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Journal of the Proceedings of the Legislative Council of the Governor
of Bombay, assembled under the provisions of the Government of
India Act, 1915 (5 & 6, Geo. V, Ch. 61).

The Council assembled at 12 noon on Tuesday, the 25th July 1916, in the
Council Hall, Poona.

P R E S E N T .

His Excellency the Right Honourable Lord WILLINGDON OF RATTON,
G.C.I.E., Governor of Bombay, *President.*

The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*

The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable the ADVOCATE-GENERAL.

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI
MUHAMMAD BHURGRI, Bar.-at-Law.

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

The Honourable Dr. C. FERNANDES, M.D.

MUNICIPAL BILL.

[The President; Mr. G. S. Curtis]

[25TH JULY 1916.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL B.
 The Honourable Mr. MALCOLM N HOGG.
 The Honourable Lieut -Col JAMES JACKSON, C. I E, M B, I. M. S.
 The Honourable Mr. J. D JENKINS
 The Honourable Mr BALKRISHNA SITARAM KAMAT
 The Honourable Mr G F KEATINGE, C.I.E, I C S
 The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
 The Honourable Mr DAJI ABAJI KHARE, LL B.
 The Honourable Surgeon-General R. W. S LYONS, M.D., I. M. S.
 The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD.
 The Honourable Mr CHUNILAL VIJBHUKHANDAS MEHTA, LL B.
 The Honourable Mr LALUBHAI SAMALDAS MEHTA, C I E.
 The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
 The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
 The Honourable Mr J P ORR, C S I, I C S.
 The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE
 The Honourable Mr GOKULDAS KAHANDAS PAREKH, LL B
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar -at-Law
 The Honourable Mr ABDUL KADIR *ahas* FAKIR MAHOMED walad
 IBRAHIM KHAN PATHAN
 The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
 The Honourable Mr. F. G PRAIT, I C S
 The Honourable Mr. MUNMOHUNDASS RAMJI.
 The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
 The Honourable Mr PHIROZE C SETHNA.
 The Honourable Mr. W H. SHARP.
 The Honourable Mr. PURSHOTAMDAS THAKURDAS.
 The Honourable Rao Bahadur NARAYAN TRIMBAK VAIDYA
 The Honourable Mr HARCHANDRAI VISHINDAS, LL.B.

The Honourable Mr CHUNILAL VIJBHUKHANDAS MEHTA made an oath of allegiance to the Crown and took his seat

His Excellency the PRESIDENT —Order, order. Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. IV of 1916), second reading
 The Honourable Mr CURTIS

The Honourable Mr G S CURTIS —Your Excellency, at the last meeting of this Council this Bill No. IV of 1916 was referred to a Select Committee for consideration and report. The report of the Select Committee which is a unanimous one has been printed and is now before the Honourable Members of this Council. The principal feature of the report is that the Committee have unanimously agreed that clause 2 (c) of the Bill should for the present be dropped. The reasons for his decision will be found in paragraph 3 of the report.

On behalf of Government I must say that the views of the Committee have received careful consideration and Government concur with the Committee that no good purpose will be served for the present by pursuing the consideration of this particular subject, that is to say, the constitution of the Schools' Committee.

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[*Mr. G S Curtis, Mr Chunilal Vybhukhandas Mehta*]

Government are aware that there has been considerable discussion in another place with regard to the possible changes in the constitution of the Committee and improvement of the arrangements for imparting primary education in the city of Bombay, and Government consider that it would be undesirable, until the discussion and deliberations of the Corporation of Bombay are complete, that any further step should be taken to alter the existing arrangements. Government, therefore, accept the decision of the Committee that clause 2 (c) should for the present be dropped.

The other paragraphs of the report of the Select Committee do not at the present moment seem to call for comment.

I therefore propose, Sir, the second reading of the Bill No. IV of 1916.

The Honourable Mr CHUNILAL VIJBHUKHANDAS MEHTA.—Your Excellency, it is with considerable diffidence that I rise to address this Council on the first day of taking my seat upon it. There is not much fortunately to be said about the Bill as it now stands, stripped as it is of the objectionable clause to which the Honourable Member in charge just now referred.

About the remaining clauses which have been introduced at the instance of the Corporation, there is no room for further discussion. The clause for the appointment of the Executive Health Officer to duties which have for their object the furtherance of public health was also introduced at the instance of the Corporation. It was asked for by the Corporation though by a small majority. It is only an enabling clause and the Corporation may well be left to consider, and in individual cases to decide, whether the Executive Health Officer should be so permitted to join outside Committees with due regard to the Corporation's own interests.

Under the circumstances I hardly think it necessary to take up the time of this Council, particularly in view of the speech of the Honourable Member in charge of the Bill.

But certain remarks of the Select Committee call for comment. Its report is calculated to create an impression that there is something rotten in the state of the School's Committee's Budget. The Select Committee appears to have found everything out of joint. It however recognizes that it was not born to set it right, and suggests to this Council and to Government that the Corporation be invited to bring forward amendments of the Act necessary for recasting the existing system.

Now with regard to this suggestion, your Excellency, I cannot help thinking that the Select Committee has somewhat gone beyond its powers, beyond the reference that was made to it. It was asked to report upon a particular clause, and, not confining itself to this specific issue, it has gone into the whole system and administration of the Schools' Committee. The Corporation, I have no doubt, appreciate the consideration that has been shown to them by the withdrawal of this clause to which they took exception, but, with your Excellency's permission, I would like to show how the reasons which have been given by the Select Committee are calculated to cause misunderstanding. It would appear from the report of the Select Committee that so serious were the irregularities discovered by it with regard to the system and administration of the Schools' Committee, so serious were the defects in its system of accounts and its audit, and so great was the danger involved in its longevity that far more drastic changes are necessary than the mere check of the presence of the Municipal Commissioner on the Schools' Committee. I might ask if the Select Committee was justified in venturing upon this long tramp? But I do not propose to take my stand on merely technical grounds. I however venture to inquire what grounds the Select Committee had for coming to this conclusion and what investigations they made

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to warrant such sweeping assertions? I venture to submit, and in the absence of any information before us to show that the Select Committee entered into any such investigation, that it is highly undesirable that the administration of a public body of the position of the Corporation—for after all it is the Corporation that is responsible for primary education in the City—should be thus severely criticised. Is it fair, is it correct in principle that this condemnation should be taken in hand without the Corporation being heard in the matter?

The Select Committee mentioned defects in the system of accounts of the Schools' Committee. Let me explain here as briefly as possible what is the exact position with regard to this now. About the end of 1912 the Commissioner suggested to the Standing Committee that the accounts of the Schools' Committee should be passed through the office of the Chief Accountant as they were handling large sums of money of both income and expenditure. It is obvious, he said, that there must be many opportunities for small frauds among the large establishment employed, and there is no reason to believe that the school-masters, many of whom still receive a very low rate of pay, should be trusted not to take those opportunities any more than the subordinates of other departments are trusted. I may say here that the total amount that the school-masters handle is about Rs. 30,000 a year in the matter of school fees which, spread over 183 schools, comes up to something under Rs. 15 a month and that they are also in charge of further small sums of Rs. 3 or 4 for contingencies. The total taken together is less than one month's salary of the teachers. The question of taking securities from school-masters in the District Municipalities was on the very ground of the smallness of the sums involved abandoned by Government.

I will turn to the expenditure of the 5 lakhs of rupees presently. In replying to the suggestion of the Commissioner, the Schools' Committee pointed out that there was a proper system of accounts and check and supervision. But the Standing Committee went into all the details at a conference with the representatives of the Schools' Committee and it was agreed that the Schools' Committee should go into the system of accounts with the Chief Accountant, and that after the system that may be decided had been in operation the Committee would have no objection to periodical inspections being made by a competent officer deputed by the Corporation with a view to ascertaining whether the system worked satisfactorily. It is now more than six months since this was decided and no report has been received from the Chief Accountant, though, I understand, he has paid a visit to the Schools' Committee's office. That no elaborate system is required will be apparent from the fact that more than half of the total expenditure of five lakhs of the Schools' Committee is composed of salaries paid to the teachers amounting to nearly two lakhs and sixty thousand and their promotions and pensions, etc., which are regulated by fixed rules. For the rest about sixty-four thousand rupees are spent in grant-in-aid and stipends according to Government rules, and about a lakh and twenty thousand rupees are spent in—

HIS EXCELLENCY THE PRESIDENT:—I am very much averse to interfere with the Honourable Member's speech on the first occasion on which we have had the pleasure of listening to him, but I would like to represent this to him that the particular clause on which he is making his speech has been dropped and therefore it is not a subject for discussion by the Council at this particular time. We are discussing the Bill on its second reading without this particular clause; therefore, I cannot allow my Honourable friend to discuss this particular clause, which is, as he is probably aware, now omitted.

The Honourable Mr. C. V. MEHTA:—The report of the Select Committee is before us and my only object in mentioning this is that the report should not go without challenge, as it is a severe condemnation of the Corporation without its being heard. As I said at the outset, the Corporation fully appreciates the

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Mr. G. Carmichael ; the President*]

consideration that has been shown to it by the withdrawal of this clause To the report alone of the Select Committee to which the members of the Corporation have set their signatures I take objection If Your Excellency rules that I am not in order I will not further deal with that matter. But there are two or three points which the Select Committee have raised which seem to me to call for some explanation on behalf of Government.

The motion for the second reading of the Bill was then put to the vote and carried.

Bill read a second time

Clauses 1 to 10 and the preamble were then put to the vote and carried.

The Honourable Mr. G. S. CURTIS—Your Excellency, I now have the honour to move that the Bill be read a third time and passed into law

The only remark that I wish to make is that any assistance which Government can give either through its educational experts or otherwise to the Municipal Corporation in the solution of the problems which now await them will be given with great pleasure.

The motion for the third reading of the Bill was then put to the vote and carried

Bill read a third time.

**A BILL FURTHER TO AMEND THE BOMBAY ABKARI
ACT, 1878 (BILL NO. III OF 1916).**

His Excellency the PRESIDENT:—A Bill further to amend the Bombay Abkari Act, 1878 (Bill No. III of 1916)—First reading. The Honourable Mr. CARMICHAEL.

