the voyage out and back. He goes to my honourable friend Mr. Syed Munawar, takes out his Rs. 3 and pays the sum to him saying "here is my six months subscription." Therefore, to make clause 3 synonymous with clause 1 is not fair, but certainly if this House has no objection, I would not formally oppose this amendment.

Mr. R. S. ASAVALÉ (Bombay City, North): Sir, in opposing this amendment, I have to endorse every word that has fallen from my honourable friend the previous speaker and to point out that not only the seamen but other labourers have also their particular trade unions and they are manual workers and they all come under this Act to enjoy all the rights given to them by the Act. Take for example the unions of the G. I. P. Railway and the B. B. & C. I. Railway workmen as well as those of the millhands in textile industry in the city of Bombay but some of their members are residing out of Bombay in the suburbs like Kurla and other places. Does the honourable House wish to give such members the right of vote along with those other members of their unions who reside in the city itself? Therefore it would be very difficult to consider such members of these unions as voters for the election to the Bombay municipal corporation. It is therefore essential to have this clause of residential qualification and for this special purpose it was decided in the select committee that this clause should be inserted. If Government would allow that this clause should go, we, labour leaders, have no objection to the same as it will be beneficial to those labour unions that have members who reside in Bombay as well as outside the limit of the city of Bombay as they can have the right of sending more delegates to the electoral college. I would like only to support that proposition which was decided by the select committee.

Mr. S. C. JOSHI: Sir, I rise to oppose the amendment. Some of the unions of labourers working in any part of the Presidency have to be registered in the city of Bombay and therefore even the millworkers of Sholapur will therefore be entitled to give votes at an election of the Bombay municipality. We are now amending the Bombay Municipal Act and therefore it is absolutely necessary that the voting should be confined only to those persons who are living in the city of Bombay and should not be extended to others. A trade union may have its head office in Bombay but it may have its members numbering even 10,000 or 20,000 or 30,000 outside the city of Bombay and, as such, they can have and should have nothing to do with the elections of the city of Bombay municipal corporation. They do not live in Bombay and have no connection with Bombay except that they are the members of a union the head office of which is situated in the city of Bombay and that the union has been registered under the Trade Unions Act.

[Mr. S. C. Joshi]

It is with a view to exclude all these persons from voting at the election of the Bombay City municipality that this clause becomes necessary. The Bombay municipality has to look to the welfare and to the amenities of the citizens of Bombay and not of the residents of other places. It is not merely with a view to giving them certain benefits in the places where they are working, but with a view also to giving them benefits in their residential quarters and giving them other social amenities in so far as they are citizens of Bombay that they are to be given the right to vote. I therefore submit that the residential qualification is absolutely necessary.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, it seems to me that whereas there may be some justification for insisting upon residential qualification in the case of candidates for election to the Corporation, I, for one, am not able to see why this qualification should be insisted upon in the case of voters also. Of course, the Bombay Legislative Council shares, probably with one other Legislative Council, the almost unique distinction of having a residential qualification even in the case of candidates for election to the legislature. I believe in the case of all the other provincial legislatures there is no insistence on the residential qualification, but with regard to voters I find, just as in regard to our own Council election, that there is a general desire to insist that they should have a place of residence within the area of the local body for which they have the franchise. I believe, therefore, that all that need be done would be to slightly amend the clause as it now stands, and make it read "that he has a place of residence in the city of Bombay." If the clause stands as it is, and we insist that every voter must have *resided* for six months in the city of Bombay before the 1st of September, it is possible some of the strikers who have been out of employment for the last five months and might have left the city of Bombay sometime before the 1st of September, would not be entitled to vote at the forthcoming election. Therefore, Sir, if you will permit me, I would move an amendment to the amendment of my honourable friend Mr. Pahalajani to the effect that members may thereby have a place of residence in the city of Bombay.

With regard to the suggestion that members of the Seamen's Union ought not to come in, I do not see what justification there is to exclude them. If they are manual workers, and if they are members of a trade union which is registered under the Indian Trade Unions Act, I contend there is no justification to exclude them. Take again the case of railway employees who are members of a Railwaymen's Union. We have got manual workers who are members of such a union, men like porters, pointsmen and others who may be temporarily transferred outside the limits of the city for a month or two. During the period of such transfer they could not be said to be residing in the city of Bombay so that though they are members of a trade union of manual workers which has got its headquarters in Bombay, and though they have a permanent place of residence in Bombay, they will be denied the right to vote simply

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because they happen to go out for a month or two on transfer. I would therefore suggest that the sub-clause should read thus :

" That he has a place of residence in the city of Bombay."

I would reinforce my argument by quoting the regulation for elections to the Bombay Legislative Council. On page 182 of the Council Manual it is stated :

" A person shall be qualified as an elector for a non-Muhammadan or Muhammadan urban constituency who is not a European and who, on the 1st day of April next preceding the date of publication of the electoral roll, had a place of residence within the constituency, etc....."

I would therefore suggest that we should distinguish between the case of candidates for election and that of voters at an election. While we might insist on the residential qualification in the case of a candidate we need not insist upon it in the case of a voter, and it will sufficiently meet the requirements of the situation if we say that a voter should " have a place of residence " in the city of Bombay. So, with your permission, Sir, I would move my amendment as an amendment to the amendment of the honourable member Mr. Pahalajani.

The Honourable the PRESIDENT : I do not think it is an amendment to the amendment of the honourable member Mr. Pahalajani, which is to omit sub-clause (3).

Mr. F. W. ALLISON : Sir, with regard to what was said by the honourable member who spoke last, under the City Municipalities Act it has been laid down that the word " residence " or " residing " is equivalent to having a place of residence. In this case, if a member of a trade union registered in Bombay has resided in Bombay, it can be taken that he has a place of residence in the city of Bombay.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am not surprised at the objections raised, but I ask honourable members whether they are really serious in their efforts to give representation to Labour, because I cannot reconcile their earnestness with their efforts to curtail the rights of Labour so far as voting for the municipal election is concerned. What I find all along is that the representatives of Labour have been proposing conditions which actually go to curtail the rights of Labour to vote. I find that the nominated member for Labour (Mr. Joshi) tells us that he intends to exclude workmen of the G. I. P. Railway or the B. B. & C. I. Railway, although they are members of a union, simply because they happen to live outside the Bombay city municipal limits. I fail to understand the difference between the two. Take for instance the G. I. P. Railway Workmen's Union. It may have members who are working at a few stations within the city municipal limits, and it may have members working at a distance of one or two or ten miles away from the municipal limits. The trade union is an undivided one, with its headquarters in Bombay. It may have a membership of about 500 persons ; out of the 500 members, 100 may be working at the few stations within the city municipal limits, but there may be 400 people working outside at stations beyond the city municipal limits. Is this House really serious, are the

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honourable members representing Labour really serious in contending that out of the 500 members of the union only 100 should be enfranchised? Are they really serious in stating, and do they think that they are guarding the interests of Labour by laying it down, that simply because those 400 members have committed the crime of being employed at a distance of a few miles from the city municipal limits, they should have no voice whatever in the election of a delegate from the union for the purpose of representation on the Corporation? Is that not, Sir, curtailing the utility of a trade union. The G. I. P. Railway, or the B. B. & C. I. Railway Workmen's Unions, or other unions may have their headquarters in Bombay, but simply because some of the members of those unions happen to be employed outside the municipal limits, are they to be excluded. I am beginning to doubt the *bona fides* of those honourable members representing Labour who come here and tell us that Labour should be enfranchised.

An Honourable MEMBER: What are your *bona fides*?

Mr. B. G. PAHALAJANI: My *bona fides* are that I am saying that I do not at all favour such partial enfranchisement. If you want to give a right, give it to all. If there are 5,000 members of a trade union, give the right to all the members. They have the right, as being members of a trade union, to represent their case before the municipality. Those of them who may be living outside the municipal limits ought to have as much right to vote as those living within the city. I say, Sir, that this is the enfranchisement of labour and it is not the enfranchisement of a few people. The definition given in the bill for registered trade union is as follows:

"Registered trade union" means a trade union of manual workers employed in trade and industry.....

In the case of a seamen's union, I ask whether they do not come under this category of manual workers. It is for the Remembrancer of Legal Affairs to decide.

Mr. N. A. BECHAR: I rise to a point of order. My point is that the Bombay Municipalities Act defines that people residing in the city of Bombay alone are entitled to vote at the municipal elections. Whatever may be the liberal interpretation.....

The Honourable the PRESIDENT: Where is the point of order?

Mr. N. A. BECHAR: My point of order is.....

The Honourable the PRESIDENT: There is no point of order. I would not allow the honourable member to speak.

Mr. B. G. PAHALAJANI: I am thankful to the honourable member, because it has given me another train of thought (The Honourable Dewan Bahadur Harilal Desai: Open door of intelligence). In the case of the Major Municipalities Act, if a man resides in England and contributes a tax to the municipality in Sukkur, he has the right to vote simply because he contributes a tax to the municipality. The same principle has been followed in the amending Act III of 1926. If that is so, may I know

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why in the case of these poor labourers the residential qualifications should be insisted upon? I do not understand why the labourers should be divided into two castes—the labourers contributing to the trade unions—one set belonging to the mofussil and the other to the city. If that is the intention of labour members in the House that they should be divided, I leave it to them and the House to decide.

Mr. SYED MUNAWAR: Sir, I have listened to the speech of the honourable member from Sukkur moving the amendment. I do not think he has caught the point at issue, even though he talked of emergencies and expediencies. He referred to the existence of a large number of seamen, railway men, sailors and so on and seemed to presume that these labourers are not stationary, but of a migratory character. But I dare say he has lost sight of the fact that unless a labourer lives in Bombay to exercise his vote, he will have no place in the electoral College. Therefore this amendment is not to the point and I oppose it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose this amendment. If my honourable friend from Sukkur had read the City of Bombay Municipal Act, he would have found that the fundamental basis of franchise in the city of Bombay is occupation of a building and residence there. Section 11, clause 2, lays down:

"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."

So, the residential qualification is the basis of franchise in Bombay. Section 15 lays down certain qualifications for election by the University. There we find:

".....or at a fellow's election, unless he is at the time of election a member of that chamber or association, or a person entitled to exercise the rights and privileges of membership.....and unless, in the case of a fellow, he resides in the city."

The cases of the trade unions and university are akin more or less. Fellows of the university reside in the city and in the mofussil. The Act is so particular in the case of fellows of the university that if he does not reside in the city then his qualification is taken away. The words "resident, residing, and resides" all these words mean a place of residence. That being the framework of the Act which is being amended by the present bill we have to keep to it. Therefore the amendment of my honourable friend is illogical and cannot be accepted.

The Honourable the PRESIDENT: I do not quite follow the honourable member. He stated that all these phrases and words he mentioned to the last portion of his speech meant "places of residence in Bombay." What does he rely on?

The Honourable Dewan Bahadur HARILAL D. DESAI: Clause 11 (2). Residence or having a residential building, whether rented or not, is a *sine qua non* for being enrolled as a voter. If a fellow does not reside in Bombay, his right is affected.



Question put and lost.

The Honourable the PRESIDENT: Now, I should like to help the honourable member from Hyderabad at this stage, by asking the Honourable Minister and the honourable member the Legal Remembrancer if they have any objection to accepting the words "a place of residence" in place of "resided."

The Honourable Dewan Bahadur HARILAL D. DESAI: No, Sir. I am prepared to accept it, so that we may make it clear.

The Honourable the PRESIDENT: The amendment is that in sub-clause (3) of clause 4, in place of the word "resided" substitute the words "a place of residence."

Mr. F. W. ALLISON: It should be "substitute the words 'had a place of residence'."

The Honourable the PRESIDENT: That amendment, I understand, would be acceptable to the honourable member Mr. Jairamdas Doulatram. The amendment is

"In clause 4, sub-clause 3 of section 11-A, for the word 'resided' substitute the words 'had a place of residence.'"

Mr. HOSENALLY M. RAHIMTOOLA: Sir, this amendment has come at the last moment without any notice, and I think it has a different meaning from the word "resided". Therefore, I would not like to accept it at this stage.

The Honourable the PRESIDENT: I allowed that amendment as it was embodied in a speech on the last amendment, and two responsible officers here had stated and do still maintain that it has the same meaning as the amendment proposed.

Mr. HOSENALLY M. RAHIMTOOLA: If it has the same meaning, why not let the words remain as they are?!

The Honourable the PRESIDENT: Because this explains the object much more fully.

Mr. HOSENALLY M. RAHIMTOOLA: I am not prepared to say that: I therefore take objection to the amendment.

Mr. H. V. PATASKAR (East Khandesh District): Sir, I rise not to oppose the amendment but to draw the attention of the Honourable Minister and the honourable member the Legal Remembrancer to the definition of the word "resided" that is already given in the City of Bombay Municipal Act, in Section 3 (a). The objection of the honourable mover to the present wording in the bill was that if it was allowed to stand as it is then a person leaving Bombay temporarily may lose his vote. The definition of the word "reside" given there will cover the purpose of the honourable mover. The definition reads—

"a person is deemed 'to reside' in any dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment;

and a person is not deemed to cease 'to reside' in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the

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liberty of returning to it at any time and no abandonment of the intention of returning thereto."

Mr. B. G. PAHALAJANI: That seems to be more clear.

Dr. M. K. DIXIT: The period of six months remains?

The Honourable the PRESIDENT: Yes.

Mr. J. C. SWAMINARAYAN: Sir, I do not think both have the same meaning. In the new Local Boards Act we are using the words "place of residence" instead of the word 'resided.' By putting down the words "place of residence" a labourer, who goes out of Bombay for some time, if he keeps a place of residence in Bombay, and is a member of a trade union, will get his vote. Therefore the words "has had a place of residence" have a wider meaning, and because it connotes a wider meaning I support the suggestion made by the honourable member for Hyderabad and I congratulate Government on having accepted the wider connotation. I think the honourable member the Legal Remembrancer is not right in saying that both the terms have the same meaning. The one has a wider meaning, and because it has got a wider meaning, I support it.

Mr. F. W. ALLISON: I have nothing to say.

Question put and carried.

Clause 4 as amended ordered to stand part of the bill.

Clause 5 (*New section 14-A of Bom. III of 1888*):

5. After section 14 of the said Act, the following section shall be inserted, namely:—  
"14-A. *Qualifications for election as a councillor by delegates.* A person shall not be qualified to be elected as a councillor by the delegates unless he is enrolled in the electoral roll of delegates."

The Honourable the PRESIDENT: There is an amendment by the honourable member Mr. Pahalajani "Delete clause 5." That is no amendment.

Mr. B. G. PAHALAJANI: I do not move that. I shall move the next amendment.

The Honourable the PRESIDENT: The honourable member may move it.

Mr. N. A. BECHAR: Sir, I want to know whether amendments can be tabled at any moment without proper notice?

The Honourable the PRESIDENT: I have said, and I will say it again, that proper notice has to be given. But when circumstances have arisen when it has not been possible for honourable members to give notice within the period of notice, then I have always allowed them. As in this particular case, the bill was not published in time and it was placed in the hands of honourable members rather late, I have allowed amendments after the lapse of the period of notice. But, as I say, it is not to be the general practice at all, and honourable members cannot claim it in every case.

Mr. N. A. BECHAR: Sir, my submission to you is this, that there must be some finality about this matter. Your goodself had stated that

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the amendments that were time-barred could be moved under the special circumstances, and all amendments that were received till then have come on to the agenda. So far as those amendments go, they were allowed in consonance with the spirit of the ruling given by you. That is as regards amendments which had to be given at shorter notice on account of the bill not being in the hands of honourable members in time. But since the bill had been placed in the hands of honourable members, there was sufficient time to give notice under the ordinary rules. But the honourable member has not done so; he is springing a surprise on the House without the due notice which he would have had to give under all circumstances. Therefore, this amendment cannot be treated on a par with the amendments that were given and allowed to be put on the agenda under the special circumstances, and I do appeal to you, Sir, that this is a very contentious amendment and that some kind of consideration should be shown to us.

The Honourable the PRESIDENT: I think the honourable member is technically perfectly right in saying all he has said. But I have allowed the amendment in this particular case.

Mr. B. G. PAHALAJANI (Western Sind): I should correct the honourable member that I have no intention to take the House unawares and to spring a surprise on the House in the shape of any amendment that is not contemplated by the Act itself. The amendment which I beg to move is—

In clause 5—14A after the words "unless he is" add the words "a voter as prescribed by 11-A and"

The clause as amended would read:

"A person shall not be qualified to be elected as a councillor by the delegates unless he is a voter and he is enrolled in the electoral roll of delegates."

This amendment is in accordance with the vote of the House on Thursday. Now that we have decided to remove the word "officer" no person who is not a member of the trade union has a vote. It is therefore clear that a member of the trade union who has been resident in the city and has been a member for six months has the right to vote and elect a delegate. That is the situation. My submission therefore is that the four members who represent the trade union must be members of the trade unions themselves. By allowing officers who are not members of the trade union, who do not pay anything to the trade union, but who simply happen to be elected officers though they may belong to a higher status in life to become representatives in the corporation would be defeating the intention of the bill. I submit that those people who do not represent labour in the slightest degree should not become representatives of the manual workers who are anxious to be represented in the corporation and whose interests honourable members on either side of the House are prepared to support. Those are the people who should be the representatives of manual workers and not the people who guide the trade union, who have plenty of money and who do not feel the pinch of the labouring classes. It is the real labour that I wish should get the

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right of representing itself. If you have excluded officers of a trade union from electing a delegate, do you intend indirectly to bring them in as municipal councillors? They do not contribute in the slightest degree to the membership of the trade union and they have no concern with the election of a delegate and yet you want them to be municipal councillors simply because they happen to be officers. The House will be defeating its own object and its own vote on Thursday if officers are allowed to come into the municipal council. Look at the City Municipal Act or the Rural Municipalities Act. Nowhere is it allowed that a person who is not a voter is eligible to become member on these bodies. That is the recognised principle of law. No person can be a member unless he is a voter in the general constituency. No person can become a member in the University unless he is a registered graduate of the university and no person can represent any association, or Chamber of Commerce unless he is a member of the Chamber of Commerce. That is a commonsense principle. If this amendment is not accepted, persons who are not members of the trade union will have the right of being sent in to the municipal council. That is an anomalous position and in order to remove it I have brought forward this amendment. The clause as it is will be introducing a new principle and it is therefore that I have brought this amendment forward.

Question proposed.

Mr. R. G. PRADHAN (Nasik District): Sir, so far as this particular amendment moved by my honourable friend Mr. Pahalajani is concerned, I am entirely in agreement with him that it is absolutely necessary that the person to be elected should be a member of the trade union. But I wish to express my views on this clause in general and the novel principle which he seeks to embody. I am surprised, Sir, that members representing labour in this House have agreed to this clause 14-A. It seems to me extremely surprising that any gentlemen who have the interests of labour at heart and are anxious for the representation of labour on the municipal corporation of Bombay should agree to a clause of this kind, which seeks to introduce in the matter of qualification for election a novel principle for which, as far as my study of constitution goes, I have been unable to discover a parallel in any constitution or legislature similar to this one. I find that my honourable friend Mr. Bole has expressed his dissent of the view which is expressed in this clause. What is the principle underlying this clause? That principle is that a member who wishes to seek election to the Corporation of Bombay on behalf of labour must be first of all elected as a delegate to the electoral college. If he is not a member of the electoral college, he cannot seek election to the Bombay Corporation on behalf of labour. In the first place it makes a subtle distinction between labour on the one hand and the body of electors to the Bombay Corporation on the other. My plain question to the House and the representatives of labour is this: Are you anxious to have representation of labour on the Bombay Corporation or not? If you are anxious that labour should be represented on the Corporation, then what do you mean

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by making this distinction between labour on one side and other voters on the other ?

In respect of the voters for the Bombay Corporation there is no specific electoral college at all, as far as I am aware. Much less is there this principle which is introduced that one who seeks election to the Bombay Corporation must become a member of the electoral college. Why do we agree to this distinction, this invidious distinction, being made in the case of a member for labour ? It seems to me that even representatives of labour, while they are seeking representation of labour on the Bombay Corporation, are somewhat nervous about the capacity of labour to discharge the responsibilities and duties of representatives. On the one hand, they want representation for labour ; on the other hand, they are trying to have it in a way which seems to sound a monopoly in favour of some persons, which I for one would be unwilling to recognise. Sir, we know something of this system of delegation. That system obtained so far as the election of councillors was concerned in the old days, when municipalities and district local boards had to elect representatives to the Legislative Council by means of delegation or through delegation.....

Mr. P. J. MARZBAN : Sir, I rise to a point of order. I understand this House has agreed to that clause which embodies the principle of electoral college, and the honourable member Mr. Pradhan raises this point at this stage, whether we should have it or not.

The Honourable the PRESIDENT : I do not think he is attempting anything of the kind. Is the honourable member challenging the electoral colleges which have been accepted ?

Mr. R. G. PRADHAN : No ; I do not challenge the formation of the electoral college. What I challenge is that a member to be elected a candidate for election should also be a member of that electoral college. These are two distinct things.

The Honourable Dewan Bahadur HARILAL D. DESAI : In order that my honourable friend may not take up more time of the House, shall I refer him to section 14 of the Municipal Act, where it is said that " a person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward " ?

He says he never found in any constitution anything like that. That is a provision in the Municipal Act itself that a man must be a voter before he can put forward himself as a candidate. So, in this case, a labourer, unless he is a member, cannot stand as a candidate, and in order that he may be able to stand, he must be a member of a trade union. That is all that is wanted.

Mr. R. G. PRADHAN : No. A body of voters is quite different from a body of delegates.

Mr. F. W. ALLISON : Why ?

Mr. R. G. PRADHAN : Well, if honourable members will remember the system that reigned some years ago in connection with elections by municipalities and district local boards to the Legislative Council, they will know that under that system delegates were elected for the purpose of electing, but certainly it was not necessary for candidates who stood for election to become delegates. This clause introduces entirely a new principle. In the first place, it says that you must be a voter according to the amendment proposed. Well, to that I have not the least objection. On the contrary, I insist that that is a wholesome amendment. But the second thing that is insisted on is that he must also be a member of the body of delegates. As I say, it is a novel principle and I think that the House would be committing a great mistake if it accepts a principle of that kind. I only hope that we will not introduce a new clause which will embody a novel principle in regard to franchise.

Mr. F. W. ALLISON : Sir, as far as I can gather, and I believe that is what many other honourable members have gathered too,—what the honourable member Mr. Pradhan has said has nothing whatever to do with the honourable member Mr. Pahalajani's amendment. The speech which he has made, has, to my mind, nothing to do with the amendment, because the honourable member Mr. Pahalajani has not in the least challenged the doctrine of electoral college at all.....

Mr. R. G. PRADHAN : But I have a right to speak both on the amendment as well as on the original clause.

Mr. F. W. ALLISON : Well, Sir, I submit to the House that the principle he was discussing was not whether the election should be in accord with the system of election which prevails in ward elections in Bombay. His point was not whether the manner of election of voters on the electoral roll was objectionable, but it was whether there should be a certain definite restriction on the qualifications for a person to be a delegate at all and, therefore, to be represented. Isn't that so ?

Mr. B. G. PAHALAJANI : Yes.

Mr. JAIRAMDAS DOULATRAM : I think, when a clause is put up for consideration and certain amendments are proposed to that clause, both the amendments and the issue involved in the clause are open to discussion. Is it not so ?

The Honourable the PRESIDENT : Where is the difficulty ? The point is, the honourable member Mr. Pradhan started distinctly by saying that he supported the amendment. Then, he went on and spoke something which the honourable member the Legal Remembrancer took exception to as having nothing to do with the amendment. He is perfectly right. (Mr. R. G. Pradhan : I am also perfectly right.) There is no objection to the discussion of the clause itself. But the honourable member certainly started by saying that he rose to support the amendment, and in his speech.....

Mr. R. G. PRADHAN : Be it remembered that I also said that I want to express my views on the principles underlying the clause. I am perfectly entitled to do that.

The Honourable the PRESIDENT: Certainly. Nobody objects to that.

Rao Bahadur S. T. KAMBLI (Dharwar District): Mr. President, I rise to support the amendment. The object of the amendment is to confine the benefits of this bill to the very classes for whose benefit it is intended. It is intended by this bill to give representation to the labouring classes, and it is in the fitness of things that those who represent them should be from the labouring classes themselves. It will of course not be a very enviable or desirable state of affairs if members belonging to the medical or the legal profession or other professions are allowed to take advantage of this bill and are allowed to try to get into the municipal corporation of Bombay as representatives of labour. Speaking in the vernaculars is allowed in the corporation debates and there are enough number of labour leaders in Bombay who are quite fit to be their representatives. I therefore beg to submit to this House that the amendment is a very salutary one and should be accepted by this House.

Those persons who do not belong to the labouring classes and who have been helping the labouring classes up to this time may perhaps find that one of their occupations is gone. Their help has no doubt been very welcome to the labouring classes up to the present day. But it should not be understood from it that the labouring classes do not contain persons who are quite as fit as or more fit than some of those outsiders who are now pretending to represent Labour in this House or outside of it. We have manual workers in mills in Bombay who draw salaries of Rs. 500 or over a month, a fact which shows that they have enough brains to take care of their interests effectively and adequately in the municipal corporation. If the bill is intended to protect the labouring classes, it stands to reason that if this bill is to have any value the benefits of this bill should be confined to the labouring classes alone and that those alone who belong to that class should be allowed the right of representing them on the municipality of Bombay. I do admit that there are many people who, though they do not belong to the class of manual workers, have been helping labour in many ways and have spent most of their valuable time in assisting the labouring classes to organise their unions and so on. But at the same time, I also know that there are many men who make the labouring classes a pawn in the political game. Such last described class of persons will no doubt be hard hit by this amendment, but I do not think that that is a good ground for entitling them to vote or for entitling them to be the representatives of labour by taking advantage of the provisions of this bill. Looked at from every point of view, I think the amendment is a sound one and should commend itself to the acceptance of this House. With these words, I support the amendment.

Mr. S. C. JOSHI: Sir, I regret I have to oppose the amendment. I know my honourable friend from Sukkur will probably say that I and others who represent labour in this House do not, not being labourers ourselves, properly represent labour. He may even challenge our *bona fides*. Let him do so. I can however say that in the interests of labour, and in the present infant stage of the labour movement in India,

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it is necessary that some scope should be given at least for those who represent their cause and in whom the labourers may have placed implicit confidence and allowed them to conduct their unions. You will thereby secure the welfare of the labour movement in its infant stage. The principle of outsiders being allowed to take part in the labour movement and to represent their cause has been accepted by the Government of India in the Trade Unions Act, section 17 of which provides definitely that one-half of the officers of a trade union can be from outside the union. In the existing stage of the labour movement, it is absolutely necessary to allow outsiders to take up the cause of the labouring classes and those who have the confidence of the labourers can be allowed to become officers of trade unions and if they can be allowed to become officers, I do not see why they should not be allowed to represent their interests in the corporation. I do agree with every word that has fallen from the mouth of the honourable member who has moved this amendment and also from the honourable member the Deputy President (Rao Bahadur Kambli). It is quite true in theory and I accept it, but I only say that at present it is not practical politics. It is not desirable that representation should be confined only to those who are manual workers and who belong to trade unions. We shall be doing great harm to the cause of those for whom we really are making this legislation and it may be our experience that we have done a very wrong thing. I think therefore that the amendment as it is worded now will not be helpful to the interest of labour.

Mr. P. R. CHIKODI (Belgaum District): Sir, I did not intend to take part in this debate because I thought the very underlying principle of the amendment was one which could have been accepted even by Government, but I am obliged to do so because of the remarks that fell from the honourable member who spoke last, namely, that the labour movement was in its infant stage and therefore the labourers were incapable of representing their own interests in the corporation. If that is so, is my honourable friend Mr. Joshi prepared to say that labour is far more backward than the depressed classes? If the same principle of delegation were to be extended to the depressed classes, I would say that we should not have seen in this House two members belonging to the depressed classes to represent them here. The same argument can be applied to the depressed classes that they are very backward in education, that their condition is far worse than the condition of any other community or class and that therefore members belonging to advanced classes should better represent them here and very ably. What has been the cry since some years? The cry has been that these communities must be represented and can be represented very ably and better by people of their own classes and that each class wanted its own real genuine representative in this House. If this principle is accepted in the case of the depressed classes, then I say labour, as it is constituted to-day, has got many more men who are far more capable of representing their own grievances and their interests than those who pretend to represent them in this House.



The Honourable the PRESIDENT: The honourable member Mr. Bechar has taken a step which shows that he did not very much appreciate the position taken up by the honourable member from Sukkur, and proposes to move an amendment to delete the whole clause. I am not going to take that as an amendment to this amendment but as a separate amendment. If that is so, would not the honourable member Mr. Bechar wait till his turn came?

Mr. N. A. BECHAR (Karachi City): No, Sir. I will speak on this.....

The Honourable the PRESIDENT: As a matter of fact this amendment should have been tabled within the last two or three days and should have come first.

Mr. N. A. BECHAR: Since you, Sir, have allowed us to send in amendments at any time.....

The Honourable the PRESIDENT: I do not understand how the amendment "Delete the clause 14-A" comes in as an amendment to the amendment before the House.

Mr. B. G. PAHALAJANI: It is not an amendment. It is positive or negative.

Mr. N. A. BECHAR: My submission to you is that I first of all oppose the amendment which my honourable friend from Sukkur has moved. In the alternative, if this amendment is carried, then the only effective way of doing away with the evil effect of his amendment will be to delete the whole clause. If I could have the opportunity of opposing the whole clause when that clause is put before this House by a speech, then my formal amendment would not be necessary.

The Honourable the PRESIDENT: The clause is before the House.

Mr. N. A. BECHAR: Sir, I do not know how to describe my honourable friend from Sukkur, whether he is a doctrinaire or a faddist or whether he is a reactionary for he wants to mutilate the whole bill in such a way as to destroy the intention and the character of it.

Before I deal with the further arguments that he has advanced, I should like to say one word with regard to what has fallen from my honourable friend who comes from the Karnatak. Proceeding logically with the argument, if the depressed classes cannot be represented by themselves, if the labouring classes cannot represent themselves, then there is no need to give representation to them. But he really confounded the issue, for this reason that, whereas the depressed class is a caste or community by itself, the labouring class is not so. He gave us the positive instance of the two representatives on behalf of the depressed classes, my friend Dr. Ambedkar and my friend Dr. Solanki. But both of them have passed the stage of being called 'depressed' class men, because the synonymous term for the depressed class is untouchable class. Surely, neither of these two honourable members are regarded as untouchables. I do not think even the staunchest orthodox Hindu would have the slightest objection to mix freely with them.

The Honourable the PRESIDENT: This is beside the point entirely. They are no doubt held in the highest esteem in this House.

Mr. N. A. BECHAR: Therefore, I am saying that in spite of that they are representing the depressed or untouchable classes; they have the right merely because they happen to belong to the community of the depressed class. Therefore, what I was saying was that so far as the labouring classes are concerned, it is not a caste or community. In the case of labourers it is the community of feeling, interest or outlook. Yet in this particular case, my honourable friend from Karnatak wants to restrict the right of being elected only to those who are actual manual labourers. That is exactly the restriction which is inconsistent with the speech that he made. Sir, my point of view is this. Nobody in this House desires more than ourselves that an actual labourer should represent labourers on the public bodies. There is not the slightest doubt about that. But, Sir, we have to face the facts as they are. I ask the honourable members on the Treasury Benches and those who were responsible for making nominations on behalf of Labour, could they not find actual labourers to come up and be nominated on the Council on behalf of Labour? Why did they not do it? My point is that even in England, after so many years of organisation, although certain manual labourers are to-day the representatives of Labour in Parliament and in the municipalities and they may have been actually labourers at one stage or another but immediately they come up to a certain standard of intelligence and of activity they either occupy the position of officers in the unions or go up still further. You must have read some time ago that an officer of a trade union Mr. Hodges who had begun his life as a labourer was made the managing director of a very big industry. Therefore, though he may have originally begun his life as a manual labourer, after a certain time he ceased to be a manual labourer, whereas according to the clause as it is sought to be amended representation is to be confined only to the manual labourers. Sir, the biggest experiment of Labour Government carried on in the Soviet Russia ought to be a convincing answer to all those people who are opposed to the officers of the unions being the representatives of Labour in municipalities and elsewhere. Although the whole of the Soviet State of Russia exists for the benefit of the labouring classes, yet we find that all those that are directing the whole of the Government machinery are not actually labourers either in the field or in the factory. Why should we refuse to face these facts? Sometime ago, Mr. Churchill, the British Chancellor of the Exchequer, speaking at a very important meeting at some place in England said that Labour can never govern England, and he said that although by a majority they may somehow come into office, they lacked the brains to carry on the Government of England, and he said "We want to know where are the law officers belonging to Labour that can help Labour in carrying on the Government"; and he enumerated a number of other things. Sir, all this reactionary opinion I am certainly not going to accept. This one thing is quite clear that, if Labour is to play its part, it must be on a broad principle that it must accept the services of all those who are loyal to the cause. This narrow, restricted principle of actual

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manual labourers doing everything from the beginning to the end has never existed, and has never successfully or unsuccessfully tried in any part of the world. Sir, the Government of India is a bigger authority, or an authority to which the Bombay Government is subordinate, and they, realising the position, have actually incorporated into the Trade Unions Act a clause, in which the following occurs :

“the admission of ordinary members who shall be persons actually engaged or employed in any industry with which the trade union is connected and also the admission of the number of honorary members who shall be officers of the trade union....”

Now, I ask whether all the best brains that are concentrated in the Assembly are very much inferior to our own intelligence. Sir, what I was trying to point out is this. The Trade Unions Act is a far more important measure than the present bill giving 4 representatives to Labour on the Bombay Corporation. The employers, who see in the trade unions the biggest force of conflict, have not objected to it, and even Sir Walter Wilson, the representative of the Bengal Chamber of Commerce, whose speeches I can quote, has not stated that politicians, as my honourable friend the Deputy President has put it, are trying to exploit trade unions. Sir, I think it merely betrays want of knowledge, want of study and want of sympathy, as my honourable friend rightly says.

Sir, I do not wish to take any more time of the House on this question, but what I do say is this. I see in this amendment no other meaning than this, that they want as representatives of Labour people whom they can somehow or other always fool, that they want in the Corporation people who will find it impossible effectively to represent their grievances and their cause. I can understand that a stage may come when compulsory education has had its penetrating effects, and it may be possible for Labour to challenge every honourable member on this side. I want that time to come. But we have to recognise the facts as they are at present: Otherwise the real object of giving Labour some amount of voice in the administration of the city through their representatives, so that the conditions in which they find themselves to-day in the hovels might be improved, will be defeated.

Take our own example. You may say we are not labourers. From the beginning we entered this House, have we not raised our protest against the existing conditions and have we not utilised every opportunity for elevating and improving the condition of labour? I ask, Sir, whether the honourable member Mr. Pahalajani has paid a moment's thought to this question. Motives are being attributed that we want to become officers of trade unions. One can become an officer in many other associations and organisations, get titles of Rao Bahadur and Dewan Bahadur and like my friend Mr. Pahalajani hold good position in society. Trade unions are not the only openings for us, for those who want to devote their lives to labour. It is mere hypocrisy to say that we men go to labour unions to become officers. It is insulting to the sincerity of people like Mr. Joshi who can, like my honourable friend Mr. Pahalajani, go to the bar or do some other work and earn money. My honourable friend Mr. Joshi positively refused to do that (Interruption). What I say is

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that in the Labour movement there are people who are able enough to earn a lot of money—as much as my honourable friend Mr. Pahalajani—but they are living a life of renunciation. Is that not sufficient certificate for people that they are sincerely devoting themselves to the cause of labour? If that is not a good certificate and sufficient certificate, I fail to understand what my honourable friend Mr. Pahalajani wants. I ask whether Mr. Pahalajani has gone to the fields and tilled.....

The Honourable the PRESIDENT: The honourable member is repeating argument.

Mr. N. A. BECHAR: The honourable member Mr. Pahalajani represents in this Council a big rural constituency. Has he ever tilled one inch of land? What I want to say is that everyone can be a patriot to the pinch. One can preach a lot but if there is anything that hurts him, then he turns the other way.

I appeal to Government to at least give certain weight to their own considered opinion. By a unanimous vote they passed this clause in the select committee. Do not stultify yourself by sitting quiet when a division is called. Apart from stultifying yourself, we have often heard in this House the Leader of the House saying that this Government is subordinate to the Government of India. Do you or do you not stand by the Trade Unions Act? Trade unions are the agency through which election must take place. The Trade Unions Act provides that honorary membership is open to those few persons who will be regarded and elected as officers. After all these officers are to be elected by the labourers themselves. Is it conceivable that these two persons can control the whole election as my honourable friend Mr. Pahalajani apprehends with the result that the real cause of labour will not be represented? He does not mind what happens to the cause of labour. But he does not want these agitators who talk on behalf of the people, because they will make their position hot and because they are inconvenient. I hope therefore wise Council will prevail and the amendment will be thrown out.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I rise to support the amendment moved by my honourable friend Mr. Pahalajani. The fundamental object of the bill is to get on the corporation true representation of labourers themselves. My honourable friend Mr. Joshi says that labour at present is in its infant stage, and it very badly wants the help of people like Jhabwallas, Ginwallas, Asavales or Joshis, who are to safeguard their interests. I very humbly ask if Messrs. Joshi, Jhabwalla and Ginwalla can represent or safeguard the interests of labour in the corporation hall; why not Messrs. Marzban, Mekta or Mody—who are already there—safeguard the interests of labour equally well? Why do you want an outside agency who has nothing to do with labour? Now, Sir, with that object I had moved an amendment but I was not here when it was called. I wanted to widen the definition of labour by including better class of manual labourers who can be elected as representatives of labour. You have narrowed down the definition to such an extent that anybody not understanding even simple English will

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now be returned. But fortunately labour latterly has been looking up. At present there are one or two representatives of labour in the corporation who have behaved with no little credit to themselves. I dare say there are highly paid mukadams, jobbers and better class of weavers who are quite competent to represent the cause of labour.

An Honourable MEMBER: Who is to pay for their maintenance?

Mr. P. J. MARZBAN: If labour is so poor and so weak that they cannot afford that expenditure, they can trust to their colleagues on the corporation and not try to send a gentleman who does not represent their cause. I am sorry to say that there are the so-called labour leaders who have given a very bad idea about their lead. I do not want to say more. If they want to have representation for labour, labourers themselves should come into the corporation, because the corporation is the best training ground. They must have this training before they begin to lead labour. Why should you want to bring in outsiders when you are yourself well capable of safeguarding your interests? (Interruption.)

The Honourable Dewan Bahadur HARILAL D. DESAI: Is it in order for an honourable member to stand inside the House and smoke or be smoking outside the House and yet speak by way of interruption.

The Deputy PRESIDENT: Certainly it is out of order. I hope honourable members will refrain from making remarks standing outside the House.

Mr. P. J. MARZBAN: In the first instance if the labourers themselves are returned, it will be a sort of schooling ground for them. Where is the good of having representation when labour itself has no schooling? I say that the amendment moved by my honourable friend Mr. Pahalajani is satisfactory and hope the House will support it.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the amendment, for the simple reason that we have already passed clause 2 (gg), and if the motion of the honourable member to amend this clause is accepted, clause 2 (gg) will have no effect. The object of the select committee in framing the bill in its present form was to keep the electoral roll within manageable size, and with this end in view they framed clauses regarding an electoral college. If we now omit the words "electoral roll of delegates" and put in the word "voters" then, where is the necessity of a definition of "electoral college" at all? As the bill has been framed by the select committee, only those who are enrolled on the electoral roll of delegates have got the right of standing as a candidate for being elected as councillors, while a voter who is not enrolled on that roll cannot even stand as a candidate for election as a councillor. It is all very well to say that any voter should be allowed to stand as a candidate, but it would not be such an easy task. It has also been suggested here that outsiders should not at all take interest in the Labour movement. I am very sorry to say that the existing condition of the labour movement has been misrepresented in this House. For the present the labourers in the city of Bombay are very inadequately paid,

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and therefore it would be very hard for the labourers themselves to serve on the Corporation; they cannot do so until their status is raised and find sufficient time. Only those who can find sufficient time and represent their case properly before the Corporation will be sent as their representatives. Up to now, Government themselves have followed the policy of nominating representatives of labour from among those who can represent the labour point fully and not from actual labourers. Although representations have been sent to Government that labourers themselves should be nominated on the Council, that suggestion has not been carried out by Government. Is it possible for the labourers who are very scantily paid to go and work on the Corporation throughout the year unless and until something is paid to them as an allowance. Honourable members outside the City of Bombay do not perhaps know the actual state of affairs in the Bombay Corporation, and therefore they bring in such proposals as the mover has brought. A member has to work every day two or three hours. He has to attend not only the meetings of the Corporation twice or thrice in a week, but also the meetings of sub-committees which are held every day for an hour or two. Will it be possible for a labourer to serve even if he is willing to serve without any payment to him? It is not possible. As has been pointed out by the honourable member Mr. Bechar, the Trade Unions Act passed by the Government of India has even given power to honorary members of the unions to exercise every right as a member, whether they themselves are labourers or not. Those who represent labour at present either in the City Corporation or in the Council are the only members who fight for the interests of labour. No honourable member outside Bombay City, except my honourable friend Mr. Bechar, has put in the proper case of the labouring classes in this Council. Should not this honourable House accept the scheme as proposed and passed by the select committee in consultation with the Minister in charge of the bill and the Remembrancer of Legal Affairs? Is it reasonable for the Honourable Minister in charge now to withdraw the scheme proposed by Government and put the labouring classes into unnecessary trouble? If the officers of trade unions are to have no rights whatsoever, what inducement will they have to work for labourers? Do you want that the officers should merely guide the labourers and that only the labourers should go and sit on the Corporation as dummies without being guided by some one inside the Corporation? Do Government also intend that only those who will not be able to put their own grievances before the Corporation should go into the Corporation and not those who are able to represent the case of labourers in a better way than the labourers themselves?

Mr. B. T. DESAI: (Made a remark which was inaudible.)

Mr. R. S. ASAVALE: Sir, it is only in the fitness of things that this Act should be given a trial. The majority of the voters will be the labourers, and if they do not intend to elect any one of their officers as their representative they can do so. There is no case here of forcing the labourers to elect any officer or officers. It may be stated that there will not

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be more than twenty officers in the movement, and in the interests of the labourers themselves they should be in the movement. If this clause is amended as proposed, I am quite sure the labour movement and trade unionism will be killed, and the Trade Unions Act which has been passed to do some good to labouring classes will be considered as of no value.

With these few remarks, I would request Government not to go back on their own suggestion but support the original clause and reject the amendment.

The Honourable Sir GHULAM HUSSAIN : Sir, I had no mind to speak, but on hearing the very eloquent and refreshing speech of the last speaker I am tempted to make a few observations. The ground that he urged against the amendment of my honourable friend the representative from Sukkur was that real labourers will not be able to find time to attend the meetings of the Corporation, but the others who now represent them are able to find time to attend. Sir, we have been told that since Government or this House decided that the members of the standing committee should not get fees, there has been no quorum. The honourable member admits that it is so. That means that the representatives of the people on the Corporation, including the representatives of labour, do not wish to go there without getting fees.

Mr. R. S. ASVALE : That supports us because the representatives of labour, though they do not get fees, attend the Standing Committee meetings and other sub-committees.

The Honourable Sir GHULAM HUSSAIN : It does not support the honourable member at all. It means that at present you are not inclined to take interest in the work of the Corporation without the inducement of fees for attending meetings. In the same breath, he says that labourers have sent in petitions that they should be represented on the Corporation. That means they are anxious to be on the Corporation as their friends are not properly representing their case. The third argument of my honourable friend is that these poor people will not be able to do much at these meetings. Unless you give them the opportunity and see how they work, you cannot condemn them beforehand. We have been hearing all along that serving on the local bodies is a sort of education, and I am sure the coming of the real labourer on the municipal corporation will be an education to the labourers. It is not a question of payment or non-payment. They will subscribe among themselves and send in their representatives there. Unless you try them, you can't condemn them. It is selfishness on the part of some of the honourable members here to deprive them of the right to send in their proper representative. If we want that there should be due representation, we must have the real labourer and nobody else.

Dr. M. K. DIXIT (Surat City) : Sir, I rise to support the amendment before the House. I have been listening to the speeches made by the

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honourable members representing labour. I have been all the while wondering why there should be such an opposition to the amendment of my honourable friend from Sukkur. Is it not intended by this amendment to advance the cause of labour? Is it against the cause of labour or is it to advance labour? The amendment as it stands means that labour should have the full benefit of representing themselves in the corporation by going there personally and not through a delegate who is an outsider. Sir, it appears that the gentlemen who were opposing this amendment do not wish that the actual manual worker should be given representation. They wish that their officers who are not manual workers should represent labour and not they themselves. If there is anything to be said in regard to this amendment of the honourable member Mr. Pahalajani I would say that the mover is for the advancement of labour and the others who opposed it just the reverse. They wish for special representation for labour but they do not want that the actual labourer should go to the corporation. The arguments advanced by the honourable member Mr. Joshi were that the labour unions were yet in their infancy and it was therefore necessary that they should have the help of these self-appointed leaders. There is the old joke of the white man's burden. We have always been referring to this white man's burden in a ridiculous way and we will now have to refer to these self-appointed leaders in the same ridiculous way; non-manual workers trying to get themselves appointed trustees of the labour, and bear the labour burden!

I am sorry the honourable member Mr. Bechar started to make personal references to the honourable mover by saying that he is a lawyer and did not till an inch of ground. Two honourable members who pose themselves as labour leaders, Messrs. Joshi and Ginwalla, so far as I know are lawyers, and sound lawyers though I do not know their earning capacity and how many acres of land they do till.

Mr. R. S. ASAVALE: They represent the case well.

Dr. M. K. DIXIT: I think the honourable member Mr. Pahalajani represents the case of labour in a better way and more sympathetically than the honourable member Mr. Asavale himself. Labour is fairly well-organized now and it is in the best interests of labour that manual workers themselves should represent labour and nobody else. In the City Municipalities Act which has recently been passed there are seats reserved for depressed classes. And they are represented by depressed class members alone and not through delegates who do not belong to the depressed classes. Surely the labouring classes are in a much better position, more advanced than the depressed classes. Under the City Municipalities Act depressed classes themselves should represent the depressed classes. They have a separate electorate in the corporation. In the same way, if we assume that labour is in a much better position and that they are much more advanced than the depressed classes, it is but right that the manual workers should themselves represent the labouring classes and not any other delegate. Even in the Primary Education



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Act the depressed classes have the privilege of sending one member to look after their interests in matters of education. In many local bodies to-day there are depressed classes' representatives and when they are considered fit to represent their community there, I do not see any reason why actual labourers should not be considered capable to represent themselves and come into the Corporation. Take the instance even of this Council. Government have nominated some depressed class members to represent their community. Simply because they are educated and they are university degree holders, that does not mean that they are removed from the untouchable class because they are representatives here. They do belong to that class and I suppose if they go to some dark corner of the Presidency the orthodox people will treat them as untouchables. So it looks so inconsistent that a non-labourer should represent the labouring classes. What is the situation in our Council? Look at the electorates. We have Muslim and non-Muslim electorates. A non-Muslim cannot enter into the Council through a Muslim electorate and a Muhammadan cannot enter through the non-Muslim electorate.

Sir, our friend the honourable member from Bombay City told us that they will be made fools if they give a seat in the corporation. I think it is far from the truth. Amongst labourers there are plenty of people full of brains or at least with as much brains as those who call themselves their representatives. I have the experience myself and we have got two members in the Surat municipality who play the part they are expected to play. I think it is an insult to call them dummies and it is doing them an injustice. If we are able to represent our case here I do not see any reason why we should imagine that they would not be able to do their duty, and therefore they should not represent their community.

The next point urged is that they will not have the time to attend meetings which are held once a week.

Mr. R. S. ASAVALE: They have to work every day.

Dr. M. K. DIXIT: The labour movement can be so organized that they will manage to get more leisure to do the work in the corporation. This however is a matter of detail. The honourable member Mr. Asavale referred to sub-clause (gg) of clause 2. I do not know what bearing that has on the subject. Mr. Asavale presumes that the whole clause 3 is to be removed. So far as I am aware from the debate that is going on, there is only an amendment of clause 14, namely, "A person shall not be qualified to be elected as a councillor by the delegates unless he is enrolled in the electoral roll of delegates." It does not mean that we are attacking the electoral college of the delegates. We only pass through two stages in the ordinary course for ward election, instead of three. In the ordinary elections, we have got only two stages: A man must be a voter and then he can stand as a candidate for councillorship. Here, there are three stages: a man has got to be a voter, and then a delegate, and then only he can become a councillor. I think the procedure of three stages has become necessary simply because of the inconvenience and difficulties that are likely to be caused by the vast number of voters

[Dr. M. K. Dixit]

that are likely to be there, as far as labour is concerned. I do not think we are removing the whole clause from the statute book, and it is intended to say that a voter only could be a delegate. Any voter could be a delegate. So, it does not necessarily follow that all voters should come forward as candidates. They would first elect their delegates. That would circumscribe the field from which councillors will be elected. First, there would be voters; then, they would elect delegates; and from delegates they would elect a member. With these words I support the amendment moved by the honourable member from Sukkur.

Mr. S. K. BOLE: Sir, I rise to support the amendment. I do not pose myself as a labour leader. I am a labour worker and I come from the classes who live by labour. I have got my relations in the railway workshops as well as in mills. And then it is said that the labour movement is in its initial stage. But I think the initial stage is gone. The labour movement in Bombay is much advanced. At the time when it was in its initial stage, nobody came to help labour except those who belonged to the labour classes. Sir, at that time labour was treated with contempt, and it was only when labour got political importance in England and labour began to rule in England and some advantages and privileges were given to labour in India that the outsiders came to take part in the labour movement. They were given representation to represent labour at Geneva and other international labour conferences, and such other privileges were given. It was after that, that the outsiders stepped in. If I go into the history of the labour movement it would be a long history and it will not be palatable to some. I could attempt to show who are the real labour leaders, and who take part in labour movement merely in order to grind their own axe and who go there to make the workers as a pawn in their political game. (Some Honourable Members: Oh, oh!) But I shall not go into all that. What I submit is that in the initial stage no outsiders were there, but now they have come. The assistance of these outsiders may be necessary in some matters but as far as the corporation is concerned, no such outside assistance is necessary. The time has arrived when we must ask labour, as friends of labour, to assist themselves and to take part in our civic affairs. It is said they have not got sufficient intelligence. But from my own experience, I have seen workers in mills taking part in the debates when mill workers' meetings are held. I have seen the Maratha mill workmen making fine speeches in Marathi, Mahomedan workmen making fine speeches in Urdu, and if they are given representation in the corporation, I am confident they will be able to take part in the debates of the corporation as intelligently as any other members in the corporation. When I heard the speech of my honourable friend Mr. Asavale, I was simply surprised. He says labourers themselves wanted to come in the corporation by nomination and they had submitted a petition to Government to that effect. But now when it is sought to give representation to labourers themselves, Mr. Asavale comes forward to oppose. So, that is simply inconsistent, and it is for those who think that they are friends of labour to see whether they should not give a chance to labour to take part in

[Mr. S. K. Bole]

the civic affairs. The corporation is a training ground, and if sufficient time and opportunity are given to these workmen to take part in its deliberations, I am sure a time will come when they will be able to come here in this very Council and will be able to take part in the Council debates. I therefore submit that it would be better for the House to support the amendment of my honourable friend.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I have given notice of an amendment.....

The Honourable the PRESIDENT: When an amendment to an amendment is proposed or is intended to be proposed, I think the best plan for the honourable member is to get up at an earlier stage, so that the subsequent speakers have also a chance of speaking to the amendment and also to the amendment to the amendment.

Mr. JAIRAMDAS DOULATRAM: I attempted that more than once, but I was not successful (in catching your eye).....

The Honourable the PRESIDENT: Oh, I am sorry.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, before I read out my amendment to the amendment moved by my honourable friend Mr. Pahalajani, I would like to say a few words.

The Honourable the PRESIDENT: I should like the amendment to be read out first.

Mr. JAIRAMDAS DOULATRAM: The amendment I propose to the amendment moved by the honourable member from Sukkur reads as follows:—

Before the words "he is a voter.. and" add the words "on and after 1st September 1933."

If this amendment is accepted, the clause would read as under:—

"A person shall not be qualified to be elected as a councillor by the delegates unless on and after 1st September 1933 he is a voter as prescribed by 11-A and unless he is enrolled in the electoral roll of delegates."

My honourable friend from Karachi has unfortunately gone into personalities and said something pretty harsh about the honourable member from Sukkur. He wondered whether my honourable friend from Sukkur was a reactionary or a faddist. I would assure my honourable friend from Karachi that the one thing which my honourable friend from Sukkur is not is that he is not an officer of any registered trade union and that is probably the reason why his view is likely to be more disinterested than that of those who are. I do not thereby question the sincerity of my honourable friend from Karachi. I know the solid work which he has done and is doing for the labouring classes of Karachi not only at much sacrifice of time but at considerable sacrifice of money too. But though his view may be sincere, it may yet be mistaken. To me it appears that he and some of his other colleagues find themselves enmeshed in the net of their own spinning. They started with an attempt to give as narrow a limit to this bill as they possibly could. An attempt was made to broaden this bill and to bring in workers who may not be only manual workers but they insisted that the bill is

[Mr. Jairamdas Doulatram]

intended not only for those who are manual workers but even for those who, besides being manual workers, may also be brain workers and hence they would not be inclined to accept the amendment of the honourable member Mr. Marzban which unfortunately was thrown out.....

Mr. N. A. BECIAR : Government insisted on that.