The Honourable Mr G. CARMICHAEL—Your Excellency,—I rise to move the first reading of the Bill further to amend the Bombay Abkari Act of 1878.

The Honourable Mr Carmichael
moves the first reading

As will be seen from the Statement of Objects and Reasons, there are two objects in view. The first is to diminish and if possible eradicate in the Kaira district the evil practice of illicit distillation. The second is to take further measures against the illicit traffic in cocaine. With both these objects, I am confident this Council will be in full accord. With regard to the cocaine traffic, though the Excise staff have met with considerable success against individual sellers, they have not been able to reach the persons who organise and finance this form of crime. To strike at them it is proposed to penalise the use of any house or room or place as a resort of persons who take part in the illicit traffic. It is also proposed that persons convicted of an offence in respect of cocaine should be made liable to be called on to give security for abstaining from such offences. It is hoped by these means the facilities for carrying on this nefarious traffic will be substantially diminished.

The remaining part of the Bill proposes the extension to the district of Kaira of a section of the Act over which there was much controversy in the past and I must ask the indulgence of this Council if I trespass considerably on their time in my endeavour to give a clear idea of the reasons why Government have felt compelled to propose this particular measure

The theory underlying the section is simple enough. Mhowra flowers are one of the cheapest distilling bases known and liquor can be distilled with very simple apparatus. All that is needed is two or three pots and a bamboo pipe. The operation requires no particular skill and strong liquor can be produced at the cost of 2 or 3 annas a bottle. As the tree is common in many parts of this Presidency, a supply of the flowers is easy to be had and people who are disposed to lawlessness are tempted to use the flowers for illicit distillation of liquor. By the operation of the section the bulk of the produce of the trees has to be disposed of soon after the harvest and all temptation to illicit manufacture is thereby removed.

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I may give very briefly a history of the origin of the section. In 1882 a Bill was introduced in this Council with the object of taking power to make rules to regulate the traffic in mhowra flowers in all parts of the Presidency. The outstanding blot which then called for removal was the demoralisation consequent on the excessive drinking of illicit spirit in Thana and Kolaba. His Excellency the Governor General refused his assent mainly on the following grounds:—that the scope of the Bill was too extensive, that other remedies should be tried first and that further enquiry was required to ascertain whether the mhowra flower was ever used as a food in the two districts. Government appointed a committee to make the further enquiry desired by the Government of India and on the question of the use of mhowra flowers as a food the finding of the committee was that in Thana and Kolaba mhowra flowers were nowhere used as a staple article of food, and that they were only eaten in small quantities as a relish or addition to their ordinary diet for a brief period of the year by some of the wild tribes. A second Bill applicable to Thana and Kolaba only was placed before the Government of India in 1884 but they asked that the question should be reconsidered because mhowra flowers might be used as a food in times of scarcity. Other measures were tried but they did not go to the root of the matter. Illicit distillation with all its evil consequences spread to the coast districts where there were no mhowra trees. Drunkenness was rampant and there was a general disregard of law and order which called for the employment of additional police at the expense of the people. A third Bill was put forward and on this occasion it was passed unanimously by this Council, and received the assent of the Governor General. Section 18B was thus added to the Abkari Act. It applied only to the districts of Thana and Kolaba. As it restricts dealings in a natural product which has legitimate uses, it was not considered advisable to give the Government of Bombay power to extend the section to other areas. Each extension to a new area has to be enacted by legislation, thus ensuring full discussion of each case on its merits.

The first extension of the section was enacted in 1905 when the section was applied to part of the Surat district, to Broach and to the Nasik district excluding Peint taluka. In these areas unlike Thana there were few or no mhowra trees. Peint taluka was excluded because the mhowra tree is common there. The evil against which the section was applied was the large importation of mhowra that was going on in the districts mentioned solely for the purpose of illicit distillation of liquor.

Where the section has been applied the effect has been immediate. The reported cases of illicit distillation in Thana which for the six years previous to 1892 comprised 70 per cent. of the total cases in the Presidency proper excluding Sind was in the next year reduced by 50 per cent. and in the year after the number was 1/12 of what it had been in 1891-92. In Broach, there were more reported cases in the one year 1903-04 than the total of all the 10 years from 1905 to 1915. There have been no complaints about the operation of the law. The illicit distillation has been effectually blocked out without causing any hardship or even appreciable inconvenience to the public. How does Kaira stand in the matter? It will be gathered that in the past Government have not been ready to resort to this preventive measure in mhowra-growing areas unless it was seen to be imperatively necessary. I am confident that I shall be able to show that there are very cogent reasons for the extension of the measure to the district of Kaira.

The district is as advanced as any in education and in the intelligence and industry of its people. There is no better cultivator in India than the Kaira patidar, and great enterprise has been shown in developing the dairying industry. The backward element consists mainly of Kolis or dharalas who form 38 per cent. of the population. In the old days these dharalas were a turbulent class and though many of them have settled down as law-abiding citizens, there are still a number who take very readily to crime. Unfortunately in

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this they are aided and abetted by persons from the higher strata of society. The result is that the district has a very bad record in the matter of violent crime, theft, robberies and murders. Special measures are now being applied to remedy this state of affairs. As with crimes against life and property so with offences against the Excise laws, the dharala is usually the immediate agent but his operations are backed by others who should know better. The fact that illicit distillation was becoming a curse to the district has long been known to Government and various measures have been tried to put an end to it. The Excise staff has been strengthened, the reward rules amended, the strength of the liquor sold has been altered. At the end of 1914 Government sanctioned a further addition to the Excise staff and recognising that in the special circumstances increased facilities for obtaining licit liquor were necessary, they consented to increase the number of licensed shops. These measures, however, have not been sufficiently successful. It is evident that a more drastic remedy is needed, a remedy which will go to the root of the matter and remove all temptation to transgress the law.

What is the evidence that the illicit practice is so widespread? Take first the statistical record. The district is a small one, only 2 per cent. in area and 4 per cent. in population of the whole of the Presidency excluding Sind. Yet for the ten years ending 1914-15 it has been responsible for, on the average, one-fourth of the total number of reported cases of illicit distillation. In the last two years of the period the percentage has been nearer $\frac{1}{3}$ than $\frac{1}{4}$. From the point of view of detection the country presents extraordinary difficulties on account of its enclosed fields, thick babul groves and deep ravines by the river, all of which afford excellent means of concealment. There is no doubt the number of reported cases, though that is high, is only a small proportion of the whole. Mr. Ghosal, the Collector, who knows the district well, estimates that only five per cent. of the cases are detected. To illustrate this let me quote some of the instances taken from his report.

At Bamroli in the Nadiad taluka four persons were arrested last year for being concerned in illicit distillation. The police patel of the village was a cousin of two of them. The apparatus seized included one complete still with condenser and worm, part of an old worm, 30 seers of soap mhowra, 18 seers of fresh mhowra, 5 seers of spent mhowra and 44 drams of illicit liquor. The accused admitted that they distilled regularly about once a week.

At Kanwadi and Khedasa in the Borsad taluka six cases were detected on one day in 1912. There are several instances in which four or five cases were detected in a single village on one day. Similarly in Modaj in Mehmedabad five cases were detected in one day. On the last Holi holiday the Excise Inspector, Matar, had obtained information that almost every villager in the village of Shetra had either distilled liquor or was in possession of illicitly distilled liquor. He raided the village after calling the Mehmedabad Excise peons to his assistance. From every field attacked a case was detected but there were not sufficient men to guard the field and incriminating property was either destroyed or removed. Only five cases could be taken to the Court. If sufficient men had been available at least 25 cases would have been detected.

At Isnav in the Borsad taluka the Excise Inspector's staff were attacked by the villagers in 1911. In Haldri the Excise peons who had gone there for information were severely belaboured and locked up in a house. The police patel was also concerned in this affair.

Recently in two villages in the Matar taluka some villagers were asked to point out certain suspected houses. They took the Excise staff by a circuitous route and enabled the offenders to destroy evidence of their guilt. Dharala police patels are generally disinclined to give information of Excise crimes in their villages. Those who are suspected of giving information are harassed and out-casted. In one village in the Matar taluka the whole dharala population had sworn by the

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water of the Mahi river not to give any information or help in the detection of any crime committed by the dharalas of the village

Surely the state of things disclosed by these instances calls for an urgent remedy even at the expense of some inconvenience. The facts and figures I have quoted speak for themselves, but if we look more closely into the conditions obtaining we find still more cause for anxiety. The officer who in 1904-05 was put on special duty to inquire into the prevalence of illicit distillation and to suggest measures against it reported that though the patidars as a class were reputed to be abstainers there was a large and growing number of them who secretly have acquired the habit of drinking country liquor, whether licitly or illicitly manufactured. Nine years later the Collector who knew his district reported that one reason for the prevalence of illicit distillation was that the patidars have taken to drink but will not drink openly. Occasionally they sent their dharala servant to buy from the shop, but it is simpler for them to get their servants to distil in the field and to share in the yield. Is it not right to put a stop to this demoralisation which is going on, even at the cost of some inconvenience to the people? Until illicit distillation is suppressed, the caste feeling in favour of temperance cannot operate with its full force and effect

I have referred to the connection between offences against life and property and offences against the Excise laws. The same phenomenon was observed in Thana before the section was applied there. When offences against the Excise laws were prevented by the operation of section 18B, there was an immediate decrease of other crime. There is no doubt that one form of crime reacts on another. It is a general experience that lax observance of Excise laws has a demoralising effect. The offenders know they are contravening the law, they have to act furtively, they have to prevent information of their proceedings leaking out, while they are ready, if they have a chance, to offer forcible resistance to the authorities. In Kaira there have been serious collisions between the people and the Excise staff, while so many people are interested in the illicit manufacture of liquor that the village officers are corrupted and it is very difficult to get information. If respect for the Excise laws can be instilled into a people, it induces in their minds a corresponding respect for the other laws of the realm. We may confidently anticipate that this result will follow in Kaira and one of the main reasons which actuates Government in proposing the measure now under consideration is that the suppression of illicit distillation with all its evil consequences will assist materially in effecting a permanent reduction in the amount of other crime.

I now come to the question so much debated in the past, namely, will the restrictions imposed interfere with the domestic economy of the people, will it deprive them of one of the means of their subsistence, or of a cattle food? As in the inland talukas of Thana so in Kaira the mhowra tree is very common. In Thana, as I have stated, enquiry showed that the flowers were nowhere used as a staple food, but were eaten as a relish or addition to their ordinary food for a brief period of the year by some of the wild tribes. But each case must be considered on its merits, and as conditions might be different in Kaira, Government directed that the matter should be closely investigated with reference to the conditions obtaining in that district. The Collector, Mr. Ghosal, with the assistance of his Revenue and Excise officers, has thoroughly sifted the case. The conclusion arrived at after prolonged enquiry is that though mhowra flowers are by no means a staple food or anything like it, some of the dharalas occasionally mix it with flour in order to give a flavour or seasoning to their food. This use of it comes to an end early in the rains. When damp weather sets in, the flowers very soon become mouldy and fermented and so unfit for human consumption. It is reported on the very good authority of large distillers that the Kaira mhowra flowers do not keep nearly so well as the produce of trees in other districts. Thus the conditions prevailing in Kaira as regards the use of mhowra as a food are much the

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Mr. Vithalbhai Jhaverbhai Patel*]

same as were found to prevail in Thana. But economically the dharala in Kara is in a much more favourable position than the wild tribes in Thana, certainly than these Thana people were when the section was applied there in 1892. The dharalas are a sturdy race, quite able to look after themselves. They are agriculturists and labourers in one of the most advanced districts from an agricultural point of view in the Presidency. Wages have risen and labour is in great demand and it seems to me that it will be no hardship if they are compelled to realise their crop of mhowra flowers in cash. Not only will it be no hardship but the dharala will benefit materially if his energies are guided into the right channel and he is freed from the waste and demoralisation in which he is at present involved. In this connection I may mention that there is likely to be a larger commercial demand than ever for mhowra flowers. They are the raw material from which acetone may be manufactured and a scheme is taking shape under which we may have an acetone factory in this Presidency. Therefore we should do all we can to prevent our available stock of raw material from being wasted.

As regards the use of mhowra as fodder for cattle, the facts disclosed by the Collector's enquiries were that during the first heavy rains mhowra flowers in small quantities are fed to some plough cattle as a stimulant but the practice is decreasing. It does not for instance exist in the Daskoshi rice tract while the best patidar and dharala cultivators do not resort to it. There is another use for which the flowers are employed and that is preparation of tobacco for smoking, a smoking mixture which is used locally. The operation of preparing the tobacco is usually completed by the beginning of June.

Such are the facts to be dealt with, and I now propose to indicate how the working of the section can be adjusted with reference to them so as to cause the least possible inconvenience to the people. The section prescribes a free season of two months every year during which the restrictions are not to be applied. This allows time for the collection and marketing of the harvest for the year. Government may extend the free season and this power has been used in the past as circumstances required. As a matter of fact the free season has been fixed permanently at three months—16th February to 15th May. To meet the special circumstances existing in Kara, Government do not intend that the free season there should end earlier than 30th June. This gives a free period of $4\frac{1}{2}$ months.

Government may also fix a limit of quantity below which the restrictions do not apply. For the other districts this has been fixed at 4 seers or 8 lbs. No permit is required for possessing a quantity not exceeding 8 lbs at any time of the year. The same limit would be suitable in Kara, but in order to provide for the case of cultivators who wish to keep a larger quantity to give to plough cattle in the ploughing season, the idea is to prescribe for Kara a limit of 20 lbs. for the month of July.

To sum up, I hope I have been able to show that a grave evil exists and that our only means of combating it successfully is by the adoption of the measure indicated in the Bill, that the measure with the safeguards provided will not cause any hardship. On the other hand it is likely to be, even from the economic standpoint, beneficial to the people. With these remarks, Sir, I beg to move the first reading of the Bill.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, may I inquire if I can move my amendment now?

His Excellency the PRESIDENT —Yes.

The Honourable Mr PATEL.—May it please Your Excellency, the amendment that stands in my name reads thus "That Clause 2 be deleted." Your Excellency, - I take it that Government will drop this Bill if it be proved to their satisfaction that mhowra flowers are used as food for men and fodder for cattle in the Kara District. The past history of the mhowra legislation in this Presidency

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[*Mr. Vithalbai Jhaverbhai Patel.*]

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at once enables one to understand what the policy of the Government of India and therefore of this Government in this respect is. The Honourable Mover just now told us that in the year 1882 our Government introduced a Bill in this Council to empower them to regulate or prohibit the traffic of mhowra in any part of the Presidency. That Bill, he said, was passed by this Council but, let me add, not without the unanimous protest from all the non-official members. The Honourable Rao Saheb MANDLIK, Mr. MACAULAY, Mr. DESHMUKH and all the other non-official members of the day had strenuously opposed the measure. The Bill, after it was passed, was submitted to the Viceroy (Lord Ripon was our Viceroy then) for assent and he was pleased to veto it. The Government of India at the same time pointed out that the measure proposed by the Bombay Government could be justified if it was found on inquiry that mhowra flowers were not used as articles of food and that all remedies to check the evil had failed. The views of the Government of India on this question are fully stated in their letter to this Government. The letter has been published in the issue of the *Bombay Government Gazette*, dated 4th November 1882. I ask the indulgence of this Council to read the last few lines of that letter —

“ If, after this inquiry, it was found that mhowra flowers were not used as articles of food and if it was clearly proved that no remedy could be found for the relaxation of the present state of things, it might then be considered whether legislation should not be taken in hand for the purpose of placing some restriction on the collection and sale of mhowra flowers in those districts alone ”

This Government thereupon appointed a committee of inquiry restricted to the districts of Thana and Kolaba alone. The committee after an exhaustive public enquiry reported in favour of the proposed legislation. On the strength of that report, our Government re-submitted its proposals to the Government of India who again refused to sanction them, “ deprecating resort to legislation except on the clearest evidence that an intolerable evil exists and that there are no other means of meeting it.”

Our Government did not rest there. They introduced in this Council, probably on some further materials, a Bill limited to Thana and Kolaba and pointed out in the objects and reasons that the conditions laid down by the Government of India had been amply fulfilled with regard to the said two districts. It was also stated that (1) 70 per cent of the offences connected with illicit distillation in the whole of the Presidency were committed in the districts of Thana and Kolaba, while the population was 5 or 6 per cent. of the total population of the Presidency and (2) that almost the whole of the punitive police in the Presidency costing more than Rs. 20,000 a year was quartered in the said districts. It was further pointed out during the discussion on the Bill in the Council that Thana with a population of 9 lakhs had 1 person in 90 annually brought before a Magistrate in 1891 as compared with 1 in 115 in 1886 and that the illicit consumption in Thana rose from 323,952 gallons in 1885 and 1886 to 407,154 in 1890-91 with the same selling, *i. e.*, 23 drams per head of population. Last but not the least the principal findings of the committee that mhowra flowers were no part of the staple food of men or cattle in those districts and therefore the restriction proposed would not interfere with the food supplies of men or beast or with any lawful industry then carried on, were pointedly pressed to the attention of the members of the Council. Under the circumstances the Bill was passed and is law since.

So, Your Excellency, the main point for inquiry in regard to this measure is this. Is it or is it not true that the mhowra flowers are used as food for men and cattle in the Kaira District? On this question I should like to invite the attention of this Council to the opinion of Mr. Lorimer who was deputed by Government to make special inquiry and suggest ways and means to check illicit distillation in the Kaira District. In his report made in the year 1905 Mr. Lorimer dismissed

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the question about the application of Mhowra Legislation to Kaira District with the remark that it was highly impolitic to extend the provisions of the Act at present to the Kaira District, that it would be great hardship to the people of that district to be suddenly deprived of their means of subsistence and that a number of innocent people would suffer.

I should also like to draw the attention of this Council to the opinion of Sir Frederick Lely whose experience of Gujarat and its people was unique. In 1903 Sir Frederick Lely emphatically expressed his opinion as follows:—"If it is intended to extend the law still further, we desire to record that in most of the parts of the Northern Division mhowra flowers are eaten by the people and are stored by them and any interference would harass them greatly and nothing in his opinion would justify it." In view of these emphatic opinions expressed as late as 1903 and 1905, I beg to ask this Council whether it does not lie on Government to prove to the satisfaction of the Honourable Members that within the last 10 years something very startling has transpired in the Kaira District, and as a result of which both people and cattle gave up eating mhowra flowers. I do not know if any of the predecessors of Mr. Ghosal has ever reported to Government that mhowra flowers are not used as food for men and cattle or that their use is decreasing. It is to my mind a well-known fact that Kaira is a mhowra-producing district and it is also well-known that in times of famine and scarcity particularly lots of poor people live on those flowers. Who does not know that years of famine or scarcity are unfortunately not rare in that part of the country and yet we are asked to believe that the use of these flowers as an article of diet is decreasing!

Now let us for a moment turn our attention to the report of the Collector. I just got a copy of it. I have not been able to read it through to justify me to offer any criticisms against it in detail. This report according to my information is the outcome of a couple of conferences held by the Collector, of his Excise Inspectors and Revenue subordinates. I do not think any non-official gentlemen were invited to attend these conferences. In fact, I can safely say that no intelligent non-official opinion in the district was consulted by the Collector. Here is my friend the Honourable Mr. PAREKH who has been representing the district on this Council for the last 20 years. We all know that he is a student of Abkari questions. Was he consulted? No, not at all. I cannot understand why the Executive officers of Government do not avail themselves of the services of non-official gentlemen able and willing to co-operate with them. Besides the two conferences of the Excise Inspectors and the Revenue officers of the district, the Collector probably called for reports from the Taluka authorities. I do not know if he has consulted the people likely to be affected by the proposed measure.