Mr. JAIRAMDAS DOULATRAM : I think that the representatives of labour here who are not themselves labourers but their spokesmen should have pressed Mr. Marzban's point of view and helped us to amend the bill. We have now narrowed down the operation of this bill even beyond the provisions of the Indian Trade Unions Act. That Act is not confined to manual workers, but here we have gone out of our way to confine this bill only to manual workers and this legislature on Thursday last further narrowed down the operation of this bill which gives officers of trade unions the right of being voters. If it is true that these officers cannot be members or voters of trade unions, then I think it will be very wrong in principle to give them the right of being elected as their representatives. First of all, I would take objection to the clause as it is on the ground of principle, but I think there are certain practical considerations also both ways and I will discuss these practical considerations both ways.

It appears to me that from their own mouths they have strengthened the arguments of those who do not wish labour to be represented by their officers. They have styled these voters, these labourers, these manual workers, as simple-minded men and dummies. This is the expression used by my honourable friend from Karachi. He said that his honourable colleague from Sukkur wanted that these simple-minded people may go to the corporation and be dominated by the other members of the corporation. My friend Mr. Asavale said that he did not want dummies to go there. I say that if the voters of the trade unions are simple-minded people and dummies, are they likely to be simple-minded people and dummies who will represent them in the corporation or are they simple-minded people and dummies who go and vote for an officer as against one of their own men ? My own fear is that the constitution of a trade union consists of certain officers for the purpose of organising it. The fact that these officers, at some sacrifice of their time, are organising unions for these manual workers and have on several occasions been able to get some benefits from Government or the employers for these workers, will put these officers at a very great advantage in these elections, and if the voters are as simple-minded and such dummies as they have been depicted, then I think it is very dangerous to allow these officers to stand for election in competition with the manual workers. I know that it has been suggested that the idea behind the amendment moved by my honourable friend from Karachi is to prevent outsiders from taking part in the work of labour organisation. I think it is not. No one disputes the right of the organisers of labour and honorary organisers of labour and of these officers to give all the time that they have or all the money that they have for the organisation of trade unions, for enrolling members, for educating them as to what their rights are, for arriving

[Mr. Jairamdas Doulatram]

at satisfactory settlements in times of strikes, but when the time comes to allow them the right of standing as candidates, they will be denied the right of taking part in the labour movement. On the contrary, I would suggest, as has been said often, that the Indian Trade Unions Act has been quoted in our face and that Trade Unions Act allows other people also to come in, it allows them to carry on the organisation of unions, but it does not allow them to come in as officers for the purpose of being elected. My fear is that though there are these practical considerations, I am also aware of the practical considerations from the other side. I realise that probably for some time—and that is why I am against the incorporation of any permanent clause in this bill which will give officers the right to stand against a labourer—it may be necessary, in view of these practical considerations, for us to have a time limit. Let us say that if labour at present is not in a position to elect one of them as a competent representative, let us put a time-limit that for the next five years the officers may have the right to stand but that at the end of the five years... ..

Honourable MEMBERS : No, no.

Mr. JAIRAMDAS DOULATRAM : That is my own view. I would say that for the next five years officers can have the right of standing for election. I am suggesting this as a compromise.....

Honourable MEMBERS : No, no. We do not want compromise.

Mr. JAIRAMDAS DOULATRAM : It need not be accepted if it is not acceptable. I think that if we put this time limit, it will have some very good effect on the electorate. If the labouring people know that within five years each one of them will have the right to get elected on the corporation and that no officer will stand in competition against them, then they will have a training for themselves before the approach of the end of the time limit. Similarly, if the officers realise that at the end of another five years they will no longer have that right, if they are really interested in the welfare of labour, they will train the electorate and train the labourers to take their places at the end of the five years. For these reasons, I would commend this amendment to the acceptance of this House.

Question proposed.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I rise to support the original amendment moved by my honourable friend Mr. Pahalajani and to oppose the amendment to that amendment that has been proposed by my other honourable friend Mr. Jairamdas Doulatram. The only argument that has been advanced so far for not giving the labourers a chance of being represented by one of themselves and giving a chance to others who are not themselves manual workers, is that labour is not at present sufficiently organised and that in the class of manual workers you will not be able to find people who will be able to represent them properly. I submit, Sir, that the argument has been advanced, so far as I have been listening to the debate in this House, by those people who are not themselves manual workers but who, as they say themselves, are the advocates

[Mr. H. V. Pataskar]

of the cause of the manual workers. Amongst the manual workers, Sir, there are many people who are quite literate. Most of the manual workers in Bombay come from the textile mills, and you will find amongst them several graduates working as manual labourers. Are they to be regarded in any way unfit to be in the Corporation? I am myself connected with a mill, and I know that the dyeing master in the mill is a graduate. Is he in any way unfit to be in the Corporation? Is he in any way inferior to these so-called labour leaders who are trying to exploit the labour population? Are they the real representatives of Labour? So, if section 14A is allowed to stand as it is, taking advantage of it, outside people who are only agitators will try to rush in themselves, and will leave no chance to real manual workers being sent as the representatives of Labour.

In this connection, it is true that the Trade Unions Act has made a provision for such honorary members. Why should the people in the Legislative Assembly be taken as being far wiser than ourselves? I would state, Sir, that it was a mistake that these outside people were allowed to be honorary members of trade unions. The whole trouble is due to these outside people who say that they are the representatives and leaders of Labour but who are not themselves manual workers. I still repeat that in my humble opinion it was undesirable that these outside people were included in the Trade Unions Act. Amongst the workers, you will find a large number of people who are educated and intelligent enough to take care of Labour interests. These outside men, who have no stake, at times create much of the trouble that should not have been created.

It has been suggested that these Labour leaders do not aspire for Rao Sahebships or Rao Bahadurships; that they are pure selfless workers in the cause of Labour. Among human beings there are certain people who aspire for Rao Sahebships and Rao Bahadurships, and there are certain other people who are enamoured of being called leaders. Such leaders, who want cheap popularity, can get hold of the ignorant labourers, dummies as they have been called by some labour leaders, and create unnecessary trouble. If at all Labour is to be given representation, I think it ought to be direct, and there should not even be such time limit as has been suggested by my honourable friend Mr. Jairamdas. I am sure you will find there are several dozens of graduates in the mills, and they are intelligent people. You will find engineers in the mills who are very intelligent. I know there are first class and second class engineers, men with great intelligence and ability, and as good and competent as many of the members of this House. Under these circumstances, I support the amendment moved by my honourable friend Mr. Pahalajani.

Mr. HAJI MIR MAHOMED BALOCH (Karachi City) (Addressed the House in Urdu): Mr. President, I support the amendment of the honourable member Mr. Jairamdas Doulatram. I am glad that labour is being represented in the Bombay Corporation, and I shall be glad if labour is given representation in this Council and the Legislative Assembly. My

[Mr. Haji Mir Mahomed Baloch]

honourable friends Messrs. Marzban and Pataskar said that there are a good many engineers and dyeing masters and managers in the mills who can very well represent the cause of labour. But if they were the members of the Unions and took interest in their welfare, they could represent the cause of labour. But they are officers controlling labour and getting fat salaries of Rs. 500 and more. If they had any interest in the welfare of labour, they could have already been members of the Unions but they have not yet done so. Now they might do so to get these labour seats on public bodies only. They cannot be called sincere people. How can they represent labour? I do not know about the conditions in Bombay, but in Karachi there is a small labour union. That has been brought into existence by outside people like our honourable friend Mr. Naraindas Bechar who have spent their time and money over it. And therefore I say that such office bearers of labour unions may be allowed to represent them till actual labourers get their training. There is great necessity for such other unions of the kind in Karachi, but it is difficult to find the money and still more difficult to find the workers. Some of us have been trying our best for it but without success so far. The Honourable the General Member said that real labourers should come on behalf of labour. I agree with him in this respect and emphatically endorse this view of labour representation of manual workers. But unfortunately the Government practice, as shown by the late General Member, has been quite contrary to such professions. For instance, a rich European merchant should not have been sent four years ago as the representative of the Karachi Port Trust manual workers; and when I agitated against this practice for the last two years in this House, Government have gone a step further and nominated a gentleman who considers himself an Indian prince and hates associating with other Indian gentleman, leave aside Indian workers. I hope that next time our Honourable General Member will nominate a real worker for this seat on the Karachi Port Trust.

The Honourable Sir GHULAM HUSSAIN: But the honourable mover of the amendment (Mr. Jairamdas) wants us to wait for five years.

Mr. HAJI MIR MAHOMED BALOCH: I agree with the amendment of my honourable friend Mr. Jairamdas, because in the course of five years labour will learn to stand on their own legs. But it does not mean either that rich European merchants or Indian princes should represent them. It means real, sincere sympathisers in deeds of labour should be allowed to do so for five years.

I hope therefore that the amendment of my honourable friend Mr. Jairamdas will be unanimously passed by the house, and that my honourable friend Mr. Pahalajani will withdraw his amendment.

Mr. A. D. SHETH (Ahmedabad District): Sir, I want to oppose the amendment of my honourable friend Mr. Pahalajani and support the original clause. I am neither a Labour leader nor a Labour worker. All the same, I do take a good deal of interest in labour conditions. The whole object of bringing in Labour representatives in the Bombay

[Mr. A. D. Sheth]

Municipal Corporation is that in the increasing industries of Bombay, when we are having a great deal of labour population, there must be some people who may be taking a lively interest in Labour conditions, who may be studying them, who may be looking into them, who may come forward in the Corporation and place their grievances before the Corporation intelligently and in a way which may be acceptable to the Corporation. As we know, in the very intricate administration of the Corporation at the present stage, the actual manual labourers may not be able to put forward their view point very correctly and in a way which may be acceptable to the Corporation. Our sole purpose is that these labour conditions should be looked into, should be studied, and these poor labourers should be afforded all the facilities and amenities which a citizen of Bombay is entitled to. In the present circumstances, the other ordinary members of the Corporation are not in a position, or are not of a mentality, neither have they the time or desire, to specially go into these labour conditions. In that case, why not take in a special class of men who would take it on themselves to be experts on this subject and bring before the Corporation their needs?

An Honourable MEMBER: There are vested interests.

Mr. A. D. SHETH: There may or may not be vested interests. What I want to say is this. By this clause, we do not give away a seat to the outside labour workers and leaders, as they are called. We only include them among the people who are entitled to stand as candidates for election. We do not bar the other labourers from standing as candidates. We only give the discretion to the labourers to choose a worker in the cause of Labour like my honourable friend Mr. Asavale, or an actual manual worker from among themselves. Do you not consider that Mr. Asavale coming from a mill area having the mental capacity to understand the conditions and requirements of labour is better than anybody else who has not got the same capacity to understand and plead the cause of labour? If the whole labour population knows that Mr. Asavale is better able to represent them let them have him. Let it not be forgotten that by this clause we do not bar out the real manual labourers but we should not bar them from taking help and advice from people who have made labour their life question, and who have ample experience of labour. At present labour is not quite capable of taking care of itself and it does need the help and advice of competent men. There is nothing in the original clause which deserves to be dropped and I am afraid the amendment of the honourable member Mr. Pahalajani does not deserve any support. We do not make him the voter, we keep him in a detached position. He cannot vote for himself and still those who repose confidence in him will vote for him. I support the original clause and oppose both the amendments of Mr. Jairamdas and Mr. Pahalajani.

Mr. B. T. DESAI (Bombay City, South): Sir, I support the amendment moved by my honourable friend Mr. Pahalajani. Those honourable members who come from Bombay know very well why this



[Mr. B. T. Desai]

clause is retained in the present form in the bill. Those men who cannot enter the corporation by means of election want to appropriate to themselves these votes in the name of labour leaders and want to get themselves elected. They have no standing and they have no other vote except that of labour. I do not say that all of them are such. But 99 per cent. belong to this category. I say this without the risk of being challenged. (Mr. R. S. Asavale : Question : I challenge you in your ward.) It will be to the cost of the honourable member. They want that the cause of labour should be represented by these officers. They are to be provided with four seats and all these four seats will be monopolised by these officers. We are already complaining of a white bureaucracy and in addition we will have a brown bureaucracy, because these officers will appropriate all the seats to themselves under the pretext of representing labour. What they really want is to have the honour of the seats and no real intention of representing labour. If they are qualified men let them go to the general electorate where majority of voters would be labourers. Anybody who is paying a rental of Rs. 10 has the privilege to vote. If there are 50,000 voters paying a rental of Rs. 10—I think there are more—there will be no difficulty in getting themselves elected. But they know their own position. They have no standing in the general electorate. Therefore they want to exploit labour under the pretext of helping labour. On this ground, that they should not be made to exploit labour, I support the amendment.

Then they say that labour is not in a condition to represent its own interests efficiently. May I ask those honourable members, leaders of labour, who are members of this House, how they are in a better position than labourers themselves ? Are they more educated than the labourers themselves ? I say 'No.' Do not presume that you have more intelligence and more knowledge than the ordinary mill labourer. The ordinary mill labourer is quite competent to take care of his own men sufficiently in the corporation. I have been watching some of the so-called labour leaders in the corporation. From my experience on many occasions, I can say that they are there to do particular things. Whether they take care of labour or not, they take care of themselves. What we really want is to educate labour in civic matters and make them voice their feelings and wants. So far as the corporation goes, it is impartial to all classes. When that is the position, I do not understand what these four labour leaders are going to do. Everybody has known to his cost the evils of separate electorates, which lead to communal differences and troubles. Having a separate electorate for labour will tend to the detriment of the interests of both labour and the city. We are no doubt courting an evil but we should not augment the intensity of it by giving a monopoly to a handful of men. If you are genuine in your desire that labour should be educated in understanding what their privileges are, what pretensions these officers have got to safeguard them ? As an honourable member observed, the corporation is the proper training ground for labour. Labourers themselves should come in and get themselves trained. What pretensions these officers have when the

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majority who have to be trained stand in the background ? This shows the absurdity of the officers' claim to come into the corporation in the manner in which they want. If they are really fit persons having the interest of labour at heart, let them face the general electorate without depending upon their coteries.

An Honourable MEMBER : I move a closure.

The Honourable the PRESIDENT : I accept it.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I will not answer the personal attacks on me, because they are irrelevant. I will only summarise the situation. What is the situation created by the two honourable leaders of labour in this House ? They have said that labourers in their present stage of development are unfit to represent their case by themselves and that the only people who can represent them are the educated leaders who at present have constituted themselves as their leaders. If labour as represented in the trade unions is unfit to represent its case and if actual labourers go to the municipality they will be dubbed as dummies or fools, then Government will be making a great mistake, and this House will be making a great mistake, if they give representation to these dummies who cannot exercise the right of vote. That is the position that has been created by the honourable member from Karachi, the honourable member nominated for labour and the honourable member for Bombay North. They said that if actual labourers sit on the Corporation they will be considered fools ?

Mr. R. S. ASVALE : I never said that.

Mr. B. G. PAHALAJANI : I have taken down the very words, and I do not want a denial. I am not prepared to go by the advice of those honourable members who dare call the people, who they pose to represent in this Council, as dummies and fools. I say they have no right to represent the labouring class if they say that their constituents are dummies and will make themselves fools in the municipality. There appears to be a battle in this Council between real labour and vested interests consisting of a clique of people who are at present officers of the trade unions and want to continue to dominate over real genuine labour. An attempt is being made by these gentlemen, the honourable member nominated to represent labour, the honourable member from Bombay North and the honourable member from Karachi, to create a caste, so that those fools and dummies whom they represent might be excluded and they alone may be sent as representatives. Is the House prepared to admit that these people who believe that they can dominate the trade unions and believe that they alone have the monopoly of common sense to regulate the proceedings of the trade unions, that they alone should have the right to represent labour ? I say, Sir, that if they want to come as representatives of labour, as the honourable member Mr. Desai said, let them get in from the general constituency through the votes of labourers who are already voters under the Rs. 10 franchise. I think, Sir, that if labour is to be represented it should be represented by people belonging to the real labouring class.....

Mr. R. S. ASAVALE: They are very few who have votes by paying Rs. 10 as rent.

Mr. B. G. PAHALAJANI: Sir, I am very surprised at the amendment proposed to my amendment, and still more surprised that it proceeds from a member of Sind and a member of the Congress. He wishes to maintain for five years the clique of officers and to deny to the labourers the training that they will otherwise get in the municipality. I think it is an insult to the commonsense of this Council to propose an amendment of that kind to the effect that for five years more this training should be denied to real labour. I say, Sir, if labour is fit and competent, let them have the vote, but if labour is not competent, deny them the vote on the ground that they are not fit for it. These are the two alternatives: if labour is fit, give it the vote; if it is not, do not give the vote to it. I am the sympathiser of labour in the true sense, and not the people who say that they alone have the monopoly of commonsense to represent labour.

Mr. SYED MUNAWAR: Sir, I shall not take up much of the valuable time of the House, but summarise my views very briefly. I oppose the amendment moved by my honourable friend Mr. Pahalajani and support the amendment moved by my honourable friend Mr. Jairamdas. Sir, my honourable friend Mr. Pahalajani seems to indulge in fancies of a dreamy idealist and a mere doctrinaire. He does not care to look at the actualities, the actual condition of labour, its poverty and illiteracy. My honourable friend Mr. Jairamdas has clearly understood the condition of labour in Bombay at the present time and its inability to represent itself through workers and protect its own interests or assert its rights except through the medium of its organisers at least for some time to come. May I now hope that my honourable friend Mr. Pahalajani will rise equal to the situation and with good grace accept the amendment moved by my honourable friend Mr. Jairamdas? I am afraid he is not listening to what I say. (Mr. Pahalajani was at this stage observed to pay attention.) If he has any interest in the welfare of labour, he will please condescend to hear me and be disposed to accept the amendment moved by my honourable friend Mr. Jairamdas.

Mr. A. D. SHETH: Sir, is there any amendment? It was merely a suggestion.

The Honourable the PRESIDENT: There is an amendment.

Mr. H. V. PATASKAR: On a point of order, Sir; can the honourable mover of the bill oppose the amendment and yet support the amendment to the amendment?

The Honourable the PRESIDENT: You may hold that as unreasonable, but that is not a point of order.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, after considering the arguments on both sides, I feel inclined to support the amendment. I cannot however support the amendment to the amendment. There is a great difference between representation for a general constituency and representation for a special constituency. Here is

[Dewan Bahadur Harilal D. Desai]

the case of a special constituency, and in that case the person who stands forward as a candidate on its behalf must belong to that body.

Whenever, Sir, the general question of further Reforms is talked about, some people put forward the theory of British trusteeship, and then the honourable member opposite gets into a rage against those who put forward the theory. But he wants to be in the same position as those he is condemning. I cannot reconcile this.....

The Honourable the PRESIDENT: To whom is the Honourable Minister referring?

The Honourable Dewan Bahadur HARILAL D. DESAI: The honourable member from Karachi. I think the amendment before the House had better be accepted.

The Honourable the PRESIDENT: I will put the amendment to the amendment first.

Question put and lost.

The Honourable the PRESIDENT: I will now put the amendment of the honourable member Mr. Pahalajani to the House.

Question put and carried.

Clause 5, as amended, ordered to stand part of the bill.

#### DEATH OF SYED AMEER ALI.

The Honourable the PRESIDENT: I have a letter in reply to the communication made to the bereaved widow of the late lamented Right Honourable Syed Ameer Ali, and I shall read it to the House:

“ 4th September 1928.

Dear Sir,

On my own behalf and that of my family, I thank you and the Legislative Council of the Governor of Bombay for your very kind message of condolence and sympathy with me and my family in the great loss which we, in common with the whole Islamic world, have sustained and also for the very reverent appreciation of Syed Ameer Ali's services to his country which the Council placed on record.

I am,

Yours very Truly,  
Isabella Ameer Ali.”

The House is adjourned to 2 o'clock on Monday, the 1st October 1928.

*Monday, the 1st October 1928*

The Council re-assembled at the Council Hall, Poona, on Monday, the 1st October 1928, at 2 p.m., the Honourable the PRESIDENT, Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

ADDYMAN, Mr. J.  
 AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 ALLISON, Mr. F. W.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASAFALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARANI, Khan Bahadur SHEER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALEBHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISHAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOI, Khan Bahadur HAJI IMAMBAKSH KHAN  
 JOGI, Mr. V. N.  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.

KARKI, Mr. M. D.  
 KHURRO, Mr. M. S.  
 KNIGHT, Mr. H. F.  
 LAGHARI, Khan Sahab RAIS FAZAL MUHAMMAD  
 LALLJEE, Mr. HOOSAINBHAY ABDULLABHAY  
 LALJI NARANJI, Mr.  
 LELY, Mr. W. G.  
 LIGADE, Mr. S. P.  
 MAJMUDDAR, Mr. N. G.  
 MANSURI, Khan Sahab A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MARZBAN, Mr. P. J.  
 MAXWELL, Mr. R. M.  
 MUJUMDAR, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 OLIVEIRA, Mr. F.  
 OWEN, Mr. A. C.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATIL, Rao Sahab D. R.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSAINALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH, ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURUSHOTTAMRAJ G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH.  
 SYED MUHAMMAD KAMIL SHAH.  
 SYED MUNAWAR, Mr.  
 THAKOR OF KERWADA, the  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Sahab R. V.  
 WADIA, Mr. N. J.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Order, order. Questions.

LIQUOR SHOP, DUGAD.

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

(a) whether they have received any representation from the village of Dugad, taluka Bhivandi, district Thana, for the removal of the liquor shop from that place;

(b) what they have decided in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.

(b) The petitioners have been informed that their request cannot be granted.

Mr. JAIRAMDAS DOULATRAM: Why cannot the request be granted?

The Honourable Dewan Bahadur HARILAL D. DESAI: I have not got the file at present with me. But it seems that probably the reply as it is, is on the ground that it might lead to illicit distillation.

Mr. JAIRAMDAS DOULATRAM: Will not such objection prevail against every application for the removal or closure of a liquor shop?

Mr. J. W. SMYTH: Possibly, but in this case the Collector and the Commissioner of Excise very strongly represented that this petition was made by a few interested persons, that the bulk of the village was opposed to the shop being closed, and that the local circumstances suggested that there would be a large increase of illicit distillation. I do not agree that this would happen in every case.

Mr. JAIRAMDAS DOULATRAM: Will Government make an experiment for one year and see what the result is?

Mr. J. W. SMYTH: I ask for notice of that question.

Mr. S. K. BOLE: Are Government aware that some rich agriculturists are reduced to a state of poverty owing to this shop being there?

Mr. J. W. SMYTH: No.

Mr. S. K. BOLE: Will they make enquiries?

Mr. J. W. SMYTH: No.

COUNTRY LIQUOR SHOPS: DISPOSAL BY AUCTION.

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

(a) whether they have received a petition from the Bombay Licensed Victuallers' Association requesting them to discontinue the sale by auction of country liquor shops;

(b) what they have decided in the matter?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.

(b) The question is under consideration.

CULTIVATED AREAS AND LAND REVENUE, KARACHI AND HYDERABAD  
DISTRICTS.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to supply the following figures for each taluka in the non-Barrage tract comprised in the whole of the Karachi District and the three talukas of Guni, Tando Bago and Badin of the Hyderabad District for each of the years ending with 1925 :—

- (a) the total area in unalienated villages ;
- (b) the total area held under jagirs in alienated villages ;
- (c) the total area under irrigational cultivation both in alienated and unalienated villages for (1) kharif rice, (2) kharif cotton only, (3) kharif other crops, (4) rabi wheat, (5) rabi other crops ;
- (d) the total amount of land revenue for each of the above years both for kharif and rabi ;
- (e) the amount of *hakabo* in alienated villages ;
- (f) cultivable area awaiting cultivation in unalienated villages ;

The Honourable Mr. J. L. RIEU : The statements containing the required information are placed on the Council Table.



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**KARACHI DISTRICT FOR THE  
YEAR 1922-23.**

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## Statement showing the figures of non-Barrage lands in each

Name of Taluka	The total area in un-alienated villages	The total area held under Jauzi in alienated villages	*The total area under irrigation cultivation both in alienated and unalienated villages
	A	B	C
	Acres	Acres	Acres
Kotri .. .. .	6,34,006	7,294	10,175
Manjhand .. .. .	3,76,542	....	8,372
Kohistan .. .. .	11,55,958	....	477
Tatta .. .. .	7,90,101	....	20,645
Karachi .. .. .	8,58,947	....	4,466
Mirpur Sakro .. .. .	7,22,019	6,194	27,907
Ghorabari .. .. .	3,68,245	1,934	44,580
Sujawal .. .. .	1,74,922	1,012	45,375
Jati .. .. .	13,79,367	1,062	40,473
Mirpur Bathoro .. .. .	1,73,135	....	55,324
Shahbunder .. .. .	8,89,256	....	41,221

\* Separate figures for different kinds of crops are not available.

## Statement showing the figures of non-Barrage lands in each

Name of taluka	The total area in un-alienated villages	The total area held under Jauzi in alienated villages	* The total area under irrigation cultivation both in alienated and unalienated villages
	A	B	C
	Acres	Acres	Acres
Kotri .. .. .	6,34,000	7,254	22,224
Manjhand .. .. .	3,76,567	....	7,679
Kohistan .. .. .	11,55,958	....	475
Tatta .. .. .	7,90,938	....	23,264
Karachi .. .. .	8,58,838	....	7,229
Mirpur Sakro .. .. .	7,22,019	6,111	29,160
Ghorabari .. .. .	3,67,255	1,934	50,125
Sujawal .. .. .	1,74,908	1,012	45,320
Jati .. .. .	13,79,366	1,062	43,260
Mirpur Bathoro .. .. .	1,73,136	....	51,779
Shahbunder .. .. .	8,89,254	....	41,792

\* Separate figures for different kinds of crops are not available.

## Totals of the Karachi District for the year 1922-23

The total amount of land revenue for kharif and rabi	The amount of hakabo in alienated villages (both for kharif and rabi)				Cultivable area awaiting cultivation in unalienated villages	
	E					F
D	Hakabo in alienated villages		Hakabo in unalienated villages		Total	Acres
Rs.	Rs.		Rs.		Rs.	
59,866	282	+	423	-	705	37,398
42,629	.....		.....		.....	24,729
8,662	.....		.....		.....	.....
72,663	.....		106	-	106	53,017
56,991	.....		.....		.....	54,137
79,159	156	+	722	-	878	54,671
1,02,710	.....		583	-	583	1,41,156
1,40,010	252	+	171	-	423	69,142
1,80,571	168	+	807	-	975	90,592
1,43,821	.....		.....		.....	35,816
1,21,831	.....		26	-	26	7,23,563

## Totals of the Karachi District for the year 1923-24

The total amount of land revenue for kharif and rabi	The amount of hakabo in alienated villages (both for kharif and rabi)				Cultivable area awaiting cultivation in unalienated villages	
	E					F
D	Hakabo in alienated villages		Hakabo in unalienated villages		Total	Acres
Rs.	Rs.		Rs.		Rs.	
73,370	281	+	516	-	797	35,456
25,515	.....		.....		.....	25,114
8,662	.....		.....		.....	.....
63,256	.....		56	-	56	49,369
67,629	.....		.....		.....	49,532
77,672	306	+	908	-	1,215	54,125
1,36,089	.....		446	-	446	1,14,002
1,41,772	372	+	147	-	520	99,623
1,27,971	163	+	807	-	1,000	91,659
1,72,186	.....		.....		.....	35,851
1,54,166	.....		23	-	23	7,23,369

## Statement showing the figures of non-Barrage lands in each

Name of Taluka	The total area in unalienated villages	The total area held under Jagirs in alienated villages	*The total area under irrigational cultivation both in alienated and unalienated villages
	A	B	C
	Acres	Acres	Acres
Kotri .. .. .	6,34,100	7,254	26,094
Manjhand .. .. .	3,76,832	....	10,234
Kohistan .. .. .	11,55,958	....	327
Tatia .. .. .	7,90,936	....	24,714
Karachi .. .. .	6,58,882	....	7,138
Mirpur Sakro .. .. .	7,22,072	6,194	32,412
Ghorabari .. .. .	3,67,618	1,934	46,945
Bujawal .. .. .	1,75,291	1,012	44,305
Jati .. .. .	13,79,549	1,092	43,734
Mirpur Bathoro .. .. .	1,73,122	....	56,092
Bhabbunder .. .. .	6,89,240	....	41,665

\* Separate figures for different kinds of crops are not available.

## Statement showing the figures of non-Barrage lands in talukas of Guni, Badin

Heads	1922-23					
	Guni		Badin		Tando Bago	
	A.	g.	A.	g.	A.	g.
(a) The total area in unalienated villages .. .. .	6,33,247	0	5,04,570	0	3,42,778	0
(b) The total area held under Jagirs in alienated villages .. .. .	96,416	1	2,060	24	22,821	32
* (c) The total area under irrigational cultivation both in alienated and unalienated villages .. .. .	1,15,768	0	1,22,134	0	61,935	32
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
(d) The total amount of land revenue for each year both for kharif and rabi .. .. .	2,92,060	6 0	3,91,345	3 9	1,59,819	10 9
(e) The amount of hakabe in alienated villages (for each year both kharif and rabi) .. .. .	16,808	6 0	4,299	6 0	5,429	10 0
	A.	g.	A.	g.	A.	g.
(f) Cultivable area awaiting cultivation in unalienated villages .. .. .	1,80,723	37	2,50,238	17	60,554	21

\* Separate figures for different kinds of crops are not available.

## Analysis of the Karachi District for the year 1924-25

The total amount of land revenue for kharif and rabi	The amount of hakabo in alienated villages (both for kharif and rabi)			Cultivable area awaiting cultivation in unalienated villages
D	E			F
	Hakabo in alienated villages	Hakabo in unalienated villages	Total	
Rs.	Rs.	Rs.	Rs.	Acres
84,048	812	+ 898	- 708	34,825
57,002	....	....	....	24,742
1,602	....	....	....	....
87,332	....	80	- 80	48,766
65,468	....	....	....	30,468
89,824	818	+ 986	- 1,304	52,942
1,16,128	....	454	- 454	1,17,022
1,86,006	816	+ 925	- 643	39,615
1,21,786	198	+ 779	- 972	81,568
1,86,100	....	....	....	34,714
1,21,348	....	36	- 36	7,25,164

## and Tando Bago of the Hyderabad District for the years 1922-23 to 1924-25

1923-24						1924-25					
Guntur		Badin		Tando Bago		Guntur		Badin		Tando Bago	
A.	G.	A.	G.	A.	G.	A.	G.	A.	G.	A.	G.
5,81,224	0	5,04,573	0	1,62,772	0	5,33,229	0	5,04,574	0	1,82,750	0
98,418	1	2,050	24	22,622	18	98,416	1	2,050	24	22,620	1
1,16,054	0	1,32,125	0	64,405	19	1,28,403	0	1,31,745	0	64,752	1
Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
2,97,010	1 8	4,16,215	9 0	1,63,512	12 3	3,10,651	11 9	4,15,330	12 6	1,72,450	16 9
10,442	15 8	4,068	2 0	5,004	14 0	17,046	5 0	4,028	5 0	5,376	0 0
A.	G.	A.	G.	A.	G.	A.	G.	A.	G.	A.	G.
1,78,500	0	2,48,000	10	73,108	36	1,77,902	1	2,47,800	33	61,374	12

## LOCUST PESTS : DESTRUCTION.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that the Russian Government employ aeroplanes for the destruction of locusts ;

(b) what measures Government have adopted to meet the locust pest ;

(c) the amount spent by them during each of the last three years in the adoption of measures for the destruction of locusts ;

(d) what has been the measure of success in regard to each method adopted for the destruction of locusts ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Government have no information.

(b) A system of scouting was organised by the Collector of Thar Parkar during a visitation last year and rewards were offered for the destruction of young locusts.

(c) A sum of Rs. 2,795 was spent last year. An expenditure of Rs. 10,000 has been sanctioned for the current year.

(d) During last year, the scouting operations were confined to the four desert talukas and the desert tract of the Khipro and Umarkot Talukas of the Thar Parkar District, the Kotri Sub-division of the Karachi District and the hilly tract parallel to the river in the Hyderabad Taluka. The main object was to secure the detection of hoppers and this was partially achieved with the help of the people and by the engagement of labourers. Good results were obtained in the Thar Parkar District. The damage caused was not very serious in any of the districts. This year locusts appeared in some talukas of Larkana, Nawabshah, Thar Parkar and Karachi districts. They caused very little damage and passed through without laying any eggs. Consequently no operations were necessary.

Mr. JAIRAMDAS DOULATRAM: Is it a fact that the appearance of these locusts is practically an annual affair in Sind ?

Mr. J. W. SMYTH: Certainly it would appear so for the last two years. I do not know about its having been regular before that.

Mr. JAIRAMDAS DOULATRAM: Has the attention of Government been drawn to what appeared in the press.....

The Honourable the PRESIDENT: That is the honourable member's next question on the list.

Mr. JAIRAMDAS DOULATRAM: No, Sir. I am dealing with reply to part (a). Government say they have no information about the Russian Government employing aeroplanes for the destruction of locusts. May I enquire as to whether their attention has been drawn to press comments on this matter ?

Mr. J. W. SMYTH: I am not aware of any.

Mr. P. R. CHIKODI: Is the amount mentioned in the answer as having been spent meant for Sind only, or also for the Presidency proper ?

Mr. J. W. SMYTH: The amount relates to Sind only.

Mr. P. R. CHIKODI: What is the amount spent for the Presidency ?

Mr. J. W. SMYTH: I am afraid that I must ask for notice.

Mr. R. G. PRADHAN: May I ask whether Government have tried any other alternatives ?

Mr. J. W. SMYTH: Many alternatives.

Mr. JAIRAMDAS DOULATRAM: What has been the result of spending a sum of Rs. 2,795 ? It is stated that good results were obtained.

Mr. J. W. SMYTH: Yes. As far as I remember, the honourable member put this question down for the budget session, and this information is pretty well up-to-date up to that point. I do not know what has happened since.

Mr. P. R. CHIKODI: Why is the information given only relating to Sind, and not relating to the whole Presidency ?

Mr. J. W. SMYTH: We thought the honourable member who put the question was interested only in Sind.

Mr. JAIRAMDAS DOULATRAM: Not at all.

Mr. P. R. CHIKODI: The question put by the member is a general one, and not merely relating to Sind.

Mr. J. C. SWAMINARAYAN: Are not Government aware that locusts also appear in the Presidency proper ?

Mr. P. R. CHIKODI: Is there any reply to my question, Sir ? (No reply).

Mr. J. C. SWAMINARAYAN: Are Government aware that locusts do appear in Virangam taluka and other parts of the Ahmedabad district ? And what has been sanctioned for destructive operations against locusts in that part of the country ?

Mr. J. W. SMYTH: I ask for notice of that question.

Mr. R. S. ASAVALE: The question asks what was the amount spent during each of the last three years. The reply given is that a sum of Rs. 2,795 was spent last year.

Mr. J. W. SMYTH: There was no money spent in the previous years.

Mr. J. C. SWAMINARAYAN: I understood from the honourable member, the Secretary of the department, that this question was asked in the last budget session. Now six months have elapsed since then. Have Government communicated with the Russian Government in the meantime (laughter) in regard to this matter of employing aeroplanes for destruction of locusts ?

Mr. J. W. SMYTH: No communication has been made to the Russian Government.

Mr. JAIRAMDAS DOULATRAM: Have Government any objection to making that communication ?

Mr. J. W. SMYTH: Every objection.

#### LOCUST PESTS: DESTRUCTION.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether their attention has been drawn to a Reuter's message from Cairo dated 12th January 1923, which appeared in the Press recently, that in view of the appearance of locusts in parts of Egypt, the Ministry of Agriculture was planning to utilise poison gas to destroy them and that the Royal Air Force had offered to co-operate ;

(b) whether they have considered the advisability of using similar methods to destroy locusts when they appear in Sind and other parts of the Presidency ?

The Honourable Dewan Bahadur HARILAL D. DESAI: (a) Yes.

(b) No. An organised system of scouting and rewards for the destruction of young locusts in the principal breeding tracts appears to be the best method of dealing with the pest. This cannot be done by a purely local organisation. The question of organising an All-India Intelligence system is under consideration.

Mr. JAIRAMDAS DOULATRAM: Have Government tried the method of poison gas and aeroplanes for destruction of locusts ?

The Honourable Dewan Bahadur HARILAL D. DESAI: No; so far as I know, they have not.

Mr. JAIRAMDAS DOULATRAM: That means that the result of their attention being drawn to what appeared in the press is that the experiment has not been made.

The Honourable Dewan Bahadur HARILAL D. DESAI: No. Because good results were obtained by the present method which was followed in Sind.

Mr. JAIRAMDAS DOULATRAM: Is it not possible that better results might be obtained with such an experiment ?

The Honourable Dewan Bahadur HARILAL D. DESAI: That is a comparison of the methods, which Government have not done.

Mr. JAIRAMDAS DOULATRAM: Have Government any objection to making it ?

The Honourable Dewan Bahadur HARILAL D. DESAI: None.

Mr. JAIRAMDAS DOULATRAM: With regard to (b), it is stated "the question of organising an All-India Intelligence system is under consideration." What is that system ?

Mr. J. W. SMYTH: A letter has been addressed to the Government of India suggesting that as locusts do not confine their journeys to one province, it is an all-India matter, and that the Imperial Department of Agriculture might well consider certain measures for application throughout the country.



Mr. JAIRAMDAS DOULATRAM : But it is said that the question of organising merely an intelligence system is under consideration. Is action confined only to collecting information ?

Mr. J. W. SMYTH : No. A central body would provide the intelligence and supply it to the different provinces, giving them warning, so that precautions would be taken.

Mr. JAIRAMDAS DOULATRAM : My question related to the use of certain methods to be employed for the removal of this locust pest. The answer is that some attempt is being made to collect information. The public would like to know what that information or intelligence is.

Mr. J. W. SMYTH : Would the honourable member repeat his question ? I have not followed it.

Mr. JAIRAMDAS DOULATRAM : My question referred to certain action to be taken by Government with regard to the use of poison gas and the use of the Royal Air Force. The reply to that was that this cannot be done by a purely local organisation and then the answer goes on to state that the question of organising merely an All-India Intelligence system is under consideration.

Mr. J. W. SMYTH : We are considering whether aeroplanes will be suitable as presumably they would have to function in more than one province.

Mr. JAIRAMDAS DOULATRAM : That means that Government have not come to the conclusion that the existing methods are the best methods.

Mr. J. W. SMYTH : These are under the consideration of the Government of India who are dealing with the whole question.

#### MINISTERIAL POSTS.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars) : Will Government be pleased to state—

(a) whether it is a fact that they have ruled that preferential treatment should be given to men of the Bombay Presidency while filling up Ministerial posts ;

(b) if so, whether this ruling has been invariably adhered to by all *Heads of Offices* in filling up appointments ;

(c) the number of such posts filled up from men outside Bombay Presidency during the last five years ;

(d) whether Government have any reason for departing from this ruling ?

The Honourable Mr. G. B. PRADHAN : (a) Yes, in all posts, as between equally qualified candidates.

(b) and (d) Government have no reason to believe that their orders are not being observed.

(c) No figures are readily available.

Sardar G. N. MUJUMDAR : My question (d) is "whether Government have any reason for departing from this ruling," and the reply to that is that Government have no reason to believe that their orders are not being observed.

The Honourable Mr. G. B. PRADHAN : Government have no reason for departing from those orders.

Sardar G. N. MUJUMDAR : The reply to (c) is that no figures are readily available. May I know when they will be available ?

The Honourable Mr. G. B. PRADHAN : It is very difficult to collect information like that. It is impossible to do it, because in that case the habitation of the employee that has been employed will have to be noted and the information must be found out. It is rather a very difficult task. However, the policy followed by Government is that when there are equally qualified candidates, preference is given to local men and so they have no reason to believe that any outsiders are appointed. If there are any outsiders appointed, they must be few and far between, that is why they say "in all posts, as between equally qualified candidates" preference should be given to local men.

Sardar G. N. MUJUMDAR : Will the instances in which such exceptions have been made be given at the next session ?

The Honourable Mr. G. B. PRADHAN : Those exceptions are not worth while giving because they must be very few indeed.

Dr. M. K. DIXIT : What posts are included in the term "Ministerial posts" ?

The Honourable Mr. G. B. PRADHAN : All posts that are not of an executive character.

#### BORING MACHINES, SURAT

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) whether they are aware that the wells in the Bardoli Taluka of the Surat District do not supply sufficient water for irrigation ;

(b) if the reply to (a) is in the affirmative, whether Government intend to supply a boring machine for each taluka of the Surat District ?

The Honourable Mr. J. L. RIEU : (a) The wells in the taluka give a supply of water sufficient for the purposes for which they are being used. The taluka is not dependent on irrigated crops, having an abundant and regular rainfall.

(b) Five machines are at present at work in the district, which comprises nine talukas and pethas. It is not possible at present, owing to the limited number of machines and the claims of other districts, to provide a larger number.

#### PRIMARY TEACHERS : SURAT MUNICIPALITY.

Rao Bahadur B. R. NAIK (Surat District) : Will Government be pleased to state—

(a) the reasons why no sanction has been given to the revised scale of pay for the primary teachers of the Surat Municipality based on that of the Ahmedabad Municipality though the same was submitted to Government a year ago ;

(b) whether the papers relating to the scheme have yet been received by the Honourable the Minister for Education ; if not, where are they held up at present ;

(c) whether they are aware of the fact that in view of the fact that the Municipality had applied for giving effect to the revised scale from 1st March 1925, the attendance allowance to the teachers has been stopped? If so, how long the teachers will be kept in such an unsettled situation?

The Honourable MOULVI RAFIUDDIN AHMAD: (a) The scheme reached Government only in the 1st week of September 1928. Complete information required to enable Government to examine the scheme from all its aspects is still not available and has been called for. Until the requisite information is available, it is not possible for Government to pass any orders on it.

(b) The answer to the first part is in the affirmative.

(c) Yes; in the circumstances stated in (a) above, it is not possible to state definitely when the question of the pay of the teachers will be finally settled. The Municipality alone is responsible for stopping the attendance allowance for the last 3½ years, although its scheme of revised pay was not ready till one year ago, and although provisional grants on account of these allowances have been regularly paid by Government.

#### GOVERNMENT SERVICE: RECRUITMENT OF BACKWARD AND MUHAMMADAN COMMUNITIES

Mr. HOSENALLY M. RAHIMTOOLA (Bombay City): Will Government be pleased to state—

(a) the number of vacancies that took place in the city of Bombay in the various departments of Government since the issuing of the resolution of Government in 1925 prescribing a minimum percentage of recruitment from the members of the backward communities to the public services;

(b) how many of the above vacancies were filled by the appointment of the members of the backward communities;

(c) how many of the above were Mahomedans?

The Honourable Mr. G. B. PRADHAN: A statement giving the necessary information is placed on the Council Table.

*Statement showing numbers of vacancies filled from backward communities and Muhammadans since 5th February 1925 till 1st September 1927*

Department or Office	Advanced	Backward (excluding Muhammadans)	Muhammadans	Total
Local Department .. .. .	1	4	....	5
Separate Department (Lower Division)..	5	1	....	6
Finance Department .. .. .	..	6	1	7
Public Works Department .. .. .	10	8	2	20
Development Department .. .. .	2	1	....	3
Home Department .. .. .	6	2	....	8
General Department .. .. .	10	13	5	28
Revenue Department .. .. .	7	5	1	13

Department or Office	Advanced	Backward (excluding Muham- mads)	Muham- mads	Total
<i>Legal Department</i>				
Government Pleader, High Court .. ..	1	....	....	1
<i>Public Works Department.</i>				
Superintending Engineer, N. C. .. ..	2	2	1	5
Executive Engineer, Presidency Division .. ..	4	5	3	12
Electrical Engineer to Government .. ..	1	....	....	1
Executive Electrical Engineer to Government .. ..	5	3	....	8
Consulting Architect to Government .. ..	1	1	....	2
<i>Development Department</i>				
Chief Engineer, Back Bay Reclamation Scheme .. ..	2	....	....	2
Executive Engineer, Suburban Division .. ..	2	....	1	3
Land Manager, Development Department .. ..	4	1	....	5
Superintendent, Bombay Suburban Survey .. ..	1	....	....	1
Assistant Land Manager, Development Department chawls.	5	8	....	13
Audit and Accounts Officer, Bombay Development Scheme.	2	....	....	2
<i>Home Department</i>				
Director of Information .. ..	1	....	....	1
His Majesty's House of Correction .. ..	2	....	....	2
Oriental Translator to Government, Bombay .. ..	3	1	2	6
Chief Presidency Magistrate's Court, Bombay .. ..	6	3	1	10
Court of Small Causes, Bombay .. ..	22	6	3	31
Superintendent of Police, B. B. and C. I. Railway .. ..	3	2	....	5
Commissioner of Police .. ..	26	9	21	56
Sheriff's Office .. ..	10	....	7	17
Prothonotary and Registrar, High Court .. ..	18	1	3	22
Master in Equity .. ..	2	1	....	3
Insolvent Debtor's Court .. ..	7	....	....	7
Chief Translator and Interpreter .. ..	45	....	9	54
Registrar, High Court, Appellate Side .. ..	16	27	4	47
Translator, Appellate Side .. ..	22	....	1	23
<i>General Department</i>				
Town Planning and Valuation Department .. ..	1	4	....	5
Rent Controller .. ..	5	1	1	7
Director of Labour Intelligence .. ..	44	4	....	48
Factory, Boiler and Smoke Nuisance Departments.	14	6	....	20
Industries Department .. ..	5	1	1	7
Superintendent, Government Printing and Station- ery.	1	....	....	1
Government Central Prison .. ..	6	5	....	11
St. George's Hospital .. ..	1	....	....	1

Department or Office	Advanced	Backward (excluding Moham- medans)	Muham- medans	Total
<i>General Department—contd.</i>				
J. J. Hospital .. .. .	20	21	3	44
Bai Motilal and Petit Hospitals .. .. .	4	3	....	7
Ophthalmic Hospitals .. .. .	1	....	....	1
G. T. Hospital .. .. .	..	6	2	10
Cama and Alibless Hospitals .. .. .	1	....	....	1
Haffkine Institute .. .. .	5	1	....	6
Chemical Analyser's Office .. .. .	2	....	1	3
Police Hospital .. .. .	14	3	1	18
Health Officer of the Port of Bombay .. .. .	2	....	2	4
Dean, Grant Medical College .. .. .	4	4	....	8
Educational Inspector, Bombay Division .. .. .	6	2	12	20
Royal Institute of Science .. .. .	9	....	....	9
Elphinstone College .. .. .	15	1	3	19
Secondary Training College .. .. .	2	....	....	2
Sydenham College of Commerce and Economics .. .. .	10	1	....	11
Law College .. .. .	6	....	....	6
Elphinstone High School .. .. .	22	2	3	27
Sir J. J. School of Art .. .. .	1	2	....	4
Accountancy Diploma Board .. .. .	6	1	....	7
Deputy Educational Inspector, Bombay .. .. .	1	....	....	1
<i>Revenue Department.</i>				
Commissioner of Excise .. .. .	6	2	....	8
Collector of Bombay .. .. .	22	12	....	34
Superintendent of Stamps, Bombay .. .. .	5	2	....	7
Inspector General of Registration .. .. .	4	....	....	4
Principal, Bombay Veterinary College .. .. .	..	....	....	..
Registrar of Companies .. .. .	6	....	....	6

*Note.*—In some cases the figures include temporary or short leave vacancies also.

Mr. HOSENALLY M. RAHMTOOLA : May I know the period to which the information supplied relates ?

The Honourable Mr. G. B. PRADHAN : It is given in the answer, just at top of the statement, namely, from 5th February 1925 till 1st September 1927.

CIRCULAR NO. 3840 DATED THE 23RD JULY 1925.

Rao Saheb B. V. VANDEKAR (Nasik District) : Will Government be pleased to state how far they have brought into force Circular No. 3840 dated the 23rd July 1925 in the various Departments of Government and whether the same has been circulated among the different

municipalities and district local boards of the Central and Southern Divisions and also in the Ratnagiri, Kolaba and Thana Districts ?

The Honourable Mr. J. L. RIEU : The Government orders relating to the advertisement of vacancies in clerical posts in all grades of the public services intended to be filled by direct recruitment are being observed by the officers concerned, and such vacancies are being filled after due consideration of the claims of suitable applicants from the backward Hindu and Muhammadan communities. In furtherance of the policy laid down in the orders to which the Honourable Member refers, Government issued orders in November 1925 recognising representative committees of certain backward communities with a view to securing for their members a full share of appointments in the public services, and the existence of vacancies, whenever they occur, is brought to the notice of such committees to enable them to suggest names of suitable candidates. The reports received from appointing officers, however, show that the response from these committees has been very disappointing.

The circular was not issued to the municipalities and local boards referred to by the honourable member or to any other similar bodies in the Presidency.

Mr. N. E. NAVLE : May I know to which committees the answer refers ?

The Honourable Mr. J. L. RIEU : Committees representing the various communities.

Mr. N. E. NAVLE : Are they district committees or central committees ?

The Honourable Mr. J. L. RIEU : District committees.

Rao Bahadur S. N. ANGADI : May I know what is meant by the statement in the reply that "the reports received from appointing officers, however, show that the response from these committees has been very disappointing" ? Does it mean that the committees have not brought names of any suitable candidates to the notice of the appointing officers ?

The Honourable Mr. J. L. RIEU : It means that the committees have not responded. When they were informed that there were any vacancies they did not send in the names of suitable candidates except in a very few instances.

Mr. N. E. NAVLE : May I know whether the district officers ever refer these vacancies to the committees ?

The Honourable Mr. J. L. RIEU : They do.

Mr. N. E. NAVLE : My information is that they never do.

Mr. R. S. ASAVALE : May I know why the circular was not issued to municipalities and local boards.

The Honourable Mr. J. L. RIEU : They are not departments of Government.

Mr. JAIRAMDAS DOULATRAM : Will Government be pleased to place on the Council table a copy of circular No. 3840 dated the 23rd July 1925 and the later Government Orders issued in November 1925 ?

The Honourable Mr. J. L. RIEU : I must ask for notice of that.

Mr. N. E. NAVLE : May I know whether any reference was made by the district officer in the Ahmednagar district to the committee of that district ?

The Honourable Mr. J. L. RIEU : I ask for notice of that.

#### RETRENCHMENT PROPOSALS : BACKWARD CLASSES.

Rao Saheb R. V. VANDEKAR (Nasik District) : Will Government be pleased to state—

(a) the number, designation and pay of the members of the Maratha and the allied castes and of the depressed classes in the Revenue, Police, Judicial, Educational, Agricultural and Excise Departments who will be affected by the retrenchment that will be put into force on account of the enquiries of the retrenchment officer ;

(b) whether they are aware that all the non-Brahmin communities taken into service since the last three years in all departments on account of the decision of Government to fill up 50 per cent. of the posts by persons belonging to backward classes and Mahomedans will be the first to be affected by the retrenchment proposals ?

The Honourable Mr. G. B. PRADHAN : (a) The information is not available.

(b) Government are not so aware.

Mr. S. K. BOLE : Will Government be pleased to make further enquiry into the matter ?

The Honourable Mr. G. B. PRADHAN : How can the information desired by the honourable member be given at present when the retrenchment is to come into existence in future ?

#### NASIK DISTURBANCES.

Mr. R. G. PRADHAN (Nasik District) : May I know from the Honourable the Home Member whether any news has been received from the District Magistrate, Nasik ?

The Honourable Mr. J. R. MARTIN : The only official information received by us on this subject is contained in a telegram from the District Magistrate, Nasik, dated the 29th September 1928. It reads :—

" Slight disturbance last night Nasik Ganpati procession passing mosque. Nothing serious. All quiet to-day, am reporting."

#### SURAT RIOTS.

Mr. R. G. PRADHAN : Has any further information been received from the District Magistrate, Surat ?

The Honourable Mr. J. R. MARTIN : Here is a telegram received by me this morning from the District Magistrate, Surat, dated the 1st October 1928 :—

" Everything remains quiet. Am distributing brief leaflet giving public information and advice to carry on business. Stop. Streets begin to show signs activity. Stop. 200

[Mr. J. R. Martin]

policemen Satara and Ahmednagar arrived this morning. *Stop.* March of large body being arranged as demonstration to encourage confidence. *Stop.* During night one tonga containing two Mussalmans and two Hindus assaulted by Hindus but no serious trouble as police arrived. *Stop.* Further arrests will be made to-day. *Stop.* Rigorous protective measures still necessary and now fully available. *Stop.* Hope to-day get time for preliminary written report."

Rao Bahadur B. R. NAIK: May I know from the Chair whether I would be permitted to make a statement on this subject?

The Honourable the PRESIDENT: I do not think that that would be in order.

### GODHRA RIOTS.

Rao Bahadur R. R. KALE (Satara District): Sir, on the opening day of the Council session, the Honourable the Home Member made a statement with regard to the Godhra riots, and expressed sympathy for the honourable member from Godhra. Since then, several telegrams have been received, and on Wednesday last the Honourable the Home Member made a further statement that the House should not be misled by those telegrams, as the information contained in them might not be first-hand. Several honourable members on this side felt that it was necessary to study the situation, and my honourable friend Rao Bahadur Naik and I were requested to visit Godhra. We visited Godhra, and I wish to make a brief statement of the facts as we noticed them.

The Honourable the PRESIDENT: I do not think that would be a proper method of bringing the question before the House. The Honourable the Home Member has been giving to the House all the information that he has been getting. There are other methods by which the honourable members might legitimately bring about any discussion on the subject, or enlighten honourable members of the House on the information they have obtained at Godhra.

Rao Bahadur R. R. KALE: There need be no discussion of the question. The Member of the Government has made a statement; why should another member on this side be disabled from making another statement? There are no rules on the subject. Certainly, in a matter of this kind, as the Honourable the Home Member has given his opinion with regard to the messages received from an honourable member of this House, I think it is due to this House that an honourable member on this side should be permitted to make a similar statement, unless the rules prevent it.