What then are the materials before this Council for the right determination of the main question, namely, whether the flowers are used as an article of diet in the Kaira District. None whatever, except the report of the Collector I have just described. That report is with the Honourable Mover and I understand no non-official Member has so far been supplied with a copy of it. Under the circumstances the Honourable Members will agree with me that the consideration of the Bill should be deferred and a committee appointed to inquire and report whether these flowers are used as an article of diet or not.

I gave notice* to the Government for the necessary motion in that behalf. The motion does not appear on the Agenda, as Your Excellency as President

* *N.B.*—The notice was a motion for the adjournment of the first reading of the Bill and the appointment of the Committee to inquire into matters connected with the policy of the Bill.

His Excellency the President's ruling was that the motion was one which was not within the competence of the Legislative Council and therefore out of order.

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has been pleased to disallow it. With due deference, however, to Your Excellency's decision, may I draw the attention of the Council to Rule 21 of the Rules for the conduct of business of this Council?

His Excellency the PRESIDENT.—Order, order. I must tell my Honourable friend that he has not asked the President's permission to discuss a ruling of mine which must be considered as final unless the President allows it to be discussed.

The Honourable Mr. PATEL (continuing).—May I draw Your Excellency's attention.....

His Excellency the PRESIDENT :—The Honourable Member should first ask my permission to discuss my ruling.

The Honourable Mr. PATEL (continuing).—I submit to Your Excellency's ruling. However, the point for this Council to consider is whether it is not desirable and necessary that a question on which the fate of the Bill depends should be thoroughly inquired into by a committee of both officials and non-officials. Government has ruled that it is not within the competence of this Council to appoint such a committee. That being so, I take this opportunity of requesting Government to appoint one. So far as my present amendment is concerned, I am ready to drop it at this stage if Government is pleased to accede to my suggestion.

Even assuming that the use of the mhowra flowers as an article of diet is decreasing, it is incumbent on the Government to prove in justification of this measure that all other remedies to check illicit distillation have been tried without any appreciable result. The Statement of Objects and Reasons, no doubt, says that measures hitherto taken to cope with the evil have proved unavailing. This is a bare assertion without any proof. On the contrary, the truth lies the other way. Measures, whenever taken, have been very effective. The Collector, Mr. Ghosal, in his report says "There was some improvement in 1905 and 1907. The Magistrates had also begun to realise the seriousness of the situation and begun to inflict deterrent punishment. The consumption per head of the population rose from 5 drams in 1904 to 8 drams in 1906. The number of cases of illicit distillation detected also fell from 129 to 42." Is it not abundantly clear from this that with proper measures it is possible to check illicit distillation?

Again I find at page 2 of the Excise Administration Report for the year 1914-15 that some measures have been very recently adopted to check the evil in the districts. The report says "The following changes have been made in the Kara District with effect from 1st January 1915...." We do not know what the result of the introduction of these changes is. We have to wait and see whether they prove effective or not. Is not, then, this measure rather premature? Can we, under these circumstances, confidently assert that all remedies have proved unavailing?

Now turning again to the Statement of Objects and Reasons I find it stated that there are "good reasons for believing that the habitual contravention of the excise law is closely connected with the persistence of crimes of violence for which the district has a bad reputation." I am surprised at this statement. I hear it for the first time. So far as I am aware, no officer responsible for peace and order in the district has ever alleged that the general criminality of the district has anything to do with facilities for illicit distillation. I looked up the Police and the Excise Administration Reports for the past few years but failed to find it stated anywhere that such criminality is in any degree attributable to facilities for illicit distillation and the consumption of cheap liquor. Cases of violence, such as murders, grievous hurt, highway robberies, do occur in the district. But what have those offences to do with the facilities for cheap liquor? It appears to me, my Lord, that the theory that the criminality of the district is more or less due to facilities for illicit distillation is of recent origin. I, for my part, am not prepared to accept it in the absence of any proof to support it.

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We are further told in the Statement of Objects and Reasons that proposed measure will not only be effective but will not cause appreciable hardship to the people. I take it that this statement is made on the strength of Mr Ghosal's report. Only ten years ago Mr Lormur reported to Government that the measure would be a great hardship to the people, inasmuch as it would suddenly deprive them of their means of subsistence and that a number of innocent people would suffer. I leave it to the Honourable Members to say whether it is safe to accept the opinion of Mr. Ghosal in preference to the opinions of Sir Frederick Lely and Mr. Lormur.

I do not wish to detain this Council much longer, but before I close I earnestly ask every Member of this Council to put before him the case made out by Government for Thana and Colaba and compare it with the case now made out by the Honourable Mover of this Bill for Kaira. The strongest point urged is that 25 per cent. of the cases of illicit distillation in the Presidency occur in the District of Kaira alone. I have already told this Council that this percentage is nothing when compared to that of Thana and Colaba in 1891-92. I may also add here that the other circumstances above referred to, which justified this Council in adopting the measure for Thana and Colaba, are absent so far as Kaira District is concerned. Again Kaira is probably the least liquor-consuming district of the Presidency. Cases of drunkenness are also very few. In 1910 cases of drunkenness were 45 out of a total of 5,023 in the Presidency, and in 1912 only 12 out of 5,027. We have heard so much from the Honourable Mover about the prevalence of illicit distillation and the use of cheap liquor in the district, but when we examine and analyse the figures given in published reports of Government and compare them with those of other districts we will find that this evil of illicit distillation in the Kaira District is not after all such an intolerable evil as to justify us to adopt this drastic measure.

Under these circumstances I put this amendment for the consideration of this Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency, I beg to second the proposal that has been moved before this Council by my friend the Honourable Mr. PATEL, particularly because I believe this is the only portion of the Bill which is contentious. So far as the other portions of the Bill are concerned I do not think there is any difference of opinion between Government and the Members of this Council. It is a matter upon which I submit that it is necessary that there should be a further inquiry beyond the one upon which Government have acted.

The Honourable Mover of the Bill has given a full account of the history of mhowra legislation, and I will try to add a few details. One of them has reference to the reasons which were given by the Governor General of India for withholding his assent to the legislation which was then proposed. I think it is desirable that the Council should know the reasons for his withholding the assent, so far as these reasons are applicable to the conditions of the present case. These reasons are that in localities where mhowra is largely used as food, the restrictions would cause serious hardship upon the poorer classes particularly in time of scarcity and famine, and, therefore, the Governor General strongly objected to the law proposed. The other reason that was given was that the use of licenses to purchase mhowra flowers conferred a monopoly on a few individuals and was open to strong objection and was opposed to the general policy of the Government of India. The third reason that was given was that even in districts where the mhowra flowers were not used as food the restriction should not be enforced on the collection, possession and traffic in them until all other measures for checking illicit distillation had been tried.

Another point upon which I wish to draw Your Excellency's attention in connection with this motion is that so far as the district of Broach was concerned

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there was no mhowra tree at all existing in it and so far as the other districts to which the provisions of section 18-B (2) are applied, they were districts in which mhowra flowers are never used either as food for man or fodder for cattle

Then the most important question that arises in this case is in reference to the class of population which would be affected by the Bill if it became law. The question is whether mhowra is used as food ordinarily during certain parts of the year by Kolies and other poorer communities in the Kaira district. As regards the use of mhowras as food that fact is mentioned in the Population Volume of the Gazetteer which was issued in 1901. It is said there that mhowra is used as food in two forms and that it had not till then ceased or diminished to be used as food.

Then as the Honourable Mr. PATEL has pointed out, one of the officers of Government who was regarded as a very careful and capable officer expressed in 1903 an opinion that the mhowra had been used as food in the Kaira district. In 1905 an officer appointed by Government to enquire into and report upon the question has also expressed his own opinion that mhowras are largely used as food in Kaira and since then the country has passed through two or three years of great scarcity, and so far as the Dharala and Koli population is concerned, they have been subjected to several repressive measures.

In 1911 there was the application of the Criminal Tribes Act to Dharalas and Waghries of 55 villages of the Kaira district, and between the years of 1911 and 1913 additional police was stationed at 26 villages having Dharala population in that district, these are conditions under which no economic improvement could have taken among these people.

Now there is another matter which Government also has to consider. So far as the number of crimes of illicit distillation are concerned your Excellency will notice that the increase of these crimes synchronizes almost with the use of the repressive measures. In 1911 the repressive measures were commenced and one has to consider whether the increase of illicit distillation between 1911 and 1914 might not have been due to these measures. In 1910-11 the number of cases of illicit distillation was only 102. In 1911-12 the number of cases of this kind was 127. In 1912-13 it rose to 171. In 1913-14 it rose further to 239 and in 1914-15 it rose still further to 280. What I have to submit to your Excellency is that when there is a half-starving population which is overburdened with additional taxes and from whom ordinary liberty is taken away by being forced to attend every day for the purpose of showing whether he or she was present in the village or not, whether under these circumstances it is likely that any people would be able to thrive? These measures must lead to much distress and despair, and I would not be much surprised if they drove them to efforts for improperly obtaining drinking for forgetting their suffering. I submit that Government has to consider whether the rise in the illicit distillation that has taken place is not due to the measures which have been adopted in reference to the Dharala population in the Kaira district. I submit, Sir, that nothing has occurred to improve the economic condition of the Dharalas so as to induce them to change their diet, nor has it been shown that there is any other food found out which can act as a substitute for mhowra. With reference to the statement that has been made that mhowra flowers are occasionally used as food, it appears to me only correct if the expression "occasionally" is intended to mean that it is not used throughout the year. But as regards certain parts of the year, I say that the use of mhowra continues to the same extent as before. There is neither any change of diet nor any diminution in the use of the mhowra flowers, and if Government are acting against the authoritative opinions of high officers above mentioned about the use of the mhowras only because the Collector expresses an opinion to the contrary, I think it is due to the poor people that there should be a proper inquiry into this matter. Now if it is once assumed that mhowra is used for food, I submit

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that such restriction as is made by section 18-B (2) ought not to be imposed and the imposition of the restriction would cause considerable hardship to the poor people.

I do admit that there is some advantage in having a period of the year during which the operation of the Act would be suspended. Any such period may be fixed but one cannot say when a year of scarcity is coming or when rains may fail. It is necessary in a part of the country where there is a year of scarcity at the interval of four or five years, that Government should rather encourage the poorer people to store articles of food which they can use during periods of scarcity and I submit, mhowra is one of such articles of food which does not cost anything to the poor people except the trouble of collection and it can be easily stored. The extension of section 18-B (2) to Kaira would act as a strong discouragement to the storing of mhowra.

What would be the effect of the 'vacation' that has been spoken of in the Statement of Objects and Reasons? The effect of it would be that the man or woman who has got mhowras in his or her possession, would know that he or she must sell it off before the time expires, otherwise they would not only be worth nothing but they would have to go to jail for being in possession of that commodity. That, therefore, prevents them from having any reserve food and induces them to sell it during the early part of the vacation. I submit that in a poor country and in reference to the poor people who are likely to be affected, it would be a most improper thing that they should be forced to dispose of the food which they have got at their disposal, and I therefore submit that the measure is one of very great hardship and even for the sake of revenue it ought not to be resorted to. These are questions of the life of the people and the life of their cattle, and I submit with great respect that even in the interests of revenue, a measure of that kind ought to be regarded as a very hard and cruel measure.

Then in reference to the growth of drunkenness, as my friend the Honourable Mr. PATEL has pointed out, in the scale of temperance the Kaira district holds a very high place. It is only third or fourth in the Presidency. The only places which are superior to Kaira are Sholapur and Bijapur. The consumption of liquor in 1914-15 in the rural areas with which alone we are concerned was 12 dram. In 1913-14 it was 9 dram. In 1912-13 it was 7 and in 1911-12 it was 2 of a dram. So one cannot say that Kaira is a district in which the vice of drink is so rampant that it is necessary that restrictive measures of this kind should be adopted.

There is another point to which I will refer, namely, the question of crimes. If one looks to the history of the Kaira district from the earliest times, it will be found that the Dharala community has always had the reputation of being turbulent, it is very excitable, very irascible, and was always prone to commit offences of a grave character. But sympathetic and kind treatment was able to make them quiet, peaceable and to bring them into quiet life and to settle them as industrious agriculturists. A community of that kind, which has the seed of turbulence and violence implanted in it, requires to be treated with some sort of sympathy and kindness for inducing them to continue in the ways of peace. I may not be quite sure but there are a number of people who do believe and assert that the number of violent crimes have been the result of the unsympathetic treatment that the Dharala community has been receiving during the last five years.

The Honourable Mr. CARMICHAEL :—How many years?

The Honourable Mr. PAREKH :—Five years. So far as the crimes are concerned, my Honourable friend Mr. PATEL has already pointed out that these crimes cannot have any connection with drunkenness, and it has never been

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shown that any unusual number of crimes or any number of violent crimes were the result of the use of drink

Under these circumstances, I submit that the amendment which has been proposed by my friend the Honourable Mr PATEL should be accepted and that the Bill be allowed to pass without clause 2.

The Honourable Mr. G. F. KEATINGE.—Your Excellency, the Honourable Mr. PATEL has informed the Council that the application of section 18-B to the Kaira district would cause considerable hardship to the people, as mhowra is used as food both for man and cattle. We have heard a report from the present Collector of the district in which he has stated that fresh mhowra is mixed with bread for a month or two after the mhowra harvest, but that essentially it is not used as food beyond that. I think it would have been very interesting if the Honourable Mr. PATEL had told us to what extent mhowra is being used as food. I have no more figures than I presume he has in this connection. It seems to me that if the amount of mhowra flowers which is produced in the district were taken and an allowance were made for distillation and other uses it must be that the remainder is a negligible quantity as compared with the food supply of the district. I find it absolutely incredible to believe that mhowra flowers form the staple food of the cattle, or are of any particular importance to them.

Now, Sir, it has been clearly shown by the Honourable Mover of the Bill that the amount of illicit liquor which is distilled is very considerable. He quoted figures which showed that the number of cases detected is large. He quoted a statement also of the present Collector that the number of cases detected do not form five per cent. of those which actually occur and he showed that there is a still in almost every field in some villages, and it is only with the greatest difficulty that they are able to combat the further progress of illicit distillation. If that is the case, I think there can be no doubt that this amount of drunkenness and lawlessness, which the Dharalas go in for, and which is caused mainly by this illicit distillation of liquor, is a very serious matter for the district. If I ask any good cultivating Patidar in the Kaira district why it is that he does not live in his field, he tells me that he is afraid to live in his field and he points out to me that amongst the Patidar population who are extremely progressive and fine cultivators and who are scattered all over the country, there are a number of these Dharalas who are extremely lawless and are addicted to drunkenness, and that therefore he deserts his field, and has to live in the village. We have had the same experience at our farm at Nadiad with the Kohis and Dharalas who periodically attack our farm at night. I am always told, and I believe it is substantially true, that these people under the influence of drink, illicit or licit I do not know, cause considerable mischief to the peaceful population there.

Now, Sir, the Honourable Mr. PATEL stated that mhowra flowers are used as food by the people. The Kaira district has a rich soil. It has a population of good cultivators, but its development is distinctly retarded by its lawlessness. I can assure the Honourable Mr. PATEL that there would be no difficulty in increasing the food supply by 20 or 30 per cent or even more, if it were possible, by suppressing lawlessness and enabling the people to live in their fields, to make proper arrangement for farming. If drunkenness is connected with lawlessness as people in the Kaira district assure me is the case, it would be doing a great disservice to the district to resist the passing of this measure. It seems to me that if this law is passed then it will withdraw from the people the power to distil illicit liquor and must inevitably make them more sober, and believing as I do that there is a connection between drunkenness and lawlessness, it will enable the people of the district to progress in such a way as they are entitled to as skilful and industrious cultivators.

With these words I oppose the amendment.

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[Mr. F. G. Pratt.]

The Honourable Mr. F. G. PRATT.—Your Excellency, I would like to try to correct what I consider to be a very wrong impression which is likely to be produced by reading or hearing the speech which the Honourable Mr. GOKULDAS has just delivered on one particular point. He drew a very harrowing picture of a starving population being driven by merciless patels to attend the village roll-call in the evening. The misery caused by it would, according to his account, cause them to drown their woes by illicit distillation and drink. Well, that rather looks as if the Honourable Mr. PAREKH was under the impression that the whole of the Dharala population is compelled to attend this roll-call. Well, I need hardly say that he is entirely incorrect. The roll-call in its general application is confined to a particular criminal tribe, the Waghries, and even as regards the Waghries, great care is now being taken by the District Magistrate, Mr Ghosal, to restrict the application of the law to those particular class of Waghries who are known to be more likely to be dangerous criminals than the others and leave out of account those who are *prima facie* well-behaved and law-abiding and with some ostensible means of occupation. Out of the entire Dharala population only particular individuals with a bad record are selected for roll-call.

Now there is another point which I think is worth dilating upon and that is that neither of the two Honourable Members who have spoken to the Council about the diet and food of the poorer classes in Kaira have supplied us direct with any information based upon their own personal knowledge or personal inquiries. Such personal inquiries could be only made by going about the country and visiting the villages and houses and asking questions of the Dharala population. If these two gentlemen have done this it is to be regretted that they have not given us the benefit of their personal inquiries. Instead of that they refer us back to an opinion given by Sir Frederick Lely, in the year 1903, thirteen years ago. They refer us to page so and so of the Gazetteer volume of the Kaira district.

Well, the point I wish to bring out is this that thirteen years ago is a good long time even in Gujarat and considerable changes have occurred in Gujarat since then. My experience of Gujarat goes back to the year 1899 and I very well remember seeing the food stores of wild grass seeds which were then to be found in practically every house of the poorer classes of every village.

Contrast the conditions of that time with the conditions of the season through which we have just passed in Gujarat. In the great part of North Gujarat the conditions were practically identical with the conditions of 1899. There was nearly a total failure of the crops and there was very great scarcity of grass. And the total failure of the crops left the poor people practically without any of the food staples to which they were accustomed. I ask this Council to observe the difference in the conditions of the two periods. In 1899 as everybody knows the population came wholesale on to famine works. In the season just passed they have come through, with no physical deterioration whatsoever. There has not been any occasion for a single famine work large or small in the whole province. All the District Officers have been able to report that the condition of the people has been normal, and I will go so far as to say that not only their condition has been normal but their economic condition and their standard of comfort is greatly superior to what was within living memory. And therefore though it may have been true fourteen years ago that the storage of grass seeds or perhaps the small admixture of mowra flowers in bajri or jawari was important to the people, I can say with considerable confidence that it is a matter of no importance now to any appreciable extent in the daily consumption of the poorest classes.

A question rather like this arose in the Panch Mahals some years ago and it did not come under discussion in Council. If it had come under discussion in Council, I have no doubt that we would have heard similar arguments. That

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question related to the question of the control of the toddy trees in the Panch Mahals district. There was considerable argument at that time. It was held at that time even by some District Officers that toddy was not only a drink but food to the Bhils and the Dharalas in the Panch Mahals, and that there was for some years a good deal of hesitation about restricting the consumption or possession of toddy. Those objections were overruled and nobody is worse for it now as a result.

I have no doubt that in the Kaira district the same result will follow from the action now proposed and there will be a considerable improvement in the morale of the district and considerable decline in lawlessness; and that brings me to comment—and I do so with considerable astonishment—on the Honourable Mr. PATEL'S argument that there is no necessary connection between drunkenness and lawlessness. I ask my Honourable friend Mr. PATEL, has he never heard (he is a Gujarati) of what is very well known to magistrates and judges in that part of the world as toddy crimes? Has he never heard of toddy murders? The Honourable Member says that there is no toddy in Kaira but the property of causing intoxication is not a peculiarity of toddy alone. It is very well known that in the drink season crimes of violence become much more prevalent.

I do not think I need add anything more except to say that I look forward with confidence to a considerable improvement in the conditions of the Kaira district if this Bill were passed into law.