The Honourable the PRESIDENT: There being no rules on the subject, I suppose the discretion resting with the Chair would apply. The arrangement by which the two honourable members proceeded to Godhra must have been some private arrangement known to some honourable members of this House. I suppose the honourable member may legitimately ask a question or say if what the Honourable the Home Member has stated is contradicted by some information he has as first-hand information. I would allow it to that extent. I would not, under any circumstances, be right in allowing indirectly a sort of discussion. If,



[The President]

some statement is made by the honourable member, the Honourable the Home Member might like to contradict it. That would be bringing about a discussion which would be an indirect method of entering upon a discussion when there is a direct method of entering upon a discussion like that available to the House, if the rules permit it. The best that the honourable member can do is to enlighten the honourable members privately as he has been asked privately to proceed to Godhra by some honourable members, and he can leave it to them to take such steps as they like.

Rao Bahadur R. R. KALE : With due respect to the ruling of the Chair, I would ask leave of the House to present a statement to be placed on the table of this Council for the information of the honourable members of the House. Just as in the case of statements received by honourable members from the public, which are allowed to be placed on the Council table, I would ask the Chair to ascertain if the House is willing to allow my statement to be placed on the Council table.

Mr. K. F. NARIMAN (Bombay City, South) : If you will permit me to say a few words, Sir, I know that we are not entitled to enter into a discussion of this matter, but we submit that as the Chair exercises its discretion and permits a Member of the Government to place before the House one version of the matter as received from the officials of the district, the honourable member (Rao Bahadur Kale) should equally be permitted, in fairness to the other side of the House, to let us know not only rumours or reports, but what he has seen from a personal visit, and let us know his personal knowledge about it. I quite understand that this House should not be made use of to spread all sorts of rumours, but this cannot be considered as a mere rumour, as some non-official members have deputed the honourable members Rao Bahadur Kale and Rao Bahadur Naik to visit the place and asked them to let the House know what the result of their visit has been. I admit that it is not proper to enter upon a discussion of the matter at this stage. It would not be wise to do so, but, at the same time, let the House and the outside public know the other version of the matter, as the statement from the honourable member with his personal knowledge from a personal visit would be able to give.

The Honourable the PRESIDENT : There is a method open to honourable members under Standing Order XII, 5, which says :

"(1) Any communication intended for distribution to the Members shall be in English and shall be sent to the President : a sufficient number of copies shall be supplied for distribution to the members.

"(2) The President shall decide whether the communication shall be distributed to the Members."

Under Standing Order XII, 5 (1), if the honourable member is ready to place the required number of copies of his statement in the Secretary's hands, I shall decide under Standing Order XII, 5 (2), to have them distributed.

Mr. B. G. PAHALAJANI : That applies to both officials and the non-officials.

The Honourable the PRESIDENT : Yes. I think it applies to both.

**Mr. B. G. PAHALAJANI:** Official members are not entitled to make a statement unless by sufferance of the House. If one party can make the statement under such sufferance, the other party also must be given the same privilege.

**The Honourable the PRESIDENT:** Possibly it might apply to both, and I suppose the next argument the honourable member would like to bring forward would be that when a Government Member was given an opportunity to make a statement, and does not abide by this Standing Order, why should not an opportunity be given to an honourable member on the Opposition bench? However, the honourable member is correct in saying that the Standing Order applies to both. I am only avoiding any indirect discussion on a controversial matter.

**Rao Bahadur R. R. KALE:** I may assure the honourable House that there will be no discussion at all.

**The Honourable the PRESIDENT:** The honourable member may understand that, immediately after his statement, possibly other honourable members may get up and make statements supplementing or contradicting his statement. I do not know where we would end in that way.

**Khan Saheb A. M. MANSURI:** Other honourable members have also received information.

**Rao Bahadur R. R. KALE:** If one statement is allowed to be made by the officials, another statement from a person who has visited the place might be allowed.

**The Honourable the PRESIDENT:** As a matter of fact, I have followed the time-honoured practice of this House, that on an occasion like that the House does really want a statement to be made by a responsible Government Member in that connection, and as that has been allowed by previous Presidents, I have allowed it in this particular instance, and I thought the House asked for it and welcomed it.

**The Honourable Mr. J. R. MARTIN:** Sir, I would desire to say much the same thing as you have said, that this information official information, and I understood that all sections of the House wanted to know what was the latest information Government had in its possession. That seems to me to be on a different footing from a statement of a non-official member of this House. I may state that I have, since I answered the question of the honourable member from Nasik (Mr. Pradhan), received a statement from the District Magistrate of Nasik. It is for the House to decide whether they would like to have this information, and it is for you, Sir, to decide whether it is desirable to have this information or not. I have no wish to force this information on the House though it is here with me.

**Mr. NOOR MAHOMED:** I only wish to point out that last year when this presidency had the misfortune of having a riot at Sholapur, the practice was started of receiving information from the official benches with regard to what was happening there. Speaking for myself, in a matter like this we shall be very glad to receive such information.

[Mr. Noor Mahomed]

With regard to the subject before the Council I too—rather some of my friends here—have received information from a gentleman of unimpeachable integrity who has seen things for himself on the spot. In exercise of your right, if you allow any honourable member to make a statement, even when the Honourable the Home Member says that the matter is *sub judice*, I request that you will be pleased to give me a chance to read that statement supplied by gentlemen who were on the spot. As regards what is contained in the statement I take the fullest responsibility. The House will certainly be pleased to listen to what the other side has to say.

The Honourable the PRESIDENT: In plain words I have already stated to the House that there are methods available to honourable members and to the House to bring the whole matter to a discussion, avoiding all disjointed statements from one side or the other by means of a motion for adjournment, and one such motion has been allowed by me, but not moved.

Mr. B. G. PAHALAJANI: We do not want to reprimand Government. This will be bringing a vote of censure. If we have no intention of attacking Government or the *bona fides* of Government, I do not think an adjournment motion can be moved.

The Honourable the PRESIDENT: If honourable members desire to make statements to say that the statement made by the Honourable the Home Member is not the entire fact or is not the correct fact, that will certainly bring about a discussion.

Rao Bahadur R. R. KALE: It is not a question of contradiction....

Rao Bahadur S. N. ANGADI: May I know whether an adjournment motion is necessarily a motion of vote of censure?

The Honourable the PRESIDENT: No; it is a means of raising a general discussion on an urgent matter of recent occurrence. If the honourable member is agreeable to the course I have suggested, viz., to follow the procedure described under Standing Order, XII, 5 (1), I will allow him to do so. If he is not, I do not allow him to make a statement.

Rao Bahadur R. R. KALE: I abide by the ruling given by the Chair. I have got only 4 or 5 copies which will not be sufficient to supply to all honourable members. I shall place the few copies I have with the Secretary.

The Honourable the PRESIDENT: Please do that.

It is not strictly in accordance with the Standing Order I pointed out.

If other honourable members require copies, will the honourable member be able to supply as many copies as are required?

Rao Bahadur R. R. KALE: Just as in the case of any petition or information presented to this Council by honourable members on behalf of their constituencies, I request that I may be allowed to place a copy on the table of the House. Otherwise it will become necessary to make available a large number of copies.

The Honourable the PRESIDENT: I give the honourable member permission under that particular Standing Order. I hope if each

[The President]

honourable member wants a copy, the honourable member would be ready to supply it.

Rao Bahadur R. R. KALE : In the course of to-morrow if any member wants a copy, he will be supplied with one.

#### TROUBLE IN BROACH.

Mr. H. J. AMIN : May I request the Honourable the Home Member to give information, if he has received any, regarding the 'expected trouble in Broach' an article about which appeared in the *Bombay Chronicle* ?

The Honourable Mr. J. R. MARTIN : If I am not in order in making any statement, how can I give the information ?

Mr. P. R. CHIKODI : Will you, Sir, kindly direct this copy presented to the Secretary of the Legislative Council to be included in the printed report of the proceedings ?

The Honourable the PRESIDENT : No.

#### SURAT RIOTS.

Rao Bahadur B. R. NAIK : I want to know from the Honourable the Home Member whether he has received any information from the District Magistrate, Surat, regarding the state of affairs there on Saturday.

The Honourable the PRESIDENT : He has read the telegram.

Rao Bahadur B. R. NAIK : He read my earlier telegram. He has not read the later telegram which I sent.

The Honourable Mr. J. R. MARTIN : At that time I read all the telegrams that I had then received.

#### TROUBLE IN BROACH.

The THAKOR or KERWADA : May I know what information the Honourable the Home Member has received about Broach ?

The Honourable Mr. J. R. MARTIN : I think I can shorten the discussion if I say that Government have had no information from Broach.

*(Discussion on supplementary grant for Rs. 25,00,000 for Lloyd Barrage resumed.)*

The Honourable Sir GHULAM HUSSAIN : Sir, as desired by this honourable House, the details of the demand were placed before the Finance Committee this afternoon. As far as I understand, honourable members of the Finance Committee are satisfied with them. I may say that all these are within the programme and estimate sanctioned by this honourable House. There is nothing new. However, as desired by this honourable House, the details were placed before the Finance Committee. I would now request the House to sanction it.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to support the motion. The demand of 25 lakhs is made to carry out additional work during the remaining portion of the current year. It is not a demand for excess expenditure for the work that was to have been done during

[Rao Bahadur S. T. Kambli]

the course of the whole year. The sanctioned work has been carried out. Therefore I support the demand for Rs. 25 lakhs which has been made to expedite the work which has been included in the sanctioned programme in connection with the Lloyd Barrage. The amount sanctioned at the time of the budget has been spent over the works which were to be carried out and the time that has lapsed has been utilised by the department very advantageously. The Department wants to utilize the remaining portion of the year by carrying out additional works for which additional money is necessary. The House will be well-advised in assisting the department in continuing the programme. I think that the sooner the work is done and expedited the more advantageous will it be not only to Sind but to the whole presidency. The department is coming with a demand for a supplementary grant of Rs. 25 lakhs and I hope the House will whole-heartedly support the demand.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I support the supplementary grant. The details were placed before the Finance Committee. The members of that committee put the necessary questions and received satisfactory answers. I hope this House will have no objection now to sanction this grant.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I think the House is entitled to know the explanation that was submitted to the Finance Committee. As it is alleged that the explanation was a satisfactory one, the Honourable Member in charge might have given us those details. I thought the Honourable Member when moving the grant would explain to us what transpired in the Finance Committee and what was the explanation given that was found to be satisfactory. The proceedings of the Committee were not circulated to the members in general, and therefore the members are entitled to know the explanation that was submitted to the Finance Committee.

The Honourable Sir GHULAM HUSSAIN : Sir, I did not like to waste the time of the honourable House, and therefore I did not place the matter before the House. The principal objection that was taken against this supplementary grant was that it was not placed before the Finance Committee. However, I am ready to read out the particulars if the House so desires. . . .

Rao Saheb D. R. PATIL : Also the details.

The Honourable Sir GHULAM HUSSAIN : Yes. Item No. 1 Rs. 3,43,000 was divided into two sub-heads, Rs. 2,05,000 for Nara Cuts and Rs. 1,38,000 for Banks. As regards Item No. 2 there was absolutely no objection against it at the last time. Item No. 3 is also divided into two sub-heads. Rs. 50,000 is required for the payment of the cost of 6 Ruston Dragline machines obtained for the North-Western Circle which could not be paid for last year owing to the fact that it was not decided then whether the machines would be taken after trial or not ; and, Rs. 70,000 is required for the payment of the cost of two 6 Ruston Dragline machines obtained for the Western Circle. This is part payment remaining against last year's supply. Rs. 50,000 and Rs. 70,000 make up Rs. 1,20,000 under item No. 3. Item No. 4, we have dropped.

Mr. K. F. NARIMAN: It was dropped! Thank you.

The Honourable Sir GHULAM HUSSAIN: Item No. 5 is composed of the following:—

Rs. 2,79,000 for cost of 24 Diesel machines at Gambat in the Rohri Canal Circle. For this no provision had been made in the Budget.

Rs. 45,000 for the workshop plant, etc., for the Dragline workshop.

Rs. 8,11,000 for additional steel sheet piling and other plant required in the Power Supply Division. The details are: Piling 4,100 tons costing Rs. 7,66,000 indented Secluserum. Increase due to requirements for temporary groynes, overlaps buttresses and temporary losses in deep channels. Pile driving and withdrawing by power machinery done by Power Supply Division. Other plant, temporary bridging cost Rs. 45,000.

Item 6, seven lakhs; this is required on account of unexpected development of works in the Right Works Division and for extra piling and early receipt of the sills and grooves for the Barrage. Works unexpectedly developed in Right Works Division are: Completion of downstream guide banks which was not contemplated. Completing floor and apron paving Rice Canal regulator and downstream pitching and block paving of both Rice and North-Western Perennial Canals. Railway line connecting stone stacking yard with cofferdams. Besides works expected to be completed last year but carried this year. Piling required 519 tons. Distribution: Works, Rs. 6,04,000; piling, Rs. 96,000. Sills and grooves Rs. 56,000, but the latter being within Budget provision may be omitted.

The Honourable the PRESIDENT: Now, in view of the facts given by the Honourable the General Member some of the honourable members who have already spoken on the demand may like to speak again, but in doing that they should confine themselves strictly to the fresh information before them.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I wish to speak a few words since my honourable friend Mr. Nariman wanted to know what we did in the Finance Committee. The majority of us were convinced that the grant which Government require is a necessary one. Now, I will deal briefly with each item. Item No. 1 is one of the works already contemplated and for which estimates were already made. This is required to speed up the progress of the works. Item No. 2 is consequent on the much more rapid development of the works. As works progressed better than anticipated, the railway diversion and bridge work now requires to be completed. With regard to item No. 3, the explanation given seems to be very satisfactory as they have profited by their experience in the Back Bay Reclamation. This relates to the cost of certain machines which were purchased in England. One of the conditions now made was that the machines should be tested in India and payment was to be made only after testing by results in India. The test was

[Mr. Hooseinbhoj Abdullabhoj Lal'jee]

carried out in India and the value of machines has now been fully paid. Item No. 5 is the item on which the House wanted the whole subject to go to the Finance Committee. It was not the fault of the House that they wanted it to go to the Finance Committee, because it is quite clear from the explanation placed before us just now by the Honourable the General Member that the workshop costs only Rs. 45,000, whereas from the original statement placed before the House it appeared that Rs. 11 lakhs and odd were to be spent on a workshop, which is a thing of very much importance. The explanation now given is satisfactory, because it did appear to us that as the works would be completed in one or two years, an expenditure of 11 lakhs on a workshop was quite unnecessary. As the Honourable the General Member has pointed out the bulk of the expenditure of 11 lakhs is not required for machinery for workshop and such a big sum as Rs. 7,66,000 is required for 4,100 tons of steel sheet piling. The Finance Committee asked Government how long they would take to make use of this piling and if a lot of this piling would be carried as surplus after being bought as happened to mild steel bars in Back Bay Reclamation, but we were satisfied on that point by the explanation that the progress of the works was so good that all these 4,100 tons will be used at an early date and further additional quantities will also be necessary hereafter. The Finance Committee also asked whether enquiries were made whether this requirement could be met by purchase of steel sheet piling manufactured in India, and we were told that enquiries were made of the Tata Steel Works at Jamshedpur but that Government were told that this kind of material was not being manufactured there. We were also told that these purchases were made through the Indian Stores Department. We all know that the Stores Department of the Government of India invite tenders from various places and as far as possible purchase materials from the most economic market, and therefore we have agreed to this item and therefore I think this item is also justified. Then, with regard to item No. 4, an explanation has come before us that as there would be a saving of 3½ lakhs of rupees in the estimates they have decided that this item of Rs. 1,88,000 should be dropped. Therefore this item has been dropped, that is, this sum of Rs. 1,88,000 has been cut out. With these remarks I hope the House will pass this grant, and will observe that the Finance Committee has gone into all the items and a lot of explanation has come out.

The Honourable the PRESIDENT: No honourable member wishing to speak, I shall put the grant to the House.

Question put and carried.

*[Further consideration of the City of Bombay Municipal Act  
Amendment Bill.]*

The Honourable the PRESIDENT: Bill No. XXVII of 1927, a Bill further to amend the City of Bombay Municipal Act, 1888, clause 6.

Mr. S. C. JOSHI: Sir, I beg to move that—

In clause 6, sub-clause (b), line 19 after the words "of members," add the following: "entitled to vote under section 11A."

[Mr. S. C. Joshi]

My object in moving this amendment is to give effect to the intentions of the select committee, namely, that one delegate should be elected by every 200 and not more than 300 members who are entitled to vote. It is quite possible that a union may have members by thousands of whom very few may be living in the city of Bombay and entitled to vote. It is therefore necessary that the number of delegates who may be returned should depend upon the number of voters in the registered trade union. With that view I have moved this amendment and I hope the House will pass it.

Question proposed.

Mr. F. W. ALLISON: The amendment seems to be desirable and Government are prepared to accept it.

Question put and carried.

Mr. F. W. ALLISON: It may be convenient at this stage to make an amendment in the following sentence. I move—

That in the same sub-clause between the figure "300" and "members" the word "such" be added.

The clause as amended will read:

"For every complete multiple of 300 such members in addition to the original 300 such union shall be entitled to elect one additional delegate."

If this amendment is not passed we will be stultifying ourselves.

Question put and carried.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I move that—

In clause 6, 21-A (b) and (c) substitute "100 and 200" for "200 and 300" respectively wherever they occur.

My amendment will therefore affect lines 17, 18, 22, 24 and 33. As the clause stands, every registered trade union which had on the first day of September not less than 200 and not more than 300 members on its register will be entitled to elect one delegate to the electoral college. Every multiple of 300 will be entitled to elect one delegate. The clause (c) (i) says:

"For the purposes of this election, any two or more registered trade unions may combine to elect delegates, and shall be deemed to be one registered trade union provided that—

(i) the membership of each of such registered trade unions is less than 200."

If the lowest number for electing one delegate is 300 and if a trade union has got less than 200 members it is at the option of the trade union to combine and bring it up to the requisite number. My submission to the House is that the number of delegates created by this clause will be an extremely small one. I take it that the total population of manual workers who will be entitled as members of the trade unions is 50,000 to 60,000. It is not more than 60,000. I will take the largest figure, and supposing that the total number of manual workers is 60,000 in the Bombay City, then the number of delegates who will be elected by the different trade unions will not exceed 200 to 250. That means 200 to 250 will be the highest number of voters as delegates for the purpose of electing 4 members. For the election of the delegate himself, you will be pleased to see that they have fixed 300. What I contend, and I



[Mr. B. G. Pahalajani]

think that is a matter in which all the members who have labour's interest at heart,—and I have no doubt that every one here has,—will all agree, is that to fix 300 to elect one delegate is not too large a number. What I request is that the maximum number to elect a delegate should be 200, and where it is less than 200, each trade union that has a 100 can join with others, and when the number comes to 200, they are entitled to elect one delegate. My submission, Sir, is that instead of having 200 delegates for these 60,000 people, we can safely increase it to 300 by reducing the number of members for each delegate to 200; it would be something to the labour class to make 300 delegates instead of 200 to elect 4 members. I would like to ask, Sir, when we are giving an option of electing as many as 4 members, why this direct or indirect representation to allow 4 members to be elected by a total of 250? That is to say, 60 delegates to elect one member. By ordinary division, you arrive at number 60 to elect one member, and that is, I put it to the Honourable Minister in charge, too small a figure to be taken into consideration. At least, if I had been a member of the select committee, if I had been there, I would have insisted that at least 100 delegates should be able to elect one man. In this case, Sir, only 60 are electing 1 member. Therefore, my request is that "300" be substituted by "200" to elect one delegate, and where that membership is below 100, they can combine with others,—still it comes to 200 and can elect a delegate. I think my proposal is a highly modest and reasonable one, which the Honourable Minister in charge, I expect, will accept. The number increased is hardly 75 by this process. And I think even those who represent labour here will be prepared to give additional representation to more delegates in order to arrive at a suitable representation for these four representatives.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, when this question came up before the select committee, it was the Honourable Minister who wanted to fix a very reasonable size of the electoral college, and it was because we were anxious that we should carry the Government support for this bill with us that we agreed to whatever suggestions Government had to make, so long as they did not conflict very seriously with our position in the select committee. Sir, I do consider that the size of the electoral college is rather very small and I would personally prefer if the Honourable Minister of Local Self-Government, now in charge, can waive this objection and allow the amendment to go through. It will also indirectly help the small minorities in the labour movement itself. With the provision of the cumulative system of voting that we have provided, if a larger number of delegates are created, it might be easily possible for a minority to concentrate its voting strength and so arrange that they might get one member at least elected from their own strength. From that point of view and also from this point of view that it enlarges rather than restricts the choice, it would be a step in the right direction, and I personally would be only too glad if the Honourable Minister sees his way to accept the amendment.

Mr. R. S. ASAVALE (Bombay City, North) : Sir, I would also like to support the amendment. I have no objection to the amendment being accepted by Government. But it would be difficult for the first time to have such a big roll as that and for this reason, the suggestion to give representation to 200 labourers has been accepted by the select committee. It would also be difficult in future when the roll will be a big roll, taking into consideration the labouring class of the city of Bombay. The labouring class, on the whole, will not be less than six to seven lakhs, and when a representation to 100 labourers to elect one representative on the electoral college is given, it would come to not less than 7,000 voters. Even considering that, I believe it would be better in the interests of the labourers themselves to have a right of electing their nominees and through them the true representative on the corporation. But, Sir, taking all the circumstances into consideration, I hope my honourable friend the mover of this amendment will likewise see his way to bring such an amendment to give power to the shareholders of trades and industries to have a vote on those bodies, too, as only agents of these industries have now got a right of electing their own representatives. For example, Sir, take into consideration the mill industry. There must be not less than about a lakh of shareholders, and yet 60 or 70 agents only get their right of vote and elect their representatives through such a small body of 70 persons. So, I would bring to his notice that he will be kind enough to put these shareholders also in a position as agents to have an equal right of electing a representative of their own on these bodies also. With these few remarks I support the amendment that has been moved by the honourable member from Sukkur.

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I support the amendment moved by the honourable member from Sukkur. Of course, when there is one delegate for 300 members, it is a large number and it is undesirable. But at that time, perhaps, on account of the fact that Government would not climb down, this large number was accepted. But I think Government will be reasonable enough to accept this suggestion of the honourable member from Sukkur to reduce the voting strength from 300 to 200. It may not make great difference just now if there are 60,000 voters. They will have 200 delegates under the old arrangement. Now, we shall have 300 delegates for the purpose of voting at the election, and I think the wishes of the labourers would be much better reflected by having more delegates and reducing the number of members who have to elect the delegates. Sir, there is also a cumbrous machinery in sub-clause (3) for the purpose of election, and many trade unions may not be able to utilise that provision fully or properly for the purpose of electing delegates. And therefore it may be reduced from 200 to 100. The smaller unions may consist of 125 or 150 members and they will be able to return one delegate, and therefore it is desirable to make it possible for the smaller unions to participate in the election. This suggestion is also desirable and should be accepted by the House, and I hope the honourable mover of the bill will also accept this amendment and that the Government also will accept it as it will be in the interest of those for whom we are enacting this legislation.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) .  
 Sir, I have no objection to the number of people being reduced, but the question is that after all every society has to make an electoral roll and every society will not be able to undergo the expenditure of preparing an electoral roll. We want to give an opportunity to a fairly good number of persons who form a trade union to send their delegate. Every union of 50 or 100 can go together with a big association. That will give a workable basis. The present number stated in the bill is fair, in my opinion, and should not be disturbed for the present.

Mr. S. K. BOLE : I rise to support the amendment of my honourable friend from Sukkur. There may be a slight difficulty or a little more expense in the initial stage but I would submit that it is better to give more privileges in the case of smaller unions. One objection has been raised that the smaller unions will not be able to print the rolls. I do not think that that objection has any force in it. If they are given the right of vote, I think they will be willing to undertake this expense.

Mr. S. C. JOSHI : Sir, I rise to support the amendment for the reason that 300 will not be a sound number. Of course, every person is entitled to vote and will be entitled to have his name inserted in the list of voters. I do not think the actual expenditure will be increased to any great extent. My honourable friend Mr. Bole wanted to have direct election because direct election is the best method, but under the present circumstances when that is not possible, the figures mentioned in the amendment are the most workable figures and it will not be in any way inconvenient to have about 250 or 300 delegates, who will be entitled to elect four councillors on the Bombay municipal corporation. I therefore most heartily support the amendment and I trust the honourable mover will accept it.

Mr. SYED MUNAWAR : Sir, I have no objection to accept the amendment. The only apprehension is that the number of registered trade unions in the city will go on increasing and the number of members are also bound to multiply correspondingly with the result that the number of voters at the electoral college may also gradually increase and become unwieldy. I do not think that the expenses of preparing the electoral rolls will be heavy. The unions will be readily inclined to undertake those expenses, especially in a matter of such vital importance. However, if the consensus of opinion in this honourable House is that the representation should be diffused among the workers in the manner suggested by the amendment, I have no objection to accept the amendment.

Mr. F. W. ALLISON : Sir, I do not want to take up the time of the House but I would rather wish to protest in an entirely friendly manner against the insinuation of one honourable member opposite that in the select committee Government adopted any hostile attitude or was unwilling to listen to any reasonable suggestion. On the other hand, I am quite sure—and all the other members of the select committee will agree with me when I say—that our discussions were conducted on an entirely friendly and reasonable basis, and that there was never any suggestion,

[Mr. F. W. Allison]

on behalf of Government or any one connected with Government, that Government were not agreeable to or refused to agree with any reasonable suggestions that were placed before the select committee. On the other hand, it was felt by the select committee—and the House will realise—that the whole thing was still experimental and we thought that 200 and 300 respectively were reasonable figures and would afford a workable basis. Government never went and never intended to go any further, and in this matter I am allowed to say that Government accept the amendment.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I endorse the statement made by the honourable member Mr. Allison that so far as the work in the select committee is concerned, there is nothing to be said against it.

Question put and carried.

Mr. F. W. ALLISON: Sir, with your permission, I would like to move the following purely formal and consequential amendment:—

In line 31, clause 6, in sub-clause (c) (i), substitute the words "number of members entitled to vote" for the word "membership."

Question put and carried.

Mr. S. C. JOSHI: Sir, I beg to move the following amendment:

In clause 6, at the end of section 21-A (d) add the following words:  
"of that trade union or of any other registered trade union."

The latter portion of the sub-clause, as amended, will read:

"A copy of such roll shall from the same day be kept at the office of the registered trade union open to the inspection of any member of that union or of any other registered trade union."

We have followed a novel procedure in this bill in allowing the preparation of the roll of voters by the registered trade union itself. Certainly that trade union will be interested in making their roll, and if any person has to take any objection to the inclusion of the names of any members who are not entitled to vote as voters; or, if any persons are omitted, objection may be raised, and may be submitted to the Commissioner under the next sub-clause. I submit it is also necessary to safeguard the interests of the other trade unions, and therefore the voters' roll that may be prepared by any registered trade union should be open for inspection not only to the members of that trade union but also to the members of the other registered trade unions, and it is with a view to give effect to this that I have proposed to add these words. If these words are added, there will be a check on making bogus entries in the rolls of voters by any registered trade union, and I hope that the House will accept the amendment that I have moved.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, I really do not understand the position that my honourable friend from Bombay has taken up. We have provided in the bill that immediately the electoral roll is prepared it will be submitted to the Municipal Commissioner, and if any one wants to take any objection to any names appearing there, then

[Mr. N. A. Bechar]

he has a right to do so. He has the right of getting his own name included or asking for the deletion of any names that he may consider are entered twice over, or are not entitled to vote. Quite naturally, when the electoral roll is prepared, the Commissioner is not going to do the double work. Each union will have to send its own electoral roll duly prepared by it. That is the machinery we have created under the bill—200 members, 500 members, or as many members as there are in the union; such a union will send its own electoral roll to the Municipal Commissioner, and that will be available to any people who want to inspect it, or do whatever they like. Therefore, the object my honourable friend has in view is already served by the provision that the electoral rolls will be submitted to the Commissioner, and any objections thereto will be taken by those who want to take any objection during the one week that we have provided for. I think that ought to serve his purpose, but if he wants to make it clearer, the honourable member the Remembrancer of Legal Affairs will tell us whether it will fit in with the other clauses, or whether it will be rather redundant, and will look ridiculous. The Commissioner is not going to spend money or time in preparing the rolls or making them up into a big roll. I hardly see the necessity of this amendment. Personally, I have no serious objection to it.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I rise to support the amendment. The amendment is necessary, because in the next clause it is provided that any member aggrieved by any entry or omission has got the right to apply to the Commissioner, and if a member of a trade union is not given the right to inspect the rolls prepared by other trade unions, it will not be possible to ensure that the rolls are prepared correctly. We have given the right to make an appeal to the aggrieved members of the trade union, and I think it is desirable that the rolls should be open for the inspection of any member of that trade union and also open to the inspection of any member of any other trade union. I hope the amendment will be passed.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I move an amendment to the amendment. I do not see why the right of inspection should be restricted to the members of trade unions. Any voter in the city should be entitled to inspect the roll. My amendment is:

In clause 6, at the end of section 21-A (d) add at the end the following words:  
"or of any other voter in the city."

I contend that I, for instance, as a voter in the city am equally entitled to know which of the labour members are coming in.

The Honourable the PRESIDENT: That is not an amendment to the amendment at all; it is an independent amendment by itself.

Mr. S. C. JOSHI: I have nothing more to add.

Question put and carried.

Mr. F. W. ALLISON: Sir, may I make a statement to the House? As the House has passed this amendment, it opens up rather an important principle which has never been considered before. The bill, as amended

[Mr. F. W. Allison]

by the select committee gives the right of applying to the Commissioner only to the members of the trade union. I do not know whether it is the wish of the House that it should now be provided that a member of any other trade union or a member of the public should have the right of applying to the Commissioner that in his opinion the electoral roll is not properly drawn up. Under sub-section (e), it is only a member of the trade union who is aggrieved by any entry who may make an application to the Commissioner. As we have passed this amendment, we shall have to provide that any member of any other trade union might apply to the Commissioner. I am not sure whether it is now possible to move an amendment so as to extend the power to make an application to the Commissioner to outsiders also.

The Honourable the PRESIDENT : The honourable member should have spoken when the amendment was before the House.

Mr. F. W. ALLISON : As a matter of fact, I did not then think it was my duty to do so.

Mr. B. G. PAHALAJANI (Western Sind) : The honourable member is correct. That has been considered. The right of appeal comes under the next clause. When we come to that clause the honourable member the Remembrancer of Legal Affairs will be right in moving it. We have not come to that clause. Further there is no amendment to that effect to that clause under the list of amendments.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I beg to move the following amendment :

1. In sub-clause (e) of clause 6 of the amended Bill, delete all the words after the word "submission" and in their place substitute the following :—

"The Commissioner shall thereupon hear the claims, objections and applications which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the enquiry by written notice served upon each claimant, person objecting and applicant and upon each person objected to, and also fixed on some conspicuous place in every municipal office. The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction. The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead and may correct any clerical error or omission in the list. Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made."

These provisions are necessary, because the Commissioner should not be allowed to decide the matter without giving an opportunity to persons against whom complaints are made to have their say on the matter. This clause has been copied out from a similar clause in the Bombay Municipal Act which requires the Commissioner to decide the matter after giving an opportunity to the person against whom a complaint is made to state his case. This procedure is followed in the case of voters against whom complaints are made in the ward electoral roll. I shall refer you, Sir, to section 19 sub-sections 13, 14, 15 and 16, which commence with "he shall for this purpose" etc. This is a safeguard which must be provided making the Commissioner follow this procedure before he arrives at a decision, instead of giving arbitrary power to the Commissioner. As this is an important matter I hope the House will allow it to be inserted and

[Mr. J. C. Swaminarayan]

the Honourable Minister for Local Self-Government will have no objection to do so.

Question proposed.

Mr. S. C. JOSHI: Sir, I think if my honourable friend will refer to sub-clause (m) of clause 6, I think he will find that the purpose he has in view will be served by that sub-clause. The sub-clause reads:

"Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates."

All the provisions stated by the honourable mover of the amendment have been made applicable to the election of councillors by the electoral college of delegates. Therefore I think it is unnecessary to make these new conditions.

Mr. N. A. BECHAR (Karachi City): Sir, let me point out for the benefit of my honourable friend, Mr. Joshi, that sub-clause (m) of clause 6 refers to the college of delegates and not to the initial stage of electors. The original electoral roll will be different from the electoral roll of the college of delegates. But when dealing with this question the intention of the select committee was that we should make the bill simple so that it might be possible for the Commissioner to so administer the provisions of this measure without any additional difficulties along with the provisions of the City of Bombay Municipal Act.

Now, the provisions which my honourable friend from Ahmedabad wants to add will open up a number of complications; and it will be against the spirit with which the municipality of Bombay acceded to support this bill. Certain occasions may arise when the municipality will turn round and say that they never anticipated these difficulties and that it is impossible for them to meet them. That is the only difficulty we anticipated and we omitted those provisions suggested by the honourable mover. We purposely omitted those provisions in order not to create more difficulties for the Commissioner. Here the amendment says:

"The Commissioner shall expunge from the list the name of every person proved to the Commissioner's satisfaction to be dead....."

If we go logically, I ask why it should refer only to those that are dead. Why should it not refer to those who have not been members of unions for the preceding three months and those who have not been resident for the preceding six months? This will make the municipality to undertake the preparation of the electoral roll on a large scale for about 6,000 members. I put it to the House whether we want all these difficulties to be created in the way of election. I look at the question from a practical point of view. I think we ought not to allow this amendment to go in at this stage. Let us have one election and see whether the Commissioner has any difficulties in administering this measure. If he suggests that any amendments are necessary, the municipality will suggest them. Then this House will certainly adopt them. But let us not imagine difficulties and create difficulties by adding these clauses.

Mr. R. S. ASAVALE (Bombay City, North): Mr. President, the amendment moved by my honourable friend, Mr. Swaminarayan, is no doubt a good one, and it was also in the minds of many of us when this clause (c) was inserted in the bill. No doubt it would be very difficult for the Commissioner to see that the voters entered in the roll are rightly entered there or that whatever comes to him from the trade unions is correct. It has been suggested that the amendment moved would be unworkable. But I wish to move an amendment to the amendment to the effect that the Commissioner may expunge from the list the name of not only "every person proved to his satisfaction to be dead" but also of any other person who is not entitled to vote under this Act. So I would like to add "who are not entitled to vote as per the clauses of this Act" after the words "proved to his satisfaction."

The Honourable the PRESIDENT: I have not followed the honourable member. What is his amendment to the amendment?

Mr. R. S. ASAVALE: I will write it out and give it. In place of the words "to be dead" the words "those voters who are not entitled to vote under this Act" should be substituted. The Commissioner shall expunge from the list the name of every person proved to his satisfaction who is not entitled.....

The Honourable the PRESIDENT: I think the honourable member would be well advised if he writes it out and reads it with the context. (At this stage Mr. B. G. Pahalajani rose to address the House).

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, before the honourable member speaks, I may be allowed to say a few words which will simplify matters. I am not prepared to accept the amendment of my honourable friend, Mr. Swaminarayan. His amendment will make the whole clause cumbrous. I would suggest, however, that if instead of the word "thereupon" in the last sentence of the clause, the words "after notice to the person objected to, if any" may be added, the clause would be less cumbrous. The honourable member's objection to the clause was that the Commissioner may decide without notice. Therefore, if he put down the words I suggest the clause will read: "The Commissioner shall, after notice to the person objected to, if any, decide the matter, and his decision shall be final and conclusive." Is the House prepared to agree to that?

Mr. B. G. PAHALAJANI: Sir; mine is much better.

The Honourable the PRESIDENT: There is an amendment just now given to me by the honourable member from Sukkur which is very much on the same lines, probably better as he says. But I do not think this is an amendment to the amendment at all.

The Honourable Dewan Bahadur HARILAL D. DESAI: It is not.

The Honourable the PRESIDENT: It is an amendment by itself. It has come to me at this stage. The question before the House, in view of this amendment, is whether the House would like to accept the principle of the Commissioner doing all that. If the House is agreeable to accepting the principle, as the two honourable members speaking just



[The President]

now—particularly the honourable member from Karachi—were, that no cumbrous procedure should be laid down at the early stage of the working of the Act, and if the House is also agreeable to accepting the principle involved in the amendment moved by the honourable member from Ahmedabad, then the House will be well advised to adopt the separate amendment proposed by the Honourable Minister or the one proposed by the honourable member from Sukkur. The amendment of the honourable member for Sukkur is that the procedure shall be the same as is laid down in section 19 of the Act.

Mr. B. G. PAHALAJANI: Sir, I may be allowed to move my amendment.

The Honourable the PRESIDENT: I would not allow it as an amendment to the amendment. Let us finish the amendment moved first. I can take up those amendments only if the honourable House is agreeable to accepting the principle of any of the amendments that I have mentioned just now and if they give me an indication of it.

Mr. R. S. ASAVALE: Sir, my amendment runs thus:

For the words "to be dead" insert "is not entitled to vote under this Act."

The Honourable the PRESIDENT: May I drop the word "is"?

Mr. R. S. ASAVALE: Yes. The sentence will then read: "The Commissioner shall expunge from the list the name of every person proved to his satisfaction not entitled to vote under this Act." The result of accepting this amendment will be that the elections regarding this constituency will be brought on the same lines as are proposed in the Act for the general elections regarding objections to entries in the list of voters. The Commissioner can, as he does now in other elections, hear objections as regards entries of voters' names. The Commissioner will have power to see that a person is properly enrolled as a voter under this Act. Without hearing objections the Commissioner is likely to make mistakes. Under this bill we have got residential qualifications for voters. Also there are those voters who do not reside in the city but who are members of some of the trade unions. Their names are generally registered in the trade unions and if at the time of sending these rolls all names of those who have been registered in the trade unions are sent to the Municipal Commissioner it will be difficult for the Commissioner to expunge any names unless somebody takes an objection. When all objections are to be decided within the short period of three days it would be very difficult for the Commissioner to hear all these objections unless provision is made under this Act in the manner suggested by me. It is therefore necessary that such a provision should be made in the Act so that there should be no trouble afterwards. With this view I have moved this amendment and I trust it will be considered by Government before it is thrown out.

Question proposed.

The Honourable the PRESIDENT: I should like to know whether the original mover of the amendment agrees to withdraw his amendment in view of that put forth by the Honourable Minister or that brought up by the honourable member from Sukkur.

Mr. J. C. SWAMINARAYAN: I am not agreeable, Sir.

Mr. B. G. PAHALAJANI (Western Sind): May I point out my difficulty, Sir? I think the Honourable Minister must realise the difficulties that arise. I concede that the Commissioner of the Corporation is a highly respectable person, but I am not prepared to concede that he is infallible and that any applications made to him represent the absolute and genuine truth. Once you admit that there may be false allegations in claims the Honourable Minister must concede to the other side, namely, the man against whom a complaint is made, a right to be heard. This is certain. So the applicant who makes the application and the person against whom the complaint is heard are entitled to be heard. The Honourable Minister and the Remembrancer of Legal Affairs must concede this point.

We then come to the next stage. Up to this time in the City Municipalities Act and in other Acts also the procedure for the Commissioner to follow is laid down. In the case of our municipalities that procedure is laid down by rules by which the right of appeal is given. The procedure to be followed by the District Magistrate and the District Judge is given. What is more, the powers of the Tribunal are also given because it can never be said that the Commissioner has unlimited powers. His powers must be confined to certain matters simply because his procedure is summary and because his decision is final. Therefore the Commissioner after hearing both parties must determine whether a person is entitled to vote or not. All these matters must be fixed either by rules or by the Act. What do you find? In the case of Bombay City, section 19 lays down exactly what the Honourable Minister is prepared to concede. Sub-clause (13) of that section says that he shall for this purpose hear the claims, objections and applications.

(14) He shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(15) He shall expunge all wrong names.

(16) He shall retain in the list persons against whom objection is not made

(17) He shall retain the names of every person objected to, unless the objector appears and satisfies him.

(18) He shall require proof of the qualification of the person objected to.

That is exactly what Mr. Asavale's amendment requires, that he should have power to decide by proof on the qualifications of persons objected to. Both parties have to satisfy him as regards the qualifications, fitness and all other circumstances connected with the qualifications and then the Commissioner may decide according to his own common sense. His common sense is final. That is what is intended by all law that confers finality on a tribunal. The procedure is not to be arbitrary. The Commissioner following the procedure already laid down shall decide the cases. I do not see why the Honourable Minister should not accept this, namely, that the Commissioner after following the procedure laid down in section 19 decide the thing and it shall be final. This does away with 15 or 16 lines of the honourable member Mr. Swaminarayan's amendment.

Mr. F. W. ALLISON : Sir, the House will acknowledge as I do the honourable member Mr. Pahalajani's great sincerity and the great trouble he has taken to explain this matter. But if he will permit me to say so—and I say it with some regret—he is lacking in sense of proportion. The select committee's labour was a difficult one and we had to prepare a scheme which will be workable. The scheme we have prepared is for all purposes workable. I may tell you one instance. We have left the control over elections entirely to the trade unions. We have not put in any safeguards against any abuse in the matter of elections and we did this deliberately. We discussed that point just as fully as we discussed the point which is now before the House and we decided that if we are going to have a workable bill two factors are essential. The first was that any enquiry made by the Commissioner should be as short as possible. The honourable member, Mr. Pahalajani, in his speech,—which was an excellent one perhaps from the point of view of mere theory or sentiment,—did not realise that here we have an estimate of between 60,000 and 65,000 members of trade unions represented on this electoral roll. I ask the House, is it reasonable to suppose that a Commissioner or any mortal man, within the space of three days, will go through all these elaborate forms if you have, as I say,—and I hope the House will bear that figure in mind,—65,000 people on this electoral roll and the Commissioner has three days to dispose of them ?

Mr. B. G. PAHALAJANI : The application must be made within three days ; there is no limit in the Commissioner's deciding.

Mr. F. W. ALLISON (After a pause) : Well, Sir, I grant the honourable member Mr. Pahalajani 7 days. I put it to the House that unless you give the Commissioner arbitrary powers, he cannot possibly dispose of these election cases within such a short time. He must do as best as he can. It is a very hard task in any case. On practical grounds, I object to the principle which was contained in the honourable member Mr. Swaminarayan's amendment. I tell the House again that we considered this matter very, very carefully in the select committee and we deliberately came to the conclusion that the clause as at present worded is the correct thing. In the select committee no member raised any objection in this matter, and I think not even the honourable member Mr. Swaminarayan, so far as I remember. He will correct me if I am wrong.....

Mr. J. C. SWAMINARAYAN : I did raise some objection.....

Mr. F. W. ALLISON : If he says so, I withdraw ; that was my impression. It is not an ideal bill. But we do say that it is the only practical way to do it. I ask the House to reject the amendment.

Mr. N. A. BECHAR : May I say a word, Sir ?

The Honourable the PRESIDENT : I think the honourable member has already spoken. There is now before the House the amendment of the honourable member Mr. Swaminarayan, together with that of the honourable member Mr. Pahalajani, and the honourable member from Ahmedabad has accepted it.

Mr. N. A. BECHAR: I thought from the Legal Remembrancer's speech that the honourable member Mr. Pahalajani's amendment was being discussed.

The Honourable the PRESIDENT: No; that was his argument.

Mr. N. A. BECHAR: May I say a word?

The Honourable the PRESIDENT: Nothing at all. Does any other honourable member wish to speak?

Mr. K. F. NARIMAN (Bombay City, South): I really cannot understand, Sir, the difficulty as suggested to us and shown by the honourable member who spoke last. I tried to follow, Sir, why he suggests that the amendment proposed by my honourable friend from Ahmedabad would be unworkable if it is introduced in this bill. I would draw the attention of the honourable members on the other side to the fact that the clauses of this bill have been taken practically verbatim from the Municipal Act itself, which has been drawn up, discussed and passed, I suppose, by this honourable House, although perhaps the honourable member himself was not the person who was the draftsman at the time, but some other person was taking his place, and that Act was passed. And I take it that when such clauses were introduced in the original Act, I suppose all the difficulties he now suggests were duly considered. But in every clause that is being introduced in every bill there is always some difficulty and there are always two sides to a question. But the select committee as well as the House consider whether the difficulty of introducing the measure or the clause is more than the difficulty that is suggested in the execution of it. So far as the principle is concerned, I understand the principle itself is opposed by the honourable member the Legal Remembrancer, a principle that has been accepted by the original Act itself, and if in such a large electorate as the whole city of Bombay, with the different wards and thousands and thousands of voters, the difficulty was considered not large enough in order to give up such an important principle, I really cannot understand why, in a supplementary measure, which in point of provisions, or sphere of activity, is much smaller than the original Act, the same principle and safeguard should not be adopted. The Legal Remembrancer stated it was a great difficulty. I expected him to say as to how his difficulty would be created. Certainly, some difficulty there would be. But, at the same time, as the honourable member Mr. Pahalajani has very rightly pointed out, without referring to the present incumbent of the office, it is always dangerous to vest wide powers in the hands of one individual. I thought the honourable member the Legal Remembrancer, having been himself a judicial officer, would appreciate the point urged by the honourable members on this side much better, at least that he would appreciate that safeguards were quite necessary when an executive officer is going to a part of the judiciary. Ordinarily, this work in all electorates is the work of the judiciary itself, and ultimately the Chief Judge of the Small Causes Court or some other judicial officer in the district deals with these cases. In order to obviate that greater difficulty to the judiciary, in order that

[Mr. K. F. Nariman]

there may not be that difficulty to the judiciary, a shorter cut is found out and the chief executive officer is given full judicial power. Now, Sir, if the matter goes to a court of law, all the safeguards that are necessary are insisted on by the court, but when the matter is not to go to a court, these safeguards have been removed! In spite of certain difficulties that may be in the way, I cannot understand why when we are introducing particularly a measure dealing with an illiterate class, a class which is being newly introduced to the civic affairs, these safeguards are not to be adopted. I say such safeguards are more necessary in their case than in the case of other electorates which are more intelligent and which have experience in the work of civic bodies. I do submit that the amendment, although it is a little bit verbose, is necessary, and in view of the verbosity, perhaps the amendment of my honourable friend Mr. Pahalajani might have been accepted. But, as that cannot be done under the rules, it does not mean that if a word more or a few more words are added in print, any great harm would be done. So far as the principle is concerned, the safeguard is necessary, and it was thought necessary in the original Act.

Mr. N. A. BECHAR: I hope, Sir, you will not deny me the right of asking for some information from the honourable member the Legal Remembrancer or the Honourable Minister in charge. My point of information is this, whether under the constituencies of the Merchants' Association and Millowners' Association, the bodies concerned are not the right persons who are dealing with the electorates, and whether their electoral roll is applicable in every case, as is now sought to be made by my honourable friend from Sukkur. Sir, if that point is disposed of, the whole of this bill will be finished.

The Honourable Mr. G. B. PRADHAN: May I explain, Mr. President, shortly as to why an elaborate procedure was not considered desirable? The members of the select committee, and particularly the honourable mover of this bill, were very anxious that these representatives of labour should be brought upon the municipal roll and should be elected at the next election, which is coming in January. And so, in order to save time, all these things were considered and they said "Let us not get into an elaborate procedure, and if we experience any difficulties in actual working, then all those difficulties could be met later on, but we are anxious to see that at the next election of the Bombay Municipality these four labour representatives must be elected." That was the spirit in which they proceeded in the select committee. Now, I quite realise the force of what my honourable friend Mr. Pahalajani says and what my honourable friend Mr. Nariman says, that such arbitrary power should not be given to one officer. But then, the roll is allowed to be prepared by the registered trade unions. That is going to be a new thing altogether. So, the registered trade unions themselves prepare the electoral roll of voters, and then, if any mistake is pointed out, the Commissioner is given power to rectify that mistake, after notice to the aggrieved party. But, then, the members of the select committee

[Mr. G. B. Pradhan]

were anxious that this bill must be passed into an Act and they must have the members representing labour in the corporation at the next election.....

Mr. K. F. NARIMAN: How will this amendment cause delay?

The Honourable Mr. G. B. PRADHAN: It is for the House to decide. We are not going to interfere with any individual's right. I have explained to the House under what circumstances the elaborate procedure was not resorted to. The members of the select committee then said that they wanted that this legislation should be hurried, that they did not want any elaborate procedure, they wanted this bill to be passed into an Act and that the election should take place in January next.....

Mr. B. G. PAHALAJANI: For all time or only for January next?

The Honourable Mr. G. B. PRADHAN: But then if our experience shows that an amendment is necessary, then an amending bill can be brought just as in the case of other Acts amending bills are brought. So, Sir, it was decided to have no elaborate procedure.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, the only argument advanced by the Honourable the Finance Member, Mr. Pradhan, is that the desire of the select committee was that the bill should come into operation at the forthcoming elections. That means the principle that he wishes us to accept in framing legislation is that what is required for the immediate requirements of a particular election must find a place in the permanent law of the country. I thought that there are many ways of meeting immediate and temporary difficulties by making transitory provisions. I could have understood if the select committee had made some transitory provision for the next election and yet had a proper procedure laid down as a permanent part of the law. Of course, if the argument is that the select committee wanted that this bill should in any case come into operation in this particular form in time for the forthcoming election, then there is no object in wasting all this time and the select committee's report could as well have been taken as the final form of the law. But if the idea is that this House should come to its own independent decisions on the recommendations of the select committee, I can see no objection to this amendment being accepted. At the same time, I am unable to understand what great difference a delay of four or five days is going to make, if the procedure suggested is adopted.

Mr. B. G. PAHALAJANI: Will you permit me to say a few words Sir?

The Honourable Dewan Bahadur HARILAL D. DESAI: I leave it to the House to decide the point, Sir.

The Honourable the PRESIDENT: I understand the position to be this. There is an amendment of the honourable member from Sukkur and there is one from the Honourable Minister for Local Self-Government.

The Honourable Dewan Bahadur HARILAL D. DESAI: I will not move mine.

The Honourable the PRESIDENT: If the principle of the procedure is approved, then this amendment will be taken up after the fate of this amendment before the House is decided.

Mr. B. G. PAHALAJANI: If the honourable....

The Honourable the PRESIDENT: If the honourable member accepts it.

Mr. J. C. SWAMINARAYAN: I have no objection to accept the wording suggested by my honourable friend Mr. Pahalajani.

The Honourable the PRESIDENT: Does the honourable member withdraw his own amendment?

Mr. J. C. SWAMINARAYAN: I withdraw it in favour of the amendment of my honourable friend Mr. Pahalajani.

The Honourable the PRESIDENT: In that case, I would ask the honourable member Mr. Pahalajani to move his amendment formally, without making any speech.

Mr. B. G. PAHALAJANI: I move the following amendment:—

“The Commissioner shall thereupon follow the procedure laid down in section 19 so far as possible and decide the matter and his decision shall be final.”

Mr. R. S. ASAVALE: Can this amendment be moved when the first amendment moved by Mr. Swaminarayan is practically to the same effect?

Mr. J. C. SWAMINARAYAN: I beg leave to withdraw my amendment.

The Honourable the PRESIDENT: Has the honourable member Mr. Swaminarayan the leave of the House to withdraw his amendment?

Question put and leave granted.

The Honourable the PRESIDENT: I will now put the amendment of the honourable member Mr. Pahalajani to vote if no one objects.

Mr. N. A. BECHAR (Karachi City): Sir, I want to oppose it. My opposition to the amendment of my honourable friend from Sukkur is this that as you have provided under the Municipal Act that the elections of the Chamber of Commerce, the Millowners' Association, the Indian Merchants' Chamber and also of the Bombay University are not subject to the same regulations as those for the general election, so also in this case, the trade unions being the bodies which will conduct the elections, it is not proper for the honourable member from Sukkur now to introduce by this backdoor method the whole of the procedure which is intended to be followed for general elections. These are special elections and for these special elections special provisions are made and these special provisions should be applied to the trade unions also. What the select committee has done is on a par with the procedure adopted in the case of these special constituencies with this exception that we have gone one step further in that we have given a little power to the Commissioner,

[Mr. N. A. Bechar]

but now my honourable friend wants to give the whole power to the Commissioner taking stand on a mere one or two words that have been inserted in this clause. I assure you, Sir, that it will create a lot of difficulties as I said in the beginning. I hope Government will make up its mind not to allow this question to remain open but stand by the position taken up by them in the select committee. I oppose the amendment.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the amendment moved by my honourable friend from Sukkur. The honourable member who spoke last referred to certain special constituencies such as the European Chamber of Commerce, the Millowners' Association, the Indian Merchants' Chamber and so on and so forth, but I beg to submit to this House that these special constituencies stand on quite a different footing altogether. They are small bodies, their members are enlightened members, they can take care of themselves; but in the particular case of the trade unions, the electoral roll will be a very big one and the members thereof are not sufficiently enlightened and so certain check seems necessary; so under these circumstances some outside agency is, I think, necessary to determine the validity of any objections that may be raised either to the entry or to the omission of certain members in the roll. In this particular case the Commissioner is given the power to decide any such objections raised either to such entry or to such omission. I think the safeguard provided by the amendment is quite a good one and is a necessary one and I hope the House will accept it.