The Honourable Mr. PAREKH.—In reference to the observations of my Honourable friend Mr. PRATT I would say that I have obtained my information from the *Bombay Government Gazette* of 1911, Part I, page 1813, under date 3rd October 1911, and I have seen several villages of the Kaira district.

His Excellency the PRESIDENT :—Order, order. I cannot allow the Honourable Member to make a speech.

I think perhaps it will be to the convenience of the Council if we adjourn now till 2-45.

The Council adjourned for lunch at 2 p. m.

(After lunch)

The Council re-assembled after lunch at 2-45 p. m.

His Excellency the PRESIDENT :—Further consideration of the Bill to amend the Bombay Abkari Act, 1878, Bill No. III of 1916, First Reading.

The Honourable Mr. DAJI ABAJI KHARE.—Your Excellency, on the question which is now before the Council, I find myself in a dilemma. I cannot conceive that the Honourable Mr. PATEL and the Honourable Mr. PAREKH have opposed the present proposal as far as the Kaira district is concerned merely for the sake of going against Government. I cannot conceive that what they have said is without any knowledge of the subject or without proper information. On the other hand, there are opinions expressed in the Council and by the Honourable Mover of the Bill which go to show that the inclusion of the Kaira district in the prohibition now contemplated would be desirable. At the same time I must say that the history of the question is against the inclusion of the Kaira district in the present prohibition. From the year 1882, as the history of the measure shows us, opinions have been expressed from very high quarters which lay down that if, as a matter of fact, mhowra is used by people as food for themselves or for their cattle, Kaira, at all events as at present situated, ought not to be included in the prohibition. My honourable friends Mr. PAREKH and Mr. PATEL have given us authoritatively the opinions expressed by such high authorities as Sir Frederick Lely on the point. On the other hand, the Honourable Mr. KEATINGE has told us that it would stop drunkenness, and the district of

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[*Mr. Daji Abaji Khare; Mr. Lalubhai Samaldas Mehta*]

Kaira would produce as much food as is required for the whole population, meaning thereby that then mhowra flowers would cease to be used as food; while the Honourable Mr PRATT has told us that mhowra flower has ceased to be an article of food. Now between the two statements it is difficult to reconcile which to accept. The Statement of Objects and Reasons tells us that the article is gradually going out of use as food. Therefore, I submit to the Council that, in connection with this Bill which affects the food of the poorer population, we ought to be very careful in recording our votes and accepting the measure as it stands. There is no doubt that in 1905 mhowra flowers were used as food, and it is very difficult to conceive how within this short period that article should go out of the category of the food of the people. It may be that it is so or it may be that it is not so. We want certainly, before this Council can give its vote upon the point, fuller information. I myself do feel that I am handicapped for want of knowledge on the point, especially because I never knew anything about the report to which reference was made by the Honourable Mover, namely the report of Mr. Ghosal, the Collector of the District. I wish Government had supplied us with copies of Mr. Ghosal's report and had put us in possession of more information than we have at present. At present all that we know is this, that the Government of India had strongly set their foot down upon any measure which would affect the food of the people, and it was accepted that in these districts mhowra flowers were in constant use by the people as their food. This being my position, I find it very difficult to decide one way or the other, and I must say that, if it comes to voting without fuller knowledge, I would vote certainly in favour of the amendment proposed by my Honourable friend Mr. PATEL. I, therefore, request the Council to furnish us with more information on the point.

The Honourable Mr LALUBHAI SAMALDAS MEHTA—Your Excellency, I beg to move, under rule 7 of the Rules for the conduct of the Council Business, that this Bill be adjourned to the next session. My Lord, my grounds for asking for this adjournment are exactly the same as those of my Honourable friend Mr. KHARE. We did not know anything about Mr Ghosal's report until it was referred to by the Honourable Mover of the amendment who was lucky enough to get a copy of it somehow or other. The principle underlying the main provision of the Bill has, I believe, been accepted both by the Honourable Mover of the amendment, as by the Honourable Member in charge of the Bill and also by the Government of India. If the use of mhowra flower as an article of food is decreasing, and if the introduction of this Bill will not result in any appreciable hardship to the people, then I do not think there should be any opposition in the Council against the passing of this measure. If, on the other hand, it is proved that mhowra flower has not gone out of use as an article of food, then I hope Your Excellency's Government will also take into consideration the protest that has been made by the representatives of the Kaira District, and again make further inquiries into the matter to find out if the statement made in the Statement of Objects and Reasons is quite correct.

Then the other reason given is the increase in the number of crimes in the district. My Lord, both the Honourable Mr PRATT and the Honourable Mr. KEATINGE said that there is a connection between drunkenness and lawlessness and crime. I find that in most districts that it is so, but as the Honourable Mr KEATINGE said that he was not quite sure whether drunkenness was due to licit or illicit distillation, and we want it to be proved that it is due to illicit distillation. For instance, the report which the Honourable Mover has promised to supply may throw some more light on the point. In the absence of information on these two important questions, whether the connection of increase in crime and licit or illicit distillation is correct or not, or whether the use of mhowra flower had gone out of use as an article of food, we are in a difficulty as to how to vote. There have been, my Lord, precedents of this kind. I believe when the Town Planning Bill was introduced, the Honourable Mover himself—of

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Mr G. Carmichael*]

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course it was on different grounds—said that he was quite prepared to give more time, and the consideration of the Bill was adjourned to the next session. I believe that the consideration of the first reading of the Abkari Amendment Bill of 1912 was also for similar reasons postponed, and a copy of the speech of the Honourable Sir RICHARD LAMB was supplied to all members of this Council. May I therefore request the Honourable Member in charge of the Bill to consider this suggestion favourably and supply us with copies of the speech of the Honourable Member in charge and Mr. Ghosal's report and also any further information which he thinks would enable the members of this Council to come to a decision, and postpone the consideration of this Bill to the next session.

Then there is one more point. It may be said that the question is a very urgent one. I have got a copy of the report, I believe it is dated February 1915, so that it has taken a year and six months before this Bill has come to us. Will the delay of four months more much matter? It will be for the Honourable Member to say whether the question is really an urgent one or not. If it does not matter, I hope the Honourable Member in charge of the Bill will accede to my request. It is not only my own request, but it is the request of many of my colleagues that the discussion of this Bill should be postponed to the next session and that copies of all the papers relating to the subject should be supplied to us. With these remarks, I leave my motion for the adjournment of the discussion of the first reading of this Bill in the hands of the Council.

The Honourable Mr G CARMICHAEL.—Your Excellency, with regard to what my Honourable friend Mr. LALUBHAI has stated, I wish to say that this particular measure is considered to be one of very great urgency indeed. It is not quite fair to say that, because the first report was dated the 21st August 1914 and the second report was dated February 1915, that there is no urgency and we should now postpone the consideration of this Bill to the next session. I need hardly point out that legislative procedure had to be gone through, we had to obtain the sanction of the Government of India, and the legislative formalities had to be completed and the Bill has been brought forward as soon as Government were able to do so, and I think that, from the description I gave of the state of affairs in the Kara District, every one will agree that the matter is one of really very great urgency indeed. It is high time that effective steps should be taken to stop the demoralisation which is going on on account of illicit practices.

Then with regard to the question of adjourning the consideration of this Bill, in order that Honourable Members may have time to study the papers, I wish to say that Government are quite prepared and intended, after the passing of the first reading, to place on the table of this Council all the reports from the Collector and all the information which they have. The question at issue is really a question of yes or no. Is the section to be applied to the district of Kara or is it not? There is no question of modelling a new law to be applied or to consider how the provisions should be arranged, or how they should be worded, because the law is already in existence, and the sole question is whether it should be extended to the district of Kara or not.

Now in moving the first reading I have endeavoured to explain the reasons which moved Government to propose this measure, and if the first reading is passed, then the Collector's report and all the other information will be placed on the table, published in order that the people who are mainly concerned should understand how the legislation will affect them so that they may, if necessary, make any representation which they may have to make on the subject. This will give about six months' time between the first reading of the Bill if it is passed at this meeting and the next meeting of this Council if the second reading is taken up in December. Surely, there is ample time for every one to consider the effect of the legislation. It is not a question like the one involved in the Town Planning Act or in the Abkari Amendment Bill of 1912. In these cases the question to be

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considered was what provisions the new law should contain. In this case there is no such question. The main question here is whether an existing law should or should not be extended to a certain area.

His Excellency the PRESIDENT.—I should like to add a few words to what my Honourable colleague has just said. I want to refer to a personal remark which I think my Honourable friend Mr PATEL made to me with regard to having a Committee, and also to the remarks made by my Honourable friend Mr LALUBHAI. I must urge on them that they are rather pre-supposing that Government have not gone very carefully into this matter before they brought forward this Bill. My Honourable friend Mr PATEL asks us to adjourn the consideration of this Bill to the next session and to appoint a Committee in order that we may go into the whole question as to whether the Bill is desirable or not. But let me say this, if we adopt that principle in our executive actions here, executive government will become extremely difficult. I think it will be admitted by Honourable Members that the executive government of the day only bring in a Bill after due consideration and after getting all the information they can before they lay the Bill before the Council for consideration. At the first reading we discuss the general principles of the Bill, whatever they may be. As Honourable Members are aware, the Bill will then go into Committee, they will have six months on this particular occasion before the second reading and discussion of clauses comes up. They will then be able to criticise and make verbal amendments at the third reading. I venture to urge very strongly from an executive government point of view that it is impossible for Government to accept the suggestions made by either of my Honourable friends, for we have considered the circumstances very fully. At the first reading, we put our case before the Members of this Council, and they have three opportunities after that for consideration, for criticism and for moving amendments. Under these circumstances, I would like to urge my Honourable friend Mr. PATEL not to press his amendment.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.—Your Excellency,—My object in moving an adjournment is that Your Excellency's Government may take the Council into their confidence. I never suggested that Government had not made inquiries. What I said was that we did not know what the result of those inquiries was.

His Excellency the PRESIDENT.—With regard to that, my Honourable colleague has told the Council that all the papers on the subject will be laid on the table. Every Honourable Member of this Council will then have full opportunity of getting every possible information that we have with regard to the whole question. They will then have six months in which to digest these matters, then they will have the second reading, the clauses and finally the third reading, so that they will have many opportunities to use such means and measures as are in their power to make criticisms or to move amendments as they may think fit.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.—What I want to submit, my Lord, is that if we once approve of the principle at the first reading, we accept the statements given in the Statement of Objects and Reasons appended to the Bill. We do not want to commit ourselves to any opinion without knowing all the facts.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.—Your Excellency,—I wish to draw Your Excellency's attention to rule 18 of the Rules for the Conduct of the Council Business. That rule says that "any Member may ask for papers or returns connected with the business before the Council. The President shall determine whether the papers or returns asked for shall be given." Now in this

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{*Mr. Balkrishna Sitaram Kamat, Mr Dattatraya Venkatesh Belvi*} [25TH JULY 1916.]

case the Honourable Mover of this Bill has told us that he is prepared to publish all the returns and other papers, such as the Collector's report and the memorandum of figures, *after* the first reading I should like to know from Your Excellency whether Your Excellency would determine under this rule that such papers or returns would be published first and the first reading of the Bill proceeded with afterwards, or whether you determine that the papers should be published after we accept the principle at the first reading. I should like to support my Honourable friend Mr LALUBHAI'S motion for adjournment, and in the meantime I think these papers should be published and then we should go on with the discussion of the Bill, and not after accepting the principle underlying it.

The Honourable Mr DATTATRAYA VENKATESH BELVI —Your Excellency,— To ask us to pass the first reading of this Bill now and await further information till the next meeting of this Council is, in my humble opinion, asking us to put the cart before the horse. When we once accept the principle of the Bill, it will be extremely difficult for us to change our opinion if we find that the information in possession of Government is not so full as it is supposed to be. I demur very respectfully to the principle that Honourable Members of this Council should accept the opinion of the executive, even in the absence of adequate information. If the executive has to discharge its duty, we non-official members have to discharge our duty as well. There is a very grave responsibility resting on our shoulders when we give our vote in a particular way in the case of a Bill like this. I dare say that Government have got a very strong case in this matter, but unfortunately we do not find that any useful adequate information has been supplied to us in the laconic Statement of Objects and Reasons. I must, however, gratefully acknowledge the fact that the Honourable Member in charge of the Bill was pleased to put us in possession of some more information to-day, but I think that the burden of proving that such legislation is absolutely necessary lies very heavily upon the shoulders of the executive and that the burden is not discharged. We are not to accept a particular opinion simply because the executive says that it is its opinion. We are not here merely to register the will of the executive. The executive has not placed before us such facts as will irresistibly lead us to the conclusion that it is necessary to extend this particular section of the Abkari Act to the Kaira District. On the one hand, we are assured that mhowra flowers are used as food both for men and for cattle in the Kaira District. On the other hand, we are told that the use of mhowra flowers is decreasing in that district. Both these conflicting statements are extremely vague and nebulous. We are told that serious crime has recently increased in the Kaira district, but we are not told by references to any figures how many cases have occurred in the Kaira district during the last ten years, and how many of those cases were directly traceable to the increase of distillation of liquor in an illegal manner in that district. Merely because serious crime has increased in the district, we cannot necessarily say that that increase is due to the free use of mhowra flowers by the Kolis of the district. For aught I know, the increase may be due to the social and economic conditions which obtain in that particular district, or it may be due to the extension of the Criminal Tribes Act to that district. There may be various reasons. Why does not the Honourable Member in charge of the Bill place before us all the facts? Why does he not place his finger on the published returns of Government to show that in a particular year so many cases of grave crime occurred in the district, and why does he not tell us that in a particular percentage of those cases it was found by the Judges and Magistrates that the crime had been committed as the result of drunkenness. In this state of affairs, it is extremely difficult for men like me who are not acquainted with the conditions which obtain in Gujarat to vote in favour of this Bill. My opinion is that the burden of proving the necessity for this special legislation lies upon the executive. If that necessity is not met satisfactorily,

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[Mr. Dattatraya Venkatesh Belvi;
Mr. Raghunath Purshottam
Paranjpye, Mr J P Orr, Rao
Bahadur Ganesh Krishna Sathe]

I fear I shall have to give my vote against the measure. My reasons are those that are very briefly stated in paragraph 6 of the letter (No 1265) which was addressed to this Government by the Government of India on the 23rd October 1882. In paragraph 6 the Government of India said " *The opponents of the measure assert that the evidence which has been brought forward in its support is not sufficient to establish the reality of the evils which are alleged to exist, or to prove that, if those evils exist, the present law is inadequate to meet them, and further they maintain, and this is their principal ground of objection, that the proposed law will inflict severe hardship upon the poorer class of cultivators by depriving them of the free use of an article which they consume largely as food for themselves or for their cattle*" I am aware that we are told that the use of mhowra flowers as food is decreasing, but we are not told anything in definite language to support the assertion. Was any inquiry made by the Collector? If so, how many non-officials did he consult, and what was the result of his investigation? We know nothing at present on this point. It may be the Collector's view, it may be the view of the Honourable Member in charge of the Bill, that the use of mhowra flowers as human food is decreasing. But there is also an opposite view held by gentlemen like the Honourable Mr PATEL and the Honourable Mr PAREKH who know the Kara district as well as, if not better than, these officers. There is no reason at all why we should accept the opinion of the Collector of Kara and of the Honourable Member in charge of the Bill and reject the opinions of men like the Honourable Mr. PATEL and the Honourable Mr. PAREKH. I submit therefore that, unless this motion for adjournment succeeds, I feel that I shall be compelled to vote against this clause.

The Honourable Mr RAGHUNATH PURSHOTTAM PARANJPYE—Your Excellency, I would like to put the case for adjournment in another way. Supposing we pass the first reading of the Bill, then we shall have practically rejected the amendment of my Honourable friend Mr PATEL about the deletion of clause 2. Then if after reading all the papers supplied to us we come to the conclusion that clause 2 should be deleted, Your Excellency will rule us out of order. I therefore think that it will be putting us in a dilemma in that case, and I hope that Your Excellency will be pleased to accept the motion for adjournment.

The Honourable Mr J. P. ORR—Your Excellency, it seems that some of the grounds on which the adjournment is proposed are based on a misreading of rule 33 (2). I may be wrong in my view, but Your Excellency will no doubt correct me. The rule is not "amendments of principle may be moved only at the first reading" but "amendments of principle only may be moved at the first reading." I understand that the Council are not committed to the principle of the Bill by passing the first reading of the Bill, but the principles may still be changed in the Select Committee or at the second reading. If that is so, then it is clearly futile to advance in support of the proposal for adjournment the plea that the Council should not commit itself to approval of the principle of the Bill. It does not seem to me that there is any reason why the first reading of the Bill should not be proceeded with now.

The Honourable Rao Bahadur GANESH KRISHNA SATHE—Your Excellency, my friend the Honourable Mr. ORR has practically said what I wanted to say, however, I will add a few words. If I have understood the explanation given by the Honourable Member in charge of the Bill, I gather that sufficient and full reasons were not given in the Statement of Objects and Reasons, and it is on that account that the Honourable Members of this Council could not

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[*Rao Bahadur Ganesh Krishna Sathe ; Mr Patel,*
the President , Mr. Pandurang Anant Desai.]

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see eye to eye with the Executive Government as regards the necessity of this clause 2 in the amending Bill. The Honourable Member in charge of the Bill now says that all those papers will be laid before the Council and will be made available for the information of the Honourable Members. A difficulty was suggested that if the result of to-day's discussion was to throw out the amendment moved by my Honourable friend Mr PATEL, it would be practically impossible for the Select Committee to drop that clause if it finds that no case has been made out from the reports and information which is now being supplied to us. But if my reading of the rules is correct, I think that the Select Committee would be at liberty to drop or amend that clause even though the amendment of the Honourable Mr PATEL is lost to-day. But in order to guard against any such contingency, as it is being now said on behalf of Government that all those papers will be made available for the information of Honourable Members, I would ask my friend Mr. PATEL to consider whether he should push through his amendment or whether he should depend upon the good sense of the Select Committee.

The Honourable Mr. PATEL —I rise to a point of order. Is my Honourable friend speaking on the motion for adjournment?

His Excellency the PRESIDENT —Yes, on adjournment.

The Honourable Rao Bahadur SATHE (continuing) —The Select Committee will meet after the whole information is supplied to them and if that course is adopted, what I feel is that in view of the discussion which is now before us the Select Committee will go through all the papers that will be laid before them and will consider the necessity or otherwise of such a clause as clause 2 of the amending Bill. In this state of things I do not consider that any adjournment is really necessary, particularly when the Honourable Member in charge of the Bill says that the first reading of the Bill ought not to wait for another four months.

Another point which strikes me is that all this information which is now being made available to us ought to have been available to us already. It is a fact that some of us would find ourselves in an awkward position as to whether to vote in favour of the amendment moved by my Honourable friend Mr PATEL or against the amendment, because two cases seem to have been made out the case by Government that full enquiry has been made and that good ground exists for inserting that clause, and an equally strong case—I do not know whether I should say "equally strong" but a strong case has been made out by some Honourable Members when they say that such a necessity does not exist, as Government is willing to give all those papers for our information the Select Committee can consider the question of retaining that clause in the light of such new information. I therefore think that there is no necessity for allowing the discussion of this to drop or to adjourn the determination of the present question to a subsequent date.

The Honourable Mr. PANDURANG ANANT DESAI —Your Excellency, the Honourable Member in charge of the Bill tells us that the Koli population in Kaira is 38 per cent, which is more than one-third of the total population of the district.

His Excellency the PRESIDENT —The Honourable Member is aware that we are discussing the motion for adjournment.

The Honourable Mr. DESAI —As two cases have been made out, one by Government and the other by the two Honourable Members who have special knowledge of Gujarat, unless all the facts are placed before us and we are placed in a position to determine whether we should vote for one or the other, I think the further consideration of this Bill should be postponed.