Mr. P. R. CHIKODI (Belgaum District): Sir, my honourable friend from Karachi seems to take it that the members of the trade unions and the members of the Indian Merchants' Chamber or those of the Millowners' Association are on the same footing. Unfortunately, they are not. Some of my honourable friends have said that labour are very backward and on this ground they want representation in the Bombay Municipal Corporation to represent their grievances. If that is so and looking to the fact that the number of the members composing the trade unions is very large, the elections will not be free from objections and faults as in the case of those bodies namely, the Millowners' Association and the Merchants' Chamber. The objections will be very large, and it is therefore necessary that there should be one authority to look into them and decide. I therefore support the amendment.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I will say only one word. The honourable member from Karachi has stated that the procedure should be the same as in the case of the Indian Merchants' Chamber and the Millowners' Association, but he forgets that those are self-contained bodies, in which there is no right of appeal given against anything that is done within those bodies. In this case, it is the select committee—not I, not any other member here, but the select committee of which he was himself a member—that have decided to go outside that



[Mr. B. G. Pahalajani]

body, that is the trade union, and have given the right of appeal to an outside tribunal, which is the Commissioner. When that power of appeal is conceded—and he has conceded it by being a member of the select committee and signing the report—what I want to provide is that the procedure so far as that tribunal is concerned shall be what is laid down in sections 13 to 19 of the Act, so far as may be possible. If this procedure had not been followed so far as the appellate authority is concerned, I would have had nothing to say against it. The trade union, as a self-contained body, would have determined its own appeals. But once you go outside that body, and give the power to decide any objections to a third person, then I submit the proper procedure ought to be followed. The amendment is very simple, and I hope it will be accepted.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I stick to the report of the select committee, and oppose the amendment. If they want to have the whole of sub-clause (e) deleted, the House will deal with it. I stick to the report of the select committee.

Question put. House divided. Ayes 18, Noes 48. Motion lost.  
*Division No. 6.*

#### Ayes

AMIN, Mr. H. J.  
ANGADI, Rao Bahadur S. N.  
BOLE, Mr. S. K.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
HAJI MIR MAHOMED BALUCH, Mr.  
JAIKAMDAS DOULATRAM Mr.

KAMBLI, Rao Bahadur S. T.  
KARKI, Mr. M. D.  
NAIK, Rao Bahadur B. R.  
NARIMAN, Mr. K. F.  
PAHALAJANI, Mr. B. G.  
PATASKAR, Mr. H. V.  
SHEKH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes :* Mr. P. R. CHIKODI and Mr. R. S. ASAVALE.

#### Noes

ADDYMAN, Mr. J.  
AHMAD, the Honourable MOULVI  
RAFIUDDIN  
ALLAMBAKSH, Khan Sahib  
ALLISON, Mr. F. W.  
ANDERSON, Mr. F. G. H.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BHUTTO, Khan Bahadur S. N.  
BRANDER, Mr. J. P.  
BROWNE, Mr. D. R. H.  
COVERNTON, Mr. S. H.  
DARHOLKAR, Sir VASANTRAO.  
DAWODEKHAN SHALEBROY, Mr.  
DESAI, the Honourable Dewan Bahadur  
HARILAL D.  
DESAI, Mr. J. R.  
GROGAL Mr. J.  
GHULAM HUSSAIN, the Honourable Sir  
GHULAM NABI SHAH, Khan Bahadur  
HARRISON, Mr. R. T.  
ISRAH, Khan Sahib GHULAM MUHAMMAD  
ABDULLAH KHAN.  
JAY MAHOMED KHAN, Khan Bahadur  
JANVEKAR, Mr. D. A.  
KATHEGO, Mr. M. S.

KNIGHT, Mr. H. F.  
LAGHARI, Khan Sahib RAIS FAZAL  
MUHAMMAD.  
LELY, Mr. W. G.  
MANSURL, Khan Sahib A. M.  
MARTIN, the Honourable Mr. J. R.  
MARZBAN, Mr. P. J.  
MAXWELL, Mr. R. M.  
MUTJUMDAR, Sardar G. N.  
NOOR MAHOMED, Mr.  
OWEN, Mr. A. C.  
PRADMAN, the Honourable Mr. G. R.  
RAHIMTOOLA, Mr. HOOSKALLY M.  
RIEU, the Honourable Mr. J. L.  
SMART, Mr. W. W.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTANRAI G.  
SYED MIRAN MUHAMMAD SHAH.  
SYED MUHAMMAD KAMIL SHAH.  
SYED MUNAWAR, Mr.  
THAKOR OF KERWADA, the  
TURNER, Mr. C. W. A.  
VANDEKAR, Rao Sahib R. V.  
WADIA, Mr. N. J.  
WASIF, Mr. G. A. D.  
WILES, Mr. G.

*Tellers for the Noes :* Mr. N. A. BECHAR and Mr. S. C. JOSHI.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, may I have the permission of the Chair to move that sub-clause (e) be omitted in view of the present decision of the House ?

The Honourable the PRESIDENT : I will give the honourable member an opportunity after recess.

(After recess)

Mr. J. C. SWAMINARAYAN : Sir, is there a quorum ?

(As there was no quorum when a count was taken, the bell was rung and a count was again taken when it was found that there was quorum.)

The Honourable the PRESIDENT : Now, there is a quorum.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I move

That sub-clause (e) be deleted.

Mr. F. W. ALLISON : If sub-clause (e) is to be deleted what about sub-clause (f) ?

Mr. B. G. PAHALAJANI : Yes, also delete sub-clause (f).

If the House agrees everything else will follow. I shall hope that consistency will be a virtue of Government unless I am told otherwise by the Government. I also hope that the Honourable Ministers—not one but two Ministers were concerned with this bill, the Honourable Mr. Pradhan who was chairman of the select committee when this bill was discussed in select committee and the Honourable Dewan Bahadur Harilal D. Desai—I hope that these Members of Government will certainly act consistently with the last vote in which they joined. The Honourable the Finance Member, who as Minister, presided at the select committee meeting, distinctly told the House in as clear words as possible, that the intention was to simplify the whole procedure, and he even laid it before us that if the House did not want this clause, the House may as well do away with it, so that the trade union will be a self-contained body and will decide who are its members and who are not. We are also aware that the Honourable Minister at present in charge of this department offered that he would move an amendment in the clause adding words which may give an opportunity to the objector and the aggrieved to be heard. But unfortunately when the Chair had the boldness to put the question.....

An Honourable MEMBER : Boldness ?

Mr. B. G. PAHALAJANI : I say “boldness” deliberately, because I think that the Chair was exercising not its right of interruption, but was only throwing out a suggestion to the Honourable Minister to exercise a little commonsense which seemed to have vanished. When the Chair asked the Honourable Minister whether he was prepared to move that amendment to give an opportunity to the parties to be heard, the Honourable Minister withdrew his intention. We have got now the honourable member the Remembrancer of Legal Affairs who has just come from the judiciary.....

Mr. F. W. ALLISON : No. I had just come from the Assembly.

Mr. B. G. PAHALAJANI: I thought he was District Judge just before he was sent to the Assembly. But he has been a senior district judge once. And even he thinks that this right to be heard should not be given to the parties! Thus, there are two legal luminaries in favour of the view that the parties should not have an opportunity of being heard!! We have also a third in the Honourable the Finance Member, who also unfortunately happens to belong to the legal class. All these three legal luminaries deny the parties the right to be heard.

Now, Sir, what is the use of retaining this clause now? I think the honourable member for Karachi is right in saying that like all other associations the trade unions should be a self-contained body. In the last division, the Honourable Minister led the Government members by the weight of his constitutional position to vote for the principle that there should be no safeguards against the right of the Commissioner to decide. There is absolutely no meaning in saying that the Commissioner shall decide. Decide after what? Without hearing any party! The Commissioner is after all human; he is not a prophet; he cannot decide whether any entry is right or not without hearing the party concerned. You do not give him the power to call upon the parties and to take evidence. You do nothing of that. You say merely that the Commissioner shall decide. How, not known. Therefore, it is better that we omit this sub-clause. Let the trade unions be put on the same level with the other associations, as the honourable member Mr. Bechar told us, and let them be given the same powers as the Indian Merchants' Chamber or any other body, and let them decide who are and who are not their members, and let not a third person be introduced. I hope that the members of Government who were led under the constitutional position to vote for the last amendment, without freedom of vote, will be allowed to be consistent and asked to vote for the amendment that I move now for the deletion of this sub-clause. The last voting was bad enough, but I want the Honourable Minister and the Honourable the Finance Member to be consistent and not stultify themselves.

The Honourable the PRESIDENT: The amendment moved is that sub-clauses (e) and (f) be deleted.

An Honourable MEMBER: What about sub-clause (g)?

The Honourable the PRESIDENT: I suppose what that honourable member means is that sub-clauses (e) and (f) be deleted and also any such amendments as may be consequentially necessary!

Mr. B. G. PAHALAJANI: Yes.

Mr. N. A. BECHAR (Karachi City): Sir, my honourable friend from Sukkur tried to make out that because the first amendment which was an improvement on this sub-clause (e) was not accepted, therefore this clause (e) ought to be deleted because it does not carry us far enough. Sir, the law of deduction is not properly understood by him. You will permit

[Mr. N. A. Bechar]

me to point out that in the case of the Indian Merchants' Chamber and other constituencies the electors belong to one single unit, whereas in the case of trade unions there are more than fifty units or so. Now we have to provide for the submission to some authority disputes about, or applications for, omission or addition of names. Now, at one stage, I did feel that the provincial body of the All-India Trade Union Congress ought to be the body to decide in this matter. But I was not sure that Government would go the whole hog and recognise that body as it has not been registered under the Trade Unions Act. Therefore, the only machinery that we could set up was this Commissioner. Now, the intention of this clause is not as was stated by the honourable member from Sukkur. The clause is intended more or less as a safeguard against any possible misuse on the part of any union, and it is therefore only right that some kind of power should rest with the Commissioner so that they may not feel that theirs is not the last word on the subject. Sir, it has been pointed out by the honourable member who has moved this amendment that the Commissioner has the power to decide the matter and that his decisions shall be final and conclusive. And therefore he says that it is necessary that he must make enquiries and hear all parties. I do not see where in this clause he is prevented from calling all parties and hearing them. The Act does not say that the Commissioner shall be prevented from hearing every party. All that the clause says is

"Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days after the date fixed for such submission. The Commissioner shall thereupon decide the matter and his decision shall be final and conclusive."

I lay great stress on the words "decide the matter" rather than the words "his decision will be final and conclusive" and I have no doubt that the Commissioner will hear all parties though it is not incumbent on him to follow the procedure in each case. Whether the application deserves going into or not is a matter of course he is bound to see. Therefore, Sir, there is no logic in the argument that he has brought forward and I trust the House will summarily reject his amendment as it did the previous one.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): I support the amendment of the honourable member Mr. Pahalajani. Sir, if you give the right to the aggrieved person to make an application, you must not summarily and arbitrarily decide the matter. You must impose upon the Commissioner certain restrictions. Otherwise he will have a *carte blanche*. Suppose a person makes an application; the Commissioner does not make any enquiries and he decides the matter. It has been said, Sir, that we must provide a useful and workable machine. Here you are enacting a new legislation and not making a provision which is transitory. You are making a permanent law of the land. It is necessary that the House should be assured that no injustice will be done to any person. If this clause is retained, there will be many cases of injustice as the law provides that the Commissioner's decision shall be final and conclusive.

[Mr. J. C. Swaminarayan]

If this is passed no man will be able to utter a single word or raise a single word of protest. If the words "after hearing the person objected to" are inserted, it will be reasonable. I think the Honourable Minister must retrace his steps. Otherwise, I shall have to quote the words of the Honourable Mr. G. B. Pradhan that consistency becomes persistency which becomes obstinacy. When I moved my amendment the Honourable Minister was in a mood to make the change in the bill. Now he is not in that mood. If those four or five words are added I think it will be a credit to him. I do not see any reason why he should refuse the insertion of words which he himself suggested an hour ago.

Mr. A. D. SHETH (Ahmedabad District): With regard to this particular clause, I would say that either this newly created body should be treated as a general class or it should be treated as a special class. If you treat them as a general class, i.e., just like a general electorate, then you have to give them all the opportunities of a general electorate, rights of appeal and so on. If you want to treat them as a special class as you are doing with the Chamber of Commerce and the Millowners' Association, then treat them as such. Do not give them any further appeal. But why are you creating a third position altogether, which is abnormal and extraordinary, which does not look in any way creditable to the logic and consistency which is expected of Government? The honourable member from Karachi said that possibly his trade union may abuse the power and therefore in order to check that abuse he says some such check ought to be created. But my friend in removing an abuse is as a matter of fact creating another abuse which is greater. In one case the trade union which consists of a large number of people had the power and here the whole power is sought to be given to one man, however clever or capable he may be. He is a human being and liable to all sorts of errors and we know our great officers are liable to so many errors. I do not know why a great friend of democracy, Mr. Bechar, who is never tired of speaking against autocracies and bureaucracies should come forward and want the Commissioner to be clothed with all autocratic powers. I believe that possibly something has got into the soul of my honourable friend Mr. Bechar; a great democrat as he is, he has for the time, been speaking in favour of the other side. I believe that clothing one officer with so much power is in no way logical or consistent. I heard this morning from the other side and they were saying "delete the whole clause". This was before tea time. If consistency and logic is on the other side and principles of democracy on this side of the House, I believe this clause should be amended as suggested by the mover.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the amendment. My object in doing so is this. After we met in the select committee, I went into this matter and I found that in one of the election suits in which I was myself a petitioner, that although as required enquiry had been made by the Commissioner under section 19 of the Act which lays down the procedure to decide applications for

[Hooseinbhoj Abdullat'hoy Lalljee]

additions and rejections, when the right given by section 20 which enables anybody affected thereby to go to the Chief Judge of the Small Causes Court is exercised, it has been held in the election suits that have been fought out before the Chief Judge of the Small Cause Court, that when an election is challenged, the court has got power to go behind the roll, because it is considered a privilege of the Court to enquire into as to whether the man has been enrolled legally by his own right or otherwise, and the power of the Court cannot be taken away. In this case, Sir, I find that we have given final powers to the Commissioner and we have said that his decision shall be final and conclusive. But at the same time, at the end of this section we have said :

" Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates."

Now, Sir, if the qualification of a candidate who is declared elected is challenged on the ground that he is not a person fully qualified, although put in the roll as a gentleman so qualified, and although the Commissioner then decided the matter finally, and if the facts come before the Court that he was not a resident of Bombay for six months, that his name was put in by mistake or fraud, and that the enquiry before the Commissioner was such as not to elicit all the facts, then, I say, Sir, in such cases it has been decided by more than one Chief Judge of the Small Cause Court, and also upheld by the High Court, that the Court has got power to go behind the final roll. If that is so, I think, Sir, either we should adopt (e) and (f) or the clause that the powers of the Commissioner are final need not be added. But since that amendment has been lost, I think it is but fair that we should remove this power and not interfere with the jurisdiction of the Court.

Mr. S. C. JOSHI: Sir, I rise to oppose the amendment. I am sure the honourable member Mr. Sheth will again say that there is something wrong with the head of Mr. Joshi. I can assure him that there is nothing wrong with the head of the honourable member from Karachi and there is nothing wrong with me also. I am rather surprised at the opposition of the honourable member. I do not understand his position why, when we gave powers to the Commissioner he urged that they should be curtailed, and he now comes forward with a proposal to give full powers to the trade unions. Each trade union is interested in preparing its own roll, and it was therefore necessary to give power to the members of the other trade unions to challenge any incorrect acts of commissions or omissions in the rolls prepared by any registered trade union. Then, there is a right to approach the Commissioner, given by this clause, and this clause is so worded that it gives power to the Commissioner to give his decision thereon, and when anything is to be decided, I do not see that any decision would be arrived at by him arbitrarily or without using his discretion. Certainly, the Commissioner is not a person who has any interest in any one, either the registered trade union or any member. The Commissioner is a judge, and where such powers are

[Mr. S. C. Joshi]

given to the Commissioner, he is expected to use the powers vested in him not arbitrarily but judiciously, after giving due opportunities to all parties concerned and hearing any objections which they may have to make in regard to such matters. It is quite possible that the decision of the Commissioner may not satisfy one of the two parties. But whenever there is any dispute, it is not possible that *all* the parties to the dispute will ever be satisfied with any decision that may be given. And there must be some finality to every decision. With a view to give this finality to any point in dispute between the parties, it is desirable to make the Commissioner's decision a final decision in the matter.

Sir, it has been argued further that these trade unions should be either considered as special classes or should be treated as general classes. I submit, Sir, that they are mixed constituencies. In some respects special privileges are given to the trade unions. They are treated in other respects on a par with the general electorate.

The provision of the electoral colleges is inserted in his bill, as a special measure; whereas when the delegates proceed to elect the councillors they do so in the ordinary way. And, therefore, so far as the election of councillors is concerned by the delegates from among themselves, the general rule in the Municipal Act will apply. But, so far as the election of delegates is concerned by the voters, it is necessary to have special provisions and, therefore, such provisions have been inserted. To this extent, therefore, this is also a special thing. I do not see anything inconsistent in the bill. When the honourable members wanted to have the powers of the Commissioner curtailed, they wanted some additional provisions in section 19 inserted, and when they got a defeat in that, I do not see the logic or the propriety of their attitude: "Now we think we should reduce or curtail the powers of the Commissioner and give full powers to the trade unions, and let them act in any arbitrary manner they like." I submit, Sir, that it is absolutely necessary to give final powers to the Commissioner, and if they find later that the Commissioner has used his powers arbitrarily and without proper discretion, then it is open to them to bring in legislation to amend the Act in this Council and add those very clauses which it was intended to add in the previous amendment that was moved and that was lost. I submit it is absolutely necessary to have all these clauses added, as shown in the select committee's report.

Mr. S. K. BOLE: Sir, I supported the previous amendment of my honourable friend Mr. Pahalajani, but now I have to oppose this amendment. (An Honourable Member: Because you lost!) Not because I lost, but because some check is wanted, and there should be some provision to give relief to the aggrieved party. It is said that the Commissioner has been given arbitrary power, but the procedure adopted by the Commissioner is that he generally does not hold the enquiry himself; he delegates his powers to his subordinates, who are also equally competent officers. And from my own experience I can say that generally they invite all the parties concerned and then make the enquiry and give their decision, and in this case, though arbitrary power is given

[Mr. S. K. Bole]

to the Commissioner, still I do not think that without hearing the other parties he will proceed to give his decision. I think that some relief to the aggrieved party is necessary, and in order that that relief should be given, the clause is necessary.

Mr. R. S. ASAVALE (Bombay City, South): Sir, I rise to oppose the amendment moved by my honourable friend. By deleting both the clauses it will be very difficult now for those who want to enrol themselves as voters even in the trade union itself, because, Sir, if a member has to enrol himself in the trade union, and if he sends his name, and if the list has been sent through that union to the Commissioner, and if a reference is made, I believe, unless such clauses are there, no reference will be made either to the Commissioner or even to the Court if one acts according to the last clause (m), as provided for in this bill. So it is quite essential that these clauses must remain in the bill. The honourable mover of the amendment has stated that as the amendment that was moved was not accepted by this House all these clauses should be deleted. It will have no meaning. My honourable friend Mr. Hooseinbhoj Lalljee also accepted the amendment for deleting both these clauses. I do not understand him at all as he, being himself a member of the corporation, accepts the deletion of these clauses. Only the members who are registered as voters and are aggrieved can object and not those who want to stand as candidates. That is quite clear here. It is not that anybody who is a candidate is to be objected to but he must be a voter. Suppose that even if the Commissioner who has got the sole power of giving his own final decision, admits a person, still one man cannot fight his own election though wrongly entered on the roll. The special thing that is to be borne in mind is this that even if a particular man has been enrolled wrongly and admitted by the Municipal Commissioner as a voter, still it does not affect the election of a candidate. Therefore I think in the interests of the labourers themselves, these clauses must remain as they are.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to oppose the amendment. I think that some sort of a check is absolutely necessary and the safeguards provided for in clauses (e) and (f) are absolutely necessary as similar safeguards are also provided in the Bombay Municipal Act and the District Local Boards Act . . . . .

Mr. B. G. PAHALAJANI: Where?

Rao Bahadur S. T. KAMBLI: In the Municipal and Local Boards Acts the right is given to make an appeal or application. . . . .

Mr. B. G. PAHALAJANI: After being heard.

Rao Bahadur S. T. KAMBLI: My honourable friend wants to take it away altogether. Something is better than nothing. In the initial stages, when this House is making legislation for representation of labouring classes, I think we should have a salutary check upon the trade unions. I think that it is necessary to have some sort of check and



[Rao Bahadur S. T. Kambli]

that the check provided in the bill is absolutely necessary and that it should be retained.

Mr. P. R. CHIKODI (Belgaum District) : Sir, I rise to support the amendment moved by my honourable friend from Sukkur. I am surprised to see a legal luminary like my honourable friend from Hubli, Rao Bahadur Kambli, say that the clause in the bill is a salutary check and should be supported. I ask him whether the Commissioner is under an obligation to send for the parties and hear the case and then give his decision under the present clauses of the bill. There is nothing of the kind here. Such a power should be given to the Court or to the Commissioner. Since nothing of the kind is provided, the whole clause should go. If this clause goes, then the power is restored so that any aggrieved party may go to a court and prove his case. Therefore, Sir, the clause as it stands is a mischievous one and therefore it should be opposed.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the whole question narrows itself into a very small compass. Those who have voted for the last amendment have undoubtedly, according to their own admission, put themselves into a hole, including the Government, because Government now sees very clearly—at least on their behalf their own Remembrancer of Legal Affairs sees—the justice of my position that once you actually propose certain safeguard, certain limitation against a tribunal, and the legislature refuses to accept that limitation, any court as a matter of interpretation of legislation, can hereafter, in any matter, hold that the tribunal has an undoubted power to act *ex parte*, without hearing the parties, and the report of the select committee and the proceedings of this body will be sufficient authority for that judge or for any other person, for the Commissioner, to refuse to call any party. What we wanted to introduce, Sir, was an elementary right of being heard, nothing more; the elementary right of calling the other party; that is especially the issue which, after being raised, has been specifically denied. That is the position, and after having been raised and specifically denied, the Commissioner's power of calling for the parties or the public's right of being heard is altogether eliminated. We are reduced to the *ex parte* procedure of the Municipal Commissioner who, on all hands including the Government, is not omniscient. A false application is made to him and he cannot call the other party, he cannot judge for himself. Therefore, so far as this clause stands at present, as it is sent by the select committee, you have got a finality given to a tribunal without the ordinary safeguards of finality. Nowhere in the whole of the law, nowhere throughout the law, do you find that a finality is given to any decision of any tribunal, including the highest court in the Presidency without giving an opportunity to the parties to be heard. In this case the anomaly of the situation is this, that you are creating a tribunal with an absolute finality so far as its decision is concerned without the safeguards and, by giving finality to its decision, you are depriving all the *mofussil* courts, every court, of their right to take cognisance.

[Mr. B. G. Pahalajani]

That is the difficulty. You are depriving the ordinary subject, the ordinary voter, of his inherent right to go to a court of law to have the point decided, once you give the Commissioner's decision absolute finality the word "final" being defined in the Evidence Act as "not open to be questioned in any court of law". Therefore, once you allow the word "final" to remain there, you are actually taking away from the ordinary subject, the ordinary voter, his elementary right, the elementary right of every individual to be heard, heard either by a tribunal or the Commissioner, or the elementary right of being heard by the mofussil courts of the British Empire. Unless you remove this restriction, unless you remove this clause, you will be inflicting—I mean the Honourable Minister now in charge of the bill and the Honourable Member who, as Minister, was responsible for this bill—you are actually inflicting upon the public and the voter the double disadvantage of not being heard and not being allowed to go to a court of law to have his right determined. You are putting a double limitation upon the right of appeal and that is why I have brought in my amendment. At present any person who is dissatisfied with the Commissioner's decision may go to a court of law and get his right decided upon. You are now enacting a legislation and you have this hybrid body, not a genuine body like the Merchants' Association, self-contained, which can decide by itself, but you are creating a hybrid body which is neither a general constituency nor a special constituency but an intermediate hybrid body, and to the people composing this hybrid body you are giving the right to go to the Commissioner, but you are taking away from the poor members of that hybrid body the right to be heard. How awkward the whole situation becomes! Therefore, I would submit that the honourable member Mr. Joshi has told us that he is to be the judge that can decide. Have you ever heard—you have been in the Bar yourself, and the Remembrancer of Legal Affairs has been a senior Judge so long—has he ever heard of any matter being decided or has he decided any matter finally without hearing the parties? He may issue an interim order, but at the same time he will not desist from giving notice to the other party, and then he may make the order final. It is an elementary right which no judge has ever denied, which no legislature can ever deny. I am told by the honourable member Mr. Asavale that they do not want this elementary right, this simple right of being heard, or going to a court of law to have the matter decided; they want to leave it to the Commissioner, for whom I have great respect, but for whose omniscience I have none. You are supposing by this that he is omniscient; you are supposing by this that he need not hear either party, that he knows the truth or falsity of the application that is presented to him. By opposing my amendment, they have denied to him the right of calling the parties. The position is very awkward, and I do not know whether Government are prepared to enact this absolutely clumsy section. Any legal luminary can say it is an absolutely clumsy clause, which denies to him the right of going to a court of law; and for what? As the Honourable Minister for Local Self-Government said, for the purpose of expediting the next

[Mr. B. G. Pahalajani]

election. That is the narrow object, expediting the next election, and for that purpose, the elementary right of the subject is to be subverted. If in spite of what I have stated Government carry the day, it does not affect me; it does not affect Sind; it does not affect any other of the voters in the city of Bombay. From the present and the last Honourable Minister of Local Self-Government I expect this law to be an expression of ordinary common sense principles. Let them retain it as it is, but I think I am entitled to expect from them an absolutely reasonable and absolutely sensible exposition of the ordinary elementary rights.

Mr. H. B. SHIVDASANI: You are expecting too much.

Mr. B. G. PAHALAJANI: I am not expecting too much.

Mr. SYED MUNAWAR: Sir, I rise to oppose the amendment of my honourable friend Mr. Pahalajani. These two sub-clauses were inserted by the select committee after careful consideration and mature deliberation. If I remember aright, my honourable friend Mr. Hooseinbhoj Lalljee himself advocated the insertion of these two sub-clauses, but now he comes forward and refers to a case where the decision of the Commissioner was nullified by the Chief Judge of the Small Causes Court; and if we proceed on the same logic, then here also the decision of the Municipal Commissioner may be reversed in the Court of Small Causes.

Mr. B. G. PAHALAJANI: Is my honourable friend serious?

Mr. SYED MUNAWAR: Yea. These two sub-clauses are intended after all to provide safeguards for members of trade unions and checks upon any flaws or wrong entries or anything that may be denied or agreed to by members, or their being deprived of their right of being returned as delegates in the electoral college. So far as these two sub-clauses operate as safeguards and checks, I think there is absolute need of retaining them. But with regard to the latter part, namely the words "his decisions are to be final and conclusive", I am doubtful whether it is within the competence of this House to debar an aggrieved person from appealing against the decision of the Commissioner. If we allow those words to stand, I wonder if the High Court will take cognizance of them.

The Honourable the PRESIDENT: I suppose, in substance, the honourable member is supporting the amendment.

Mr. SYED MUNAWAR: No, Sir. I am not supporting the amendment, but moving a rider to the amendment. The amendment is to delete both the sub-clauses, but I say that the part of the first sub-clause where it says "his decision shall be final and conclusive" may be omitted.

The Honourable the PRESIDENT: It is too late for all that.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I construe the last division as meaning that the House wanted to retain sub-clause (c) as it has emerged from the select committee without any change. That is how I construe the last vote. I submit that the Commissioner, an officer drawing about Rs. 3,000 per month, ought to be credited with the common sense of not deciding anything without hearing

[Dewan Bahadur Harilal D. Desai]

the parties. This clause does not prevent him from doing that. Then there is the other thing. Sections 30 and 31 of the Municipal Act provide for elections by the University as well as by the Chambers of Commerce. The status of the members of those bodies is certainly on a higher level than that of those who form trade unions, and there is nothing to prevent a trade union which has a membership of say 3,000 or 5,000 from saying that they have a membership of 15,000. Then, who is to check it? Consequently, I see great force in the arguments which have been advanced against the deletion of sub-clause (e) as well as of sub-clause (f). I think that the arguments against the amendment deserve the consideration of the House, and I am prepared to leave the decision to the House.

Question put. House divided. Ayes 23; Noes 26. Motion lost.

*Division No. 7.***Ayes**

ALLISON, Mr. F. W.  
AMIN, Mr. H. J.  
ANDERSON, Mr. F. G. H.  
CHANDRACHUD, Mr. N. B.  
CHIKODI, Mr. P. R.  
DAWOODKHAN SHALEBHOY, Mr.  
DESAL, Mr. J. B.  
DESHPANDE, Mr. L. M.  
DIXIT, Dr. M. K.  
HAJI MIR MAHOMED BALOCH, Mr.  
HARRISON, Mr. R. T.  
JAIRAMDAS DOULTRAM, Mr.

KAREI, Mr. M. D.  
LALLJEE, Mr. HOOSEINBHOY ABDULLA-  
BHOY  
MUSJUMDAR, Sardar G. N.  
NAIK, Rao Bahadur B. R.  
PAHALAJANI, Mr. B. G.  
PATASEAR, Mr. H. V.  
SEETH, Mr. A. D.  
SHIVDASANI, Mr. H. B.  
SMART, Mr. W. W.  
SURVE, Mr. V. A.  
SWAMINARAYAN, Mr. J. C.

*Tellers for the Ayes:* Mr. A. D. SEETH and Mr. HOOSEINBHOY Abdullabhoi LALLJEE.

**Noes**

ADDYMAN, Mr. J.  
ALLAHBAKSH, Khan Sahab  
ANGADI, Rao Bahadur S. N.  
ASAVALE, Mr. R. S.  
BECHAR, Mr. N. A.  
BOLK, Mr. S. K.  
JOSHI, Mr. S. C.  
KAMBLL, Rao Bahadur S. T.  
KUCHRO, Mr. M. S.  
LELY, Mr. W. G.  
LIGADE, Mr. S. P.  
MANSURI, Khan Sahab A. M.  
MAREBAN, Mr. P. J.  
MAXWELL, Mr. R. M.

NAVLE, Mr. N. E.  
NOOR MAHOMED, Mr.  
PAINTER, Mr. H. L.  
RAHIMTOOLA, Mr. HOUSENALLY M.  
NARDESAL, Mr. S. A.  
SMANKARRAO JAYARAMRAO ZUNZARRAO,  
Mr.  
SMYTH, Mr. J. W.  
SOLANKI, Dr. PURUSHOTTANRAI G.  
SYED MUNAWAR, Mr.  
THAKOR OF KENWADA, the  
THORNER, Mr. J. P.  
VANDEKAR, Rao Sahab R. V.

*Tellers for the Noes:* Mr. N. A. BECHAR, and Mr. S. C. JOSHI.

The Honourable the PRESIDENT: I want to bring a matter to the notice of the House. I have noticed honourable members sitting in their places smoking during divisions. I have informed the members that no smoking is allowed in the House. I know that there is not much of convenience in the lobby but smoking can be connived at in the lobby such as it is in this hall. But no honourable member even during the period of division can be permitted to smoke sitting in the House. (An Honourable Member: Government members particularly.)

Mr. B. G. PAHALAJANI (Western Sind): Sir, I beg to move the following amendment:

"In clause 6, [21-A(h)] line 82, omit the words 'and shall be entitled to accumulate all of them upon one candidate, or to distribute them among the candidates as he pleases.'"

Sir, this is an important amendment which affects the city of Bombay. (An Honourable Member: Always important.) It involves a very serious principle in this particular part of the Municipal Act. The present Municipal Act does not contain cumulative voting. (An Honourable Member: It does.) So far as cumulative voting is concerned it was introduced at a late stage of the constitution when it was observed that the minorities required protection. In general elections when minorities require protection and when there is no communal electorate exclusively to a particular class or community this particular method of cumulative voting for the purpose of returning a particular candidate of one community or class was considered the safest. But here this principle is made to apply in the case of a labour constituency wherein there is no other special interest requiring to be represented. So far as labour is concerned, it is a general constituency; four members are to be returned by voters belonging to the labouring class as a whole. If the House is prepared to accept the amendment of the honourable member Dr. Solanki which requires that one depressed class councillor should be returned, an amendment which introduces a kind of representation of a class within a class, then certainly cumulative voting is absolutely necessary. But the select committee has refused to introduce any intra-class representation; it has refused to concede separate representation for Hindu labour or Muhammadan labour. The select committee has left the constituency without any distinction of class or creed. Therefore, I submit that protection of the minority classes is not necessary, and the ordinary principle of one vote for one man is the principle that ought to be employed and not the principle of cumulative voting which will introduce a kind of class-within-a-class representation. The Bombay Municipality is the only municipality in this presidency in which class representation has not been introduced. Even in 1923 or 1925 the Honourable Sir Ghulam Hussain, who was then the Minister in charge of Local Self-Government, did not consider it necessary to introduce communal representation in that Act. The Bombay City Municipality is the only exception—the one honourable exception even if we include this Council—which does not contain the principle of communal representation. In the City of Bombay Municipal Act to introduce now the system of cumulative voting to safeguard the interests of minorities among the labour class, is not a light matter, and I therefore ask the House not to consider it as a light matter. I would therefore ask this House not to introduce intra-class jealousies amongst labour but allow the principle of one vote for one man.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Mr. President, we are now at the lag end of the third day to which the discussion of this bill has dragged on. At this stage may I appeal to my honourable friend to see his way

[Mr. N. A. Bechar]

not to weary this Council with the amendments that he is moving. Sir, I personally am tired of replying to the objections that he has been raising, and I consider, Sir, that the keen interest and advocacy that he is showing in this bill is worthy of a better cause. He has tried to put before this House that the system of cumulative voting helps minorities and that since labour forms a class by itself it is not proper or desirable that we should introduce this system of voting for the constituency of labour. He told us that in constituencies other than general constituencies this system of voting does not prevail. May I just remind my honourable friend from Sukkur that we have got in the Karachi municipality separate representation for the Karachi Chamber of Commerce and for the Indian Merchants' Association, and these two associations are entitled to two seats on the municipality, and there we have this system of cumulative voting for the elections of the representatives of these associations. If his argument is that the system of cumulative voting is introduced for the first time in this legislation, then he is misleading this House.

Then, Sir, with regard to the question of creating classes within the labour constituency, I do not wish to say anything very hard about the honourable member for Sukkur; I will only say that he does not know anything about labour, and yet he is dabbling so much in this.....

The Honourable the PRESIDENT : Order, order. That is not a very polite word.

Mr. B. G. PAHALAJANI : Sir, I accept it.

Mr. N. A. BECHAR : He is dabbling so much in labour affairs. I think, Sir, he must now end this matter. Sir, coming to the question, we have got labour organisations for different industries. In our own parent body, the Trade Union Congress, the railways have their representation and different trades like the textile industry theirs and so on. That is how our own constitution works, and our work is being carried on very well. Instead of saying that the four seats will be allotted for four different industries—because we have more than four separate industries in Bombay; we have many industries; we say we shall satisfy the legitimate claims and demands of all sections of labour by this cumulative system of voting.

Mr. B. G. PAHALAJANI : Sir, may I correct a misstatement of the honourable member? This is only a question of electing delegates and not councillors.

Mr. N. A. BECHAR : Sir, the honourable member must realise that ultimately the delegates will affect the election of the councillors. Immediately these delegates are elected, they will have to abide by the mandate of their constituencies. I am sure that this system will be worked without creating any class troubles which my honourable friend sitting at a distance at Sukkur presumes will occur in the city of Bombay. I think this House should be guided in this matter by the members representing the city of Bombay and members representing labour. No amendments have come forward from them. This is a bill in which my

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honourable friend from Sukkur may confine himself to the fundamentals, and leave details like the system of voting, etc., to the labour members who can speak with authority. If he does that, we shall get through all the other clauses very quickly. I hope that this amendment will be summarily rejected.

Mr. R. S. ASAVALE (Bombay City, North) : Mr. President, I rise to oppose the amendment moved by my honourable friend Mr. Pahalajani. Sir, I would draw his attention to section 28 (f) which says :

" In plural councillor wards every elector shall have as many votes as there are councillors to be elected, at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit. "

I would also draw his attention to the rules for election of this Council. The honourable member must remember that during his own election he must have got as many votes from each voter as there were seats allotted to the ward. If there are two or three seats allotted to any ward or division there are two or three votes even in the elections of local boards, municipalities or this Council as well as the Assembly. From this it will be clear that this system is not a new one or harmful to either the minorities or the majorities. Cumulative voting is better in the interests of the minorities. As regards the voting that he wants, it would do more harm than benefit to the minorities. Sir, there is no communal feeling as such in labour matters. There are Hindus, Muhammadans, Parsis and Christians among labourers and they are all united in all industries. My honourable friend Mr. Pahalajani need not fear that there will be such communal feeling among labourers. This can be seen clearly from the present mill strike. In the mills so many communities work together including the depressed classes and they are all united. There is therefore no fear whatsoever for the honourable House that the claims of the minorities will be disregarded by cumulative voting. With these few words, I would request the honourable mover of the amendment to withdraw his amendment without further discussion.

Mr. S. P. LIGADE (Sholapur District) (Addressed the House in Marathi) : Sir, I oppose the amendment moved by my honourable friend Mr. Pahalajani, because, if accepted, it would mean an encroachment on the right of electors to give their votes to one man. To have such a law would mean taking away their independence of choice. If the present state of things is continued, the electors can, if they like, vote either for one man or for more than one. Therefore it is not necessary to have a new law restricting the voting to only one candidate. So I suggest that the honourable mover will do well to withdraw his amendment.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City) : Sir, I rise to oppose the amendment moved by my honourable friend Mr. Pahalajani. Sir, I have risen to oppose this amendment because the honourable member Mr. Bechar said that the people of Bombay ought to know better and that they should therefore speak. As representing Bombay I wish to say that we want this system and

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that it is working well. With regard to labour, as the honourable members Mr. Asavale and Mr. Bechar have pointed out, we all want that different labour interests should be represented and the only way to represent different labour interests is by cumulative voting. I am sure if the honourable member from Sukkur had been in Bombay or in touch with the labour elements in Bombay he would not have made this suggestion. I must agree with what the honourable member Mr. Asavale has said, namely, that labour at present in Bombay are very well united and if they keep it up we shall not require any help from outside. I for my part think that this system has been very useful in the Bombay Municipal Corporation and I think this system should be retained in the bill.

Mr. A. D. SHETH (Ahmedabad District): Sir, I was really and sincerely very much surprised to hear the complaint from my honourable friend from Karachi that this Council is talking too much on the subject of labour. I was on the contrary thinking that the honourable member from Karachi and other members have a real cause for complimenting the House that out of four days allotted for non-official discussion three days have been occupied for a thoroughly labour measure (hear, hear). Had it not been for this measure, how would it have been possible for us to hear about half a dozen speeches from the honourable member from Karachi? He has been able to give us a lot of knowledge from the great fund of labour knowledge which he has amassed. Is it not a matter for pride and glory that for the first time the House had a discussion for full three days over a matter in which he is so greatly and dearly interested?

Now, Sir, my support of this amendment and my opposition to the original clause depends more on practical grounds. And they are these. I find in the rural constituency this cumulative voting has been a sort of great trouble and difficulty to all our rural members. Whenever we have got two or three seats and this cumulative voting has to take place, our poor and ignorant voters coming from agricultural areas do not know how to divide their votes. It may be two votes to one, one to another and so on. Anyhow they have to divide their votes and it would be difficult for them to do so. If only one vote has to be given to any one man then the process is simple. That is exactly the complaint in the rural areas. They want some simple method of voting. This cumulative vote is meant for intelligent people and it is an intricate method of voting. Generally people who do not much understand this process should not be asked to do it. And certainly labour people are lower in intelligence than the agricultural classes, and therefore I would wish that they should not be put to all these worries and troubles of cumulative voting and they should be given only a simple process of voting. To labour people let us give some simple ways of voting first, and do not take them into all this intricate voting. Therefore, on practical grounds alone I support my honourable friend Mr. Pahalajani's amendment.



Mr. S. K. BOLE : Sir, I rise to oppose the amendment. While saying that, I may say that my head may not be so bright as that of some of the young and enthusiastic members, but still I may say that I am not off my head. Sir, so much time of this House has been taken over the discussion of this bill. But who has taken all this time ! Had the discussion been confined to Bombay members and labour members, the bill would have been finished in a short time. But it is the outsiders who have taken up much time. Still, if you take the calculation, you will see that out of so many days allotted to private business only three days during the life of the session are taken up by this labour legislation and outside members should not grudge this.

Sir, it is said that cumulative voting is intricate. But it is the only way of voting which will help the minority. If it is there, then the minority candidates get some chance and if in the municipal elections and council elections cumulative voting is not objected to, why should it be objected to in the case of this bill ! I do not see the reason of opposing it. I think the reason is that they want to prolong the discussion. Therefore, I think in the interests of labour classes and minority classes cumulative voting is quite necessary, and if the right of cumulative vote is taken out, the labourers will not be able to make proper use of the voting. They will only give one vote to one man and go away. That will be the effect of this. That will not be in the interest of the minority of labourers. So, I submit, Sir, that the amendment should be thrown out.

Rao Bahadur S. N. ANGADI (Belgaum District) : Sir, I oppose the amendment moved by my honourable friend Mr. Pahalajani. I had really no mind to make a speech on this subject, but when all the honourable members were standing up and making speeches, I thought I should be failing in my duty as councillor, if I also did not make a short speech. But my reasons for opposing the amendment are very simple. I think this cumulative voting gives a very real power to the voters. You know, Sir, that at the time of elections these candidates—every one of them—go to the voters and praise themselves. One man says “I am so and so, you must vote for me.” Another man comes and gives his reasons why he should be preferred to another candidate. In that way there are so many candidates who come and trouble these voters and they, the voters, are disgusted with these candidates. Therefore, if they have got the power of cumulative vote, and if there are four seats and five candidates who come and trouble them for votes, they could at least satisfy four of them by giving one vote to each one of them. In that way they would not be incurring the displeasure of many candidates. Otherwise, these voters fear that they will be brought into trouble in every way by the candidates. For this very reason, if not for any other, I think the cumulative voting is a good power which is allowed to the voter, and I do not think the honourable member Mr. Pahalajani has made out a very strong case for taking away that power. On the contrary, there is every reason for him to withdraw his amendment, which should not have been brought at all before the House.

Mr. L. M. DESHPANDE : I move the closure, Sir.

The Honourable the PRESIDENT : I accept it.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, the only arguments that I heard from the other side opposed to me were from the great defender of Government, the honourable member for Karachi to-day and also from the honourable member from Belgaum Rao Bahadur Angadi. I intended to make out no case except this, that wherever voters want to exercise coercion, this is a very good system. I admit it. I also at the same time maintain that voters are expected to exercise their commonsense, and according to the honourable member from Belgaum commonsense is not wanting. According to others I find that this is a very good system for perpetuating class representation, and at the same time a good method for the trade unions to send their own men to the municipality, that is to say, the textile industry to send its own men, the G. I. P. Railway and B. B. & C. I. Railway to send their own men to the municipality. But those who said so do not know that this portion which I wanted to be deleted did not refer to election of councillors. It referred to only the election of delegates by the trade union itself. That is what my proposition does. In the trade union do not introduce class representation. You can do it in the municipality and have cumulative vote according to the provision of the Act. But why in the institution itself, a trade union, for instance, of the G. I. P. Railway, or the textile mills or certain mills, do you introduce in the same industry a certain kind of class jealousy, as if there are minorities in the class itself? There are minorities of depressed classes, they may be Mahomedans, Marathas, Brahmins, and also there may be others in the trade unions. Are they seriously contending that these class representations should be perpetuated in the same trade union and cumulative voting should be introduced in the trade union itself in the election of delegates? That is what I am objecting to, and I put it to the Council that it is a short-sighted policy to introduce it there, and it should be rejected.

Mr. SYED MUNAWAR : I have nothing to add to the discussion Sir. I leave the decision to the House.

The Honourable Dewan Bahadur HARILAL D. DESAI : I stick to the clauses as they are decided in the select committee's report.

Question (amendment) put and lost.

Mr. B. G. PAHALAJANI (Western Sind) : Sub-clause [21-A (i)] of clause 6, which begins with line 86, reads as follows :—

"The registered trade union shall immediately report the names of the delegates to the Commissioner. The election of members whose names are so reported shall not be open to question, in any court or otherwise."

Was any more retrograde provision introduced in any Municipal Act of any town in any province? It means that whatever the corruption there may be, whatever the mischief within the election may be, there is no power for redress. That is the position. The amendment seeks to remove those words. In the case of the District Local Boards Act or the Bombay City Municipal Act or in the case of the Bombay Legislative Council election rules or in the rules of the Legislative Assembly election or in any other democratic body, election is always open to be questioned either in the courts of law or before Commissioners. If the delegates have been

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elected, whatever the methods employed in the election of delegates may be, there is no right given to them. It may be corruption in the trade union itself, it may be any means employed by members of trade unions, it may be fraud practised upon them, but, Sir, the election of delegates is to be questioned in no court of law. I therefore submit that this absolute power of election of delegates should be interfered with and these last lines should be done away with.

Question proposed.

Mr. F. W. ALLISON : Sir, I oppose this amendment most emphatically. I should like to suggest that the honourable mover put this amendment down on paper because he was under some misapprehension, and I would make it perfectly clear that this is an election of the delegates. I oppose the amendment for these reasons namely, first of all because we deliberately came to the conclusion that the whole conduct of these elections should be left entirely to the trade unions and that they should be responsible themselves for the proper carrying out of the elections. The trade unions will have entire control of the elections. The second consideration was a little more practical one. It is this that if there was to be any dispute as to the persons who are to be delegates, there would be no possibility of the election of the councillors being carried out. On both these grounds, I think every one who has given any considerable thought to the question will agree with me that the amendment ought to be rejected.

Mr. R. S. ASVALE (Bombay City, North) : Sir, I also rise to oppose the amendment moved by my honourable friend Mr. Pahalsjani. I quite agree with the honourable member the Remembrancer of Legal Affairs (Mr. Allison) and say that the election work of electing their own delegates should be left to the unions themselves. The unions are responsible for electing the delegates and if there is any mischief made in electing such delegates in the unions, I am quite sure that the members will have their grievances against the officials of those unions. The unions should not be put to any unnecessary cost by dragging them to courts of law or to any other expenses for electing such delegates who would be their own representatives representing their grievances in the corporation. I do not think that the grounds that are brought forward by the honourable mover in support of his amendment are right because the object of the formation of the trade unions is that there should always be unity amongst the labourers and not disunity. I also do not think that any labour union will play such mischief as is feared by the honourable mover of the amendment. With these few words, I would strongly oppose the amendment.

Mr. K. F. NARIMAN (Bombay City, South) : Sir, I rise to support this amendment. I might at the outset confess, Sir, that I am surprised to see a legal gentleman in this House, who was once occupying a very high judicial position, opposing this measure wherein the House wants to assert the authority of the judiciary. I should rather have expected that of all members in this House, one gentleman who occupied a very

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high position and who belongs to the judicial department, would always be with us whenever the House wants to assert the authority of the judiciary as against the executive. I also cannot understand the opposition of my friend who represents labour in the city of Bombay. This is a measure in which I do not expect, at least I did not expect, that any honourable member of the House either on Government side or on the non-official side will oppose because I cannot understand the opposition. If the honourable member the Remembrancer of Legal Affairs will refer to section 33 of the Bombay City Municipal Act, he will find that there is a provision wherein all sorts of elections, whether ward general elections or whether special electorate elections such as the Millowners' Association or the Merchants' Association, all these elections are subject finally to an appeal to the judicial authority. . . .

Mr. F. W. ALLISON: The section refers to councillors and not to delegates.

Mr. K. F. NARIMAN: When the qualification of any person declared to be elected for being a councillor is disputed, and it is quite clear that a delegate alone can become a councillor. Therefore, if you rule out the authority of the court, the necessary result will be that that election cannot be questioned in a court of law. That is the only election of all the elections under the Municipal Act with which we cannot go to a court of law. As a matter of fact, I was going to raise a point of order, namely, in the original Bombay City Municipal Act there is a section 33 which says that when the election of any person declared to be elected for being a councillor is disputed or if the authority of any election is questioned, he can appeal to the Chief Judge of the Small Causes Court; and any amendment to this Act should be consistent with the original Act and if the amendment is not consistent with the original Act, it is *ultra vires* of the original Act and should not be considered in this House. The whole gist of the Act, so far as section 33 is concerned, is that all the elections under the Act can be taken in appeal to a court of law. . . .

Mr. F. W. ALLISON: Has the honourable member seen the last clause (m) ?

Mr. K. F. NARIMAN: Yes, I have read it, and I base my argument on this clause (m) and say that my point is consistent with that clause, and there will be an inconsistent clause in the bill. By this clause you shut out the authority of the Small Causes Court whereas by the previous clause you introduce the authority which is as in the original Act, and rather than smoothening the process, you are making it more difficult. By this special enactment you delete a particular part of the Bombay City Municipal Act and, therefore, I ask whether the clauses are consistent with each other. But apart from its inconsistency and *ultra vires* nature, I submit on the general principle this amendment ought to be supported. As I stated, Sir, this is one of the rights and privileges. If you are going to give certain privileges to the labour members, I think you ought to give them wholeheartedly and entirely. It is no use having half hearted measures of this description, giving them privileges with one

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hand and taking them away with the other. It is one of the privileges of the ordinary electorate, whether it belongs to the Millowners' Association; or the Chambers of Commerce, or the general electorate, that if a candidate is not satisfied with the decision of the Commissioner, or if he is not satisfied that his election has been set aside justifiably, he can appeal to the judiciary, and that appeal is not final; he can go to the highest judicial tribunal of the Presidency, namely, the High Court. When we are extending the franchise to labour, why take away this important privilege from that class which deserves that privilege much more than any other class? I find, Sir, some labour leaders shaking their heads. I do not understand the attitude of some of my honourable friends in this House so far as labour is concerned. In this particular measure, I really expected that at least for this provision they would all join my honourable friend Mr. Pahalajani and help to carry it out. Even when we are at the fag end of the third day in the discussion on this bill, I hold that it is an important measure, and I hope the House will support the amendment of my honourable friend Mr. Pahalajani.

The Honourable the PRESIDENT: Now, there is very little time, and honourable members have to be very brief.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE (Bombay City): Sir, I rise to support the amendment. My honourable friend Mr. Nariman has pointed out that it is not right to take away this right.

The Honourable the PRESIDENT: I cannot follow the honourable member.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: My honourable friend Mr. Nariman has pointed out that it is not right for us to take away the powers of the court, or not to allow us to take advantage of the judiciary. Sir, in sub-clause (i), it is provided that the registered trade union shall immediately report the names of the delegates to the Commissioner. If you refer to section 30, you will find that with regard to the fellows' election, the Registrar of the University is the only person authorised to send in the names. With regard to the election of representatives of the Chambers of Commerce, you will find that the Secretary of the Chamber is the only person authorised to make a return of the candidates. In this clause, we have not mentioned whether the president, the vice-president or the secretary is the person who has to send the return. Furthermore, while we have an election similar to this one by the fellows and by the Chambers of Commerce, we have not provided any for them, any such clauses as are now being provided in this bill, that is, that the election of the members whose names are so reported shall not be open to question in any court or otherwise. Take a concrete instance. There is an association and there are two parties in it. Those two parties hold separate elections and the leaders of both parties in the association submit the names of each of their party men as delegates to be enrolled in the electoral college roll. What is the Commissioner to do? How is he to decide? He has got no power; and nobody can go to a court of law. Furthermore, it is stated that the

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election of members who are so reported shall not be open to question in any court or otherwise. There is no way, even for the Commissioner, to make an enquiry. I ask the Remembrancer of Legal Affairs, if there is a case where two parties in an association send up the names of two delegates as the elected persons for the electoral college, what is the Municipal Commissioner to do?

Mr. R. S. ASAVALE: On a point of information....

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I do not want to be interrupted. I therefore think it is not at all fair to the Commissioner, neither to the public that such a clause should be put in. I again ask the Government benches, what person is intended by this clause to make a return. Furthermore, I should like to know, if two returns are made by two party leaders in an association, how is the Commissioner going to decide which of the delegates is the real elected representative. He could not do anything, nor could any aggrieved party go to a court of law. If the House is not in a mood to allow an appeal to the court, I hope it will agree to have a rider added, and I am going to propose that only to meet the wishes of the Government benches, because they want at least some power to be given to the Commissioner if not to the judiciary. Here they give no powers either to the Commissioner or to the judiciary. I therefore suggest that the following words be added:

"The secretary of the registered trade union shall immediately report the names of the delegates to the Commissioner. Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days, etc., etc."

The Honourable the PRESIDENT: It is too late for all that.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: Therefore, a rider should be added to this. What I mean is this. We have got an appeal to the Commissioner with regard to the electoral roll. Now I want to give an appeal to the Commissioner with regard to the election of the delegates to the electoral college. As the bill stands at present, there is no appeal to the Commissioner, and there is no appeal to the court. Therefore, give an appeal either to the court or to the Commissioner. I give a concrete instance. If two parties were to send two names in one association as the names of the delegates, what is the Municipal Commissioner going to do? Therefore, I move this rider. Is it out of order?

The Honourable the PRESIDENT: It is not out of order, but I do not allow it.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I am helpless.

Mr. J. C. SWAMINARAYAN: I have got a similar amendment already tabled.

Mr. HOOSEINBHOY ABDULLABHOY LALLJEE: I support the amendment moved, and say that it is up to the Government benches to explain the position of the Commissioner as well as that of the judiciary.

Mr. A. D. SHETH: Sir, I move the closure.

The Honourable the PRESIDENT : I accept the closure.

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I was looking at the bill again, and I find that except the preamble the whole of the bill is in italics, that is to say, in the whole of the bill, not one word of the original bill as referred to the select committee has been retained, and if, Sir, it was the House of Commons, the legal adviser of the House of Commons would have advised the Speaker to rule that it was impossible to take up the bill, as it was a new bill altogether.

The Honourable Mr. G. B. PRADHAN : May I rise to a point of order ? The original bill wanted nomination ; in the amended bill election has been provided for.

Mr. B. G. PAHALAJANI : Because of that, the legal adviser to the Government and this Council ought to advise the Chair not to allow this bill to be read clause by clause now, simply because, according to the practice and procedure of the House of Commons, no bill that has been changed to the extent that this bill has been changed, can all at once be taken up for second reading.

Mr. R. S. ASAVALE : It is accepted by the House.

Mr. B. G. PAHALAJANI : I say, Sir, it is not the privilege of the House, it is the privilege of the President alone. So far as this bill is concerned, it is ill-conceived. It is ill-conceived in the select committee, and I must blame the present Finance Member for having allowed it to pass the select committee in its present form and sending it up in a hurry. Am I to understand that the Honourable Member and the Remembrancer of Legal Affairs would not even remember to make a provision as to who is to send the names of the delegates to the Commissioner ? Surely, they would not fix the liability of making a correct return upon any particular member of the trade union.

The Honourable Mr. G. B. PRADHAN : May I rise to a point of order, that there is a definition of trade union, and also that a trade union presupposes that there are officers, and clause 5 of the bill says that every application for registration by a trade union shall be made to the Registrar and shall be accompanied by a copy of the rules, etc., and it shall also be accompanied by the titles, names, ages and occupations of the officers of the trade union !

The Honourable the PRESIDENT : Is it a point of order or an explanation ?

The Honourable Mr. G. B. PRADHAN : Explanation, Sir. There are the officers of the union who can communicate the names and it is why the amendment was put in.

(At this stage a closure was moved and accepted.)

Mr. B. G. PAHALAJANI (Western Sind) : Sir, I am not surprised at the attitude of the Honourable Minister who is the father of this bill. The original father of the bill has not taken any interest in the bill. Will the Honourable Minister be able to say that this matter can be referred by the trade union to any court of law when the word 'officer' is eliminated from the Act ?

The Honourable the PRESIDENT : I must point out that in reply the honourable member is not to enter upon new general arguments but only to refer to arguments that have been advanced by other speakers who have opposed him.

Mr. B. G. PAHALAJANI : I was doing that until I was interrupted, Sir.

I am only saying that so far as the question of reporting is concerned there is no provision of even issuing a correct return. Therefore, I say that this section takes away the absolute right of going to a court of law by delegates when delegates are incorrectly reported. I do not understand how this can be accepted by Government. There may be two secretaries, one secretary reporting one set of names as delegates and the other another set of names as delegates to the Commissioner. The Commissioner cannot interfere. Let us at least be consistent and reasonable about it. I leave it to the House to decide it.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, the Municipal Act provides that when there is a question raised as to the election of a councillor the matter can be taken to a court. However, with reference to the election of a delegate there is no provision there, because this is a new method found out for the purpose of this bill. When a question is raised about the election of a labour councillor it can be taken to a court. In the case of every delegate if a similar provision were made perhaps for three years the election of labour councillors would not come off, because there will be disputes always. Therefore finality has been given to the names reported as being delegates of the registered unions. The definition "of registered union" covers its officers and according to the rules that officer will be entitled to communicate. Consequently I oppose this amendment.

Question put and lost.

The Honourable the PRESIDENT : I shall not proceed further with the bill. Unfortunately it will go on to-morrow also. To-morrow being the last day the question is about the time of the meeting. (Some Honourable Members : 10-30.) (Some Honourable Members : 2 o' clock.)

The Honourable Mr. J. L. RIEU : I wish to point out that on the last day of the July-August session, in order to meet the convenience of those honourable members who are not residents of Poona, we had an early sitting. The same precedent was followed last year. I would also point out that the House has had an extra half hour for private business, as we sat on Friday at 1-30. I think it will meet the convenience of many honourable members if we sit at 10-30 to-morrow.

Mr. J. C. SWAMINARAYAN : We should not permanently submit to this arrangement which deprives us of one hour of private business.

The Honourable the PRESIDENT : It is no question of submitting to any arrangement. If the consensus of opinion in the House is that we should sit to-morrow at 10-30 we shall do so ; otherwise as usual we shall sit at 2 and adjourn at 7. I should like honourable members on the opposite benches who may be in favour of meeting at 10-30 to stand up



[The President]

in their places. (After a count) I think the general desire is to meet at 10-30 to-morrow.

Before I adjourn I wish to remind honourable members that there is going to be a cinema show of the Barrage arranged by the Secretary of that Department. Those honourable members who wish to see it may remain in their places. What does the honourable member Mr. Nariman want ?

Mr. K. F. NARIMAN : Is it free ? (Laughter.)

The Honourable the PRESIDENT : After I adjourn the House, the honourable member the Secretary, Irrigation Department, may begin.

The House is adjourned to 10-30 a.m. to-morrow, Tuesday, the 2nd October 1928.

*Tuesday, the 2nd October 1928*

The Council re-assembled at the Council Hall, Poona, on Tuesday the 2nd October 1928, at 10-30 a.m., the Honourable the President Mr. A. M. K. DEHLAVI, Bar-at-Law, presiding.

*Present :*

AHMAD, the Honourable MOULVI RAFIUDDIN  
 ALLAHBAKSH, Khan Saheb  
 ALLISON, Mr. F. W.  
 AMIN, Mr. H. J.  
 ANDERSON, Mr. F. G. H.  
 ANGADI, Rao Bahadur S. N.  
 ASVALE, Mr. R. S.  
 BECHAR, Mr. N. A.  
 BHOSLE, Mr. M. G.  
 BHUTTO, Khan Bahadur S. N.  
 BIJARAN, Khan Bahadur SHER MUHAMMAD KHAN  
 BOLE, Mr. S. K.  
 BRANDER, Mr. J. P.  
 BROWNE, Mr. D. R. H.  
 CHANDRACHUD, Mr. N. B.  
 CHIKODI, Mr. P. R.  
 COVERNTON, Mr. S. H.  
 DABHOLKAR, Sir VASANTRAO  
 DAWOODKHAN SHALERHOY, Mr.  
 DESAI, the Honourable Dewan Bahadur HARILAL D.  
 DESAI, Mr. J. B.  
 DESHPANDE, Mr. L. M.  
 DIXIT, Dr. M. K.  
 GHOSAL, Mr. J.  
 GHULAM HUSSAIN, the Honourable Sir  
 GHULAM NABI SHAH, Khan Bahadur  
 GUNJAL, Mr. N. R.  
 HAJI MIR MAHOMED BALOCH, Mr.  
 HARRISON, Mr. R. T.  
 ISKAN, Khan Saheb GHULAM MUHAMMAD ABDULLAH KHAN  
 JAIRAMDAS DOULATRAM, Mr.  
 JAN MAHOMED KHAN, Khan Bahadur  
 JANVEKAR, Mr. D. A.  
 JATOL, Khan Bahadur HAJI IMAMBAKSH KHAN  
 KITEKAR, Mr. HAJI IBRAHIM HAJI MAHOMED  
 JOSHI, Mr. S. C.  
 KALE, Rao Bahadur R. R.  
 KAMBLI, Rao Bahadur S. T.  
 KARKI, Mr. M. D.  
 KHURRO, Mr. M. S.

KNIGHT, Mr. H. F.  
 LAGHARI, Khan Saheb RAIS FAZAL MUHAMMAD  
 LELY, Mr. W. G.  
 LIGADE, Mr. S. P.  
 MANSURI, Khan Saheb A. M.  
 MARTIN, the Honourable Mr. J. R.  
 MAXWELL, Mr. R. M.  
 MUJUMDAR, Sardar G. N.  
 NAIK, Rao Bahadur B. R.  
 NARIMAN, Mr. K. F.  
 NAVLE, Mr. N. E.  
 NOOR MAHOMED, Mr.  
 PAHALAJANI, Mr. B. G.  
 PAINTER, Mr. H. L.  
 PATASKAR, Mr. H. V.  
 PATIL, Rao Saheb D. R.  
 PRADHAN, the Honourable Mr. G. B.  
 PRADHAN, Mr. R. G.  
 RAHIMTOOLA, Mr. HOOSENALLY M.  
 RAJMAL LAKHICHAND, Mr.  
 RIEU, the Honourable Mr. J. L.  
 SARDESAI, Mr. S. A.  
 SHAIKH ABDUL AZIZ, Mr.  
 SHANKARRAO JAYARAMRAO ZUNZARRAO, Mr.  
 SHETH, Mr. A. D.  
 SHIVDASANI, Mr. H. B.  
 SMART, Mr. W. W.  
 SMYTH, Mr. J. W.  
 SOLANKI, Dr. PURSHOTTAMRAI G.  
 SURVE, Mr. V. A.  
 SWAMINARAYAN, Mr. J. C.  
 SYED MIRAN MUHAMMAD SHAH  
 SYED MUHAMMAD KAMIL SHAH  
 SYED MUNAWAR, Mr.  
 THORNER, Mr. J. P.  
 TURNER, Mr. C. W. A.  
 VANDEKAR, Rao Saheb R. V.  
 WADIA, Mr. N. J.  
 WASIF, Mr. G. A. D.  
 WILES, Mr. G.

The Honourable the PRESIDENT: Questions.

Mr. R. S. ASAVALE: Sir, there is no quorum.

(As there was no quorum, the Honourable the President ordered the bell to be rung, and a count was taken after two minutes).

The Honourable the PRESIDENT: There is quorum now. Questions.

**RAILWAY ADVISORY COMMITTEES: REPRESENTATION FOR  
PASSENGERS' ASSOCIATION**

**Mr. N. A. BECHAR** (Karachi City): Will Government be pleased to state—

(a) whether they are aware that an Association called the Passengers' and Traffic Relief Association was started in Bombay in 1915 to safeguard the interests of railway and steamer passengers;

(b) whether they are aware that the Belgaum Railway Mandal at Belgaum has a right to be represented on the Local Advisory Committee of the Madras and Southern Mahratta Railway;

(c) whether they are aware that the Passengers' and Traffic Relief Association has from time to time requested the agents of the B. B. and C. I. and G. I. P. Railways for the appointment of a representative of the Association on their Local Advisory Committees;

(d) whether they are aware that the Association has no representative as yet on these Local Advisory Committees?

The Honourable **Mr. J. L. RIEU**: (a) Government are aware that there is an Association in Bombay called the Passengers' and Traffic Relief Association.

(b) No Association can claim a right to be represented on a Local Advisory Committee. It is for Government to consider whether any particular Association should be allowed representation on such a Committee and in the case of the Belgaum Railway Mandal such representation on the Local Advisory Committee of the Madras and Southern Mahratta Railway has been granted by Government.

(c) and (d) Yes.

**Mr. N. A. BECHAR**: Do Government propose to take measures to secure representation for this association which is the oldest association of the kind doing very useful work for the redress of third class passengers' grievances?

The Honourable **Mr. J. L. RIEU**: No. Government have no intention of taking action.

**Mr. N. A. BECHAR**: Can Government assign any reasons for not doing so?

The Honourable **Mr. J. L. RIEU**: Government consider that the interests of the persons concerned are already adequately represented.

**Mr. N. A. BECHAR**: Will Government be pleased to state which particular association or member represents the interests of the third class passengers specifically on the Advisory Committees of the B. B. & C. I. and G. I. P. Railways?

The Honourable **Mr. J. L. RIEU**: The representatives of this Council.

**Mr. N. A. BECHAR**: Have the representatives of this Council specialised in this matter, and are they more competent than this association which is devoting wholly and solely to this work?

The Honourable **Mr. J. L. RIEU**: I think they are quite competent.

**RAILWAY ADVISORY COMMITTEES : REPRESENTATION  
OF PASSENGERS' ASSOCIATION**

**Mr. M. G. BHOSLE** (West Khandesh District) : Will Government be pleased to state—

(a) whether they are aware that in 1915 an Association called the Passengers' and Traffic Relief Association was started in Bombay to safeguard the interests of railway and steamer passengers ;

(b) whether they are aware that the Belgaum Railway Mandal at Belgaum has a right to representation on the Local Advisory Committee of the Madras and Southern Mahratta Railway ;

(c) whether they are aware that the Passengers' and Traffic Relief Association has from time to time requested the Agents of the B. B. and C. I. Railway and the G. I. P. Railway for representation on the Local Advisory Committees of those railways ;

(d) whether they are aware that the Association has not been given representation as yet on these local advisory committees ?

**The Honourable Mr. J. L. RIEU** : The attention of the Honourable Member is invited to the answer to the question\* put by Mr. N. A. Bechar (Karachi City).

**Mr. A. D. SHETH** : In the case of railways running through British territory, but belonging to Indian States, for example the Bhavnagar State Railways and the Baroda State Railways, is there any provision for the representation of British Indians on their local advisory committees ?

**The Honourable Mr. J. L. RIEU** : No.

**Mr. A. D. SHETH** : Do not Government think it worth while to have the interests of British Indian people taken care of ?

**The Honourable the PRESIDENT** : That is a suggestion.

**The Honourable Mr. J. L. RIEU** : I would answer the honourable member. His question is a suggestion for action.

**Mr. JAIRAMDAS DOULATRAM** : Have Government any objection to corresponding with the Indian State railways with a view to get representation on the advisory committees ?

**The Honourable Mr. J. L. RIEU** : That again is a suggestion for action.

**Mr. JAIRAMDAS DOULATRAM** : I ask "Have Government any objection ?"

**Mr. A. D. SHETH** : Have Government ever considered this question ?

**The Honourable Mr. J. L. RIEU** : No.

**Mr. JAIRAMDAS DOULATRAM** : What objection have Government to consider this question ?

**The Honourable Mr. J. L. RIEU** : That is a suggestion for action.

**Mr. J. C. SWAMINARAYAN** : Have this Association (Passengers' and Traffic Relief Association) ever approached Government to give them representation ?

The Honourable Mr. J. L. RIEU : It is stated in the reply that the Passengers' and Traffic Relief Association have made such representation in respect to the B. B. & C. I. and G. I. P. Railways.

Mr. N. A. BECHAR : Will Government give information as to what interest the representatives of this Council on the advisory committees of these railways evince with regard to the interests of third class passengers ?

The Honourable Mr. J. L. RIEU : I do not understand the honourable member's question.

Mr. N. A. BECHAR : The representatives of this Council have been stated to be competent to look after the interests of third class passengers. I want to know specifically what interest they evince in the case of the third class passengers ? Do Government get a report from them ?

The Honourable the PRESIDENT : That is a matter of opinion.

Mr. JAIRAMDAS DOULATRAM : Do Government intend to carry on correspondence with these State Railways with a view to representation on these committees ?

The Honourable Mr. J. L. RIEU : That has not been considered.

Mr. JAIRAMDAS DOULATRAM : Have Government any objection to consider the question ?

The Honourable Mr. J. L. RIEU : The honourable member has already asked that question twice and I have answered.

Mr. JAIRAMDAS DOULATRAM : When is it likely that Government will consider it ?

The Honourable Mr. J. L. RIEU : I can't say.

#### KOLI NAUTCH PARTIES : SHINGA HOLIDAYS

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

(a) Whether they have received a representation from the patils and nakhwas of the Sona-Koli community in the city of Bombay and the districts of Thana and Kolaba praying for orders prohibiting persons taking out dancing parties known as Kolyacha Nautch during the Shingha holidays ;

(b) what they have decided in the matter ?

The Honourable Mr. J. R. MARTIN : (a) Yes.

(b) Government are satisfied that the Police authorities in Bombay take the necessary action to prohibit the Nach in the public streets and they do not consider that any action on their part is required in the matter. Enquiries are being made as regards the districts of Thana and Kolaba.

Mr. S. K. BOLE : When the communities mentioned consider that it is an insult to them, is it not the duty of Government to see that the practice is put a stop to ?

The Honourable Mr. J. R. MARTIN : Every year before the Holi festival the Commissioner of Police issues instructions to the Divisional Police to refuse licenses for the Koli dances and to take action under section 122 of Act IV of 1902 wherever necessary.

## PRIMARY EDUCATION : TRANSFER OF TEACHERS BY SCHOOL BOARDS

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the date on which each district school board assumed control of primary education ;

(b) the number of transfers of teachers made since that date by each school board ;

(c) the number of transfers of teachers in each district board area, made in the calendar year preceding the one when the control of primary education was transferred by Government ;

(d) the amount spent on travelling allowance owing to transfers mentioned in (b) ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) The accompanying statement gives the information required.

(b) to (d) The tendency on the part of some School Boards of District Local Boards to make unnecessary transfers among primary school teachers has already come to the notice of Government and the requisite steps for curbing this tendency are being taken. In the circumstances Government do not consider that any useful purpose will be served by calling for the information asked for.

Name of District Local Board		Date of transfer of control
<i>Central Division</i>		
Satara	.. ..	.. 1st June 1925.
Sholapur	.. ..	.. 1st August 1925.
Ahmednagar	.. ..	.. 1st June 1925.
East Khandesh	.. ..	.. 1st July 1925.
West Khandesh	.. ..	.. 1st December 1925.
Poona	.. ..	.. 1st September 1926.
<i>Southern Division</i>		
Dharwar	.. ..	.. 1st March 1926.
Belgaum	.. ..	.. 1st February 1926.
Bijapur	.. ..	.. 1st January 1927.
Kanara	.. ..	.. 1st March 1926.
<i>Bombay Division</i>		
Bombay Suburban	.. ..	.. 1st September 1925.
Thane	.. ..	.. 1st July 1925.
Nasik	.. ..	.. 1st October 1925.
Kolaba	.. ..	.. 1st April 1927.
Ratnagiri	.. ..	.. 1st June 1926.
<i>Northern Division</i>		
Ahmedabad	.. ..	.. } Control not yet transferred.
Surat	.. ..	.. }
Brosach	.. ..	.. }
Kaira	.. ..	.. }
Panch Mahals	.. ..	.. 1st April 1926.
<i>Sind</i>		
Hyderabad	.. ..	.. 1st September 1926.
Nawabshah	.. ..	.. 1st November 1926.
Karachi	.. ..	.. 1st April 1926.
Larkana	.. ..	.. 1st March 1926.
Sukkur	.. ..	.. 1st July 1926.
Thar and Parkar	.. ..	.. Control not yet transferred.
Upper Sind Frontier	.. ..	.. 1st April 1926.

Mr. JAIRAMDAS DOULATRAM: It is stated here that "requisite steps for curbing this tendency are being taken." What are those steps that have been taken?

The Honourable MOULVI RAFIUDDIN AHMAD: If the honourable member gives me notice I shall be able to inform him.

Mr. M. S. KHUHRO: May I know how Government say that unnecessary transfers are made without any public grounds?

The Honourable MOULVI RAFIUDDIN AHMAD: With the information at the disposal of Government, they say that unnecessary transfers are made.

Mr. NOOR MAHOMED: Are Government aware that the number of transfers so far as the Sind local boards teachers are concerned is less now than it was formerly when the administration and control was with Government?

The Honourable MOULVI RAFIUDDIN AHMAD: That question has not been examined.

Mr. M. S. KHUHRO: Would Government make enquiries whether it is not on account of the indifference of the teachers that these transfers are made?

The Honourable MOULVI RAFIUDDIN AHMAD: I do not know whether I shall make any enquiries.

Mr. NOOR MAHOMED: What do Government mean by "unnecessary transfers?" What is implied behind the term "unnecessary transfers?" When do Government think that a transfer is necessary and when do they think it is unnecessary?

The Honourable MOULVI RAFIUDDIN AHMAD: If notice is given I shall certainly answer. Necessary transfers are necessary. Unnecessary transfers are unnecessary.

The THAKOR or KERWADA: When do they think a transfer necessary and when unnecessary? There must be some grounds for it. They can't imagine it.

The Honourable MOULVI RAFIUDDIN AHMAD: When transfers are made without any complaint, then it is certainly an unnecessary transfer.

Mr. NOOR MAHOMED: Do Government agree that the district local boards are in a better position to decide....

The Honourable the PRESIDENT: That is a matter of opinion.

Mr. M. S. KHUHRO: How many transfers have been made without any complaint?

The Honourable MOULVI RAFIUDDIN AHMAD: Does the honourable member think it legitimate to ask this question without notice?

Mr. SYED MUNAWAR: Are Government aware that transfers are generally not only unnecessary but vexatious?

(No reply.)



## PROVINCIAL ROAD BOARD : WORK DONE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the names of the members of the Bombay Provincial Road Board and the period of their office ;

(b) the dates of the meetings held by it ;

(c) the names of the roads the construction or repairs of which have been recommended by it ;

(d) whether they have any objection to the issue of a Press Note reviewing the work done by the Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The information is furnished in the accompanying list.

(b) 7th August 1926, 16th March 1927 and 16th March 1928.

(c) The information is furnished in the accompanying list.

(d) Necessary Press Note was issued in March last by the Director of Information as desired by the honourable member.

*List of members of the Road Board and the period of their office*

	Period of office
The Honourable the Minister of Local Self-Government (Chairman).	No limit.
The Chief Engineer, Roads and Buildings ..	Do.
The Secretary to Government, Home Department ..	Do.
The Secretary to Government, General Department ..	Do.
The Secretary to Government, Public Works Department.	Do.
The Secretary to Government, Revenue Department ..	Do.
The Secretary to Government, Finance Department ..	Do.
K. S. Framji, Esquire, C.I.E., Chief Engineer, Back Bay Reclamation Scheme.	While he continues in Govern- ment service.
The Commissioner in Sind ..	No limit.
The Commissioner, Northern Division ..	Do.
The Commissioner, Central Division ..	Do.
The Commissioner, Southern Division ..	Do.
The Superintending Engineer, Indus Right Bank Circle.	Do.
The Superintending Engineer, Northern Circle ..	Do.
The Superintending Engineer, Central Circle ..	Do.
The Superintending Engineer, Deccan Irrigation Circle.	Do.
The Superintending Engineer, Southern Circle ..	Do.
The Colonel on the Staff, General Staff, Southern Command.	Do.
Sardar Bhasabeb Raisinghji, M.L.C., Thakor of Kerwada.	Upto 31st December 1929.
Khan Bahadur D. B. Cooper ..	Do.
Rao Bahadur S. T. Kambli, M.L.C. ..	Do.
Khan Bahadur S. N. Bhutto, C.I.E., O.B.E., M.L.C. ..	Do.
Devan Bahadur K. R. Godbole ..	Do.†
P. R. Chikodi, Esquire, M.L.C. ..	Do.†
S. S. Naik, Esquire ..	Do.†
H. E. Ormerod, Esquire (Representative, Western India Automobile Association).	Upto 4th August 1930.*
E. Miller, Esquire (Representative, the Chamber of Commerce).	Upto 19th October 1930.*
Walchand Hirachand, Esquire, C.I.E. (Representative, Indian Merchants' Chamber).	Upto 22nd March 1930.*
Alan Moncrieff, Esquire (Representative, Indian Roads and Transport Development Association, Limited).	Upto 23rd August 1930.*
The Deputy Secretary to Government, Public Works Department (Roads and Buildings) (Secretary).	No limit.

\* Two years in the first instance.

† Or till such period as the Road Board has made its recommendations to Government on the policy to be adopted with regard to roads, whichever is earlier.

*Names of roads the construction or improvement of which have been recommended by the several Divisional Committees of the Road Board*

Resurfacing and asphaltting the Ahmednagar Station Road.  
 Improvements to miles 215 and 219-224 of Bombay-Agra Road.  
 Improvements to miles 228, 229, 232 and 233 of Bombay-Agra Road.  
 Improvements to miles 4-7 and 9-10 of Dhulia-Chinchpada Road.  
 Improvements to miles 3-5, 8, 9, 11 and 12 of Dhulia-Bhusawal Road.  
 Improvements to the road from Nasik to Nasik Railway Station.  
 Improving Sirsi-Kodkani Road.  
 Bridge over the Saptalingi river in mile 9/2 of Hatkhamba-Poladpur Road.  
 Improving Khanapur-Yellapur Road.  
 Constructing a paved dip across the Horur Nalla in mile 12/3 and 4 of Bagewadi-Saundatti Road.  
 Causeway over the Agadi Nalla on Havnur-Ekambi Road.  
 Constructing a diversion road near Dhareshwar in mile 4 of Mirjan Madras Frontier Road.  
 Constructing masonry works on Gotur-Tasgaon Road, section from Gotur to Chikodi.  
 Three dips to be converted into vented causeways on Vada-Menor Road.  
 Construction of a vented causeway over the Kaveri river on Bulsar-Chikhli Road.  
 Construction of a bridge over the Paniari Khadi on Chikhli-Matwad Road.  
 Asphaltting 560 feet of the existing water bound macadam road at Nadiad.  
 Asphaltting 2,640 feet of the existing water bound macadam road at Kuria.  
 Improvements to a portion of Shahdadpur-Hala Road.  
 Improvements to Bاده-Nasirabad Road.

Mr. A. D. SHETH : What is the standard of selection of members on this Road Board ? What is the rule governing the selection of members to the Road Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Not any that I know of except that certain persons are considered sufficiently experienced to be useful on the Board.

Mr. HOOSENALLY M. RAHIMTOOLA : Who is the representative of the Municipal Corporation of Bombay on this Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : There is no one as this is a matter not connected with Bombay City.

Mr. HOOSENALLY M. RAHIMTOOLA : Is not Bombay in the Presidency ?

Mr. JAIRAMDAS DOULATRAM : Is there one representative from the Indian Merchants of Bombay ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Yes.

Mr. JAIRAMDAS DOULATRAM : Have Government any objection to giving representation to the Indian merchants of Karachi also ?

The Honourable Dewan Bahadur HARILAL D. DESAI : If the representation comes Government will consider.

Mr. HOOSENALLY M. RAHIMTOOLA : Why is not the Municipal Commissioner on the Board ?

The Honourable Dewan Bahadur HARILAL D. DESAI : Because he has no concern.

Mr. HOOSENALLY M. RAHIMTOOLA : Does not the Bombay-Agra Road begin in Bombay ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It begins outside the Bombay limits.

Mr. A. D. SHETH: When any body is given representation it is shown in this information as representing that body. In the same way why is it not shown about local boards?

The Honourable Dewan Bahadur HARILAL D. DESAI: Several local boards are represented on the committee and there are several presidents of local boards and they have been put in simply for the purpose of giving representation to local boards. All could not be accommodated. There are some members of this Council also on the Board.

Mr. A. D. SHETH: My question is all representatives have been mentioned as giving representation to different organizations. No names have been put in as representing any particular body. Is it not desirable to put some gentlemen as representing the local board as members as well as members from this Council? I want to know why Government have not thought of doing it.

The Honourable Dewan Bahadur HARILAL D. DESAI: If my honourable friend will read the list carefully he will find that the Thakor of Kerwada was President of the Broach district local board at the time. Dewan Bahadur Cooper was in the same condition and so on but they have not been described as representatives of particular local boards. It is unnecessary.

The Honourable Sir GHULAM HUSSAIN: I intentionally appointed them because then they were members and presidents of the district local boards as well as some members of this Council.

The THAKOR or KERWADA: Is it not a fact that some have been appointed as members of the divisional board?

The Honourable Sir GHULAM HUSSAIN: Yes.

Mr. JAIRAMDAS DOULATRAM: With regard to the various members of the Board, I find in the case of some there is no limit, in the case of others it is stated "up to December 1929," and in the case of some others I find it is stated "or till such period as the Road Board has made its recommendations to Government on the policy to be adopted with regard to roads, whichever is earlier." What is the reason for all this difference?

The Honourable Dewan Bahadur HARILAL D. DESAI: If the honourable member will look through the list of the members who are described, he will find that several members are *ex officio* members and the rest have been appointed by name, and the others also representing chambers and others represent the particular persons who have elected them.

Mr. JAIRAMDAS DOULATRAM: With regard to the *ex officio* members, am I to understand that there is no limit to the period of their appointment?

The Honourable Dewan Bahadur HARILAL D. DESAI: Yes.

Mr. JAIRAMDAS DOULATRAM: Does it not anticipate the decision of the Board which may not recommend that these men should be appointed?

The Honourable Dewan Bahadur HARILAL D. DESAI: They are considered absolutely necessary as representing particular public offices connected with roads, and consequently they are there and will continue to be there, whoever hold the office.

Mr. JAIRAMDAS DOULATRAM: Under note 2, which Road Board is referred to?

The Honourable Dewan Bahadur HARILAL D. DESAI: The Government of India Road Board.

Mr. JAIRAMDAS DOULATRAM: If the Government of India Road Board recommends, for instance, that the Deputy Secretary, Public Works Department, the last on the list, should not be a member, how can it be said that there is no limit to the period of his office?

Mr. D. R. H. BROWNE: It is not for all time and ever.

Mr. JAIRAMDAS DOULATRAM: I thought so. In the case of non-official members, I see that in some cases the period is up to 31st December 1929; in the case of others it is up to 4th August 1930, 19th October 1930 and up to 22nd March 1930, and up to 23rd August 1930, and in some cases till such period as the Road Board has made its recommendations to Government. What is the reason for this difference?

The Honourable Dewan Bahadur HARILAL D. DESAI: I would ask for notice of this question. I am unable to answer this question.

Mr. J. C. SWAMINARAYAN: Will the Provincial Road Board cease after it has made recommendations of policy?

The Honourable Dewan Bahadur HARILAL D. DESAI: No.

Mr. JAIRAMDAS DOULATRAM: Do Government propose to go into these differences?

The Honourable Dewan Bahadur HARILAL D. DESAI: I do not see any reason why we should go into the differences unless they are pointed out.

Mr. JAIRAMDAS DOULATRAM: I pointed out the differences in the dates.

The Honourable Dewan Bahadur HARILAL D. DESAI: In the first instance, the honourable member will find it is two years. So, the beginning of the appointment and the term of two years will make a difference in the dates.

Mr. JAIRAMDAS DOULATRAM: If the Road Board recommends that they should not be continued or appointed, then....

The Honourable Dewan Bahadur HARILAL D. DESAI: It is a hypothetical question, which I need not answer.

#### PUBLIC WORKS DEPARTMENT OFFICERS: SUSPENSION OF LIEN ON TRANSFER TO SUKKUR BARRAGE

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Will Government be pleased to state—

(a) whether it is a fact that they have under Fundamental Rule 13 suspended the lien of permanent clerks and accountants in the

Public Works Department to their substantive posts in the department on their transfer to the Barrage service ;

(b) whether it is a fact that they have not suspended such lien in the case of higher officers employed in the Barrage service ;

(c) the number of officers of the Sub-Divisional Officer grade who have been acting for more than two years in place of officers transferred to the Barrage service ;

(d) whether it is a fact that the pension rights of all acting officers are being prejudicially affected by the non-suspension of lien in the case of higher officers ;

(e) the reason why Government took the step referred to in part (a) and the reasons why they have not taken the step referred to in part (b) ?

The Honourable Sir GHULAM HUSSAIN : (a) The lien of permanent clerks has been suspended but not of permanent accountants.

(b) Yes.

(c) Six.

(d) The cadres for the Indian Service of Engineers and the Bombay Service of Engineers being for the whole Presidency, including the Lloyd Barrage and Canals Construction Scheme, the liens of officers serving on that scheme cannot be suspended as in the case of clerks, etc., whose cadres are separate for every circle.

(e) The step taken in (a) above in the case of clerks was necessary as the temporary clerical appointments in the Barrage were outside the cadres of the ordinary Public Works Department and were to last for over three years. The non-suspension of liens would have resulted in acting vacancies of long duration in the Department from which the clerks were seconded to this scheme. This would have given rise to much inconvenience and dislocation in the working of this as well as the other Departments concerned, besides causing difficulties in the regulation of leave allowances, etc.

The step was not taken in (b) as the disadvantages pointed out in the case of clerks were non-existent in the case of higher officers, the cadre for the officers on the Lloyd Barrage and Canals Construction not being different from that for those in the ordinary Public Works Department.

#### ROAD DEVELOPMENT CONFERENCE, SIMLA

Mr. JAIRAMDAS DOULATRAM (Eastern Sind) : Will Government be pleased to state—

(a) the names of the members of the Bombay Provincial Road Board who attended the conference held in Simla in September 1927 in connection with the development of communications in India ;

(b) the recommendation, if any, of that conference ?

The Honourable Dewan Bahadur HARILAL D. DESAI : (a) The Honourable Sir Ghulam Hussain Hidayatallah, Kt., the then Minister of Local Self-Government and Chairman of the Bombay Government Road Board, and Mr. D. R. H. Browne, O.B.E., I.S.E., Chief Engineer, Roads and Buildings and Joint Secretary to Government, Public Works Department.

(b) The conference decided—

(a) that a Road Development Committee should be appointed by the Government of India ;

(b) that the following should be its terms of reference :—

(i) To examine the desirability of developing the road system of India and in particular, the means by which such development could most suitably be financed, and

(ii) to consider, with due regard to the distribution of central and provincial functions, whether it is desirable that steps should be taken for the co-ordination of road development and research in road construction, by the formation of a Central Road Board or otherwise.

Mr. JAIRAMDAS DOULATRAM : What is the reason why no non-official was asked to attend this conference ?

The Honourable Dewan Bahadur HARILAL D. DESAI : It was a conference of the Ministers and Secretaries, I am told.

Mr. JAIRAMDAS DOULATRAM : Did they go there as members of the Provincial Road Board or as Ministers and Secretaries ?

The Honourable Dewan Bahadur HARILAL D. DESAI : They were Ministers and Secretaries in charge.

#### CIVIL COURT AT NAVALGUND

Mr. M. D. KARKI on behalf of Mr. V. N. JOG (Dharwar District) : Will Government be pleased to state whether they intend to establish a court of the Second Class Sub-Judge at Navalgund. If so, when ?

The Honourable Mr. J. R. MARTIN : No.

#### LLOYD BARRAGE, WESTERN CIRCLE : APPOINTMENTS

Mr. M. S. KHUARO (Larkana District) : Will Government be pleased to state—

(a) whether their attention has been drawn to the articles that have appeared in the *Sind Zamindar* of Sukkur dated 17th August, 28th September and 1st of October 1927 about the unfair treatment and the anti-muslem policy in the matter of appointments in the Western Circle of Mr. Satarawala ;

(b) whether it is a fact that a Hindu Head Clerk whose son, who is only 18 years of age, has been appointed as Lower Subordinate in the vacancy that occurred under one Executive Engineer in the Circle of Mr. Satarawala in spite of the fact that the Executive Engineer reported to him that there was no necessity to fill the appointment ;

(c) if so, why Government money was wasted by making this unnecessary appointment merely to oblige the Head Clerk ;

(d) why the post was not advertised if the Superintending Engineer at all wanted to fill it ;

(e) whether it is a fact that this Head Clerk of Mr. Satarawala who belongs to Sehwan wields a great influence over the Superintending Engineer ;

(f) how many appointments in all have been made without advertisement in the Western Circle since the date of Mr. Satarawala having been put in the charge of the Circle ;

(g) how many Mussalmans and how many non-Muslims have been appointed in Western Circle in the clerical staff, Lower Subordinate and Upper Subordinate grades, since the time of Mr. Satarawala ?

Mr. P. J. MARZBAN : Will the Honourable Minister in giving the answer to this question state what is the nationality of Mr. Satarawala ?

The Honourable Sir GHULAM HUSSAIN : Yes.

(a) In the first place Mr. D. R. Satarawala, a Parsi gentleman, was in charge of the North-Western Circle and not of the Western Circle as stated by the honourable member. The articles in the *Sind Zamindar* referred to by the honourable member have been brought to the Chief Engineer, Lloyd Barrage and Canals Construction's notice, but the allegations made therein are not correct.

(b) A Lower Subordinate was not required in the Western Head Division where the vacancy in question occurred, but one was urgently required in the office of the Superintending Engineer, North-Western Circle, for work in connection with the Begari Remodelling Project. The Hindu Head Clerk's son in question was appointed in the Superintending Engineer's office against the vacancy in the Western Head Division.

(c) Does not arise.

(d) It is neither necessary nor usual to advertise for post of Lower Subordinates, as suitable persons for these appointments can be obtained from the applications already on the records of the office.

(e) No.

(f) The following appointments were made in the North-Western Circle without advertising in papers :—

Upper Subordinates .. .. .	10
Lower Subordinates .. .. .	22
Clerical staff .. .. .	45
Drawing establishment .. .. .	12

(g) The number of Mussalmans and non-Mussalmans appointed in the North-Western Circle is as under :—

	Mussal- mans	Non-Mussal- mans
Upper Subordinates .. .. .	1	9
Lower Subordinates .. .. .	4	18
Clerks .. .. .	21	26

#### PUBLIC SERVICE : MUSLIM OFFICERS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities): Will Government be pleased to state—

(a) whether they are aware of the discontent and disappointment prevailing among the Muslim public of this Presidency on account of the dearth of Muslim officers in different Government departments ;

(b) what steps Government have taken to carry out the suggestions and to concede the demands of the Muslims made through the Educational Conferences held in the different parts of the Presidency from time to time, and through the addresses given to His Excellency the Governor of Bombay by the Muslim community during His Excellency's official tours ?

The Honourable Mr. G. B. PRADHAN : (a) and (b) The attention of the Honourable Member is invited to the orders issued by Government in the matter of appointments which have already been placed on the Council table. In the course of replies to addresses, His Excellency the Governor has pointed out that public announcements of the policy of Government have been made. Recognition has been given to representative committees to enable them to bring to the notice of Government officers names of deserving candidates. Effect is being given to the orders of Government.

Mr. J. C. SWAMINARAYAN : Which are these representative committees ?

The Honourable Mr. G. B. FRAI HAN : That question was answered yesterday. These committees are approached to send in names of suitable candidates for vacancies or posts if there are any to be filled up.

#### CIVIL HOSPITAL, GODHRA : SUB-ASSISTANT SURGEON

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Cities) : Will Government be pleased to state—

(a) the population of the Godhra city stating separately the number of Muhammadans and the number of Hindus ;

(b) whether there was a Muhammadan Sub-Assistant Surgeon at Godhra Civil Hospital in sub-charge, and, if so, when and for how long ;

(c) whether they have received an application from the Muhammadans of the Godhra city including the Bohras requesting the appointment of a Muhammadan sub-assistant surgeon in sub-charge of the Godhra City Civil Hospital ;

(d) whether they intend to accede to this request ?

The Honourable MOULVI RAFI UDDIN AHMAD : (a) The population of Godhra according to the Census Report, 1921, is 26,979 of which 12,666 are Hindus and 12,820 are Muhammadans.

(b) The following two Muhammadan Subordinate Medical Service Officers have held sub-charge of the Civil Hospital, Godhra, up to this time :—

(1) Mr. Gulabkhan, S.M.S., from September 1893 to 3rd June 1901.

(2) Mr. J. A. Kazi, S.M.S., from 16th November 1919 to 27th November 1919.

(c) The Surgeon General reports that no such application has been received recently in his office.

(d) Does not arise. I may say that if such application is received, consideration will be given to it.



### JUDICIAL WORK, BROACH, PANCH MAHALS AND SURAT DISTRICTS

Khan Saheb A. M. MANSURI (Ahmedabad and Surat Districts): Will Government be pleased to state—

(a) whether they are aware of the fact that there is less judicial work in the districts of Broach, Panch Mahals and Surat than in other districts;

(b) whether the work in the subordinate courts and the district courts in these districts keeps the officers engaged for the full office time;

(c) what steps have been taken on the report of Mr. Shillidy, the retrenchment officer, regarding the amalgamation of Surat with Broach district and Kaira district with Panch Mahals district;

(d) whether they will be pleased to lay on the Council table a scheme of retrenchment in the Judicial Department of the Northern Division?

The Honourable Mr. J. R. MARTIN: (a) The Judicial District of Broach and Panch Mahals is comparatively light. Surat is not.

(b) Yes.

(c) and (d) The question is under consideration.

Khan Saheb A. M. MANSURI: Sir, I do not put my question on the subject of "The 'Hindu': Vilification of Islam," as I find that action has already been taken in the matter by Government.

### GHORIA TANK, GORGAM VILLAGE

Rao Bahadur B. R. NAIK (Surat District): Will Government be pleased to state—

(a) whether it is a fact that there is a tank named Ghoria in the village of Gorgam in the taluka of Bulsar, district Surat;

(b) whether the land surrounding this tank is assessed to *kimayat* of about Rs. 150 in respect of this tank, in spite of the fact that the tank does not store any water and hence supplies no water to the land?

The Honourable Sir GHULAM HUSSAIN: (a) There is no tank named "Ghoria" in the village of Gorgam, taluka Bulsar, district Surat.

(b) Does not arise.

Rao Bahadur B. R. NAIK: Is there any tank in the village of Gorgam.

The Honourable Sir GHULAM HUSSAIN: (Inaudible.)

### BOMBAY MEDICAL SERVICE: MUSLIMS

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

(a) whether the Surgeon General with the Government of Bombay keeps a register of applicants for posts in the Bombay Medical Service;

(b) whether they are aware that such registers are kept in the other presidencies of India;

(c) if the answer to (a) is in the negative, the reasons therefor;

(d) what the total number of posts in the Bombay Medical Service is and the number of them that are held by Muslims;

(e) whether it is a fact that the number of appointments held by Muslims in the Bombay Medical Service is less than 10 per cent. ;

(f) if so, whether any attempt has been made to secure qualified Muhammadan graduates to increase the percentage ;

(g) whether it is a fact that preference was given to non-Muslims over qualified Muslim candidates during the year 1927-28 ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a), (c), (d) and (g) The attention of the Honourable Member is invited to the reply given to the Honourable Member for Ahmedabad and Surat Cities at the last session of the Council, printed at page 119 of Volume XXII, Part II of the Council Proceedings, 1928.

(b) Government have no information.

(e) Yes.

(f) The attention of the Honourable Member is invited to the reply given to the Honourable Member for Poona and Sholapur Cities at the last session of the Council, printed at page 347 of Volume XXII, Part IV of the Council Proceedings, 1928.

#### BOARDING HOUSE FOR BHILS

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

(a) whether any boarding houses have been established in West Khandesh especially for Bhils and, if so how many, and where they are situated ;

(b) whether they have taken any measures to establish boarding houses for the Talvi Bhils residing in the taluka of Savda, Raver, Yaval and Chopda in the East Khandesh District ; if not, the reason therefor ?

The Honourable MOULVI RAFIUDDIN AHMAD : (a) Yes. There are three boarding houses for Bhils in the West Khandesh District at Nandurlar, Taloda and Dhadgaon respectively.

(b) It is presumed that the reference is to the "Tadvi" Bhils. If so, no measures have so far been taken for establishing boarding houses for this community in the East Khandesh District. The question of providing special facilities for the education of this class of people is under the consideration of Government.

Mr. SHAIKH ABDUL AZIZ : Has it been under the consideration of Government since eight years ?

The Honourable MOULVI RAFIUDDIN AHMAD : Yes, but I have not been there.

Mr. SHAIKH ABDUL AZIZ : When will provision be made for this ?

The Honourable MOULVI RAFIUDDIN AHMAD : As soon as funds permit.

Mr. J. C. SWAMINARAYAN : The Honourable Minister has just now stated that he has not been there for eight years and that therefore nothing could be done. Now that he is there in charge of the portfolio, will he expedite the matter ?

The Honourable MOULVI RAFI UDDIN AHMAD: Yes, I will be pleased to do so.

**BACK BAY RECLAMATION: BLOCK No. 8**

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Will Government be pleased to state—

(a) whether the land of block No. 8 in the Back Bay Reclamation Scheme which was to have been handed over to the Military Department of Government of India has been actually taken up by them;

(b) if so, when and on what date the delivery actually took place;

(c) the exact amount of money received by the Government of Bombay on account of the said lands?

The Honourable Sir GHULAM HUSSAIN: (a) and (b) A portion of the block at its southern end, measuring 103,725 square yards, which the Military Authorities desired to take over urgently in advance of the rest of the block for the purpose of a recreation ground, was transferred to them on the 28th November 1927.

(c) A sum of Rs. 20,74,500, being the price of the land transferred, was adjusted by a corresponding reduction of the advance obtained from the Government of India at 6½ per cent. for development purposes during the financial year 1922-23.

Mr. J. C. SWAMINARAYAN: When will the rest of the block be transferred?

The Honourable Sir GHULAM HUSSAIN: About May 1929.

Mr. J. C. SWAMINARAYAN: When will the payment be made?

The Honourable Sir GHULAM HUSSAIN: After that.

Mr. H. B. SHIVDASANI: Is that block quite ready now?

The Honourable Sir GHULAM HUSSAIN: Not quite ready.

Mr. J. C. SWAMINARAYAN: What are the difficulties in the way of immediate transfer if it is ready?

The Honourable Sir GHULAM HUSSAIN: It is not ready.

Mr. H. B. SHIVDASANI: Will it be ready in May?

The Honourable Sir GHULAM HUSSAIN: I hope so.

**JUDICIAL AND REVENUE DEPARTMENTS: TRANSFER OF OFFICERS**

Rao Saheb R. V. VANDEKAR (Nasik District): Will Government be pleased to state—

(a) whether it is a fact that no Government servant is allowed to stay at one and the same station for more than five years continuously;

(b) what is the number of gazetted officers of the Judicial and Revenue departments in each district of the Central Division, who are at one and the same station for more than five years?

The Honourable Mr. J. R. MARTIN: (a) No.

(b) None of the existing gazetted officers of the Judicial Department in the Central Division has been at one and the same station for more

than 5 years. The Honourable Member for the Nasik District is requested to address a separate question to the Honourable Member in charge of the Revenue Department for information relating to gazetted officers of that Department.

Mr. N. E. NAVLE: As regards (a), are there any rules governing the transfers of Government officers?

The Honourable Mr. J. R. MARTIN: There are no rules governing the point raised in this question.

Mr. N. E. NAVLE: What is the number of years for which usually an officer is stationed at one place?

The Honourable Mr. J. R. MARTIN: I do not think there is any maximum prescribed.

### VISIT OF M.L.C.'S TO SUKKUR BARRAGE.

The Honourable Sir GHULAM HUSSAIN: Sir, I should like, with your permission, to make a short statement with regard to the Sukkur Barrage.

The Honourable the PRESIDENT: Yes.

The Honourable Sir GHULAM HUSSAIN: Sir, it appears that there are some misgivings in the minds of some of the members of this honourable House about the Sukkur Barrage. I therefore take this opportunity of cordially inviting all the non-official members of this honourable House to visit the Sukkur Barrage next cold season at State expense. For that purpose, we are just now issuing slips. Those of the honourable members who would like to visit the Sukkur Barrage will kindly put down their names. I think the time that will best suit the honourable members is between the 10th and the 25th of January next. For the convenience of honourable members of the Central and Southern Divisions, we will run a special train from Colaba railway station in Bombay. They can come down there on the date which will be decided by them, and they will be carried in the special train referred to from Colaba to Ahmedabad. The honourable members from Gujarat can join the train *en route*, and the whole party will then be carried in the special train to Sind.

The object of this projected trip is to give the honourable members an opportunity to see the working of the Sukkur Barrage for themselves. They will thereby gain first hand knowledge, and see things for themselves, and will not allow themselves to be misguided by any wild rumours about that work.

We will place at the disposal of the honourable members a number of our officers who will take them round and show them everything. If they like, we will place even our Financial Adviser at their disposal to discuss with them any of the financial aspects of the question. I hope the non-official honourable members of this House will respond to this invitation.

The Honourable the PRESIDENT: The Honourable the President seems to have been deliberately omitted (Laughter). But I should like to know from the Honourable the General Member one thing particularly (and this is the proper moment for it). I would wish him to make it

[The President]

clear to the House if he means one thing or the other viz., whether this is no committee to visit the Barrage and to report to this House or to Government on what they see.

The Honourable Sir GHULAM HUSSAIN: No, Sir. This is an invitation to the whole House to visit these works, and if they like. They may give the public an idea of what they have observed on the spot.

The Honourable the PRESIDENT: No report would be due from them?

The Honourable Sir GHULAM HUSSAIN: No, Sir; they might say we are exacting something out of them. I shall now, with your permission, Sir, read out the circular which we are issuing to honourable members:

"All the honourable members of the Legislative Council, who are not residents of Sind and who are desirous of visiting the Barrage works, are requested to sign their names in the accompanying list.

They will be conveyed to and from Sind by a special train starting from the Colaba railway station. The best time for seeing the work is in the cold weather in the month of January, and the best time in January is between the 10th and the 25th. Each honourable member is requested, when signing his name, to state what date between the 10th and the 25th January will suit him best. It is necessary to fix upon one date for the departure from the Colaba station, as it will be an unnecessary expenditure to engage more than one special train. All arrangements will be made by the staff at Sukkur to show members round the works and to personally explain every feature of the work. Should any honourable member hereafter find that he is unable to accept the invitation, he is requested to communicate the information to the Deputy Secretary to the Government of Bombay, Public Works Department, Bombay, at least three weeks before the date of departure fixed upon, so that booking may be cancelled and loss avoided."

Mr. N. R. GUNJAL (Speaking in Marathi): Sir, from 1923 we wanted to visit the Sukkur Barrage, and I made the suggestion to the Secretary of the Department long ago. Government have agreed to it now, and I thank them for it.

Mr. S. K. BOLE: Cannot an aeroplane be utilised for this purpose?

The Honourable the PRESIDENT: Let us be serious and get on with the next business.

Mr. HAJI MIR MAHOMED BALOCH (Speaking in Urdu): I have just heard of the invitation to non-official members to inspect the Sukkur Barrage.

The Honourable the PRESIDENT: That matter is finished. The honourable member may privately see the Honourable the General Member about it.

Mr. NOOR MAHOMED: I would suggest that the resolution regarding the appreciation of Sir Cowasji Jehangir be taken up now.

The Honourable the PRESIDENT: We will take it up after the bill is over.

#### BILL No. XXVII OF 1927 (A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT.)

(Further discussion on clause by clause reading resumed)

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I wish to move merely the first part of my amendment, because the latter

[Mr. J. C. Swaminarayan]

part is nothing but a repetition of sub-clause (j). My amendment will be :

In sub-section (i) of section 21-A in clause 6, delete all the words after the word " Commissioner " and insert in their place the following :

" The Commissioner shall, as soon as may be, hear and decide all objections, if any, to or regarding the report, made to him in writing within three days after the date fixed for the submission of such report."

The Honourable the PRESIDENT : I should like the Remembrancer of Legal Affairs to let me know if this is not in substance the same thing which was considered by the House yesterday.

Mr. F. W. ALLISON : I am not quite clear which clause is referred to.

The Honourable the PRESIDENT : Clause 6, section 21-A(i). The words in that sub-section, namely " The election of members whose names are so reported shall not be open to question in any court or otherwise " were objected to yesterday by the honourable member from Sukkur, and an amendment was proposed by him to that effect, which was put to the House and rejected. Now, the honourable member from Ahmedabad (Mr. Swaminarayan) proposes the deletion of those very words, but the substitution of the following words in their place :

" The Commissioner shall, as soon as may be, hear and decide all objections, if any, to or regarding the report, made to him in writing within three days after the date fixed for the submission of such report."

Mr. F. W. ALLISON : This matter has already been disposed of by the House, and, I think, cannot be re-opened.

The Honourable the PRESIDENT : It occurred to me that this is, in another garb, the same thing which the House has decided yesterday.

Mr. J. C. SWAMINARAYAN : Sir, in the last case it was proposed that the words " The election of members whose names are so reported shall not be open to question, in any court or otherwise " should be omitted. My amendment proposes that those words are to be omitted, but other words are to be substituted in their place. That is to say, if there is any dispute as regards a report, the Commissioner may be able to decide the question, because there is every likelihood of conflicting reports coming from a registered trade union. There may be two parties in a registered trade union and one party may have a secretary belonging to it, and the other party may have another secretary belonging to it, and conflicting reports may be given, and it may not be possible for the Commissioner to decide which report is correct. In such cases, if there is any difficulty, he should be able to hear the objections and decide. I think some such wholesome check must be placed on the reports that are to be received from the registered trade unions. A report may be made, and if there is any objection it should be examined. If there is none, the report will be taken as final. Therefore, I think this check on the report of the trade union is necessary, and it will be better to put such checks on the reports that will be received.

The Honourable the PRESIDENT : I really think it is the proper function of the Honourable Minister and his legal adviser to consider the question. I am not yet quite definite about it. Yesterday the

[The President]

proposal was to delete the words "The election of members whose names are so reported shall not be open to question in any court or otherwise." The Council decided that it shall retain those words. Now the honourable member moves an amendment to delete those very words. That is the first part of his amendment which goes contrary to the decision of the House. But he proposes to insert something else in its place, namely, the words he has proposed, which again is a matter which has been considered along with the amendment yesterday proposed. If that is so, this is the proper stage at which to take objection. Otherwise, I would allow discussion.

The Honourable Dewan Bahadur HARILAL D. DESAI : Sir, I object to the amendment on the ground that it is not in order. The decision of the House yesterday was a substantive decision, to retain those words, and consequently that decision cannot now be altered by an amendment. I, therefore, say that the amendment is out of order.

Mr. B. G. PAHALAJANI (Eastern Sind) : Yesterday it was accepted by the House that these two sentences should be retained. It does not exclude any other amendment. The amendment moved by the honourable member Mr. Swaminarayan is a partial one and mine is a complete one. Because a partial amendment has been allowed to be moved it does not bar a complete amendment to be moved at a later stage.

The Honourable the PRESIDENT : The amendment proposed by the honourable member from Ahmedabad proposes to delete those words which were allowed by the House to be retained yesterday. He further suggests to substitute certain words which forms a portion of his amendment.

Mr. F. W. ALLISON : Sir, I submit that the House has accepted the principle that the election of members shall not be questioned in any way whatever. The present amendment of the honourable member from Ahmedabad is directly inconsistent with the decision of the House. Therefore it is out of order.

The Honourable the PRESIDENT : I think it is out of order. The next amendment—Dr. Solanki.

Dr. P. G. SOLANKI : Sir, my amendment was drafted on the understanding that my previous amendments would be accepted. As those amendments have not been moved, my amendment requires a little modification.

The Honourable the PRESIDENT : What modification.

Dr. P. G. SOLANKI : My amendment as modified will read thus :

" In section 6 (1) add the following sub-clause :

' Out of the 4 councillors to be elected by the electoral college of delegates one member shall be from among the depressed class labour members and he shall be elected by the depressed class delegates in the electoral college of delegates.'

Sir, my object in moving this amendment is not to create any communal feeling about which some mention was made by the honourable member from Satara and some other honourable members. My only object in

[Dr. P. G. Solanki]

moving this amendment is to enable the most backward class members of labourers to get an opportunity to exercise their discretionary power in electing one of their own men to the councillorship of the corporation; and at the same time to give them an opportunity to work side by side with the members elected by the delegates of other communities such as Hindus and Mahomedans. The fear raised by some honourable members about communal hostility and communalism is far from my object. I will suggest an instance. During the progress of the strike, there have been requests from the managers of mills to the leaders of depressed class labourers to induce their men to catch this opportunity to work in the weaving department and get themselves installed in the department in place of the other weavers who are on strike. The cause of such a request is due to the fact, that though the depressed class members are taken in the spinning and other departments of mills they are not up till now taken in the weaving department wherein higher class Hindus work and who raise objection to work along with depressed class men where they have to work with *kanji* for the cloth. The reply given by the leaders of the depressed class labourers in this case was that they did not like to bring about any unpleasant feelings among the mill workers as a class by inducing their men to work in the weaving department. This very instance would show that there is no hostility or communal feeling between the depressed class and other class of labourers, but on the contrary the depressed class labourers would help other class of labourers and thus maintain goodwill and peace among them. If that is the only objection and fear, then my statement should clear the fear and apprehension.

My object in moving this amendment is very clear. If these people are not given an opportunity to elect their own men along with the other classes, I do not think they would get another opportunity in future to get trained to exercise their brains and use discretion in electing their own men. This would be a sort of training ground for them to enable some of them to stand for election to higher bodies like the Legislative Council. With these objects in view I move this amendment and I hope and trust that the whole House, especially the non-official benches, will support me in getting the amendment passed.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Mr. President, I yield to none in my desire to see the depressed classes come into their own. I am not born in a family which is called a depressed class family, but I do not think that my honourable friend who has moved the amendment will dispute my right to speak on behalf of the depressed classes just as much as he speaks, because, without being presumptuous, I do claim most humbly that I have my being with the depressed classes no whit less than he.

Having said that much, I wish to say, Sir, that the principle that he seeks to introduce by this amendment destroys the fundamental character of this bill. Sir, he is bringing in—by whatever name he may call it—



[Mr. N. A. Bechar]

the principle of communal representation. It is a wrong principle and if you accept the amendment, it will help to perpetuate rather than efface the stigma about the depressed classes. As my honourable friend has rightly pointed out, Labour has shown wonderful unanimity and solidarity in fighting their battle on the question of wages that is now going on in Bombay. That shows that there is hardly any difference among labour as a whole. Therefore, any artificial procedure that will ultimately divide depressed class labour from other labour is to my mind very harmful. You will find, Sir, that once you introduce this principle of separate representation for depressed classes in the labour constituency, there will be many other castes or religions beginning to clamour for some kind of reservation for them also. Sir, I am not inimical to their interest. What I say, however, is that you are introducing a very wrong principle. I therefore appeal to my honourable friend that he should not rely on this reservation; as I said the other day, this is spoon-feeding. In this bill, you will observe, Sir, that we have provided for a system of cumulative voting which will result in the minorities finding their place on the municipality by accumulating the total number of their votes in favour of their own candidates. That is one thing. The second thing is, immediately the results of this election are known, if it is found that no depressed class member has been elected, there is a chance for a member of the depressed class to be nominated. I do not like the nomination system, but the nominations are there and we have got to acknowledge that. As I understand out of these 12 or 14 seats that are reserved for nomination in the hands of Government, some members of the depressed classes are being nominated. I personally do not like it, I must confess, because I think the sooner the depressed classes stand on their own legs and cease to call themselves depressed classes the better. They can take a lesson from my honourable friends Dr. Ambedkar and Dr. Purshottamrai Solanki; but if this amendment is accepted, it will open flood-gates of difficulties in actually carrying out these elections. You will find, Sir, that the depressed classes are scattered over different unions and different industries. You will also indirectly be breaking the solidarity of the trade unions by segregating members of the depressed classes working in different unions and in different trades into water-tight compartments. I think on the whole that it is not desirable to do so. I request the honourable mover of the amendment not to be in a hurry but to organise the depressed classes and unite them, as we are doing in Karachi. I am sure if they are properly organised even in the first election the one seat which he wants to get reserved will be easily secured by the open door of a general election. I therefore do not feel that it is possible for me to support this amendment.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the amendment moved by my honourable friend Dr. Solanki, and I have great pleasure in doing so. This amendment claims to reserve for the depressed classes one seat out of the four seats that are to be assigned for labour in the municipality. Now, what is the position considering

[Mr. S. A. Sardesai]

the population of the depressed classes! The depressed classes are seven crores in number and the Muhammadans also number seven crores in India. So the claim of the depressed classes is as strong as the claim of the Muhammadans. The depressed classes have not got a good many privileges in public bodies like local boards which concern local self-government. Sir, it is a shame to any nation that as many as seven crores of their population should be treated as depressed classes and prevented from entering any of the public bodies. Such treatment exists nowhere else in the world. India is the only country which is having seven crores of depressed classes. It is a shame. Dr. Besant once asked, and rightly asked, When you treat seven crores of people as depressed classes and deprive them of the privileges enjoyed by other classes, what right have you got for Home Rule for India? Sir, this is a question to be most seriously considered not only by the European official class but also by Indians. Indians especially should consider this very carefully.

I think, Sir, that the demand of the honourable member Dr. Solanki is a very modest one, and no honourable member in this House can grudge this one seat for the depressed classes. Sir, our feelings are better felt than expressed. Therefore I think that this amendment should be passed. It is a modest demand and the whole House should carry the amendment wholeheartedly. With these few remarks, I support the amendment.

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I support the amendment of the honourable member Dr. Solanki. It is necessary to give the depressed classes a helping hand in the beginning. It is no use talking of principles in the case of depressed classes. I was surprised to hear from the honourable member Dr. Solanki that the depressed classes were not being admitted into the weaving department where other Indian labourers work, and therefore at this stage it is necessary to give them representation. The demand is modest and I think the amendment of the honourable member Dr. Solanki should be passed.

The Honourable Sir GHULAM HUSSAIN: I very much appreciate the feelings of the two previous speakers. At the outset, I may inform this House that I belong to a religion which does not recognise anything like the depressed classes. Therefore, if I say anything against the amendment, I cannot be accused of being against the depressed classes. I am one of those who have always sympathised with the depressed classes, and I have given them the right of representation on the local bodies. I am also proud that I was the first to give them representation, though by nomination, on the Bombay Corporation. In 1921 or 1922, I gave them one nominated member. After the expiry of that term, I gave them two, and so they have now two representatives there. I have proved my sympathy, not only by professions, but by action also. But when I see this amendment, I am sorry I am constrained to oppose it on higher principles. What is the title of this bill? All this

[Sir Ghulam Hussain]

agitation for the grant of representation to labour is based on the ground that labour represents one common interest. Now if we accept this amendment, we will be splitting up that interest into so many factions.

Mr. D. A. JANVEKAR: Are there no depressed classes among labourers?

The Honourable Sir GHULAM HUSSAIN: We are not giving representation to labour because it is composed of depressed classes, or Hindus, or Muhammadans, or Indian Christians, or Europeans. We are giving representation to labour as such. The argument has been advanced that, because there are depressed classes, you must give separate representation to them. But you have already two members of that class on the Corporation, and therefore the depressed classes are not entitled to come in again through labour by separate representation for that interest. Suppose we accede to this demand and agree to give separate representation to the depressed classes, I am afraid my community will come and say "Hindus are in very large numbers in the labour union, and so give us two more representatives." Then there are Marathas and allied castes, and they will ask for separate representation. This House cannot divide labour into various sub-sections. Moreover, this is not even in the interests of labour itself. I am afraid that, once you accede to the demands of one sub-section of labour, there will be jealousies and you will not be able to refuse the demands of other sections of the labourers. With these words, I oppose the amendment on principle, though I will be only too happy if the Honourable Minister could give to the depressed classes more seats by nomination.

Mr. P. J. MARZBAN (Bombay City, South): Sir, I oppose this amendment. I have had the privilege of presiding more than once at annual meetings of the depressed classes and there I had repeatedly promised them that I would try my best for their betterment in my capacity as a councillor and as a journalist, but I cannot help opposing this amendment on the ground that my friend Dr. Solanki wishes to introduce communalism within communalism. Sir, the fact that labour wants to come into the Corporation is a sort of communalism; and within that communalism Dr. Solanki wishes to introduce a sub-communalism, that is the depressed labour within general labour. If this sort of minor sub-sections are allowed separate seats in the Corporation, perhaps my own Parsee community too would like to get representation.....

An Honourable MEMBER: You are a foreigner.

Mr. P. J. MARZBAN: My honourable friend says that I am a foreigner. He is just as much a foreigner as I am. To make a body like the Corporation an institution to foster communalism is very greatly to be discouraged. Sir, since this labour experiment, as my honourable friend Mr. Joshi says, is in infancy let us not mar its success by internal conflicts. Let us give them a fair trial for a couple of years. If it is found necessary at the end of that period, my friend Dr. Solanki can bring in an amendment to the Act. I hope the honourable member Dr. Solanki will withdraw his amendment.

Mr. S. K. BOLE: I rise to support the amendment moved by my honourable friend. Sir, everybody in this House talks of principles. We know how principles are honoured. After the inauguration of this Council after the Reforms Act it was decided by some to boycott the Councils. But after the first Councils that principle was changed and there was the principle of entering the Councils. That is the way how principles are honoured. We had better therefore not talk of principles. We would leave them alone.

Now about communalism, those who are able to hold their own in the elections make much of communalism in order to keep away the depressed classes from coming forward. Any honourable member of this House, however sympathetic he may be, cannot appreciate the difficulties of the depressed classes. Dr. Solanki knows their difficulties and from my own experience I can say that unless some representation is provided for, there is no hope for the depressed classes to be represented in the municipal corporation. Some members of the depressed classes are nominated on the corporation and I must admit that it was due to the efforts of the Honourable General Member. I am very much thankful to him for it. But what is the guarantee that the next time there will be two members of the depressed classes nominated by Government? This depends on the sweet will of the Commissioner or the Minister. Where is the guarantee? So, it is necessary that representation should be given to them. With these words I support the amendment.

Mr. F. W. ALLISON: Sir, I only want to say, very briefly, to the House that I think this amendment should be considered from a practical point of view. I say nothing of the theory that is objectionable. But, if this amendment is passed, it will need almost entirely redrafting the bill. We shall have to go back and have two sets of rolls of electors to elect delegates and two sets of rolls for delegates, and we shall have to put in new figures instead of 100 or 200 which will be the minimum number of members entitled to vote, who will be entitled to have one delegate. I warn the House of this practical result if this amendment is passed.

Rao Bahadur S. T. KAMBLI: Sir, I move a closure.

The Honourable the PRESIDENT: I accept it.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, in addition to what the honourable member the Legal Remembrancer has warned the House against, I wish to say that the City of Bombay Municipal Act has been completely free from any communal electorates, and the chambers, the University and other institutions which have been given representation have not been given that on the basis of communal representation. Consequently, I am averse to having that here, and the difficulties which the Legal Remembrancer has submitted to the House are also such as would induce the House to throw out the amendment.

Dr. P. G. SOLANKI: Sir, after listening to both the sides, I think that I should not press for my amendment, because there are many honourable members in this House who have got sympathies for the cause of the Depressed classes uppermost in their mind and as some

[Dr. P. G. Solanki]

members have suggested that, let us try for three years to get on with the bill as it is. I shall be too willing to wait for two or three years, and thereafter, I shall work again in this direction. I ask for leave of the House, under these circumstances, to withdraw the amendment.

Question put and leave granted.

Mr. B. G. PAHALAJANI (Western Sind): I do not seem to be moved, Sir, by what has been said by Government against me and by the honourable member for Karachi. But I will only put before the House some of the difficulties in connection with these elections after the ward elections. My amendment runs:

In clause 6 (21-A (d)) omit the words "fourteen days after the ward elections" and substitute "simultaneously with the ward elections."

My submission to this House is that the bill introduces a difficulty which can be easily avoided by making elections simultaneous with the ward elections. The difficulty in this case is this, that the members of labour unions have a right to stand for general constituencies also. Under those circumstances, if they have a right to stand for this labour election, let them stand for this labour election at the same time together with these ward elections, so that there may not be a double trouble in carrying on these elections. To prevent double elections, as it is done by other bodies, as the result will be known the next day, my submission to the House is that this small election may take place simultaneously.

Question proposed.

Mr. N. A. BECHAR (Karachi City): Sir, I rise to oppose this amendment. I do not wish to say anything in the nature of personal recrimination. I never intended to say anything of that nature, and I am sorry if things have fallen from me that may have been construed as such. I want to take this opportunity to make amends. I apologise to my friend Mr. Pahalajani for anything I may have said to which he can legitimately take offence. And having said this, I wish to humbly point out to him and to this House that the procedure suggested by him is not on a par with the procedure already followed in Bombay. Not only that, but even in the other cities where several interests have separate representation, it is not followed. I will point out to him, Sir, that the election of the University of Bombay, the election of the Chamber of Commerce, the election of the Indian Merchants' Chamber, are all held after the general election takes place, and this period that we have fixed is between the two periods, the general election—the election of the representatives of the special constituencies and the four representatives of labour. Therefore, the argument that we are introducing any new principle about not having simultaneous elections and having elections so many days after the general election has taken place, cannot hold ground. As I have said, we have merely fitted in this clause with the general scheme of an election that takes place in Bombay. Therefore, Sir, he will excuse us for what we have done in the select committee. Then, Sir, he has pointed out to us that the doors of the general election are not banged against people of the labouring classes who want to

[Mr. N. A. Bechar]

week election. Sir, it is very well in theory, but I just want to point out how this proposition bristles with difficulties. Our contention is that labour ought to be represented not by only four seats but many more. My contention is that 80 or 90 seats out of 104 ought to go to labour, because according to the population they are entitled to that many seats. Of course, if such a proposition were brought forward, it will not be entertained, and, therefore, what we say is that although labour are not enfranchised as they are not paying a ten rupee rent individually, and therefore they are not voters, what little strength we possess in the general electorate we do mean to exercise in the general electorate and see the result. And then if the best of our men, who may not have been able for various reasons, reasons of money, of motor cars, for reasons of various kinds that somehow get entangled in elections, are not returned, then it might be possible for us to say which of our men will come by special representation from those special constituencies. That has been the practice everywhere, and I hope the House will not deny the right, to the labour, of this practice.

The Honourable the PRESIDENT: But where is the amendment that it should be simultaneous with the ward elections?

Mr. N. A. BECHAR: My honourable friend Mr. Pahalajani says simultaneous elections should take place.

The Honourable the PRESIDENT: What is the honourable member asking for?

Mr. N. A. BECHAR: We do not want simultaneous elections; we want that fourteen days should elapse after the general election.

I hope that without any further explanation the honourable the mover will be good enough to rise and inform this House that he withdraws his amendment.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I rise to oppose the amendment moved by my honourable friend from Sukkur for the same reasons which have been pointed out by my honourable friend Mr. Bechar. I think he has left one thing to be said namely, that generally those members who are to represent labour on the corporation, may, some of them, stand even in the general elections and if they do not get through in the general elections they may be preferred and sent in by their unions. So, I am quite sure that such people should be given chances for getting into the corporation to look after the interests of labour. For this reason, I would request the honourable mover to withdraw his amendment for the sake of the labourers themselves.

Mr. B. G. PAHALAJANI: I have nothing to add, Sir.

The Honourable Dewan Bahadur HARILAL D. DESAI: Sir, I oppose the amendment because there will be so much congestion of work at the time of the ward elections that it will be rather making confusion worse confounded. I do not see any meaning in it.

Question put and lost.

Clause 6, as amended, ordered to stand part of the bill.

[Dewan Bahadur Harilal D. Desai]

The preamble ordered to stand part of the bill.

The Honourable the PRESIDENT: I will now call upon the honourable the mover of the bill to move for the third reading.

An Honourable MEMBER: The honourable the mover is not in the hall, Sir.

The Honourable the PRESIDENT: In that case, I will send for him and we shall wait a while until he comes in.

Mr. R. S. ASVALE: I believe any honourable member can move it, and I will do so.....

The Honourable the PRESIDENT: I see the honourable the mover entering the hall.

Mr. SYED MUNAWAR (when near the Press Reporters' table) said: Sir, I now move that the bill be read a third time.

The Honourable the PRESIDENT: No, no. I cannot allow it before I point out that it is very objectionable that an honourable member who is in charge of a bill should not remain in the House as amendments proceed. I will not allow that in future. The honourable member, Mr. Syed Munawar, can now move for the third reading.

Mr. SYED MUNAWAR: I am sorry, Sir, that I was out of the hall for a minute or so. I now move that Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act (Act No. III of 1888)) be read a third time.

Third reading.

Question proposed.

Rao Bahadur S. T. KAMBLI (Dharwar District): Sir, I rise to support the third reading of the bill and in doing so, I congratulate the honourable the mover Mr. Syed Munawar for having so successfully piloted this bill through all its stages. This legislation is the first of its kind in this House and we must give all credit and glory to the honourable the mover Mr. Syed Munawar for having thought fit to introduce this bill for the benefit of the labouring classes in Bombay. He has rendered a great service to the Bombay Municipality, which will now have for the first time four elected representatives of labour as its councillors, to help it in the solution of all difficult and intricate problems regarding labour conditions in the city of Bombay. For the first time in the Bombay Municipality, labour members will be sitting side by side with the landholders, aristocrats and capitalists deliberating and debating important civic questions. I would also congratulate the honourable member, the Remembrancer of Legal Affairs, for having helped the honourable the mover Mr. Syed Munawar in the passage of this important bill. With these words, I support the third reading of the bill before the House.

Mr. N. A. BECHAR (Karachi City): Sir, I think the labour members will be failing in their duty if they do not acknowledge their gratitude towards Government for the support that they have given to this bill. Although I may not be able to see eye to eye with Government in many

[Mr. N. A. Bechar]

matters and although I wish that we should have our own Government, yet so long as that does not happen, we must acknowledge whatever little mercies have been shown by Government and also for the legitimate rights which, however small they may be, have been acknowledged by Government for the representation of labour and I hope that this small legislation will be the precursor of many more measures affecting the welfare of labour and I hope that when we sit to-morrow in the select committee for the Maternity Benefit Bill, the same spirit that has characterised the discussion of this measure will also be shown by Government. With these words, I support the third reading of the bill.

Mr. F. W. ALLISON: At this stage, Sir, I propose to move certain verbal amendments. They are:

In clause 1, the figure '8' be added at the end to the figures '102.'

Question put and carried.

Mr. F. W. ALLISON: I move:

In clause 3, line 1, before the word 'section' insert the words and figures 'sub-section (1) of.'

Question put and carried.

Mr. F. W. ALLISON: I move:

In clause 3, for sub-clause (a), substitute the following as sub-clause (a), namely,  
(a) For the words 'one hundred and six,' the words 'one hundred and eight' shall be substituted, and the present sub-clauses (a) and (b) shall be renumbered as (b) and (c) respectively.

Question put and carried.

Mr. F. W. ALLISON: I move:

In clause 4, in the new section 11-A, line 5, the words "and every officer" shall be omitted.

Question put and carried.

Mr. F. W. ALLISON: Sir, I beg to move the following amendment:

In clause 4, line 9, before the word "voter" the word "a" be added.

So that it will read "shall be entitled to be enrolled as a voter"

Question put and carried.

Mr. F. W. ALLISON: Sir, I beg to move the following amendment:

In clause 4, line 13, the words "in the case of a member" be omitted.

Question put and carried.

Mr. F. W. ALLISON: Sir, I beg to move the following amendment:

In clause 4, line 20, after the word "published" the word "and" be added; the present sub-section (2) be omitted and the present sub-section (3) be renumbered sub-section (2).

Question put and carried.

Mr. F. W. ALLISON: Sir, I beg to move the following amendment:

In clause 4, line 19, the words "exclusive of officers" be omitted.

Question put and carried.

Mr. F. W. ALLISON: If I may go back for one moment, in clause 5 of the bill, a consequential amendment is necessary, arising out of the



[Mr. F. W. Allison]

amendment passed by the House. I therefore move the following amendment :

In clause 5, as already amended, before "H-A" add the word "section."

In the form accepted by the House the word "section" was not included.

Question put and carried.

Mr. F. W. ALLISON : Sir, I beg to move the following amendment :  
In clause 6, line 46, the words "and officers" be omitted; in line 56 omit the words "and officers."

Question put and carried.

Mr. F. W. ALLISON : Sir, I beg to move the following amendment :  
In clause 6, line 102, for the word "election" substitute the word "elections."

Question put and carried.

Bill read a third time. Question "that the bill be read a third time" put and carried.

The Honourable the PRESIDENT : The bill is read a third time and passed into law.

Before we proceed with the next bill, there is a resolution placed in my hands by the honourable member from Hyderabad (Mr. Noor Mahomed) regarding the appreciation of the services of Sir Cowasji Jehangir, and as usual this is being given priority.

#### APPRECIATIVE REFERENCE : SIR COWASJI JEHANGIR

Mr. NOOR MAHOMED (Hyderabad District) : Sir, I beg to move the following resolution :

"That the Council places on record its high sense of appreciation of the valuable services rendered by Sir Cowasji Jehangir (Junior), late General Member of the Government of Bombay and of his enlightened devotion to the interests of this Presidency."

In moving this resolution, I think many words are not needed from me to commend it to the acceptance of the House. The work of Sir Cowasji Jehangir during the last five years has been well-known to all sections of the House. It was unfortunate that he inherited all the troubles and worries of the Back Bay. If he were free from the anxieties and troubles of the Back Bay, I think his record as Executive Councillor of the Bombay Government would have been as high as that of any Member of the Executive Council of the Government of Bombay. But, Sir, viewed from another point of view, namely, the part he played in the furtherance of the scheme of the Sukkur Barrage, I think his record of services is really very gratifying, and with all that when we remember the sense of fairness which he showed throughout his regime of five years, and also if we remember the general courtesy and fair play which he showed while in this House in debate or otherwise to every section of the House, I think there will be no member in this House who will have anything but the most happy memory of the period of five years during which we were privileged to sit by his side in this House. With these words, I commend the resolution for the acceptance of the House.

Question proposed.

Mr. S. A. SARDESAI (Bijapur District): Sir, I rise to support the resolution moved by my honourable friend Mr. Noor Mahomed. As I am not the mover of this resolution, I can only associate myself with the sentiments expressed by the honourable mover of this resolution and make a very few remarks on my own behalf. Sir, the example of Sir Cowasji Jehangir (Junior) is a remarkable one, when we consider the proportion of the population of Mahomedans and Hindus in Sind with whom he had to deal. What is the population of Mahomedans in Sind? The population of Mahomedans in Sind is 80 per cent. and the population of Hindus is 20 per cent. There is some ignorant conflict between the Hindus and Mahomedans sometimes as regards Government service and other matters. In all these matters he acted calmly with great tact and managed to be popular both among Hindus and Mahomedans.

There is another thing of which most probably many of the honourable members are not aware. I ask honourable members why the dredger *Kalu* is named as such. If they cannot answer, then I shall mention the reason why it is called *Kalu*. *Kalu* is the abbreviated name for Cowasji. *Kalu* is the pet name for Cowasji among Parsis. If there is a boy in the house of a Parsi named Cowasji they call him by the pet name of *Kalu*. The dredger "*Kalu*" was named after Sir Cowasji with the consent of the then Governor of Bombay.

We are all aware that Sir Cowasji was anxious to acquaint us with the details of the Sukkur Barrage. He took several members last time to show the Sukkur Barrage in order to place them in a position to give out their observation if they can possibly do so. He wanted to take as many members as were willing to visit the Barrage but this has been postponed. I am glad that the present Honourable the General Member, who has succeeded him, has decided to take as many members as are willing to go to Sukkur Barrage in order to have a clear view of the biggest irrigation scheme in the whole world, of which not only Indians but the whole world should be proud. We all hope that we shall be visiting Sukkur Barrage shortly in January next and be able to make more useful suggestions with regard to the scheme, after we actually inspect it. Sir Cowasji administered the Irrigation Department with great tact and zeal possessed by a practical man. With these few remarks I beg to support the resolution moved by my honourable friend Mr. Noor Mahomed.

Mr. R. S. ASAVALE (Bombay City, North): Sir, I heartily support the resolution and associate myself with what has fallen from the previous speakers. I would only add that he was my colleague in the Bombay corporation and as an intelligent member of that body worked well not only in the interests of the capitalists but also in the interest of labour. In this House as the General Member he was very kind and lent a patient hearing to all complaints made on behalf of labour. When we waited upon him as regards the grievances of Indian seamen he was very kind towards us and promised to look into their grievances. Had he been here to-day, I am sure he would have taken a good deal of interest with regard to the present mill strike. I hope his successor

[Mr. R. S. Asavale]

would also do what his predecessor has done. With these few remarks I associate myself with the sentiments of the previous speakers and support the resolution.

The THAKOR or KERWADA (Northern Division) : Sir, on behalf of my constituency, I should like to heartily endorse what the previous speakers have said in supporting this resolution. Sir Cowasji is a typical example of self-sacrifice, which is talked of everywhere, but practised very little. He is a man born with a golden spoon in his mouth. Still, for the sake of high sense of duty he felt towards the public and his country, he came forward and took part in politics. As the General Member he acquitted himself with the greatest credit of which any member of Government can be proud. With these words I heartily support the resolution.

Rao Bahadur S. T. KAMBLI (Dharwar District) : Sir, I rise to support this resolution. In doing so I whole-heartedly associate myself with all the sentiments which have been expressed by the honourable the mover of the resolution. I have known Sir Cowasji as an ordinary member of this House. Then he showed his spirit of independence and devoted himself to the discharge of his duties faithfully and fearlessly. As a Member of Government he always welcomed criticism and was very zealous in the discharge of his duties. He listened to his critics carefully and faced them squarely and boldly. He was always accessible and courteous. He has set a very good example as a Member of the Executive Council in the honest discharge of his onerous duties. With these words, I support the resolution.

Mr. SYED MUNAWAR : Sir, on behalf of labour I whole-heartedly associate myself with the sentiments of appreciation expressed by the previous speakers of the high and meritorious services rendered to the Presidency in general and labour in particular by Sir Cowasji Jehangir (Junior). I do not propose to reiterate his various activities ; but I will only content myself with citing one or two instances of his generosity and magnanimity towards labour. Last year when we waited upon him in a deputation in regard to the grievances of Indian seamen and when we conferred with him as regards settlement of strikes of textile workers of Bombay, we found him very sympathetically disposed towards labour. In connection with the present general strike of millworkers in Bombay, he tried his utmost to bring about the termination of the deadlock. It was due to Sir Chunilal and Sir Cowasji that a donation of one lakh of rupees was raised for the construction of a memorial in the form of Indian Sailors' Home in Bombay in memory of Indian seamen who found a watery grave during the last great war. This sum was secured out of the sale of the European Sailors' Home which was taken over by Government last year for accommodating the Legislative Council in Bombay. It was Sir Cowasji who by an Act of this Legislature last year provided for the establishment of the Bombay Port Trust Employees' Welfare Fund for those of the Port Trust workers whose monthly pay was not more than Rs. 300. I hope and trust that his

[Mr. Syed Munawar]

successor the Honourable Sir Ghulam Hussain will follow in his footsteps and do his best to improve the lot of labour in this Presidency.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): On behalf of the Sardars and Inamdars of the Bombay Presidency, I associate myself most heartily with the sentiments expressed by the previous speakers, on this resolution.

Mr. B. G. PAHALAJANI (Western Sind): Sir, I associate myself with the sentiments of appreciation expressed by honourable members on this side of the House.

Mr. S. K. BOLE: Sir, I support the resolution on behalf of labour and associate myself with what has been stated by the previous speakers. As was pointed out by some honourable member he was born with a golden spoon in his mouth. Still he does not regard other people as his inferiors. He was affable and accessible to one and all. As a very rich man he might have led a happier life, but for the sake of rendering public service he entered the Bombay Municipal Corporation, became the president of that body and rendered services not only to the Corporation but also to the City of Bombay. And then he entered the Council, and what sort of work he did here is known to all members. He was not attracted by the salary of that high post, but by a sense of duty. That high post may be a high post, but it is not a bed of roses. It is well-known how it has proved a bed of thorns to people who held it. Still he stuck to it to the very last, and his career was very successful.

Mr. P. J. MARZBAN (Bombay City, South): Sir, as a Parsi I am extremely gratified to see the pleasing unanimity in this House in appreciation of the services of the Honourable Sir Cowasji Jehangir (Junior). As the editor of a newspaper I have already paid my tribute to him but I take this one more opportunity of placing some salient points of Sir Cowasji Jehangir which perhaps might have escaped the notice of other honourable members here. Sir, we all know that he had to administer a very difficult portfolio with certain handicaps. As a member of Government and as a member of this House, Sir Cowasji had tremendous handicaps but how creditably he came out through the ordeal we all know. To steer the ship of administration in these difficult days was not an easy task. Of course, he might have made mistakes, and there were critics and critics galore. It is practically impossible to please all the different sections of the public. But when we view dispassionately the regime of Sir Cowasji Jehangir's office, one thing that stood out pre-eminently in his case was that his integrity was unimpeachable. He naturally acted on the information and data supplied to him by his subordinate officers; but he tried his best to get at the bottom of facts. Indeed I may say that any one of us in this House would not have done better than Sir Cowasji Jehangir. To his critics he was always polite, and he was eager to give his very best consideration to every suggestion offered. Sir, though he was the son of a baronet and a multi-millionaire, he worked hard at the desk day after day for hours together with a strong sense of duty, in spite of his failing health. My honourable

[Mr. P. J. Marzban]

friend Mr. Aavale has referred to his work on the Corporation. Of course he was an ideal member of the Corporation for several years having passed its chair. Sir, the highest tribute that I can pay to him is that he has ever been one of the best well-wishers of the Parsi community—the most lovable genuine, true-hearted Parsi that you can ever meet with. Sir, perhaps you are not aware that the fifteen lakhs that was given by Sir Cowasji Jehangir, Baronet, to the Model Boarding School for Parsis is due to the persistent inspiration of Sir Cowasji Jehangir (Junior). In such numerous ways Sir Cowasji Jehangir has endeared himself to our community. I am sure now that he has gone from amidst us, we will all cherish fond feelings and regards for him. With these words I associate myself with the resolution.

Dr. PURSHOTTAMRAI G. SOLANKI : Sir, I fully associate myself with the sentiments and appreciative remarks expressed by several honourable members regarding the meritorious and useful services rendered by Sir Cowasji Jehangir. I do not want to enumerate his various services because if I were to do so, it will take up a long time, but I will say this much that although born in one of the aristocratic families of Parsis with all the luxuries and comforts which riches can buy and bestow, he put these all aside and worked hard from day to day as a common man, and he stooped to extend his sympathy and helping hand to the poor and needy. We all know also that he treated equally the rich, influential zamindars of Sind and the farmers, agriculturists and labourers of the Presidency. Though born an aristocrat, he worked laboriously and conscientiously putting the highest sense of duty to the public and mother country above all considerations. I remember that at the first session of the Bombay Legislative Council he was suffering from sciatica and he used to come to the Council meetings limping with a stick in his hand to help him to walk. When I asked him why he took so much trouble when he was suffering from sciatica, he said "It is duty." He had a high sense of duty, and to the last he performed his duties to the satisfaction of all here without any sense of communalism or any distinction of caste and creed. He was impartial and straightforward in his dealings with all and was always looking and studying questions of various importance and interest with an unbiassed mind. He has the best qualities of head and heart in him along with the noblest quality of philanthropy and charity which is the characteristic and outstanding virtue of the Parsi community. He is an ornament to the Bombay society and to the Presidency at large.

The Honourable Mr. J. L. RIEU : Sir, my honourable colleagues and myself and all the official members of this House welcome this motion and desire to give it their very cordial support.

The Honourable the PRESIDENT : There is just one fascination for me to say a few words before I put it to the House, and that is an inclination to contradict the etymology traced of that dredger "Kalu" to the worthy name of our esteemed friend Sir Cowasji Jehangir. I may inform the honourable member that "Kalu" means an oyster, and the

[The President]

name was given in juxtaposition to another dredger called "Jinga" which means a shrimp. Oyster is the last name one would dare to give to our esteemed friend Sir Cowasji Jehangir, whose amiable and genial personality will be long missed in this House, and I trust that the House will pass this resolution with acclamation.

Question put and carried unanimously.

Mr. NOOR MAHOMED : Sir, I have a request to make.

The Honourable the PRESIDENT : I have a request in my hands ; I think the honourable member has signed that. The request before me is to alter the arrangement of private business in such a way at this stage as not to proceed with bills which are for the first reading but to go at once to those bills which are for leave to introduce. I suppose there is some reason underlying this request. If we take up any one of the bills for the first reading, then we cannot possibly make much progress and the time would be up, and therefore the bills which are on the agenda for leave to introduce may hang over for nearly five months. If leave is granted now, they will get on to the first reading before it is too late. I do not know.....

Mr. B. G. PAHALAJANI : After the introduction of these bills, can we go on to the bills which are for first reading ?

The Honourable the PRESIDENT : Yea.

I simply read out the letter I received. It is signed by honourable members Messrs. Marzban, Joshi, and Jairamdas Doulatram.

Mr. L. M. DESHPANDE : There is one difficulty. I cannot say whether I will be able to take up the bill in the February session and my bill will be automatically dropped because two years will be over by then.....

The Honourable the PRESIDENT : I appreciate what the honourable member says. If that is the situation I will come to the help of the honourable member. I understand that there are 8 motions for leave to introduce. That will not take long. I am making only this change namely, that we take the motions for leave to introduce first.

Mr. NOOR MAHOMED (Hyderabad District) : I have a request to make, Sir. You are aware that almost the majority of Sind members and some from the Presidency have tabled a resolution recommending to Government the separation of Sind from the Bombay Presidency. That is a question which is of vital importance. The procedure we have followed is one which has been recommended by the late Mr. Montagu and the Joint Parliamentary Committee. That resolution stands as No. 3 on the list and we have been painfully waiting all these days to see.....

Mr. JAIRAMDAS DOULATRAM : On a point of order, Sir, what is the point that the honourable member wants? He is making is speech.

Mr. NOOR MAHOMED : I am thus being obstructed in that throttling manner.....

Mr. B. G. PAHALAJANI: I strongly object to the words "throttling manner." We are entitled to better respect.

Mr. NOOR MAHOMED: I was saying that this throttling manner does not allow me to proceed. Now there is double throttling from the honourable member Mr. Pahalajani.

Mr. B. G. PAHALAJANI: Does the Chair allow it?

The Honourable the PRESIDENT: The word is not a happy one.

Mr. B. G. PAHALAJANI: That word has been permitted a second time and it will be repeated a third time.

Mr. NOOR MAHOMED: My request is that in asking for the separation of Sind from the Presidency we are following the procedure recommended by the late Mr. Montagu and the Joint Parliamentary Committee. They always expected that whenever a province wanted separation, or the re-distribution of boundaries, a resolution to that effect will be moved in the local Legislative Council; and this will show the importance of our resolution. This resolution may even be taken to belong more properly to Government business than to private business.

The Honourable the PRESIDENT: What is the request?

Mr. NOOR MAHOMED: My request is that you will be pleased to give me priority under Standing Order IV (2) for this resolution. If priority is not given, this resolution will never be reached in the life time of any Council.

The Honourable the PRESIDENT: I am glad the honourable member has brought to my notice Standing Order IV (2) because the interpretation of that provision is very important and all honourable members should know it. If they knew the exact import of that Standing Order they would know the difficulty of the President himself. I fully sympathise with what the honourable member has said about the importance of the resolution which has been tabled and it is a very great misfortune that it could not be reached this session. But the honourable member wanted priority to that one resolution tabled in the name of one of the members, Mr. Wasif, if I am not mistaken.....

Mr. NOOR MAHOMED: I have got proxy from him.

The Honourable the PRESIDENT: This resolution is in the name of an individual member and he wants priority to this resolution before other business. But that is not the meaning of this Standing Order. It is this:

"Subject to the provisions of Rule 6, when non-official business has precedence, Bills shall have precedence over motions to amend the Standing Orders and motions to amend the Standing Orders over resolutions; provided that the President may give priority to any item of such business."

Just as Government have the privilege to readjust Government business on the agenda as they like, similarly, power is given to the President to transfer a class of business from its one place of order in precedence to another just as we have done now namely, Bills for leave to introduce over those for the first reading. But this does not apply to any single item of the business. It would have been very wrong, for instance, on the part of the honourable member Mr. Marzban to have asked for priority for his bill over other business before the House. So the meaning of this Standing Order should be clearly understood,

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namely, that it does not give power to the President to give priority to any individual item of business out of one class of business, but to transfer a certain class of business and change the order of precedence. I therefore am sorry, however greatly I may sympathise with the honourable member, that this resolution will not be reached. I cannot accede to his request.

Rao Bahadur S. N. ANGADI: May I know why priority was given to the resolution about Sir Cowasji? To what class of business does it belong?

The Honourable the PRESIDENT: It has been the matter of practice. It is by courtesy that priority is given to such resolutions.

Mr. B. G. PAHALAJANI: There is special provision for it in Standing Order IV (4).

The Honourable the PRESIDENT: There is a special provision and I am glad the honourable member from Sukkur has brought it to my notice. It reads:

"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."

#### **A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923.**

*(Motion for leave to introduce the Bill.)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I beg leave of the House to introduce a bill further to amend the Bombay Local Boards Act, 1923. The object of my motion is to lower the franchise from Rs. 32 to 16. This franchise now is as high as in the case of the Legislative Council. It must be lowered in the case of District Local Boards. I beg the leave of the House to introduce this bill.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

#### **A BILL FURTHER TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902.**

*(Motion for leave to introduce the Bill.)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I ask for leave to introduce a bill further to amend the City of Bombay Police Act, 1902. The object of my bill is that before an injured animal is destroyed, opportunity should be given to humanitarian societies to remove the injured animal. It is necessary, because if the humanitarian society wishes to go to the aid of the injured animal, due notice should be given to it before the order of destruction is given. Therefore, I beg leave of the House to introduce this bill.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.



**A BILL TO AMEND THE BOMBAY DISTRICT VACCINATION  
ACT, 1892.**

*(Motion for leave to introduce the Bill.)*

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I move for leave to introduce a Bill to amend the Bombay District Vaccination Act, 1892. The object of the bill is to introduce a conscience clause on the lines of the conscience clause which is a part now of the English Act. This Bombay Act was based on the English Act, and since a conscience clause was introduced in the latter subsequent to the passing of this Act of 1892, I wish to have a similar change made in the Bombay District Vaccination Act.

Question put and leave granted.

Mr. JAIRAMDAS DOULATRAM: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY LOCAL  
BOARDS ACT, 1923.**

*(Motion for leave to introduce the Bill.)*

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I move for leave to introduce a Bill further to amend the Bombay Local Boards Act, No. VI of 1923. The object of this bill is two-fold. The first is that in the desert tract of Sind conditions with regard to voting in certain areas for which Rs. 8 and Rs. 16 land revenue form qualifications for voting, are such that there is a ridiculously small number of voters; for instance, in one taluka there are only 19 voters and in one constituency there was not one voter willing to be a candidate. Therefore, I propose that there the franchise should be lowered. The second part introduces the possession of property as a principle for franchise. I seek leave to introduce this bill further to amend the Bombay Local Boards Act.

Question put and leave granted.

Mr. JAIRAMDAS DOULATRAM: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

**A BILL FURTHER TO AMEND THE CITY OF BOMBAY  
POLICE ACT, 1902.**

*(Motion for leave to introduce the Bill.)*

Mr. P. J. MARZBAN (Bombay City, South): Sir, I ask for leave to introduce a Bill further to amend the City of Bombay Police Act, 1902. The object of moving this bill is, Sir, to lessen the hardships of certain classes of people in Bombay who are arrested under section 112 (d) of the Police Act. That section says that any man found loitering after sunset and before sunrise, and who has not any place of residence or employment, shall be liable to be arrested and convicted up to three months' rigorous imprisonment. Sir, this Act as it stands, as I have

[Mr. P. J. Marzban]

experienced in my practice as an honorary magistrate of the city of Bombay, entails very serious hardship on what are termed "reputed thieves," who as soon as they come out of jail are immediately held up by the police for loitering. They are asked where they stay, what is their occupation, and so on. Of course, coming out fresh from prison they have obviously no occupation and no fixed place of residence; and then if they are found in that condition, walking, or resting or sleeping at some public spot in Bombay even at 7-30 p.m. in the evening, they are charged under section 112 (d), simply because the unfortunate persons are known to the police as having "previous convictions and they have no residence nor employment." This evidently tells on such persons very adversely, as in the city of Bombay thousands of persons at present go without fixed residences and are unemployed. The original purpose of section 112 (d) is to prevent "reputed convicts" from loitering at night time with criminal intentions. But to presume that a "reputed thief" loiters at, say, 7 p.m. at Chowpatee necessarily with the object of committing theft is unreasonable. The presumption of criminal intention can only be justified if the person "loiters" at the quiet hours of the night. To obviate this apparent inequity, I want to introduce a clause that section 112 (d) shall apply only "if the person is found loitering four hours after sunset and before sunrise," that will greatly lessen the hardship. I will point out, Sir, some specific instances of hardship when I will move the bill for the first reading. In the meantime, I ask permission to introduce the bill.

Question put and leave granted.

Mr. P. J. MARZBAN: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

### A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879.

*(Motion for leave to introduce the Bill.)*

Mr. J. C. SWAMINARAYAN (Ahmedabad District): Sir, I beg leave of the House to introduce a Bill further to amend the Bombay Land Revenue Code, 1879. The object of my bill is that Government should have no power to grant special powers to the superior holder as against the inferior holder. They should be put on the same footing. If the superior holders have any grievance against inferior holders, they should not have special power conferred upon them by Government, but the courts of law are open to them. To remove the giving of this special privilege to the superior holders on the part of Government, I beg leave to introduce this bill.

Question put and leave granted.

Mr. J. C. SWAMINARAYAN: I introduce the bill.

The Honourable the PRESIDENT: The bill is introduced.

**A BILL FURTHER TO AMEND THE BOMBAY RENT WAR RESTRICTIONS ACT, 1918, AND THE BOMBAY RENT (WAR RESTRICTIONS No. 2) ACT, 1918.**

*(Motion for leave to introduce the Bill.)*

Mr. S. C. JOSHI : Sir, I beg to move for leave to introduce a Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and the Bombay Rent War Restrictions No. 2) Act, 1918. My object in moving this bill is to have the Act for three years more.....

The Honourable the PRESIDENT : This is a bill which may be opposed, I think, because it is pointed out to me that the period of the Acts will expire before this bill can go through next stages. I do not know whether it is worth while for the honourable member to go on with this bill now.

Mr. S. C. JOSHI : If permission is granted to me to introduce the bill, I can move for the first and second readings and so on just now.

The Honourable the PRESIDENT : I see the bill is down for leave to introduce and other members who are interested, either for or against it are not present at present, and I would not go so far as to give my permission. But I ask him again whether it is worth while his asking for leave to introduce his bill.

Mr. S. C. JOSHI : It may be possible, Sir, with special powers which the Government has, to extend the Act say for six months more. And if that is done, it may be worth while my introducing the bill now.

The Honourable the PRESIDENT : Very well, then. I shall put the motion to the House.

Question put and leave granted.

Mr. S. C. JOSHI : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**A BILL FURTHER TO AMEND THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879.**

*(Motion for leave to introduce the Bill.)*

Mr. H. V. PATASKAR (East Khandesh District) : Sir, I move for leave to introduce a Bill further to amend the Dekkhan Agriculturists' Relief Act, 1879. Sir, as the Act stands at present, it is benefiting traders and money-lenders and not the agriculturists for whom the Act was intended. The present definition was suggested in some modified form so far back as 1914 by the committee which was appointed by the Government to consider the D. A. R. Act. I therefore ask leave of the House to introduce the bill.

Question put and leave granted.

Mr. H. V. PATASKAR : I introduce the bill.

The Honourable the PRESIDENT : The bill is introduced.

**NOTICE TO AMEND STANDING ORDERS (MOTION No. VII  
OF 1928).**

Mr. J. C. SWAMINARAYAN (Ahmedabad District) : Sir, I move the following motion :

For Standing Order II, 3 (2), substitute the following :—

“ On the prorogation of a session, all pending notices, except those in respect of questions and statutory motions, shall lapse, and fresh notice must be given for the next session.”

The object of my motion is that we should not be required to give any fresh notice of pending questions. Great trouble is experienced both by the Honourable members and the office staff. I therefore suggest that all pending questions should be carried over to the next session.

The Honourable the PRESIDENT : I should like to know from the Government benches whether the motion is going to be opposed.

The Honourable Mr. J. L. RIEU : We are neither opposing nor supporting, but we are remaining neutral.

Mr. J. C. SWAMINARAYAN : There being no opposition, I move, Sir, that the following honourable members do constitute the select committee to consider this motion :

The Honourable the President to be the Chairman.

The Deputy President.

The Honourable the Leader of the House.

Mr. B. G. Pahalajani.

Mr. R. S. Asavale.

Dr. P. G. Solanki.

Mr. N. R. Gunjal.

Mr. Noor Mahomed and

Myself.

The Honourable Mr. J. L. RIEU : May I suggest that the honourable member the Remembrancer of Legal Affairs be put on the committee ?

The Honourable the PRESIDENT : One name may be reduced and the honourable member the Remembrancer of Legal Affairs put in his place.

Mr. J. C. SWAMINARAYAN : In that case, I agree to the name of the honourable member Mr. Gunjal being substituted by that of the Remembrancer of Legal Affairs, Mr. F. W. Allison.

The Honourable the PRESIDENT : I would add the name of the honourable member Mr. Munshi who is one of the Chairmen of the Council. I find that there should be one more member. Whom does the honourable the mover of the motion Mr. Swaminarayan desire to have ?

Mr. J. C. SWAMINARAYAN : I would like to have the honourable member Mr. Gunjal.

Question put that the select committee shall consist of the following :

The Honourable the President to be the Chairman,  
 The Deputy President,  
 The Honourable the Leader of the House,  
 The Remembrancer of Legal Affairs,  
 Mr. B. G. Pahalajani,  
 Mr. K. M. Munshi,  
 Mr. R. S. Asavale,  
 Dr. P. G. Solanki,  
 Mr. Noor Mahomed,  
 Mr. N. R. Gonjal, and  
 Mr. J. C. Swaminarayan (the Mover).

and carried.

**BILL No. XXIV OF 1927 (A BILL FURTHER TO AMEND THE  
 BOMBAY LOCAL BOARDS ACT OF 1923).**

*(Motion for first reading.)*

Mr. L. M. DESHPANDE (Satara District) : Sir, I move that Bill  
 No. XXIV of 1927 (A Bill further to amend the  
 First reading. Bombay Local Boards Act of 1923) be read a  
 first time.

Mr. H. V. PATASKAR (East Khandesh District) : Sir, as this bill is  
 rather a contentious and an important one, I suggest that the considera-  
 tion of the bill be postponed to the next sessions of this Council. I rely  
 upon Standing Order IV, 4.

Mr. L. M. DESHPANDE : If I am unable, for any reason, to move  
 this bill in February next, it will not be taken up again, as it will be  
 dropped. If Standing Order VIII, 14 is not applied, then I will have no  
 objection. Otherwise, I will have to move it. I have now moved that  
 the bill be read a first time, and if I am not able to move it in February  
 it should not be taken as dropped. If it is to be dropped, then I shall  
 have to pursue the matter further to-day. If the formal motion that  
 I have moved is taken as a regular motion, then I will have nothing to  
 say, but if it is not to be taken as a motion, I will have to speak at length.

The Honourable the PRESIDENT : What is taken as a motion ?

Mr. L. M. DESHPANDE : The motion respecting the bill.

The Honourable the PRESIDENT : There is a motion already before  
 the House.

Mr. L. M. DESHPANDE : That is for postponement. I beg to move  
 that the bill be read a first time. I think that is sufficient to cover  
 Standing Order VIII, 14.

Mr. H. V. PATASKAR : The motion for the first reading has already  
 been made. After that I have moved my motion for postponement of  
 the consideration of the bill to the next session. Therefore, the honour-  
 able member need have no fears that it will be dropped.

The Honourable the PRESIDENT : The position should be under-  
 stood by the House, because I have got to put the motion proposed by

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the honourable member Mr. Pataskar to the House. The difficulty of the honourable mover of the bill is that if no motion is made in respect of the bill, it would lapse. But he has moved the first reading of the bill, and then the motion for postponement has been proposed. Under Standing Order VIII, 14, as has been rightly pointed out, any bill respecting which no motion has been made in the Council for two years may by order of the President be dropped. That would not apply to this case, because a motion has actually been made. I shall therefore put to the House the motion for postponement.

Mr. L. M. DESHPANDE : I have not made a speech on my motion, and my right to speak should be reserved.

Question " that the consideration of the bill be postponed to the next session " put and carried.

**BILL No. XXVIII OF 1927 (A BILL FURTHER TO AMEND THE BOMBAY LOCAL BOARDS ACT, 1923).**

Mr. H. V. PATASKAR : I do not wish to make any motion at this session.

**BILL No. XXI OF 1928 (A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879).**

Sardar G. N. MUJUMDAR : Sir, I do not intend to move the first reading at this session.

**BILL No. XXII OF 1928 (A BILL TO AMEND THE BOMBAY PLEADERS ACT, 1920).**

*(Motion for first reading.)*

Mr. H. V. PATASKAR : Sir, I rise to move the first reading of Bill No. XXII\* of 1928 (A Bill to amend the Bombay

First reading. Pleadors Act, 1920). It is a very non-contentious measure, and I will briefly explain the principal reasons for which this bill has been brought forward. When the Pleadors Act was passed, it was never expected that there would be in the same district different areas for purposes of civil and criminal jurisdiction. The High Court has been given power to issue sanads in respect of one district only. But cases have arisen in which the same area is included for revenue and criminal work in one district and for civil work in another district. It is absolutely necessary that the High Court should be given power in such cases to issue sanads in respect of more than one district, and it is with that object that the bill has been brought forward. I know from a letter which has been sent to me by the Secretary to the Home Department, that the High Court itself has suggested that some such legislation should be undertaken, and that the principle is acceptable to them. I think the principle of the bill should therefore be accepted and the first reading passed.

Question proposed.

The Honourable Mr. J. R. MARTIN: Sir, I wish to say that, though Government have no opposition to offer to the principle of this bill, there are minor points as regards working and drafting which require alteration.

Bill read a first time. Question "that the bill be read a first time" put and carried.

Mr. H. V. PATASKAR: I understand that Government intends that there should be some changes in the matter of drafting. I have no objection to it. I therefore move that the bill should be referred to a select committee consisting of the Remembrancer of Legal Affairs, Rao Bahadur Kale,.....

The Honourable Mr. J. R. MARTIN: I suggest that these amendments may be made at the time when the bill is read clause by clause.

The Honourable the PRESIDENT: The suggestion is that the alterations could be taken up just now.

The Honourable Mr. J. R. MARTIN: That is not exactly my suggestion. The alterations will require some consideration. The bill is a very short one. It is entirely unnecessary to put it through the machinery of a select committee. It could be done by way of amendment at the time the bill is read clause by clause. But I do not think the honourable member or Government are prepared with those amendments to-day.

The Honourable the PRESIDENT: Then it should go to a select committee. What other course is there?

The Honourable Mr. J. L. RIEU: The consideration of the bill could be deferred to the next session.

The Honourable the PRESIDENT: Supposing a select committee is appointed, and it submits its report a few days before the next session, will it not meet the case?

The Honourable Mr. J. R. MARTIN: I have no objection to it myself, but a select committee very often means a considerable amount of expense.

Mr. F. W. ALLISON: If I had a day to look at this bill, I could have the amendments ready, but I cannot do it at the moment.

The Honourable the PRESIDENT: What is the honourable member willing to do? It is now evidently a matter for mutual agreement. The idea is to avoid a select committee. If the consideration of the bill is postponed to the next session, in the meantime Government will be ready with the amendments which they want to move at the second reading of the bill. Is the honourable member agreeable to that?

Mr. H. V. PATASKAR: In that case I have no objection.

Question "that the consideration of the bill be postponed to the next session" put and carried.

**BILL No. XXIII OF 1928 (A BILL TO AMEND THE BOMBAY ACT V OF 1879, THE BOMBAY LAND REVENUE CODE).***(Motion for first reading.)*

Rao Bahadur B. R. KALE (Satara District): Sir, I move that Bill<sup>a</sup> No. XXIII of 1928 (A Bill to amend the Bombay Act V of 1879, the Bombay Land Revenue Code)

First reading.

be read a first time. The object of this amendment is this. Under the present law, if a settlement is to be introduced in an alienated village all the owners or sharers in that village have to consent before the introduction takes place. Now, there are cases in which an alienated village consists of a number of small sharers and if some of them do not consent to have introduction of settlement, even though a majority of sharers and in fact large shareholders and Government are willing to have it, it is not possible for the villagers to have survey settlement. The introduction of survey settlement is in the interest of both the superior holders as well as the ryots, the inferior holders, because the introduction of survey settlement enables both the parties to know their exact position. Under the provisions of the other sections of the Land Revenue Code, when a survey settlement has been introduced, the rights and liabilities of the holders are the same as are in unalienated villages. So, I submit that it is in the interest of both the landlords and the ryots of a village that survey settlement should be facilitated. To secure this object I have brought forward this bill.

A provision is made in this bill that if an application is made in writing by the holder of any such village, the introduction can take place. Now, the word 'holder' is there and it means the 'sole holder' or 'all the holders'. That may be retained or where there are more than one holder the application must be made by the holder or holders of the village receiving in the aggregate three-fourths or more of the revenue of the village and paying three-fourths or more of the judi that is annually payable to the Government. That is to say, where there is a large body of sharers when the majority make an application it should be open to Government to introduce survey notwithstanding the want of consent of a small minority of one-fourth. I think this has been supported by some representative associations and the general wish of the zamindars seems to be in support of this legislation.

So far as inferior holders are concerned my honourable friend Mr. Jairamdas has tabled an amendment by which he seeks that power should be given to Government to introduce survey settlement on the application of inferior holders also. It seems to me to be a question of the rights of holders of inam villages. No doubt it is quite open to the inferior holders to express their wishes and inamdars would ordinarily be willing to comply with their wishes. But as a matter of right whether they can insist is a question not free from doubt. Further I submit even the phraseology of the present bill and the amendment may be considered in the select committee to which this bill will have to be referred in case this House passes the first reading.

Question proposed.



The **THAKOR or KERWADA** (Northern Division): Sir, looking to the time and the controversial nature of the bill, I think it would be better to postpone the consideration of this bill to the next session of the Council. If I heard the honourable member correct, I think he has received the opinion of one association of inamdars, but as a matter of fact this bill affects all inamdars in the presidency including Gujarat. In Gujarat there is a large number of inamdars whose opinions will have to be obtained. Nothing will be lost if the consideration of the bill is postponed to the next session and in the meantime this bill can be circulated to the other associations than the one referred to by the honourable member from Satara. Therefore I move that the consideration of the bill be postponed to the next session.

Question proposed.

**Rao Bahadur R. R. KALE** (Satara District): Sir, I do not wish to accept the motion of the honourable member to adjourn the consideration of the bill to the next session. The matter has been before the public for a long time. If the bill is referred to the select committee, naturally this bill will go over to the next session. In the meantime it is open to those associations and bodies referred to by the honourable member from Kheda to say what they have to say. This matter has also been under the consideration of Government. I think it would be convenient to refer the matter to the select committee.

Question "that the consideration of the bill be postponed to the next session" put and lost.

**Mr. J. C. SWAMINARAYAN** (Ahmedabad District): Sir, I most heartily support the first reading of this bill. If I remember it, a similar bill was brought by Government but it was not proceeded with. The principle underlying this bill is sound. In my touring in various villages I find that the condition of tenants in unsurveyed inam villages is very miserable. (Sardar G. N. Mujumdar: In Gujarat?) Yes. As human nature is the same everywhere the conditions in the Deccan cannot be different. The nature of the conflict between the superior holders and inferior holders, whether it is Bengal, Oudh or Malabar, is the same. The law as it now stands is that if a superior holder wants to introduce survey settlement, he can make an application for the introduction of survey settlement, but it does not provide anything in villages where there are more sharers than one. In Gujarat there are many talukdari villages where there are 100 or 150 sharers and in such villages, if they are not surveyed, the difficulties and hardships of the inferior holders are tremendous.....

The **THAKOR or KERWADA**: Sir, the honourable member makes a mistake. All talukdari villages have been surveyed.

**Mr. A. D. SHETH**: Sir, so many villages in the Dhanduka taluka have not been surveyed.

The Honourable the **PRESIDENT**: I must point out that there is only half an hour, and if within that time the bill is to be sent to a select committee brief remarks are all that is necessary, particularly from

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those honourable members who are supporting the bill and not going against it.

Mr. J. C. SWAMINARAYAN: Sir, I am not going to take much of the time of the House. I say the principle is good; it was accepted by Government, as they themselves brought forward a bill in which they tried to incorporate the principle that if a majority of the sharers wanted that survey settlement should be introduced in the village then it should be introduced. I think Government will be well advised to support the first reading of the bill. I support the first reading of the bill in the interests of the inferior holders of the alienated villages.

Mr. L. M. DESHPANDE (Satara District): Sir, I support the first reading of the bill. If the bill is to be sent to a select committee, I wish to draw the attention of the select committee to one point. It is stated in the bill "by the holder or holders of the village receiving in the aggregate three-fourths or more of the revenue of the village and paying three-fourths or more of the judi." I think one of these two conditions will suffice. If we have both the conditions, then there will be again the obstacle of getting the required consent and there will be no chance of getting a survey sanctioned. Instead of both these conditions, one only should be retained. I hope the select committee will see to that.

Mr. A. D. SHETH (Ahmedabad District): Sir, I want to support the measure, particularly because in our part of the province there is a lot of lands in villages whose survey has not taken place, and the local board revenue suffers in consequence. It is for this reason that an amendment to the Local Boards Act was introduced in the last session of this Council. I believe that it would be a great relief to the inferior holders as well as to some of the local boards in our part of the country to have this amendment made in the Land Revenue Code. For this reason, I support the first reading of this bill on behalf of the district of Ahmedabad.

Mr. N. A. BECHAR (Karachi City): Mr. President, may I say a few words in support of this bill? This bill merely extends a principle which has already been accepted. It merely says that where three-fourths of the holders of a village apply for survey then one-fourth of the holders ought not to tyrannise over the majority. So far so good. But I wish, Sir, that just as the owners are being given the right to get a survey made, so also the tenants of these small zamindars ought to be given the right to get their position defined. Those tenants who have been in occupation of the land for a long time ought to know their position and they should be given the right to come to Government and say that there should be some provision in the Act to get their position well defined. Sir, it may be said that these are inam villages over which Government ought to have no control. Sir, I differ from that view in this sense; so far as the revenue is concerned, the inamdars may say that they will pay only so much and no more, but so far as the big economic question of the status of the people actually living in the land is concerned, I think Government ought to step forward and remove this antiquated

[Mr. N. A. Bechar]

and old feudal system. Sir, this feudal system has wrought havoc in the economic life of society and this system has been discarded in all civilised countries, and even in the various provinces of India a beginning has already been made. You know, Sir, that in Madras the position is no better. In Malabar the riots that took place were really due to the economic difficulties. I therefore want that an enabling provision, just like the one tabled by my honourable friend from Eastern Sind, should be considered by the select committee. I do not say that it ought to be accepted by the honourable mover of the bill, but the select committee should consider some method of settling the relations between the two classes, the inamdars and the tenants. I, therefore, support the bill.

Mr. F. G. H. ANDERSON: Mr. President, it is with pleasure that I rise from this side of the House to support this bill. I am also very glad to hear from the honourable mover of the bill that he has the support of at least one Inamdars' Association, if not of all the inamdars. But before I go one step further, I wish to remove the misapprehension which is rampant in the minds of two honourable members who have spoken that this Bill has some relation to the talukdars. This has no concern or application whatever to the talukdari villages. As regards those villages, there are altogether separate provisions in the Talukdari Act, and even when this amendment to the Land Revenue Code is carried, this section of the Land Revenue Code will have no application to talukdars whatever.

An Honourable MEMBER: We may put in an amendment.

Mr. F. G. H. ANDERSON: The evil which the honourable mover wishes to deal with is one which we have been feeling on this side and in my Department for a very long time. The reasons why we feel it may not be quite the same as those urged by the honourable mover of the bill. But I say this, that we do recognise that without survey, classification and settlement, there can be no proper land revenue administration, no administration worth the name. Without proper records, no rights, whether of the superior or of the inferior holders can be known. Without survey, there will be no maps, no known areas, and no such records as are indispensable in the maintenance of a record of rights. You may think our settlement rates cruel and oppressive and unjust. But leave the question of rates out of your mind. The other operations of survey and settlement have been proved by experience to be an immense boon. The classification of the land according to its natural capacity and the fixing of the rates according to true area and according to natural capacity is an immense benefit to every person who has any dealings with land. Therefore, it is a great boon to the presidency as a whole.

There are some things in this bill which require alteration. It is natural and right that when a village is held entirely by one holder, that holder should have the right to say whether he wants a survey of his village or not. But when a village is held not by one inamdar but by a corporation,

[Mr. F. G. H. Anderson]

a minority of that corporation should not have the right to deny a right which the majority want to exercise. When it is held by a corporation, why not let them decide by a majority; why say a three-fourths majority? I would say that in these democratic days when the inamdari is held by a corporation and not by one individual it is like a constituency; let them decide by a majority; let not two-thirds of them have their hands tied by even one-third. I have known cases—I will not give the names—but I do know the case of one person who had less than a one anna share and his share of the revenue of the village was almost negligible. But he was on bad terms with the principal inamdars. They have been applying for a survey and settlement; while he, purely because he desired to injure their interests, refused his consent. It is against such obstruction this bill is directed. That, Mr. President, is quite sufficient on this subject.

Let us proceed to the select committee stage, and all these things will be provided for. We can introduce even more democratic principles into the bill in the select committee. It was suggested that the inferior holder will have to be given a similar right. This right was never contemplated by the mover of the bill. It is a thing quite outside the purview of the honourable member who introduced it and quite outside the principle of the bill. It could not be introduced without causing a great upheaval among the very classes this bill is intended to benefit. Though I might on another occasion find reasons for favouring such a scheme, I am entirely against that alteration being made in the bill. Having made that position clear, I fully support the first reading of the bill.

Rao Bahadur B. R. NAIK (Surat District): Mr. President, I rise to support the bill. This bill is very simple and it does not require any more arguments in support of it. As a matter of fact the bill has been over-due. It has been said that it is invading the rights of inamdars. It is true that by the passing of this measure there will be some interference in the rights of the inamdars, but in these days of democracy inamdars should be prepared to forego some rights in the interests of their tenants. Then there is sufficient safeguard for the inamdars also; if three-fourths sharers in the revenue of a village will give their consent then only the survey settlement to such a village will be applied; otherwise not. I therefore see no objection and support the bill.

The THAKOR of KERWADA: I rise to oppose this bill. In doing so I must offer our thanks to the honourable member Mr. Anderson for making the position of talukdars very clear and he has contradicted the statements that the talukdari villages are not surveyed. As a matter of fact each talukdari village has been surveyed and settlement registers showing detailed entries are maintained up to date in each talukdari village. Unfortunately this bill has been brought forward by an inamdar and it was supported by another inamdar; both of them are in possession of inam villages by mortgage, but we should give time to the inamdars of Gujarat to express their opinion on this subject. My objection to this bill is that it is not circulated very widely. I always admire

## [The Thakor of Kerwada]

the zeal of my friend Mr. Swaminarayan but as the honourable member Mr. Bechar has pointed out the relations between the inamdars and their tenants must be maintained. Besides, nothing will be lost if this bill is postponed for some time and in the meanwhile if it is circulated for opinion among the Gujarat people. It came as a surprise to them.

Mr. J. B. DESAI (Gujarat Sardars and Inamdars): I rise to oppose this bill. The Gujarat sardars are against the introduction of survey settlement and in 1926 they made a representation and if I remember rightly His Excellency promised that the inamdars' opinion will be respected. I think this bill is going to be mischievous and the relations between the inferior holders and the inamdars will be very much disturbed. I am in agreement with the Thakorsahab of Kerwada that some time should be given to elicit opinion before we can discuss it here. It is necessary to take into consideration the views of the Gujarat inamdars.

Sardar G. N. MUJUMDAR (Deccan Sardars and Inamdars): Sir, I rise to support this bill. On our side, as the honourable member Mr. Anderson explained, at the instance of the chief superior holder, survey settlement work was taken up in some inam villages. When the work was going to be finished, some holders, who had less than one anna share did not give their consent to that settlement. On that account Government had to bear the expenses and survey settlement had to be cancelled. In order to avoid this difficulty and also looking to the spread of democratic tendencies all around the inamdars must come down a little now and support this bill. If three-fourths of the holders of an inam village apply to Government then Government should be able to introduce survey and settlement into that inam village. But I must here say that reference was made to the two-thirds of inferior sharers by the honourable member Mr. Anderson, but I do not think that that would be advisable. These matters will be discussed in the select committee and I have therefore no hesitation in supporting this bill.

Mr. JAIRAMDAS DOULATRAM (Eastern Sind): Sir, I had tabled an amendment to clause (2) of this bill which reads as follows:

Add the words "or on an application in writing being made by not less than one-tenth of the number of inferior holders of any such village to that effect provided that on an enquiry made by the Collector a majority of the inferior holders of such village support the application."

But, I do not propose to move the amendment at this stage because I understand that this question will be fully discussed in the Select Committee. I find that a number of superior holders, who are members of this House, have supported this bill partly in deference to the increasing democratic tendency of the times. I hope that their support will be lent also to the principle of my amendment when the proper time comes, because the present state of the revenue law is, in my opinion, not fair to the inferior holder. There are several provisions of the Land Revenue Code which incline unduly in favour of the superior holder.

[Mr. Jairamdas Doulatram]

For instance, Government have bound themselves to support the superior holder and assist him in recovering what he regards as his dues from the inferior holder. This is laid down in section 86 of the Land Revenue Code. With regard to the particular section which the honourable member Rao Bahadur Kale is amending, section 216, there is no provision now to enable the inferior holder also to set the law in motion. One can easily conceive that there can be cases,—and there are cases—in which a superior holder does not, for certain reasons, wish that the land revenue system within his area should be on a line with that which prevails in the surveyed areas. There are certain very important advantages of a proper revenue survey, which it would not be fair to deny to the inferior holder if the superior holder.....

Mr. J. B. DESAI : Does the bill refer to inferior holders ?

Mr. JAIRAMDAS DOULATRAM : The bill refers to section 216, and I am discussing section 216. Section 216 says that chapters VIII, IX and X may be applied to alienated villages if the superior holder so desires. Now, if the superior holder objects to the application of these chapters to his village, there may be no classification of lands at all, and the inferior holder may get no benefit for any improvements he has made. I, therefore, feel that it is very necessary that the inferior holder should have the right to secure the application of these chapters to his village. Whether any condition precedent as regards the consent of the superior holder should attach to such application, is a matter which certainly is open to question, and which can be gone into in the Select Committee. I do not, therefore, insist on moving my amendment now. That is a matter which can be certainly discussed in the select committee, and if there is any way to enable the inferior holder to have the right to secure the application of chapters IX and X of the Land Revenue Code, then I think Government should accept the principle of my amendment.

Mr. S. A. SARDESAI (Bijapur District) (Rose).

The Honourable the PRESIDENT : It is nearly time now. Would the honourable member be able to finish in a few minutes ?

Mr. S. A. SARDESAI : No, Sir. I would take a very long time. But if this bill is taken to the next session, it would be convenient. Otherwise, I would like to oppose it by a speech now.....

The Honourable the PRESIDENT : The honourable member may oppose it when I put it to the House.

Mr. S. A. SARDESAI : I would like to speak, Sir, and oppose it.....

The Honourable the PRESIDENT : I do not think there is time now.

Mr. S. A. SARDESAI : But, Sir,.....

The Honourable the PRESIDENT : Will the honourable member sit down ? I do not suppose there is any reply by the Honourable the Leader of the House, as the Revenue Member !

The Honourable Mr. J. L. RIEU: No, Sir.

Bill read a first time.  
Bill read a first Question put and carried.

The Honourable the PRESIDENT: The bill is read a first time.

Rao Bahadur R. R. KALE (Satara District): Sir, I now move that this bill be referred to a select committee composed of the following honourable members:

The Honourable the Leader of the House (the Revenue Member),  
The Legal Remembrancer,  
The Settlement Commissioner,  
Sardar G. N. Mujumdar,  
The Thakor of Kerwada,  
Mr. Jairamdas Doulatram,  
Mr. P. R. Chikodi, and  
the mover (myself),

five to form a quorum, and the committee to report within three months.

Mr. H. B. SHIVDASANI: I want to move an amendment that the name of the honourable member Mr. Swaminarayan be added to the committee.

Sardar G. N. MUJUMDAR: I propose the addition of the honourable member Mr. J. B. Desai.

Mr. R. S. ASAVALE: I would propose the addition of the Deputy President, Rao Bahadur Kambli.

Mr. JAIRAMDAS DOULATRAM: I would propose that the name of Mr. Bechar be added to the committee.

The Honourable the PRESIDENT: Would honourable members like to press the names of honourable members and then take vote on that and make them feel awkward? The honourable mover of the bill ought to have really the choice, and if he has selected certain names,—this is mere advice on my part, and I do not mind putting any more names to the vote, if the House desires it,—I think it is desirable to stick to them. Otherwise, it would make the honourable members whose names are suggested look small if they are voted out. Should I take votes? I am asking the honourable member from Surat.

Mr. H. B. SHIVDASANI: Yes, Sir. I want votes to be taken on my amendment that Mr. Swaminarayan's name be added.

The Honourable the PRESIDENT: Very well. The question is that the honourable member Mr. Swaminarayan's name be added to the select committee.

Question put and lost.

Question "that the bill be referred to a select committee consisting of names as originally proposed by the honourable member Rao Bahadur Kale," put and carried.

The Honourable the PRESIDENT: I have now to intimate to the House that I have received a commission from His Excellency directing

2 Oct. 1928]

*Prorogation of Council*

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[The President]

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 this Council prorogued until the date of which due notice shall be given.

This Council is prorogued.



## APPENDIX 1.

## BILL No. XVIII OF 1928.

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

## REPORT OF THE SELECT COMMITTEE.

We, the undersigned members\* of the Select Committee appointed to consider Bill No. XVIII of 1928 (A Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

*Original Clause 2.*—We have deleted original clause 2 as, in our opinion, the present system of election by a single transferable vote, without being unduly difficult to work, effectively secures representation of minorities.

*Clause 6.*—The changes in this clause are merely verbal.

*Clause 7.*—We have deleted sub-clause (iii), as we think that the power of the Municipal Commissioner under section 390 of the City of Bombay Municipal Act should not be delegated to a municipal officer, in view of the fact that there is now a permanent Deputy Municipal Commissioner, to whom the Municipal Commissioner can delegate his powers under section 56 of the Act.

*Clause 13.*—While retaining original clause 14, we have made provision for amending section 279 of the Act in such a way as to require that the Municipal Commissioner shall give intimation to the tenants in the building before he cuts off the water-supply to it for failure of the landlord to pay water-tax, etc.

*Clause 14.*—In sub-section (I) proposed to be substituted for the present sub-section (I) to section 381, we have made the following changes:—

*Clause (i) (b).*—We consider that the sub-clause as drafted is much too comprehensive, and we have therefore reverted to the wording in section 381 (I) (b) of the Act.

*Clause (ii).*—We have deleted the words “with such materials”, so as not to tie down the owner or occupant to remedy the nuisance by executing the work only with the material suggested by the Commissioner and with no other.

*Clause (iii), proviso.*—We consider the period of six months mentioned in this clause as much too long, and we have therefore reduced it to four months.

*Clauses 16 and 17.*—We are of opinion that the maximum penalties proposed for the various offences are excessive, and have therefore reduced them so as to make them fit the gravity of the various offences involved.

\* Note.—The signatures of Messrs. B. T. Desai, J. B. Petit, P. J. Marzban and Sir Vasant Rao Dabhoikar and Dr. M. D. Gilder will be notified when received.

[Appendix 1—contd.]

We recommend that this report with a copy of the Bill as amended, together with the minutes of dissent, if any, be published in English, Marathi, Gujarati and Urdu in the *Bombay Government Gazette*.

(Signed) G. B. PRADHAN,  
 ( " ) F. W. ALLISON,  
 ( " ) R. M. MAXWELL,  
 ( " ) HOOSEINBOY A. LALLJEE,  
 ( " ) HAJI IBRAHIM JITEKAR,  
 ( " ) R. S. ASVALE,  
 ( " ) S. K. BOLE,  
 ( " ) HOOSENALLY M. RAHIMTOOLA  
*(subject to a minute of dissent).*

*(Minute of dissent by Mr. Hoosenally M. Rahimtoola, M.L.C.)*

I do not agree with some of the provisions of the Bill and with some of the amendments made by the Select Committee.

(Signed) HOOSENALLY M. RAHIMTOOLA.

11th September 1928.

[Appendix I—contd.]

## BILL No. XVIII of 1923.

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

(As amended by the Select Committee.)

**Bom. III of 1888.** WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

**S & C Goa V, a. 61.**

1. *Short title.*—This Act may be called the City of Bombay Municipal (Amendment) Act, 1923.

**Bom.—III of 1888.**

2. *In sub-section 1 of section 5 of the City of Bombay Municipal Act, 1888, hereinafter called "the said Act" for the words "transferable vote" the word "ballot" shall be substituted.*

3. *2. Amendment of section 19 of Bom. III of 1888.*—In section 19 of the said Act,—

(a) in sub-sections (1), (6) and (7) for the word "October" wherever it occurs in the said sub-sections the word "September" shall be substituted;

(b) in sub-sections (8), (9), (10) and (11) for the word "November" the word "October" shall be substituted; and

(c) in sub-section (12) for the words "on some one of the first fifteen days", the words "before the fifteenth day" shall be substituted.

4. *3. Amendment of section 27 of Bom. III of 1888.*—In sub-section (2) of section 27 of the said Act,—

(a) for the word "four" the word "three" shall be substituted; and

(b) the words "and the names of the persons subscribing their respective nomination papers as proposers and seconders", shall be repealed.

5. *4. Amendment of section 23 of Bom. III of 1888.*—In clause (c) of section 23 of the said Act, after the word "Collector" the words "before five o'clock in the afternoon of the day fixed for the election" shall be inserted.

6. *5. Amendment of section 36 of Bom. III of 1888.*—In clause (f) of section 36 of the said Act, for the word "twenty"

[Appendix 1—*contd.*]

in both the places where it occurs the word "twenty-five" shall be substituted.

7. 6. *Insertion of new section 36-A in Bom. III of 1888.*—After section 36 of the said Act, the following section shall be inserted, namely :—

"3-A. *Power to order withdrawal of member.*—(1)

The President shall preserve order and may direct any Councillor ~~or Councillors~~ whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any Councillor ~~or Councillors~~ so ordered to withdraw shall do so forthwith and shall absent himself ~~or themselves~~ during the remainder of the day's meeting. If any Councillor ~~or Councillors~~ is ~~or are~~ ordered to withdraw a second time within 15 days, the President may ~~direct suspend~~ the Councillor ~~or Councillors~~ ~~to absent himself or themselves~~ from attending the meetings of the Corporation for any period not exceeding 15 days and the Councillor ~~or Councillors~~ so directed shall absent himself ~~or themselves~~ accordingly.

Provided that the President may remit the period of suspension on apology being made to his satisfaction by the Councillor ~~or Councillors~~ under suspension.

Provided also that *such* suspension from the service of the Corporation shall not prevent any Councillor from serving on any Committee.

(2) The President may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding 3 days.

8. 7. *Amendment of section 68 of Bom. III of 1888.*—In sub-section (2) of section 68 of the said Act,—

(i) for the entry "section 82" the entry "section 80-A" shall be substituted ;

(ii) after the entry "section 85, sub-section (1)" the entry "section 92" shall be inserted ; and

(iii) ~~after the entry "section 384-A" the entry "section" 390 shall be inserted.~~

9. 8. *Amendment of section 92 of Bom. III of 1888.*—In the proviso to clause (a) of section 92 of the said Act, after the word "Commissioner" the words "other than a lease of a class in respect of which the Standing Committee has, by resolution exempted the Commissioner from compliance with the requirements of this proviso" shall be inserted.

10. 9. *Amendment of section 105 of Bom. III of 1888.*—In sub-section (1) of section 105 of the said Act, for the words "January" and "December" the words "April" and "March" shall, respectively, be substituted.

[Appendix 1—*contd.*]

11. 10. *Amendment of section 113 of Bom. III of 1888.*—  
For sub-section (I) of section 113 of the said Act, the following shall be substituted :—

“ Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the Commissioner or the Deputy Commissioner and by one Member of the Standing Committee who shall attend at the Chief Municipal Office for this purpose at least twice a week, and by the Chief Accountant or in the event of the illness or occasional absence of both the Commissioner and the Deputy Commissioner from the City, by a member of the Standing Committee and the Chairman of the Standing Committee and the said Chief Accountant, or in his absence the Deputy Accountant, or in the absence of both, by the Chairman of the Standing Committee.”

12. 11. *Insertion of new section 118-A in Bom. III of 1888.*—After section 118 of the said Act, the following section shall be inserted, namely :—

“ 118-A. *Municipal fund where to be expended.*—Expenditure by the Corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within the City only, but may, by a resolution of the Corporation supported by at least fifty-four councillors, be made outside the City for any of the purposes of this Act.”

13. 12. *Amendment of section 143 of Bom. III of 1888.*—After the word “ Majesty ” in clause (b) of sub-section (I) of section 143 of the said Act the words “ used solely for public purposes and not used or intended to be used for purposes of profit ” shall be inserted.

14. ~~In clause (a) of sub-section (1) of section 279 of the said Act, after the word “ water ” the words and figures “ or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287-A ” shall be inserted.~~

Amendment of section 279 of Bom. III of 1888.

13. *In sub-sections (I) of section 279 of the said Act—*  
(a) in clause (a)

(i) *Amendment of section 279 of Bom. III of 1888.*—after the word “ water ” the words and figures “ or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287-A ” shall be inserted ;

(ii) for the word “ bill ” the words “ notice of demand ” shall be substituted.

[Appendix I—contd.]

(b) before proviso (i) the following shall be inserted, namely:—

(i) In any case under sub-clause (a) the commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises."

(c) provisos (i) and (ii) shall be renumbered (ii) and (iii) respectively.

15 11. Amendment of section 381 of Bom. III of 1888.—  
In section 381 of the said Act,—

(a) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank, well, pond, quarryhole, drain, watercourse or any collection of water; or

(b) any cistern or other receptacle for water or any article or thing capable of containing water whether or not such cistern, receptacle, article or thing contains water and is within or outside a building; or

(c) any land on which water accumulates or is likely to accumulate; or

(d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition;

which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (z) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner with such materials and within such period of time as the Commissioner shall prescribe in such notice.

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the

[Appendix 1—contd.]

nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :

Provided that if at any time within ~~six~~ four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor. "

(b) In sub-section (2),—

(i) for the words and figures "an owner, on whom a requisition is made under sub-section (1)" the words "any person who, by a requisition made under sub-section (1), is required" shall be substituted; and

(ii) for the word "owner" where it occurs for the second time the word "person" shall be substituted.

16 15. *Repeal in part of section 415 and of section 417A of Bom. III of 1888.*—The explanation to section 415 and section 417A of the said Act shall be repealed.

17 16. *Amendment of section 471 of Bom. III of 1888.*—In the table to section 471 of the said Act,—

(1) below the entry relating to section 272, sub-section (1), the following entry shall be inserted, namely :—

"Section, sub-section or clause  1	Subject  2	Fine which may be imposed  3
Section 272, sub-section (5).	Provision as to unauthorised connections with Municipal water works, etc.	One hundred Fifty rupees "

## [Appendix 1—contd.]

(2) in column 3 of the entries relating to section 381, section 381-A, sub-section (1), and section 381-A, sub-section (2), for the word "fifty" the words "five hundred" shall be substituted.

(2) in column 3 of the entry relating to section 381 for the word "fifty" the words "one hundred and fifty" shall be substituted.

(3) in column 3 of the entries relating to section 381-A, sub-section (1), and section 381-A, sub-section (2), for the word "fifty" the words "two hundred and fifty" shall be substituted.

18. In column 3 of the entries relating to section 381 and section 381-A, sub-section (2), Amendment of section 472 of Bom. III of 1888. in the table to section 472 of the said Act, for the word "five" the word "fifty" shall be substituted.

17. In the table to section 472 of the said Act

(1) Amendment of section 472 of Bom. III of 1888. — in column 3 of the entry relating to section 381 for the word "five" the word "fifteen" shall be substituted;

(2) in column 3 of the entry relating to section 381-A, sub-section (2), for the word "five" the word "twenty" shall be substituted.

19. 18. Amendment of Schedule M of Bom. III of 1888.— For Parts I, II and III of Schedule M to the said Act, the following shall be substituted:—

## "PART I.

Articles which shall not be kept without a license in or upon any premises—

(See section 394)

Blood.	Gun-cotton.
Dynamite.	Nitro-glycerine.
Blasting powder.	Phosphorus.
Fulminate of mercury.	

## PART II.

Articles which shall not be kept without a license, in or upon any premises in quantities exceeding at any one time



[Appendix 1—concl.]

the maximum quantities hereunder set opposite such article respectively.

Articles.	Maximum quantity which may be kept at any one time without a license.
Bidi leaves .. .. .	4 cwts.
Camphor .. .. .	$\frac{1}{2}$ cwt.
Celluloid .. .. .	4 cwts.
Celluloid goods .. .. .	
Chemicals, liquid .. .. .	4 gals.
Chemicals, non-liquid .. .. .	$\frac{1}{2}$ cwt.
Chloride Chlorate of Potash .. .. .	$\frac{1}{2}$ "
Cinematograph films .. .. .	20 lbs.
Copra .. .. .	4 cwts.
Cotton refuse and waste .. .. .	4 "
Cotton seed .. .. .	4 bags not exceeding 4 cwts.
Dry leaves (Patravali, etc.) .. .. .	4 cwts.
Esas .. .. .	1 cwt.
Ghee kept for sale .. .. .	4 cwts.
Gunpowder .. .. .	5 lbs.
Matches for lighting .. .. .	1 gross boxes.
Methylated spirit .. .. .	10 gals.
Packing stuff (Paper cuttings, straw, etc.) .. .. .	4 cwts.
Paints .. .. .	5 "
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use .. .. .	4 "
Petroleum as defined in the Indian Petroleum Act, 1899 .. .. .	10 gals.
Dangerous Petroleum as defined in the same Act .. .. .	3 "
Oil (other sorts) .. .. .	15 "
'Oilseeds' other than cotton seeds .. .. .	1 ton.
Rosin .. .. .	$\frac{1}{2}$ cwt.
Saltpetre .. .. .	$\frac{1}{2}$ "
Sulphur .. .. .	$\frac{1}{2}$ "
Tar, pitch, dammer or bitumen .. .. .	$\frac{1}{2}$ "
Turpentine .. .. .	1 gal.
Varnish .. .. .	20 gals.

PART III

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use—

Acetylene gas.	Hemp.
Ashes.	Hessian cloth (Gunny bag cloth).
Bamboos.	Hides (dried).
Bones.	Hides (raw).
Cocoanut fibre.	Hoofs.
Carbide of Calcium.	Horns.
Charcoal.	Jute.
China grass.	Khokas or wooden boxes or barrels (manufacturing and storing).
Coal.	Offal.
Coke.	Rags.
Fat.	Sandalwood.
Fins.	Skins.
Firewood.	Straw.
Fireworks.	Tallow.
Fish (dried).	Timber.
Flax.	Wool (raw)."
Grass.	
Gunny bags.	
Hair.	
Hay.	

## APPENDIX 2.

## BILL No. XXVI OF 1923.

*A Bill to provide for the Establishment of a Court of Small Causes at Karachi.*

(As published in the "Bombay Government Gazette" of the 6th September 1923.)

*Cf. Bur. VII of 1920, preamble.*

WHEREAS it is expedient to provide for the establishment of a Court of Small Causes at Karachi; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the s & c previous sanction of the Governor required by section 80C Geo.V. of the said Act have been obtained for the passing of this c. 61. Act; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

*Cf. Bur. VII of 1920, s. 1 (1).*

1. *Short title.*—This Act may be called the Karachi Small Cause Court Act, 192 .

*Cf. Bom. VII of 1926, s. 2 (2).*

2. *Commencement.*—It shall come into force on such date as the Governor in Council may, by notification in the *Bombay Government Gazette*, appoint.

*Cf. Bur. VII of 1920, s. 2 (1).*

3. *Repeal.*—On and from the date on which this Act comes into operation the Provincial Small Causes Courts Act, 1887, so far as it applies to the taluka of Karachi, shall IX o. be repealed. 1887.

Provided that—

(a) all notifications published, declarations and rules made, places appointed, securities given, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under the said Act or any Act amending the same and still in force shall, so far as they are not inconsistent with this Act, be deemed to have been respectively published, made, appointed, given, filed, prescribed, framed and conferred under this Act;

(b) all proceedings instituted before, and pending at the date on which this Act comes into force in the Court of Small Causes at Karachi under the Provincial Small Causes Courts Act, 1887, shall be continued, tried, heard IX of and determined as if they had been instituted under this 1887. Act;

[Appendix 2—contd.]

IX of 1887. (c) all appeals and revision proceedings instituted under the Provincial Small Causes Courts Act, 1887, before, and pending at, the date on which this Act comes into force in the Chief Court, shall be continued, tried, heard and determined as if this Act had not been passed;

IX of 1887. (d) all decrees passed and orders made under the Provincial Small Causes Courts Act, 1887, shall be deemed, for the purposes of execution, to have been passed under this Act:

Provided further that nothing contained in this section shall be construed to extend the period of limitation to which any proceeding or appeal may be subject.

4. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context:—

(a) "Act" includes rules;

Rom. VII of 1926.

(b) the "Chief Court" means the Court of the Judicial Commissioner of Sind and, when the Sind Courts Act, 1926, comes into operation, shall mean the Chief Court of Sind, established under that Act;

(c) the "Chief Judge" includes the Judge, whether permanent or officiating, when not more than one Judge has been appointed;

(d) "the Court" means the Karachi Small Cause Court established under the provisions of this Act;

(e) "Registrar" includes a "Deputy Registrar";

(f) "Rules" means the rules and forms made or prescribed under section 33;

(g) "Taluka of Karachi" means the taluka of Karachi as constituted or defined for the time being under the Bombay Land Revenue Code, 1879.

Rom. V of 1879.

## CHAPTER II.

### CONSTITUTION OF THE COURT.

5. *Establishment of the Court of Small Causes.*—(1) On and from the commencement of this Act there shall be established at Karachi a Court of Small Causes to be called the Karachi Small Cause Court.

V of 1908, Rom. VII of 1926.

(2) It shall be deemed to be a Court subject to the superintendence of, and subordinate to the Chief Court, within the meaning of the Code of Civil Procedure, 1908, and the Sind Courts Act, 1926.

6. *Appointment of Judges.*—The Governor in Council may, from time to time, appoint one or more persons to be Judges of the Court who shall hold office during his pleasure;

[Appendix 2—*contd.*]

when more than one Judge has been appointed, the Governor in Council may appoint one of them to be the Chief Judge of the Court.

*Cf. Bom. VII of 1926, s. 7.* 7. *Rank and precedence of Judges.*—(1) The Chief Judge, whether permanent or officiating, shall have rank and precedence before the other Judges of the Court.

(2) Save as aforesaid, and subject to any general or special direction by the Governor in Council, the judges shall have rank and precedence according to the seniority of their appointment as such judges; Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

*Cf. Bur. VII of 1920, s. 9.* 8. *Provision for vacancy in the office of Chief Judge.*—On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge, the Governor in Council may appoint one of the other judges of the Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor in Council to the office of the Chief Judge of the Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires.

*Cf. Bom. VII of 1926, s. 5.* 9. *Provision for vacancy in the office of a judge other than the Chief Judge.*—On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge, or on the appointment of any such judge to act as Chief Judge, the Governor in Council may appoint a person to officiate as a judge of the Court and the person so appointed may sit and perform the duties of a judge of the Court, until some person has been appointed by the Governor in Council to the office of judge of the Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council sees cause to cancel the appointment of the acting judge.

*Cf. XV of 1882, s. 12.* 10. *Seal to be used.*—The Court shall use a seal of such form and dimensions as are for the time being prescribed by the Governor in Council.

## CHAPTER III.

## LAW ADMINISTERED BY THE COURT.

*Cf. Bur. VII of 1920, s. 11.* 11. *Questions arising in suits under the Act to be decided according to law administered by the Chief Court.*—All questions, other than questions relating to procedure or practice, which arise in the Court in suits or other proceedings under this Act shall be dealt with and determined according to the law for the time being administered by the Chief Court in the exercise of its original civil jurisdiction.

## [Appendix 2—contd.]

## CHAPTER IV.

## JURISDICTION IN RESPECT OF SUITS.

12. *Local limits of jurisdiction of the Court.*—(1) The *Cf. Bur. VII*  
Court shall exercise jurisdiction within the taluka of Karachi. *of 1920, s. 12.*

(2) Save as expressly provided by this Act, or by any other enactment for the time being in force, a suit cognizable by the Court shall not be tried by any other Court having jurisdiction within the taluka of Karachi.

*V of 1908.* 13. *Jurisdiction.*—Subject to the provisions of sections *Cf. Bur. VII*  
14, 15, 16 and 17 and of the Code of Civil Procedure, 1908, *of 1920, s. 13.*  
the Court shall have jurisdiction to try all suits of a civil nature when the amount or value of the subject matter does not exceed two thousand rupees.

*Explanation.*—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Court shall have jurisdiction to try such suit.

14. *Suits in which the Court has no jurisdiction.*—The *Cf. Bur. VII*  
Court shall have no jurisdiction in *of 1920, s. 14.*

(a) suits concerning the assessment or collection of land-revenue;

(b) suits concerning any act ordered or done by the Governor General in Council or the Local Government or by any member of the Council of the Governor General or of the Governor of Bombay, or by any Minister in his official capacity, or by any person by order of the Governor General in Council or the Local Government;

(c) suits concerning any act ordered or done by a Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or of any Judge or judicial officer;

(d) suits for the recovery of immoveable property;

(e) suits for the partition of immoveable property;

(f) suits for the foreclosure or redemption of a mortgage of immoveable property;

(g) suits for the determination of any other right to or interest in immoveable property;

(h) suits for the specific performance or rescission of contracts;

(i) suits to obtain an injunction;

(j) suits for the cancellation or rectification of instruments;

(k) suits to enforce a trust;

(l) suits for a general average loss and suits on policies of insurance on sea-going vessels;

## [Appendix 2—contd.]

(m) suits for compensation in respect of collisions on the high seas or in any inland waters;

(n) suits for compensation for the infringement of a patent, copyright or trade-mark;

(o) suits for a dissolution of partnership or for an account of partnership transactions;

(p) suits for an account of property and its due administration under a decree of a Court;

(q) suits for compensation for libel, slander, malicious prosecution, adultery, seduction or breach of promise of marriage;

(r) suits for the restitution of conjugal rights, or for a divorce;

(s) suits for declaratory decrees in respect of any immoveable property;

(t) suits for possession of a hereditary office;

(u) suits against Sovereign Princes, or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;

(v) suits on any judgment of a High Court or of the Chief Court;

(w) suits, the cognizance whereof by the Court is barred by any law for the time being in force;

(x) suits for compensation for obstruction of an easement or diversion of a water course.

Cf. Bur. VII  
of 1920, s. 15.  
Cf. also XV  
of 1882, s. 20.

15. *Court may by consent try suits beyond pecuniary limits of jurisdiction.*—(1) When the parties to a suit, which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Court, have entered into an agreement in writing that the Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

(2) Every such agreement shall be filed in the Court, and when it is so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Cf. XV of  
1882, s. 21.

16. *Suits by and against officers of the Court.*—All suits to which an officer of the Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the Chief Court at the election of the plaintiff as if this Act had not been passed.

Cf. Bur. VII  
of 1920, s. 16.

17. *Saving.*—Nothing in this Chapter shall be deemed to preclude the Court from trying any suits or proceeding which it is specially authorised to try by any other enactment for the time being in force.

[Appendix 2—contd.]

## CHAPTER V.

## EJECTMENT AND DISTRESSES.

18. *Application against person occupying property without leave.*—When any person has had possession of any immovable property situate in the taluka of Karachi of which the annual rental value does not exceed two thousand rupees, as a tenant, or by permission, of another person, or of some person through whom such other person claims and such tenancy or permission has determined or been withdrawn and such tenant or occupier or person holding under or by assignment from him (in this Act called the occupant) refuses to deliver possession of such property in compliance with a request made to him in this behalf by such other person, such other person (in this Act called the applicant) may apply to the Court in accordance with the provisions of this Act for an order compelling the occupant to deliver possession of the property. Provided that nothing in this section contained shall be deemed to affect the provisions of the Bombay Rent (War Restrictions) Act, 1918, or the Bombay Rent (War Restrictions No. 2) Act, 1918. Cf. Bur. VII of 1920, s. 17.

Bom.  
II of  
1918,  
Bom.  
VII of  
1918.

19. *Bar to proceedings against Judge or officer for issuing, etc., order.*—No suit or other proceeding shall lie against any Judge or Officer of the Court for any order issued under section 18 or against any bailiff or other person for any act or omission incidental to the execution of such order by reason only that the applicant was not entitled to possession of the property. Cf. Bur. VII of 1920, s. 18.

20. *Liability of applicant obtaining order when not entitled.*—Nothing in this Act shall be deemed to protect any applicant obtaining possession of any property under this Act from a suit by any person deeming himself aggrieved thereby when such applicant was not at the time of applying for an order under section 18 entitled to the possession of such property; and the application for any such order by any such applicant shall be deemed to be an act of trespass committed by the applicant against the occupant, though no possession shall have been taken thereunder. Cf. Bur. VII of 1920, s. 19.

21. *Stay of proceedings on occupant giving security.*—(1) Whenever on an application being made under section 18 the occupant binds himself in a bond, with or without sureties, as the Court may direct, and for such amount as the Court thinks reasonable, to institute without delay a suit in the Chief Court against the applicant for compensation for trespass and to pay all the costs of such suit and any compensation, which he may be ordered to pay under sub-section (3), Cf. Bur. VII of 1920, s. 20.

[Appendix 2—*contd.*]

process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted or levied and of damages and costs by such officer as it think fit.

37. *Court empowered to summon witnesses, &c.*—For the *Cy. Bur. VII* purposes of any inquiry under this Chapter, the Court shall <sup>of 1920, s. 27.</sup> have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

38. *Enforcement of order.*—Any order under this Chapter *Cy. Bur. VII* for the payment or repayment of money may, in default of <sup>of 1920, s. 32.</sup> payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Court in his favour.

#### STATEMENT OF OBJECTS AND REASONS.

The Court of Small Causes at Karachi was established under the Provincial Small Causes Courts Act, 1887. In the Presidency towns the Presidency Small Causes Courts Act, 1882, is in force. It has long been recognised that the Provincial Small Causes Courts Act is unsuited to a growing commercial town like Karachi and that the time of Judges of the Court of the Judicial Commissioner is being unnecessarily occupied in work which might well be done by a Small Cause Court Judge. Rangoon is subject to the Rangoon Small Cause Court Act, 1920. Karachi is the only great seaport in India in which the Provincial Small Causes Courts Act is still in force. The Civil Justice Committee accordingly, in Chapter XV of their report, recommended that the law in Karachi should be assimilated to that of the Rangoon Small Cause Courts Act, 1920.

2. The present Bill is intended to give effect to the recommendation of the Civil Justice Committee. It follows with necessary changes, the Rangoon Small Cause Court Act, 1920, in almost all its provisions. The departures from the Rangoon Act are shown in the notes on clauses and are nearly all based on the recommendations of the Civil Justice Committee.

#### *Notes on Clauses.*

*Clause 4.*—As the Sind Courts Act, 1926, has not yet been brought into force "Chief Court" is defined as meaning the Court of the Judicial Commissioner of Sind until the Chief Court is established in Sind.

*Clause 12.*—The territorial limits of the Jurisdiction of the Small Cause Court will be the taluka of Karachi as at present.



[Appendix 2—contd.]

Sections 94 and 95, so far as they relate to injunctions and interlocutory orders;

Sections 96 to 112 and 115.

(2) Application for a review of judgment shall be presented within fifteen days of the date of the judgment. *Cf. IX of 1887, s. 17.*

(3) An applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(4) Where a person has become liable as surety under subsection (3) the security may be realised in manner provided by section 145 of the Code of Civil Procedure, 1908.

CHAPTER VII.

REMOVAL OF CAUSES AND REVISION.

25. *Removal of certain causes into Chief Court.*—(1) In any suit instituted in the Court in which the amount or value of the subject-matter exceeds the sum of one thousand rupees the defendant or any one of the defendants, may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex parte* on an affidavit setting forth the facts on which he relies for his defence to the Chief Court for an order removing the cause into the said Court. *Cf. XV of 1882, s. 39.*

(2) Unless the Judge is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right: Provided that the removal directed by such order shall, unless the Judge otherwise directs, be conditional upon the applicant giving security to the approval of the Judge, within a reasonable time to be prescribed in the order for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit.

(3) If the applicant fails or neglects to complete the required security (if any) within the prescribed time (if any) the said order shall be discharged and the suit shall proceed in the Court as if such order had never been made.

(4) If the plaintiff in any case which has been removed under this section into the Chief Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of the Court, he shall be permitted to revive the portion of his claim so abandoned.

## [Appendix 2—contd.]

*Cf. XV of 1882, a. 40.* 26. *Rule with respect to suits removed under section 25.—*

(1) When a suit has been removed into the Chief Court under section 25, it shall be heard and disposed of by the Chief Court in the exercise of its original jurisdiction, and the Chief Court shall have all the powers and jurisdiction in respect thereof as if the suit had been originally instituted in the Chief Court.

(2) In every suit so removed the affidavit filed under subsection (1) of section 25, shall be treated as a written statement of the defendant tendered under Order VIII, rule I of the First Schedule of the Code of Civil Procedure, 1908, unless the Chief Court shall otherwise order. V of 1908.

*Cf. Bur. VII of 1920, a. 25.* 27. *Revision.—*(1) The Chief Court may for the purpose of satisfying itself that a decree or order made in any case by the Court was according to law, call for the case and pass such order with respect thereto as it thinks fit.

(2) An applicant for revision of a decree or order of the Court shall at the time of presenting his application either deposit in the Chief Court the amount due from him under the decree or order or give security to the satisfaction of the Chief Court for the performance of the decree or order as the Chief Court may direct.

(3) Where a person has become liable as surety under subsection (2) the security may be realized in manner provided by section 145 of the Code of Civil Procedure 1908. V of 1908

*Cf. Bur. VII of 1920, a. 26.* 28. *General finality of decrees and orders of the Court.—* Save as otherwise provided by this Act or by any other enactment for the time being in force, every decree or order of the Court in a suit shall be final and conclusive.

## CHAPTER VIII.

## FEES AND COSTS.

*Cf. Bur. VII of 1920, a. 27.* 29. *Institution fees.—*(1) In addition to the fee payable on a plaint under the Court Fees Act, 1870, a fee of ten rupees shall be paid on the filing of an agreement under section 15. VII of 1870.

(2) For the purposes of the Court Fees Act, 1870, an application under section 18 shall be deemed to be a suit of a value equal to the annual rental value of the property in respect of which the application is made. VII of 1870.

(3) A fee of annas eight shall be paid on every application made for which no fee is provided, under the Court Fees Act, 1870. VII of 1870.

*Cf. Bur. VII of 1920, a. 28.* 30. *Repayment of half fees on settlement before hearing.—* (1) Whenever any suit or proceeding is settled by agreement

[Appendix 2—*contd.*]

of the parties before any evidence is recorded, half the amount of all Court fees paid up to that time shall be repaid by the Court to the parties by whom the same have been respectively paid.

(2) Whenever an order for repayment is made under subsection (1), the Court shall grant to the party entitled to be repaid a certificate authorizing him to receive back from the Collector the amount payable to such party.

CHAPTER IX.

RULES.

31. *Procedure and practice of the Court.*—The Chief Court *Cf. Bur. VII of 1920, s. 32.* may, from time to time, make rules not inconsistent with this Act,—

(1) providing for the exercise by one or more of the Judges of the Court of any powers conferred on the Court by this Act or any other enactment for the time being in force ;

(2) regulating the procedure of the Court in the exercise of its jurisdiction under Chapter V ;

(3) empowering the Registrar to hear and dispose of undefended suits and interlocutory applications or matters ;

(4) providing for the delegation to any ministerial officer of the Court of any non-judicial or quasi-judicial duties which this Act or the Code of Civil Procedure, 1908, requires to be performed by a Judge, and

(5) providing for the pleaders' fees and other costs.

32. *Distribution of business.*—Subject to such rules the Chief Judge may, from time to time, make such arrangements *Cf. XV of 1882, s. 10.* as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

CHAPTER X.

MINISTERIAL OFFICERS.

33. *Appointment of Registrar and Ministerial Officers.*—*Cf. Bur. VII of 1920, s. 33.*  
 (1) Subject to the sanction of the Governor in Council the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, may, from time to time, appoint an officer to be called the Registrar of the Court, and to be the Chief ministerial officer of the Court.

(2) Subject to the control of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, the

[Appendix 2—*contd.*]

Chief Judge may, from time to time, appoint a Deputy Registrar and as many clerks, bailiffs and other ministerial officers as may be sanctioned by the Governor in Council for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

(3) The Registrar and other officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Judge may, from time to time, direct.

(4) The Chief Judge may suspend, remove or dismiss any Deputy Registrar or other officer so appointed; provided that no officer drawing a monthly salary of one hundred rupees or upwards shall be removed or dismissed without the orders of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be.

*Cf. Bur. VII  
of 1920, a. 31.*

34. Registrar may be invested with powers of a Judge in suits not exceeding fifty rupees.—(1) The Governor in Council may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject matter does not exceed fifty rupees.

(2) Subject to the orders of the Chief Judge any Judge of the Court, may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

*Cf. IX of  
1887, a. 18  
(1).*

(3) Suits cognisable by the Registrar under sub-sections (1) and (2), shall be tried by him and decrees passed therein shall be executed by him, in like manner in all respects as a Judge of the Court might try the suits and execute the decrees respectively.

(4) For the purposes of this section an application for possession under section 18 shall be deemed to be a suit.

*Cf. Bur. VII  
of 1920, a. 35.*

35. Default of bailiff or other officer in execution of order or warrant.—If any clerk, bailiff or other inferior ministerial officer of the Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, to pay to the person injured by such neglect, connivance or omission, such sum not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, appears reasonable.

*Cf. Bur. VII  
of 1920, a. 36.*

36. Extortion or default of Officers.—If any clerk, bailiff or other inferior ministerial officer of the Court is charged with extortion or misconduct while acting under colour of its

[Appendix 2—*contd.*]

process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted or levied and of damages and costs by such officer as it think fit.

37. *Court empowered to summon witnesses, etc.*—For the *Cf. Bur. VII* purposes of any inquiry under this Chapter, the Court shall <sup>of 1920, s. 37.</sup> have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

38. *Enforcement of order.*—Any order under this Chapter *Cf. Bur. VII* for the payment or repayment of money may, in default of <sup>of 1920, s. 38.</sup> payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Court in his favour.

#### STATEMENT OF OBJECTS AND REASONS.

The Court of Small Causes at Karachi was established under the Provincial Small Causes Courts Act, 1887. In the Presidency towns the Presidency Small Causes Courts Act, 1882, is in force. It has long been recognised that the Provincial Small Causes Courts Act is unsuited to a growing commercial town like Karachi and that the time of Judges of the Court of the Judicial Commissioner is being unnecessarily occupied in work which might well be done by a Small Cause Court Judge. Rangoon is subject to the Rangoon Small Cause Court Act, 1920. Karachi is the only great seaport in India in which the Provincial Small Causes Courts Act is still in force. The Civil Justice Committee accordingly, in Chapter XV of their report, recommended that the law in Karachi should be assimilated to that of the Rangoon Small Cause Courts Act, 1920.

2. The present Bill is intended to give effect to the recommendation of the Civil Justice Committee. It follows with necessary changes, the Rangoon Small Cause Court Act, 1920, in almost all its provisions. The departures from the Rangoon Act are shown in the notes on clauses and are nearly all based on the recommendations of the Civil Justice Committee.

#### *Notes on Clauses.*

*Clause 4.*—As the Sind Courts Act, 1926, has not yet been brought into force “Chief Court” is defined as meaning the Court of the Judicial Commissioner of Sind until the Chief Court is established in Sind.

*Clause 12.*—The territorial limits of the Jurisdiction of the Small Cause Court will be the taluka of Karachi as at present.

[Appendix 2—concl.]

*Clause 13.*—The pecuniary Jurisdiction of the Small Cause Court has been raised to two thousand rupees as in Rangoon and as recommended by the Civil Justice Committee.

*Clause 15.*—This clause corresponds to section 20 of the Presidency Small Cause Courts Act, 1882, and provides a method of obtaining a quick and summary judgment by the agreement of parties in cases where the amount involved is beyond the pecuniary jurisdiction of the Small Cause Court.

*Clause 16.*—In order that a plaintiff may have no apprehension that he will not obtain a fair trial in the Small Cause Court against a defendant who is an officer of the Court, an option has been given to him to sue the defendant in the Court of the Judicial Commissioner of Sind or the Chief Court. This provision is based on section 21 of the Presidency Small Cause Courts Act, 1882.

*Clauses 18, 19, 20, 21, 22 and 23.*—These clauses provide a summary remedy for obtaining possession of premises from tenants or licensees whose tenancy or license has expired, and for recovering arrears of rent. These provisions are based on the Rangoon Act and the Presidency Small Cause Courts Act, 1882. To regulate the procedure under this chapter, power has been given to the Chief Court (including the Court of the Judicial Commissioner of Sind) by clause 33 (2) to make rules to regulate its procedure in this behalf.

*Clauses 25 and 26.*—These clauses are identical with sections 39 and 40 of the Presidency Small Cause Courts Act, 1882, giving the defendant a right to have his suit transferred to the Court of the Judicial Commissioner of Sind or the Chief Court where the amount is more than one thousand rupees. The Rangoon Act does not contain any such provision, but allows under section 24 a right of appeal in such cases. The Civil Justice Committee state in Chapter 17 of their report that the provisions of section 39 of the Presidency Small Cause Courts Act, 1882, are sound so long as no right of appeal to the High Court is conferred.

*Clause 27.*—A right of Revision wider than that provided by section 115 of the Civil Procedure Code has been accorded.

*Clause 30.*—This clause provides for the repayment of half the Court fees if a case is settled by agreement of parties before hearing.

*Clause 31.*—This clause gives the Court of the Judicial Commissioner of Sind or the Chief Court power to make rules to regulate the procedure and practice of the Small Cause Court.

*Clause 34.*—It is proposed to increase the jurisdiction of the Registrar of the Court from rupees twenty to rupees fifty.

*Clauses 35, 36, 37 and 38.*—These clauses empower the Small Causes Court to punish the inferior ministerial officers for default or misconduct in the discharge of their duties.

**APPENDIX 3.**  
**BILL No. XXVII OF 1928.**

*A Bill to amend certain enactments and to repeal certain other enactments.*

(As published in the "Bombay Government Gazette"  
of the 13th September 1928.)

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule; and whereas it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed; and whereas the previous sanction of the Governor General required by section 80A(3) of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

5 & 6 Geo. V,  
c. 61.

1. *Short title.*—This Act may be called the Bombay Repealing and Amending Act, 192 .

2. *Amendment of certain enactments.*—The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. *Repeal of certain enactments.*—The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

4. *Savings.*—The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done, or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

[Appendix 3—contd.]

## THE FIRST SCHEDULE.

## AMENDMENTS.

(See section 2.)

Year	Number	Short title	Amendments
1890	XI	<i>Act of the Governor General in Council</i> The Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay.	In section 4 after the word "cow" the words "or she-buffalo" shall be inserted.
1902	IV	<i>Acts of the Governor of Bombay in Council</i> The City of Bombay Police Act, 1902.	In section 125 the letter and brackets "(a)" shall be deleted.
1906	II	The Mamlatdars' Courts Act, 1906.	To sub-section (2) of section 19 the following words shall be added, viz.:—"He shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case."
1920	XVII	The Bombay Pleaders Act, 1920.	In sub-section (1) of section 18 for the figures "17" the words and figures "3 of the Legal Practitioners (Fees) Act, 1926" shall be substituted. XXI of 1926.

## THE SECOND SCHEDULE.

## REPEAL.

(See section 3.)

Year	Number	Short title	Extent of Repeal
1863	I	<i>Acts of the Governor of Bombay in Council</i> The Gaiikwar of Baroda Ceded Lands' Laws Act, 1862.	The whole.
1928	III	The Gaiikwar of Baroda Ceded Lands' Laws Act, 1918.	The whole.
1928	III	The Bombay Non-Agriculturists Loans Act, 1928.	The figure and brackets "(1)" in section 5.



[Appendix 3—concl'd.]

### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to make necessary amendments of a formal nature in certain enactments and to repeal the Gaikwar of Baroda Ceded Lands Laws Acts, 1862 and 1918, as jurisdiction over lands governed by these Acts is now exercised under the Indian (Foreign Jurisdiction) Order in Council, 1902.

The amendment made in section 4 of the Prevention of Cruelty to Animals Act, 1890, is formal. The section penalises the operation of "Phooka" on a cow. The object of the amendment is to make this operation even on a she-buffalo an offence, as "Phooka" is frequently performed on she-buffaloes also.

Under section 19 (2) of the Mamlatdars' Courts Act, 1906, the Mamlatdar is not required to record a memorandum of relevant facts observed at the inspection of property under dispute. The result is that if the finding of the Mamlatdar upon any issue is based upon any of these facts the parties do not become aware of it until the order is read out by him in the open Court. There is no appeal from the order and the facts as found by the Mamlatdar cannot be questioned in revision. The amendment does away with the resulting hardship to parties.

The amendment made in sub-section (J) of section 18 of the Bombay Pleaders Act, 1920, is necessary on account of the repeal of section 17 of the Act by section 6 of the Legal Practitioners (Fees) Act, 1926.

J. B. MARTIN.

31st August 1928.

## APPENDIX 4.

## STATEMENT OF DEMANDS FOR SUPPLEMENTARY GRANTS.

RESERVED 1.—The Honourable Sir Ghulam Hussain  
Hidayatallah.

*Remodelling the Kander Branch ex-Mahiwah.*

For many years past there has been a great out-cry for improvements to the Kander Branch *ex-Mahiwah*. This tract is not satisfactorily irrigated. Dehs in the head portion from head to mile 2 are very high and are supplied by an especial Distributary *ex-Mahiwah*. The land from mile  $2\frac{1}{4}$  to miles 10 obtains a fair flow supply but the area from mile 10 to the tail of the Branch gets only a very precarious supply.

In 1919 a project was prepared for regrading the Kander Branch, eliminating the fall regulator at mile  $5\frac{1}{7}$  and so raising water level below it, but it did not materialise. In 1925 the project for improvements to this branch was again brought up, but again abandoned as it was considered that the defects in the Kander Branch sought to be remedied by the project were due to deficiency of water in the parent canal, the Mahiwah, because of the precarious supply it had, for several years, been receiving from its mouth *ex* the Gudu Dhand. A new mouth was accordingly given to the Mahiwah in 1924 with such satisfactory improvement to the supply in the Mahiwah that it was decided to watch the results for a year or two before incurring expenditure on improvements to the Kander Branch. The experience of the last two years, however, shows that though the Kander Branch has been getting much more than even its designed discharge most of this extra water has been drawn off by the karias taking off above the Fall regulator in mile  $5\frac{1}{7}$  and the conditions below this regulator have remained practically the same. This inequitable distribution of the water-supply calls for adjustment and to that end a project for remodelling the branch, estimated to cost Rs. 32,441 for "Works" alone and Rs. 43,159 including all charges, direct and indirect, has recently been sanctioned by Government as a charge against the Capital account of the Mahiwah and debitable to the head "55—Construction of Irrigation Works not charged to Revenue." The project consists of—

- (i) Regrading the Kander branch and raising its banks.
- (ii) Combining and re-sectioning its distributaries or "Sipis" as they are locally called.
- (iii) Constructing modules.
- (iv) Constructing a new regulator at mile  $5\frac{1}{7}$  and making additions and alterations to other regulators.
- (v) Constructing head sluices to certain minors *ex-Kander Branch*.

The total area settled on the Kander Branch is 11,653 acres. The average area cultivated in the five years 1920-21 to 1924-25 has been 3,236 acres

## [Appendix 4—contd.]

Dry crop and 433 acres Rice or a total of 3,669 acres. After the remodeling and improvements have been effected these figures are expected to rise to 3,885 acres Dry Crop and 1,942 acres Rice or a total of 5,827 acres. This will give a return of 14\* per cent. on the outlay of Rs. 43,159.

Further, the project will not only set right conditions in the Kander Branch but will result in an appreciable quantity of water (some 45 cusecs) now being wasted in the upper reaches of Kander becoming available for augmenting the supply in the Masuwah, where it is urgently required. This will cultivate an area of 2,250 acres of dry crop and bring in *additional revenue* of about 14† per cent. on the capital invested.

The work is therefore very urgent and very productive and is proposed to be commenced in the current year by making an allotment of Rs. 22,000 from savings available under the Voted grant for irrigation works other than the Lloyd Barrage and Canals Construction scheme under the head "55" and the sanction of the Legislative Council is requested to the expenditure in question in the current year.

\*Additional revenue as compared to average of five years ending 1924-25.

	acres	acres	acres	Ra.				Ra.
Dry kharif	(3,885	—	3,236)	= 649 × 2.75	..	..	..	1,785
Rice	(1,942	—	433)	= 1,509 × 3.25	..	..	..	4,904
								6,689
Deduct 1/10th land share	..			..	..	..	..	669
								6,020

$$\text{Net additional revenue per cent. return} = \frac{6,020 \times 100}{43,159} = 14$$

† 2,250 acres dry crops at Ra. 2.75 = Ra. 6,187 = 14 per cent. on Ra. 43,159,

## APPENDIX 5.

RESERVED 2.—The Honourable Sir Ghulam Hussain Hidayatallah.

*Excavating the Pateji Branch ex river Indus to the 62nd Mile Western Nara.*

The Western Nara Canal, besides its main head at Akil, has two other feeders from the Indus :—

- (a) The one that joins it just below the head of the Dhamrao Branch.
- (b) The Pritchard Canal which joins it below the head of the Lohri Branch.

The main head of the Western Nara Canal at Akil works very well as also the Pritchard Canal head. The Feeder (a), which purports to supply the Mehar and Kakar Talukas, owing to erosion of the river of late years at its head, brings very little water into the Canal. In the cold weather of 1926 deep silt clearance was done in this Feeder, but it did little good to the Mehar and Kakar zamindars. During the last inundation season the Akil Mouth of the Western Nara worked excellently and registered throughout readings above the normal. Notwithstanding this, however, there was, as usual, great deficiency of water in the Mehar and Kakar Talukas.

In the endeavour to give a sufficient amount of water to the Mehar and Kakar zamindars recourse has been had to the very unsatisfactory method of internal rotations. This system of internal regulation is very unpopular both with the Department and also with the zamindars and is only resorted to as a last resource. Very often, as in the case of Mehar and Kakar Talukas, this method is not successful as operations have to extend over a length of many miles at a time and it is very difficult for the staff to see that they are carried out properly and fairly.

Many petitions have been received pressing for the immediate execution of a new Feeder from the Pateji Branch to supplement the supply in the lower portion of the Western Nara and a deputation of the zamindars met the late Honourable General Member, Sir Cowasji Jehangir, K.C.I.E., O.B.E., when he was on tour in Sind in December 1927. The deputation contended that the expenditure to be incurred on the proposed Pateji Branch would be wholly recouped in a few years by relieving Government of their present liability for remissions of some Rs. 80,000 annually in Kakar taluka alone. The Honourable Sir Cowasji pointed out that even if the figures quoted could be accepted as accurate, it was most improbable that the Legislative Council would accept the liability in view of the fact that the work asked for would be useless as soon as the Barrage Scheme commences to operate. The zamindars then made an offer to bear the loss, if any, to Government on this account and the Honourable General Member requested the deputation to submit to him in writing their concrete proposal and their guarantee that any sum

## [Appendix 5—contd.]

(plus interest on it) spent by Government on the construction of the new Feeder and not recovered in the form of assessment in excess of the present average assessment in the tract before the Barrage operates would be made good by the zamindars. This matter was further considered by Government in March 1928 at a conference of certain Honourable Members of the Legislative Council who were the representatives of the Sind zamindars concerned and according to the decision arrived at that conference arrangements have been made to obtain legal agreements from the zamindars to make good such loss, if any, to Government.

From the investigations made by the Chief Engineer in Sind it appears that the work is expected to bring in a good deal of extra revenue to Government and especially to make for the contentment of the people in the stricken area of Mehar and Kakar talukas. The proposed work consists of—

- (a) widening the new head of the Pritchard Canal from the river to the 2nd regulator of the Canal;
- (b) excavating a new feeder from the right bank above the 2nd regulator on the Pritchard Canal as far as the Pateji Branch;
- (c) widening the Pateji Branch as far as mile 2/4;

and

- (d) excavating a new feeder from mile 2/4 of the Pateji Branch to join the Western Nara at mile 61/1.

The work is roughly estimated to cost Rs. 2,08,000 including direct and indirect charges and is debitable to the capital account of the Western Nara Canal System under the head "55—Construction of Irrigation Works not charged to Revenue." The proposal will give an additional 700 cusecs to the Western Nara without reducing the supply in the Pritchard Canal and this at a duty of 25 is expected to cultivate about 17,500 acres. At an average assessment of Rs. 4 per acre this extra discharge should bring in Rs. 70,000 a year. This extra revenue alone should suffice to repay the cost in the three years that remain before the tract is served by the Barrage Scheme, failing which there stands the security of the zamindars against any possible loss. It is proposed to give the work out on contract and to have it completed before the end of May 1929. The expenditure on "Works" alone will amount to Rs. 1,53,000 and the sanction of the Legislative Council is requested to this expenditure in the current year which is proposed to be met—from savings available under the Voted grant for irrigation works other than the Lloyd Barrage and Canals Construction Scheme under the head "55."

This scheme if put into operation will be of the greatest benefit to the zamindars and Government stands little risk of losing money directly but will in all probability gain directly and must gain in any case considerably indirectly.

FINANCE DEPARTMENT :

Bombay Castle, 14th September 1928.

## APPENDIX 6.

## BILL No. XXVIII OF 1928.

*A Bill to amend the Bombay University Act, 1928.*

(As published in the "Bombay Government Gazette"  
of the 22nd September 1928.)

WHEREAS it is expedient to amend the Bombay University Act, 1928, in manner hereinafter appearing: It is hereby enacted as follows:— Bom. IV  
of 1928.

1. *Short title.*—This Act may be called the Bombay University (Amendment) Act, 1928.

2. *Amendment of section 18 of Bom. IV of 1928.*—In sub-section (2) of section 18 of the Bombay University Act, 1928, hereinafter called the said Act, Bom. IV  
of 1928.

(i) in clause (e) the words "and military" shall be repealed;

(ii) after clause (e) the following shall be inserted, namely:—

"(ee) make grants from the funds of the University towards the maintenance of any University Corps established for the University under the Indian Territorial Force Act, 1920;" XLVIII  
of 1920.

3. *Amendment of section 33 of Bom. IV of 1928.*—After clause (k) of sub-section (2) of section 33 of the said Act, the following shall be inserted, namely:—

*Cf. VIII of 1904, s. 25 (2) (o).* " (kk) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination and the conditions to be complied with by candidates for the Matriculation Examination whether sent up by recognised schools or not; "

4. *Amendment of section 35 of Bom. IV of 1928.*—Clause (e) of sub-section (1) of section 35 of the said Act shall be repealed.

[Appendix 6—contd.]

STATEMENT OF OBJECTS AND REASONS.

The objects of the Bill are explained in the following notes on clauses :

*Notes on clauses.*

*Clause 2.*—Section 18 (2) (e) of the Bombay University Act, 1928, empowers the Senate to make provision for the military training of students and appears to assign to the authority of the University a function properly belonging to the Military Department. This was not intended. In fact the Military Department has provided all the requisite facilities for the military training of students under the Indian Territorial Force Act, 1920. The object of the amendment, therefore, is to make it clear that the provision is not intended to do anything beyond enabling the University to make financial provision for the military training of students.

*Clauses 3 and 4.*—The effect of section 35 (1) (e) is to give power to the Syndicate themselves to frame ordinances laying down *inter alia* the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination. This gives the Syndicate control over the policy of Secondary Education, which was not intended. It is, therefore, proposed to transfer this provision to section 33 (2), thereby transferring to the Senate the power to make statutes with regard to the matters mentioned in section 35 (1) (e). Statutes framed by the Senate under section 33 are subject to the sanction of the Chancellor under section 34 (2).

HARILAL DESAIBHAI DESAI.

## APPENDIX 7.

*Statement of demand for supplementary grant covered by reappropriation.*

**TRANSFERRED 3.**—The Honourable Dewan Bahadur HARILAL  
D. DESAI.

Purchase of Sera and Vaccine, Civil Veterinary Department,  
Bombay Presidency.

A provision of Rs. 25,000 has been made in the current year's budget for the purchase of sera and vaccine for the Civil Veterinary Department in the Presidency proper. Owing to widespread outbreaks of Haemorrhagic Septicæmia and Black quarter this year, large quantities of sera and vaccine had to be used and the expenditure at the end of August 1928 amounted to Rs. 21,060. The Superintendent therefore applied for a further grant of Rs. 20,000 for expenditure during the remainder of the year. As the grant was urgently required, Government have sanctioned it and propose to meet it by reappropriation from the reserve at the disposal of the Finance Department.

*Reappropriation suggested.*

Demand voted and now reduced.

47, Miscellaneous (Transferred).

Rs. 8,76,788—Rs. 20,000.

Demand voted and now increased.

34—Agriculture, Rs. 26,32,900

plus Rs. 20,000.

**FINANCE DEPARTMENT :**

Bombay Castle, 14th September 1928.



## APPENDIX 8

*Statement of Demand for a Supplementary Grant*

RESERVED 4.

The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH.Additional Funds required for the Lloyd Barrage and Canals  
Construction Scheme.

In the budget estimate for the current year the voted grant under the head "55-Construction of Irrigation, Navigation, Embankment and Drainage Works" is Rs. 2,13,72,000 and it includes a provision of Rs. 1,96,23,000 for the Lloyd Barrage and Canals Construction project as shown below :—

	Rs.
Works .. .. .	1,60,83,000
Establishment .. .. .	28,07,000
Tools and Plant .. .. .	1,41,000
Pensionary charges .. .. .	4,00,000
Suspense Account .. .. .	1,92,000
	1,96,23,000

In preparing the current year's budget estimate for the Lloyd Barrage and Canals Construction Project a lump deduction of Rs. 25 lakhs was made by Government from the Chief Engineer, Lloyd Barrage and Canals Construction's original demand under "I-Works" in order to avoid interest charges on any possible unspent balances of loan money. A similar cut of Rs. 25 lakhs was also made in the estimates for the last official year 1927-28, but it will be recalled that progress was so fully up to expectations that year, that an additional grant of Rs. 14,19,000 had to be obtained from the Legislative Council in March 1928 in addition to a sum of Rs. 50,000 made available from savings on other works under the head "55." While this additional grant was in the process of sanction the Chief Engineer asked for a further sum of about Rs. 11 lakhs, but as the demand was received too late for submission to the Legislative Council, Government had to instruct the Chief Engineer to restrict the expenditure in 1927-28 to the modified grant *plus* the supplementary grant sanctioned by the Legislative Council. For this reason some of the adjustments, which were unavoidable and had to be made last year, caused an excess over the grant for that year and some payments had necessarily to be deferred to the current year. These charges are therefore partly responsible for the necessity of the additional grant now being asked for.

Another and the main reason for the necessity of the present demand is, that, as in 1927-28 progress of work in all Circles and Divisions of the Scheme has so fulfilled expectations that the deduction of Rs. 25 lakhs from the Chief Engineer's original demand for the *current year* is now required to be restored. According to the Chief Engineer's latest report it appears that in the current year he could spend some

[Appendix 8—*contd.*]

45 lakhs more than the current year's budget grant for the Lloyd Barrage and Canals Construction Scheme. The chief items of extra expenditure reported by him are as follows:—

<i>I—Works</i>	Rs.
(1) Eastern Nara Cuts 11, 12 and 13 and Embankments on both the sides of the Eastern Nara (partly debitable to the Lloyd Barrage and Canals Construction Scheme and partly to the existing canals on the Eastern Nara) .. .. .	3,43,000
(2) Completion of the Railway diversion and bridge at Arain in the North-Western Circle ..	2,30,000
(3) Payment of the cost of some of the Dragline Machines obtained for the North-Western and Western Circles which could not be paid for last year	1,20,000
(4) Works connected with regulators, falls, bridges, etc., in the Western and Rohri Canal Circles.	1,88,000
(5) Additional plant and machinery required in Dragline Workshop, Rohri Canal Circle and Power Supply Division .. .. .	11,35,000
(6) Certain works in the Right Works Division which could not be foreseen and extra piling and early receipt of the sills and grooves for the Barrage	7,00,000
	<hr/> 27,16,000
(7) Further <i>probable</i> expenditure on works in the current year .. .. .	16,19,000
Total works ..	43,35,000
(8) Tools and Plant (Ordinary) .. .. .	23,000
(9) Suspense .. .. .	1,84,000
Grand Total ..	<hr/> 45,42,000

The Chief Engineer is, however, unable to frame his *total* final requirements at this stage of the year and therefore he has applied for a supplementary grant of Rs. 25 lakhs only for the present, as this is immediately required by him for expenditure under "I—Works". It will thus be seen that it is very essential to provide this minimum amount of Rs. 25 lakhs so as not to retard the progress of the work and the sanction of the Legislative Council is requested to the supplementary grant of this amount. To cover this amount it is proposed to borrow temporarily Rs. 25 lakhs from the working balance of the Development Department for six months, which will be returned to that Department at the end of this year by borrowing an equivalent amount from the Government of India to cover the expenditure permanently.

*Demand voted and now increased.*

"55—Construction of Irrigation Works—Reserved".

Rs. 2,13,72,000 plus Rs. 25,00,000

Finance Department.

Bombay Castle, 19th September 1928.

APPENDIX 9.

*Statement of demand for a supplementary grant.*

RESERVED 5.

The Honourable Sir GHULAM HUSSAIN  
HIDAYATALLAH, Kt.,

All the works pertaining to the Bombay Development Scheme being until last year in the constructional stage, all expenditure incurred thereon was classified under the capital expenditure head "59-Bombay Development Schemes" and the interest and sinking fund charges incurred in connection with the borrowing of the Development Department, for all works, were merged in the provisions made under the head "19-Interest" and "21-Appropriation for reduction or avoidance of debt". Last year some of the schemes of the Development Department had sufficiently developed to warrant the opening of a revenue account for the Bombay Development Schemes as a whole. It was therefore decided, with the sanction of the Secretary of State for India, to open a new revenue expenditure head "42-Bombay Development Scheme" with a corresponding revenue receipt head 'XXXI-Bombay Development Scheme' for these schemes. The industrial housing scheme was the first scheme transferred to the revenue account of the Bombay Development Scheme as a whole, the voted provision made for that scheme in the last year's budget under "59-Bombay Development Scheme" being transferred to the revenue head by a supplementary demand for the latter head obtained from the Legislative Council at its session held in September-October 1927.

It has now been decided to open revenue accounts similarly for the schemes of water and electric supply to the Ambernath industrial area from the current year, and the sanction of the Legislative Council is requested to the following voted amounts on account of these schemes, at present provided in the budget under "59-Bombay Development Scheme", being now provided under "42-Bombay Development Scheme".

Name of Scheme	A-Work and Acquisition Part II, Repairs and maintenance	B-Establishment.
Suburban Scheme No. 21—Ambernath Water Supply ..	Ra. 25,313	Ra. 9,793
Suburban Scheme No. 23—Ambernath Electric Supply ..	32,800	12,473
Total Ra. ..	58,113	22,265

*Demand voted and now increased.*

42—Bombay Development Scheme

Rs. 3,78,000 plus Rs. 80,378.

Finance Department.

Bombay Castle, 21st September 1927.

## APPENDIX 10.

*Statement of Demand for a Supplementary Grant.*

RESERVED 6.

The Honourable Mr. J. L. RIEU.

Expenditure on relief purposes in the areas affected  
by the floods of July 1927.

In October 1927, the Legislative Council voted a supplementary grant of Rs. 10,55,076 for direct expenditure on flood relief measures in Gujarat and Sind under "43—A, Famine Relief." It was at first expected that the relief operations would be completed and the grant fully utilised within the year 1927-28. No provision was therefore made in the current year's estimates on this account. At the end of the year 1927-28, it was found that larger amounts than had been previously anticipated remained unutilised and the officers concerned pointed out the necessity for the continuance of the relief work during the current year. Government therefore sanctioned an allotment of Rs. 1,13,000 for general relief measures in Gujarat, including free grants for reconstruction of houses. In Sind, the staff required for flood reconstruction work was continued up to 31st July 1928. In Gujarat, the actual work of flood relief was finished by June 30th, but the retention of some of the staff for preparing the accounts, etc., was found necessary. Grants of Rs. 8,200 and Rs. 33,474 are respectively required for these purposes. A sum of Rs. 20,000 is also required for the acquisition of land for new village sites where these have been found to be necessary. Government further sanctioned a grant-in-aid not exceeding Rs. 12,850 to the Provincial Co-operative Bank and other banks in Gujarat and Sind. This grant is equivalent to one year's interest at 5 per cent. on loans made by the banks to members of co-operative societies before 1st October 1927 for objects other than house-building and house-repairing for which loans under the Agriculturists' Loans Act are permissible, and was made on the understanding that the banks would not charge interest to the members for one year on these loans. The grant-in-aid was to be paid after the year's interest accrued in the current year. The sanction of the Legislative Council is accordingly now requested to the following grants:—

(1) General relief measures in Gujarat including free grants for reconstruction of houses . . . . .	Rs. 1,13,000
(2) Extra staff for reconstruction work in Sind . . . . .	8,200
(3) Extra staff for tagai and other loans distribution work in Gujarat . . . . .	33,474
(4) Acquisition of land for new village sites . . . . .	20,000
(5) Grant-in-aid to Provincial and other Co-operative Banks . . . . .	12,850

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 1,87,524

[Appendix 10—*contd.*]

It is proposed to meet the expenditure by the transfer of a sum of Rs. 1,87,524 from the Famine Insurance Fund to "43—A, Famine Relief."

*Demand voted and now increased.*

" 43—A, Famine Relief. "

Rs. 6,27,000 *plus* Rs. 1,87,524.

Finance Department.

Bombay Castle, 24th September 1928.

## APPENDIX 11.

## BILL No. XXVII OF 1927.

*A Bill further to amend the City of Bombay Municipal Act  
(Act No. III of 1888)*

## REPORT OF THE SELECT COMMITTEE

We, the undersigned members\* of the select committee appointed to consider Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, Act No. III of 1888), have the honour to submit the following report :—

The Bill, without clauses 3 and 4 which were held out of order, was submitted to us for consideration, and we have carefully considered it. The Bill as originally drafted provided for the increase in the number of members of the Corporation from 106 to 110 and for the nomination of these four additional members by Government, in consultation with the labour organisations, for the representation of labour employed in different trades and industries. We are, however, of opinion that the number of the councillors should not be increased. We recommend that the number of the members nominated by Government should be reduced from 16 to 12, and 4 members should be elected to represent manual workers employed in trade and industry. We are of opinion that the election for the representation of labour should be confined to the registered trade unions of manual workers employed in trade and industry and that such election to the Corporation should not be direct but through an electoral college of delegates elected by such registered trade unions. We have accordingly deleted clauses 1 and 2 and have suggested various changes to give effect to our recommendations as noted above.

*Clause 2.*—We suggest adding to section 3 of the Act three definitions which are necessary for the new procedure that we suggest for the election of the representatives of labour on the Municipal Corporation.

*Clause 3.*—The changes suggested in section 5 of the Act provide for the reduction of nominated members from 16 to 12 and for the election of four councillors to represent labour through an electoral college of delegates.

*Clause 4.*—We propose that a new section 11-A be added to the Act to provide for the qualification of voters for the election of delegates, and

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\*Note.—The Signatures of Messrs K. F. Nariman, J. B. Petit, H. V. Pataskar, Dr. B. R. Ambedkar, Dr. P. G. Solanki and Sir Vasantree Dabholkar, Kt., will be notified when received.

[Appendix 11—*contd.*]

we suggest that the right of vote should be confined to a member of a registered trade union as defined in clause 2 or to an officer of such trade union provided that he has resided in the City of Bombay for six months immediately preceding the first day of September. We, however, think that a person should have been a member of such trade union at least for six months immediately preceding the first day of September before he becomes entitled to a vote. We do not think that this restriction is necessary in the case of an officer of a registered trade union.

*Clause 5.*—We propose that a new section 14-A be added to provide that only a person who has been elected as a delegate shall be entitled to be elected as a councillor on the corporation.

*Clause 6.*—We recommend that a new section 21-A be added to the Act in order to lay down in one place all the procedure regarding the election of delegates by the registered trade unions and for the election of councillors by the electoral college of delegates. We think that a minimum membership of 200 is necessary before a registered trade union is entitled to elect a delegate, and we suggest that for every 300 members in addition to the first 300 a registered trade union should be entitled to elect one more delegate. In order that small registered trade unions with membership of less than 200 should not be at a disadvantage in the matter of election of delegates, we suggest that such small registered trade unions should be allowed for the purpose of election to combine, provided due notice of such combination is given to the Municipal Commissioner. We think that the election of delegates to the electoral college should be left entirely to the registered trade unions, the Commissioner only calling on them to submit the electoral roll and deciding any questions that may arise as to the correctness of any entry or omission of any name in such roll. We accordingly recommend that the names of persons reported to have been elected as delegates by the registered trade unions should be accepted as final and that the election of such delegates should not be open to question in any court. On the receipt of the names of the persons elected as delegates, the Municipal Commissioner should prepare a nominal roll of delegates constituting the electoral college. We think that the election of the four councillors by the electoral college should take place fourteen days after the ward elections and that except where otherwise provided all the provisions of the City of Bombay Municipal Act relating to electoral roll, nominations, elections, appeals and expenses should, as far as possible, apply to the election of councillors by the electoral college of delegates.

We have omitted original clause 5 in the Bill and have made necessary provision in the amended Bill for the purpose of giving effect to the provisions of this Bill in the municipal general elections of 1929.

We direct that this report, together with the minutes of dissent, if any, and the Bill as amended, should be translated into Marathi, Gujarati,

[Appendix 11—contd.]

Kanarese and Urdu, and should be published with the translations in the *Bombay Government Gazette*.

- (Signed) G. B. PRADHAN.  
 ( " ) S. K. BOLE (*subject to a minute of dissent*).  
 ( " ) R. M. MAXWELL (*subject to a minute of dissent*).  
 ( " ) F. W. ALLISON (*subject to a minute of dissent*).  
 ( " ) HOOSEINBOHY A. LALLJEE.  
 ( " ) HAJI IBRAHIM JITEKAR.  
 ( " ) NARAYANDAS ANANDJI BECHAR.  
 ( " ) R. S. ASAVALE.  
 ( " ) SYED MUNAWAR.  
 ( " ) JETHALAL CHIMANLAL SWAMI-NARAYAN (*subject to a minute of dissent*).  
 ( " ) PHEROZESHAH J. MARZBAN (*subject to a minute of dissent*).  
 ( " ) R. V. VANDEKAR.

(*Minute of dissent by Mr. S. K. Bole, M.L.C.*)

I am of opinion that the present number of members of the Bombay Municipal Corporation should be increased from 106 to 110 for giving four seats to labour and that the number of the nominated members should not be reduced.

I am also against the complicated system of electoral colleges and I am in favour of a direct method of election.

(Signed) S. K. BOLE.

Poona, 10th September 1928.

(*Joint minute of dissent by Mr. R. M. Maxwell, I.C.S., M.L.C., and Mr. F. W. Allison, I.C.S., M.L.C.*)

Government, by means of nomination, has to provide for the representation of a variety of interests including its own. We cannot therefore agree to a reduction of more than two out of the present number of 16 nominated councillors. If more than two seats are to be reserved for the election of labour representatives, any additional number should be provided by increasing to that extent the total number of councillors in the Corporation.

(Signed) R. M. MAXWELL.

( " ) F. W. ALLISON.

11th September 1928.



[Appendix 11—*contd.*]

(*Minute of dissent by Mr. J. C. Swaminarayan, M.L.C.*)

I agree with the report of the Select Committee on Bill No. XXVII of 1927 (A Bill further to amend the City of Bombay Municipal Act, 1888) except in two particulars :—

(1) When an entry or omission is contested by an aggrieved person, the Commissioner shall be required to give an opportunity to the opposite party against whom an application has been made, and

(2) When the report of the election of delegates has been made by a registered trade union, the Commissioner shall be empowered to hear any dispute that may be forthcoming within three days from aggrieved persons and to decide the same after making enquiries.

(Signed) JETHALAL CHIMANLAL SWAMINARAYAN.

Poona, 11th September 1928.

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(*Minute of dissent by Mr. P. J. Marzban, M.L.C.*)

I agree with the whole report except the Select Committee's decision to restrict the definition of "Registered Trade Union" to a trade union of *manual workers* only, employed in trade and industry duly registered. It means that section 2 of this Act, sub-clause (ee), proposes to exclude from the benefit of this Act labour employees *not* doing *manual work*, i.e., actual labour with the hands, and who toil on with routine work with their brains, e.g., proof-readers, reporters, petty clerks, etc. I see no reason why this class of labourers should be treated in this step-motherly fashion. I therefore am opposed entirely to sub-clause (ee) of section 2 of this Act, and would suggest its deletion.

(Signed) PHEROZESHAH J. MARZBAN.

[Appendix 11—contd.]

## BILL No. XXVII OF 1927.

*A Bill further to amend the City of Bombay Municipal Act (Act No. III of 1888.)*

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in the manner hereinafter provided; it is hereby enacted as follows:—

Bom. III of  
1888.

1. ~~In section 5 (1) of the said Act the clause,—“The Corporation shall consist of one hundred and six councillors,”—shall be substituted by—“The Corporation shall consist of one hundred and ten councillors.”~~

2. ~~In the same section 5 (1) of the said Act, before the clause—“And ten coopted councillors elected by.....” the following shall be added:—~~

~~“Four shall be representatives of labour employed in different trades and industries in the City who shall be nominated by Government in consultation with the respective labour organizations.”~~

3. ~~In section 5 (1) of the said Act, the following words shall be added to the clause—“Seventy six councillors elected at Ward elections”:—~~

~~“Each ward being entitled to return such number of representatives as may be justified by the proportion which its population bears to the total population of the City.”—(Schedule B of the Act be revised accordingly.)~~

4. ~~In paragraph 1 of section 11 (2) of the said Act, the word “Ten” shall be substituted by the word “Three.”~~

5. ~~These changes in the qualifications of electors and addition to and redistribution of seats shall come into force with effect from the municipal general elections of 1929.~~

1. Short title.—*This Act may be called the City of Bombay Municipal (Amendment) Act, 1927.*

2. Amendment of section 3 of Bom. III of 1888.—*To section 3 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following clauses shall be added as clauses (ee), (ff) and (gg), namely:—*

Bom. III of  
1888.

(ee) “Registered trade union” means a trade union of manual workers employed in trade and industry, registered under the Indian Trade Unions Act, 1926, or other law for the registration of trade unions for the time being in force.

(ff) “Delegate” means a person elected by the officers or members of a registered trade union as a member of the electoral college under the provisions of section 21-A.

[Appendix 11—contd.]

(gg) "*Electoral college*" means a body of delegates elected by registered trade unions for the purpose of electing councillors to the Corporation.

3. Amendment of section 5 of Bom. III of 1888.—In section 5 of the said Act, (a) for the word "sixteen" the word "twelve" shall be substituted; and

(b) below the words "one by fellows," the following shall be inserted, namely:—

"four councillors elected by delegates."

4. New section 11-A of Bom. III of 1888.—After section 11 of the said Act, the following section shall be inserted:

"11-A. Qualifications of voters at election of delegates.—Every member and every officer of a registered trade union shall be entitled to be enrolled as voter in the electoral roll of the registered trade union and when so enrolled shall be entitled to vote at the election of delegates, provided—

(1) in the case of a member that he has been a member for six months immediately preceding the 1st day of September 1928 and for the purpose of future elections for six months immediately preceding the 1st day of September in the year in which the electoral roll of delegates is published;

(2) in the case of an officer that he was an officer on the date of publication of the electoral roll; and

(3) that he has resided in the city for six months immediately preceding the first day of September aforesaid."

5. New section 14-A of Bom. III of 1888.—After section 14 of the said Act, the following section shall be inserted, namely:—

"14-A. Qualifications for election as a councillor by delegates.—A person shall not be qualified to be elected as a councillor by the delegates unless he is enrolled in the electoral roll of delegates."

6. New section 21-A of Bom. III of 1888.—After section 21 of the said Act, the following shall be inserted, namely:—

"21-A. Procedure regarding election of delegates and councillors.—The election of the delegates, and of councillors by the delegates shall be made in accordance with the following provisions, namely,—

(a) The councillors shall be elected by an electoral college of delegates constituted as provided in the following clauses:—

(b) Every registered trade union which had on the first day of September not less than 200 and not more than 300 members on its register of members exclusive of officers shall be entitled to elect one delegate to the electoral college.

## [Appendix 11—contd.]

For every complete multiple of 300 members in addition to the original 300 such union shall be entitled to elect one additional delegate.

(c) For the purposes of this election, any two or more registered trade unions may combine to elect delegates, and shall be deemed to be one registered trade union, provided that—

(i) the membership of each of such registered trade unions is less than 200;

(ii) notice of such combination is given to the Commissioner three days before the electoral roll of such trade unions is submitted to him.

(d) Within seven days of the coming into operation of this Act, and, for the purposes of future elections, before the first day of September the Commissioner shall call on every registered trade union to prepare and submit within ten days the electoral roll of its members and officers entitled to vote at the election of delegates. A copy of such roll shall from the same day be kept at the office of the registered trade union open to the inspection of any member.

(e) Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days after the date fixed for such submission. The Commissioner shall thereupon decide the matter, and his decision shall be final and conclusive.

(f) The electoral roll of the registered trade union shall be corrected in accordance with the decision passed by the Commissioner and shall thereafter be the electoral roll of the registered trade union. Such roll shall be kept at the office of the registered trade union open to the inspection of any member.

(g) The Commissioner shall then decide and inform each registered trade union how many delegates it is entitled to elect to the electoral college.

(h) Thereafter, within ten days, the members and officers of each registered trade union shall elect the specified number of delegates. Every such elector shall have as many votes as there are delegates to be elected by the registered trade union in which he votes, and shall be entitled to accumulate all of them upon one candidate, or to distribute them amongst the candidates as he pleases.

(i) The registered trade union shall immediately report the names of the delegates to the Commissioner. The election of members whose names are so reported shall not be open to question, in any court or otherwise.

[Appendix 11—concl.]

(j) *The Commissioner shall then prepare and publish a nominal roll of delegates so elected constituting the electoral college. The roll shall show by which registered trade union each delegate was elected, and shall state his address.*

(k) *On or before the 15th of January 1929 and for the purpose of future election on or before the 20th day of December the Commissioner shall give notice by advertisement in the local papers of the publication of the said roll and the place at which and the fee for which copies of it may be obtained.*

(l) *The election of the four councillors by the electoral college of delegates shall take place fourteen days after the ward elections.*

(m) *Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates."*

## APPENDIX 12.

## BILL No. XXII OF 1928.

*A Bill to amend the Bombay Pleaders' Act (No. XVII of 1920).*

(As introduced on the 31st July 1928 and published in the "Bombay Government Gazette" of the 11th August 1928.)

WHEREAS it is expedient to amend the Bombay Pleaders' Act, 1920, in manner hereinafter appearing; It is enacted <sup>Bom. XVII of 1920.</sup> as follows:—

1. *Short Title.*—This Act may be called the Bombay Pleaders' (Amendment) Act, 192 .

2. *Amendment of section 4 of Bom. XVII of 1920.*—In section 4 at the end of clause (2) should be added "provided that where the District for which the Sanad is to be issued includes an area which for administration of criminal justice and revenue is included in another District the names of both these Districts may be so specified."

3. In section 5

(a) *Amendment of section 5 of Bom. XVII of 1920*—at the end of clause (1) should be added "except as provided in section 4, clause (2)."

(b) in clause (2), after the word "District" wherever it occurs the words "or Districts" should be inserted.

(c) in clause (3), after the word "District" where it first occurs, the words "or Districts" should be inserted.

4. *Amendment of section 8 of Bom. XVII of 1920.*—In section 8, paragraph (1), after the word "District" add the words "or Districts."

## STATEMENT OF OBJECTS AND REASONS.

Government have recently, by their Notification No. 2237/2, dated 5th October 1927, included the talukas of Amalner and Parola in the District of West Khandesh for civil judicial work from 1st January 1928. For purposes of Revenue and Criminal work, they continue to be included in the district of East Khandesh. There are a number of pleaders practising at Amalner where a second class sub-judge's court having jurisdiction over the talukas of Amalner and Parola is located. Under the Pleaders' Act, as it stands, they can have issued to them a sanad only in respect of one district, either the district of East Khandesh or the district of West Khandesh. If they get sanads for the district of East Khandesh only, they cannot appear and work in the civil court located at Amalner; if they get sanads for the district of West Khandesh only, they are not in a position to appear and work as of right in the revenue courts of the

[Appendix 12—*contd.*]

mamlatdars of Amalner and Parola or in the criminal courts of East Khandesh district, even when they are dealing with cases coming from those two talukas. Such difficulties may arise in other districts as well. The present Bill is therefore brought to enable the High Court to issue sanads in certain cases in respect of two districts to obviate any chance of unnecessary hardship or disadvantage.

H. V. PATASKAR.

## APPENDIX 13.

## BILL No. XXIII OF 1928.

*A Bill to amend the Bombay Act No. V of 1879,  
The Bombay Land Revenue Code.*

(As introduced on the 31st July 1928 and published in the  
"Bombay Government Gazette" of the 11th August 1928.)

WHEREAS it is expedient to further amend Bombay Rom. V  
Act No. V of 1879, the Bombay Land Revenue Code; of 1879.  
It is hereby enacted as follows:—

1. *Short Title.*—This Act may be called the Bombay  
Land Revenue Code (Amendment) Act of 192 .

2. *Amendment of section 216 of Bom. V of 1879.*—In the Rom. V  
last paragraph of section 216 of the Bombay Land Revenue of 1879.  
Code, after the words "on the application in writing being  
made by the holder of any such village to that effect" add  
the words "or where there are more than one of such holders  
of the village, by the holder or holders of the village receiving  
in the aggregate three-fourths or more of the revenue of the  
village and paying three-fourths or more of the judi that is  
annually payable to the Government."

## STATEMENT OF OBJECTS AND REASONS.

This amendment is intended to facilitate the extension of survey and revision survey settlement to alienated villages. In an alienated village where there are a number of sharers, it happens that a sharer holding an insignificant share of the village does not consent to the introduction of the survey settlement or the revision survey settlement, and under the existing law, survey settlement or revision survey settlement cannot be introduced when such a sharer raises an objection. The benefits of survey settlement to tenants and occupants are well known. This amendment will enable the Government to introduce survey settlement in an alienated village where the holders of three-fourths share of the revenue of the village desire it, and while doing no injustice to the holders of the village, will extend the benefits of the survey settlement to the tenants and occupants of the alienated village.

R. R. KALE,  
M.L.C.



## APPENDIX 14.

## AGENDA

Supplementary agenda for the third Session (1928) of the Bombay Legislative Council which commenced on the 24th September 1928. (Vide Standing Order X, I, i (d).)

*Resolutions by Mr. Jairamdas Donlatram, M.L.C.*

1. "This Council recommends to the Governor in Council to urge upon the Railway Board the desirability of taking early steps to start the construction of a direct Bombay-Sind connection and of a feeder railway from Amarkote to Jhudo in Thar Parkar District of Sind."
2. "This Council recommends to the Governor in Council that the Hindustani language should be made a compulsory subject in the curriculum of secondary schools in the province of Bombay and that all necessary steps should be taken to make this possible at an early date."

*Resolution by Mr. D. A. Janvekar, M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

*Resolutions by Mr. V. N. Jog, M.L.C.*

1. "This Council recommends to Government that they be pleased to recommend to the Government of India that all the Kanarese speaking districts of British India including Coorg be formed into an independent Governor's province like other major provinces."
2. "This Council disapproves of the recent Press Note No. 4057, dated the 15th May 1928, of Government in the Educational Department, proposing to increase the schedule of fees in Government colleges at Bombay and Poona and in secondary schools at Bombay, Karachi and in the mofussil and recommends that the present scale of fees should not be raised."

*Resolution by Khan Sahib Rais Fazal Muhammad  
Laghari, M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present Legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

## [Appendix 14—contd.]

*Resolutions by Mr. H. V. Pataskar, M.L.C.*

1. "This Council recommends to Government to convey to the Government of India and the British Parliament their demands for full Dominion status for India and complete Provincial Autonomy in agreement with the Report of the Nehru Committee appointed by all Parties Conference."

2. "This Council recommends to Government to take immediate steps to effect complete separation of judicial and executive functions."

3. "This Council recommends to Government to introduce legislation for stopping all forms of gambling on the race courses in this Presidency."

4. "This Council recommends to Government to take immediate steps to improve the causeway over the river Titur at Chalisgaon."

5. "This Council recommends to Government to reconsider the wholesale commutations of Kulkarni watan effected in this Presidency in or about the year 1914 and to restore Kulkarni watan with right of service to those belonging to Watan families who are prepared to officiate."

6. "This Council recommends to Government to increase the remuneration paid to officiating Patels."

7. "This Council recommends to Government to frame definite rules to be observed in making appointments of honorary magistrates and to submit them to this Council for approval or modification."

*Resolutions by Rao Saheb D. R. Patil, M.L.C.*

1. "This Council recommends to Government to appoint a committee of the members, officials as well as non-officials, of this Council to enquire into the working of the Dekhan Agriculturists' Relief Act and suggest to Government for action such modifications in the Act as are essential to protect the interest of the agriculturists."

2. "This Council recommends to Government that no talati be kept in service at one place for more than three years."

*Resolutions by Mr. S. A. Sardesai, M.L.C.*

1. "This Council places on record its high sense of appreciation of the able and invaluable services rendered to this Presidency in general and to this Council in particular by the Honourable Sir Chunilal Mehta, K.C.S.I., in the capacity of both Revenue and Finance Member of Government and of Leader of this Honourable House."

2. "This Council recommends to Government not to recognise the adoption by a watandar holding a sanad under the Gordon settlement of a person who is not a member of the watan family without the unanimous consent of all the sharers of the watan and the consequent consent of the Government."

3. "This Council recommends to Government to organise the Public Health Department by the appointment of Health Officers and properly

[Appendix 14—*contd.*]

trained staff in every district and major municipality, and to make a beginning in this direction by provincialising the Health Officers already employed by local bodies."

4. "This Council places on record its grateful acknowledgment of the valuable services rendered to this Presidency by the Honourable Sir Cowasji Jehangir, Kt., C.I.E., O.B.S., as General Member of Government."

5. "This Council recommends to Government to investigate the following four irrigation schemes so as to relieve a large portion of the famine stricken district of Bijapur, namely :—

- (1) Herkal scheme (on the Ghataprabha river near Bagalkot).
- (2) Shivayogimandir scheme (near Badami on the Malaprabha river).
- (3) Ramtal scheme (near Kamatgi causeway on the Malaprabha river).
- (4) Aliholi scheme (on the Malaprabha river)."

6. "This Council recommends to Government that the provision relating to the record of rights should not be made applicable to inam villages and lands throughout the whole of Bombay Presidency."

7. "This Council recommends to Government to open an industrial and technical school at Bijapur immediately."

8. "This Council recommends to Government to open an agricultural school at a suitable place in Bijapur district immediately."

9. "This Council recommends to Government to abolish all tolls levied under Bombay Act III of 1875."

10. "This Council recommends to Government to recommend to the Government of India to exempt all members and past members of the Bombay Legislative Council from the operations of the Arms Act."

11. "This Council recommends to Government to move the Government of India to exempt all Inamdars and Jahagirdars either possessing at least one entire inam village or paying Rs. 250 as either *judi* or land assessment from the operations of the Indian Arms Act, 1874."

12. "This Council recommends to Government to recommend to the Government of India to create a separate electorate of Inamdars and Sardars of the Karnatic districts with a right to return at least one elected member to this Council."

13. "This Council recommends to Government to establish at least one combined Ayurvedic and Unani Medical College for the Bombay Presidency at some suitable centre like the one in Madras."

14. "This Council recommends to Government to move the Government of India to create a new province of Karnatic districts from the Kannada speaking parts of the Bombay and Madras presidencies and Coorg."

15. "This Council recommends to Government that it may be pleased to take necessary steps to have at least two non-Muhammadian representatives in the Bombay Legislative Council from Bijapur district."

[Appendix 14—*contd.*]

16. "This Council recommends to Government that steps be taken to have at least two fast trains running on the Gadag-Hotgi section of the M. S. M. Railways."

17. "This Council recommends to Government to appoint a committee to enquire into and report on the possibilities of opening Karwar as a harbour."

18. "This Council recommends to Government to recommend to the Government of India to connect Karwar port with Hubli by a railway line."

19. "This Council recommends to Government to appoint a committee with a three-fourths non-official majority to consider and report on the present rules regarding the suspensions and remissions of land revenue and to suggest what changes it is desirable to make in them."

20. "This Council recommends to Government that for the better conduct of criminal and revenue administration of this Presidency revenue officers should exercise no powers under laws relating to crimes."

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

*Resolutions by Mr. H. B. Shirdasa ji, M.L.C.*

1. "This Council recommends to Government that for the better conduct of Criminal and Revenue administration of this Presidency, revenue officers should exercise no powers under laws relating to crimes."

2. "This Council recommends to Government to appoint a committee with a three-fourths non-official majority to consider and report on the present rules regarding the suspensions and remissions of land revenue and to suggest what changes it is desirable to make in them."

3. "This Council recommends to Government that Revenue Commissionerships should be abolished."

4. "This Council recommends to Government that all the tanks in the Surat district on which there is special Himayat assessment should be repaired and put in good working order at an early date and that in future the entire receipts from Himayat assessment be utilised for the repair of tanks."

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

1. "This Council recommends to Government to take immediate steps for introducing legislation for the registration and licensing of money-lenders and sowcars such as Marwadis and Pathans on the lines of the Money-lenders Bill recently passed in the Punjab Legislative Council."

2. "This Council recommends to Government that 50 per cent. of the posts of menial staff in Government offices requiring no educational qualifications be reserved for the members of the Depressed Classes, no further appointments to such posts from members of other communities being made until the said proportion of 50 per cent. is reached."

[Appendix 14—*contd.*]

3. "This Council recommends to Government that they should forthwith stop all grants to primary and secondary schools under the control of local bodies who refuse admission to boys and girls of the Depressed (untouchable) classes on the plea of custom and religion and deny the children of the Depressed (untouchable) classes equal treatment with those of other Hindoo communities."

4. "This Council recommends to Government that the term 'Depressed Classes' should henceforth be strictly restricted to those classes which are treated by Hindoos as untouchables and are not allowed entry into the Temples, Dharamshalas and common meeting places of the Hindoos."

5. "This Council recommends to Government that all castes other than those treated as untouchables by Hindoos and now merged in the general nomenclature of the 'Depressed Classes' in the Government Educational Department, should henceforth be classified as the Backward Hindoos."

6. "This Council recommends to Government that a certain number or a fixed percentage of special scholarship be set apart solely for the benefit of the boys and girls of untouchable Depressed Classes apart from those set apart for the Backward Classes in the primary, secondary and high schools."

7. "This Council recommends to Government to reserve at least 10 per cent. of the posts of Government services in all the 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."

8. "This Council recommends to Government to remove all the brothels, houses of prostitutes, public women and singing girls from the main roads in the City of Bombay along which the tram lines pass, and from the vicinity of Municipal and Private Schools, Hindoo Temples, Parsee Fire Temples, Mosques and Churches and other places of worship of all other communities and to bring in legislation immediately to put a stop to brothels and prostitution in the City of Bombay."

9. "This Council recommends to Government to request the Government of India to expedite the revision of the Meston settlement concerning the income-tax revenue of the Bombay Presidency and to allot a fair proportion of the said revenue to this Presidency."

10. "This Council recommends to Government to recommend to the Government of India to exempt all the members of the Bombay Legislative Council from the operations of Arms Act."

*Resolution by Mr. Dautoodkhan Shalebhoj, M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present Legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

## [Appendix 14—contd.]

*Resolution by Khan Bahadur Haji Imambakh Khan Jatoi,  
M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present Legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

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

1. "This Council recommends to Government to take steps to amend the rules and the standing orders so that the first reading of a private Bill can be moved on its being introduced in the same way as a Government Bill."

*Resolution by Mr. Ghulam Haidar Shah, M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present Legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

*Resolutions by Mr. M. D. Karki, M.L.C.*

1. "This Council recommends to Government that the existing land revenue assessment in the talukas of Sidlapur, Sirsi and Yellapur in Kanara should not be increased by virtue of the revisional settlement made by Mr. Collins since 1924 but be decreased throughout."

2. "This Council recommends to Government to request the Government of India to take necessary steps forthwith for the formation of an independent province of the Kannada speaking areas within British India."

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

1. "This Council recommends to Government to add a second year training class to the Central Urdu Girls School, Poona."

2. "This Council recommends to Government to establish immediately an Anglo-Urdu Middle School at Jalgaon, district East Khandesh."

3. "This Council recommends to Government to request the Government of India to protect the hand-loom industry from dying out completely by abolishing the extra tax imposed upon yarn and by either prohibiting the production of saris below 30 counts by Indian mills or by imposing a 15 per cent. duty thereupon."

4. "This Council recommends to Government to appoint a committee to inquire into the position of Hindu and Muslim devasthan properties and the use to which they are put at present by the managers of them and to suggest means and measures for making the occupants and possessors of such properties liable to use a sufficient portion of the income thereof for the devasthanas."

[Appendix 14—*conold.*]

*Resolution by Syed Muhammad Kamil Shah, M.L.C.*

1. "This Council recommends to Government to move His Excellency the Governor to extend the life of the present legislative Council by one year pending the inquiry to be made by the Royal Statutory Commission appointed in accordance with the Government of India Act of 1919 to inquire into the working of the system of government under the said Act."

*Resolution by Mr. M. G. Bhosle, M.L.C.*

1. "This Council recommends to Government to take steps to secure two seats in this Council for representation of West Khandesh."

*Resolution by Mr. S. C. Joshi, M.L.C.*

1. "In view of the opinion expressed by the Royal Commission on Agriculture in India, this Council recommends to Government to appoint a committee of the following gentlemen with powers to add to their number, to inquire into the working of the co-operative movement in the presidency in all its aspects and to suggest lines for its future expansion :—

1. Mr. Otto Rothfeld, . . . . . Chairman.
2. Rao Bahadur G. K. Chitale (Ahmednagar),
3. Mr. J. N. R. Mehta (Karachi),
4. Mr. V. N. Jog, M.L.C. (Dharwar),
5. Mr. L. B. Bhopatkar (Poona),
6. Dewan Bahadur A. U. Malji (Broach),
7. The mover.

*Resolution by Rao Saheb R. V. Vandekar, M.L.C.*

1. "This Council recommends to Government to open experimental farms either in the Malegaon or Bagalan taluka of the Nasik District to investigate the problem of irrigated farming on bandharas."

G. S. RAJADHYAKSHA,  
Acting Secretary to the Legislative  
Council of the Governor of Bombay.

Poona, 26th September 1928.

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