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[*Mr Pandurang Anant Desai, Mr S. R Arthur.*]

The motion of the Honourable Mr. LALUBHAI SAMALDAS MEHTA for the adjournment of the discussion of the first reading of the Bill was put to the vote and lost by 15 votes to 25 The Council divided as follows —

Ayes	Noes.
The Honourable Mr D. V Belvi	His Excellency the Right Honourable
The Honourable Mr. G M. Bhurgri	Lord Willingdon of Rotton, G C I E,
The Honourable Mr Sheriff D Canji	The Honourable Mr M B Chaulal
The Honourable Mr Pandurang A Desai.	The Honourable Mr. G Carmichael
The Honourable Mr. B S. Kamat	The Honourable Mr G S Curtis
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada	The Honourable the Advocate-General
The Honourable Mr D A Khare	The Honourable Mr S R Arthur.
The Honourable Mr C V Mehta	The Honourable Mr S K Barodawalla.
The Honourable Mr Lalubhai Samaldas Mehta.	The Honourable Mr P R Cadell.
The Honourable Sardar Shrinwas Coopooswami Mudaliar	The Honourable Dr C Fernandes
The Honourable Mr R P Paranjpye	The Honourable Sheikh Ghulam Hussein Hidayatallah.
The Honourable Mr. G K. Parekh.	The Honourable Mr M N Hogg
The Honourable Mr V J Patel	The Honourable Lieut-Col J. Jackson.
The Honourable Mr Abdul Kadir <i>alias</i> Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Mr J D Jenkins
The Honourable Sir Dinshaw Manockjee Petit	The Honourable Mr G F. Keatinge
	The Honourable Surgeon General R W S Lyons
	The Honourable Khan Bahadur Pir Baksh <i>walad</i> Mian Mahmud
	The Honourable Rao Bahadur V S Naik
	The Honourable Mr J P. Orr
	The Honourable Mr F. G. Pratt
	The Honourable Mr Manmohandas Ramji
	The Honourable Rao Bahadur G K. Sathe
	The Honourable Mr P C Sethna
	The Honourable Mr W H Sharp
	The Honourable Mr Purshottamdas Thakurdas.
	The Honourable Rao Bahadur N T Vadya

[*The Council reverted to the motion of the Honourable Mr. Patel that clause 2 be deleted*]

The Honourable Mr. S R. ARTHUR.—I submit that the Honourable Mr. CARMICHAEL has put before the Council an overwhelmingly strong case for legislation to restrict the possession of mhowra in Kara during a part of the year.

In this district illicit distillation has been rife for a great many years. So far as Bombay districts go, it is given the place of honour—or dishonour—in this respect in the Excise Committee's report, 1905-06. There are a large number of mhowra trees scattered over the district. Mr. Ghosal, the Collector, after careful enquiry puts them at no less than 277,000. Thus throughout the district the people have a convenient base for illicit distillation *at their doors* A

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large section of the population, the Dharalas, are admitted drinkers, while, as the Honourable Mr CARMICHAEL has shown, some of the Patidars, who used to be noted for sobriety, have of late years taken to drinking, though not openly. And yet with a large drinking population the *per capita* consumption of licit liquor was in 1913-14 so low as 1·7 drams and has in the year 1915-16, in spite of the most strenuous efforts to cope with illicit distillation, risen only 2·33 which is little more than a quarter of the consumption in the neighbouring district of Panch Mahals and less than a sixth of what it is in West Khandesh. The balance between the actual consumption of licit liquor and the consumption which might be expected represents illicit distillation. Nor do the figures of the two districts quoted for comparison give their real consumption, since in both as in Kaira there is a considerable amount of illicit distillation.

That distillation is still prevalent in Kaira is further borne out by recent instances which have come to the notice of the Excise staff. I will quote some given me only the other day by the Collector. Mr Ghosal writes —

“ I will take the case of Anand taluka which has most mhowra trees. In certain tracts in this taluka the caste organization is so strong that it is almost impossible to get informers, and in order to keep down illicit distillation, occasional raids have to be made.”

One such raid was made in February last in Partabpur but evidence could be procured only in *one* individual case though between Partabpur and Sundalpur near the ravines some 30 stills lately worked were discovered.

Another raid was made in Ardi on 25th April. The stills were so cunningly hidden that at first no traces could be found. Then one still was discovered. The owner suspected a rival of having given information and promptly gave information against *him*. This 2nd person pointed out another's still and in this way in all 8 stills were found in that one village, near the village-site, all in working order.

Then a raid was made in Dajjipura in March, and though 3 cases were sent up to Court, about 12 more stills were discovered in waste lands for which nobody could be held responsible.

Similarly in February the village of Kherda was raided resulting in one case, though some 40 stills were discovered along the ravines.

In January a raid in Sarsa resulted in 2 cases though many other stills were found on waste lands.

Then on 11th July a raid was made at Adas, two cases were sent to Court, though 5 more ovens for stills were found in the grazing area.

Lastly 2 days ago, on 19th instant, a raid was made at Khanpur. In 5 houses parts of stills were found and in the ravine close by traces of 30 stills were found.

Most of these raids were under the personal supervision of the Assistant Collector.”

The fact that a search in the ravines of two villages only produced 30 and 40 stills respectively gives some indication of the scale on which distillation is carried on in this district.

I will now compare the number of cases of illicit distillation detected in the year 1914-15, the last year for which complete figures are available in Kaira and in other districts. They are given in Appendix O to the Administration Report of that year. Here too Kaira stands *facile princeps* with a total of 280 cases, West Khandesh coming second with 195, Panch Mahals and Thana third and fourth with 127 and 114, respectively. From these there is a drop to 52 and 41 in Ahmedabad and Surat, respectively. The totals of other districts are inappreciable. At the same time, though the total number of cases in Kaira so far transcends that in other districts the offences brought into Court represent but a small

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fraction of the offences committed. The Collector complains that the population combine to screen offenders, that caste rules about giving information are severe, that informers are shy about coming forward, that scouts are kept all round—while distillation is going on and the distillers get warning of the arrival of Excise officers in time to make good their escape, and that distillation often goes on in ravines which are waste land, where, when the offender has escaped, no one can be brought to book. Even patels are often in sympathy with the offenders and where this is not the case are afraid to give information.

It is amply clear that the measures hitherto taken to cope with illicit distillation have not proved effective. The staff has been largely increased with small result—it might be quadrupled without making much difference. Consider the position: mhowra trees everywhere to form a base, a large proportion of the population interested, if not actually participating, in distillation, easy hiding places, ravines and nullas and even patildars' fields with their high impenetrable hedges—finally the whole feeling of the people with the offender and against the law. Is it strange taking the size of the Excise staff as compared with the size of the district and the number of offenders, that detection is difficult? The wonder to me is that so many cases are detected.

We have thus five distinct indications of the prevalence of illicit distillation—

1. Abundance of mhowra trees
2. Large drinking population
3. An absurdly small *per capita* consumption of licit liquor.
4. Fifty per cent more cases of illicit distillation than in any other districts in the Presidency
5. A large number of stills found by Excise officers

The evil has to be considered from more than one standpoint. First from the point of view of temperance the best method of decreasing the amount of drinking is to raise the price of liquor as high as possible. This method cannot be employed where illicit distillation is rife, as high priced licit liquor simply means increased illicit consumption. The illicit liquor produced is cheap and the temptation to manufacture correspondingly strong. The Honourable Mr PATEL has given figures to show that the amount of drunkenness in Kara is small. Is it likely, I would ask, that cases of drunkenness in the villages and fields in Kara will be brought into Court? I submit that wholesale illicit distillation means drunkenness and the fact that there is drunkenness among the Dharalas can surely hardly be contradicted. I cannot therefore understand any temperance reformer opposing this legislation.

Then there is the standpoint of crime generally. In this respect too Kara has an unenviable reputation. It attracted the attention of the High Court who in a judgment, dated 5th May 1910, in an appeal against a death sentence in a murder case remarked on the prevalence of violent crime in Kara. In another High Court judgment in another murder case on 30th June of the same year the Judge remarks: "The facts brought to light in this case disclose a state of remarkable lawlessness. Apparently murders are deliberately committed and then a general and determined effort is made to stem the course of justice in bringing offenders to conviction. It would seem that a criminal court is looked on rather as a forum for false swearing than as an instrument of justice. This is not the first case in which there has come to notice the extraordinarily criminal condition of parts of the Kara District and the absolute contempt shown for the efforts of the authorities to administer justice and maintain law and order."

These are strong words, but I think anyone who knows Kara will admit that they are justified. Need I take up the time of Council in tracing the connection between drink and crime? Surely it is notorious all the world over. Of its applicability to Kara the Honourable Mr. KEATINGE has given us interesting local

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[Mr S R. Arthur.]

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* information from the people's own mouths. Apart from the effects of drink on the individual, it has to be remembered, as the Honourable Mr CARMICHAEL has pointed out, that crime begets crime and lawlessness begets lawlessness. If people find that they can with impunity disobey the Government excise law they become naturally prone to commit other offences. Thus we have both the demoralization of the individual from drink and the general demoralization of the population. I cannot understand anyone who favours law and order voting for the omission of this section of the Bill. I would ask any member who contemplates doing so to consider whether he will not also be voting for the continuance of the unenviable notoriety of Kara in respect of murders and other crimes of violence. It is easy to take the popular side. Is it *right* to oppose legislation the moral results of which will be of incalculable benefit to the people? Is a strong temptation not to be removed from a populace simply because the disastrous results of yielding to it are not apparent to themselves?

The Council have heard from the Honourable Mr. CARMICHAEL the previous history of legislation to restrict the transport and possession of mhowra. He has told us that the application of section 18-B of the Abkar Act has in other districts been immediately effective in stopping illicit distillation and has done so without inflicting any hardship on the people. He has also dealt with the argument that restriction of possession of mhowra is restriction of what is food for the people and for cattle, and has shown that there are no legitimate uses for which mhowra *can* be kept after the first heavy rain has fallen. Therefore the latitude which Government propose to give by extending the recess period to the end of June is amply sufficient for all legitimate uses, while the concession of a limit of 20 lbs. for the month of July will meet all possible demands of cultivators for their cattle. Mhowra is *not* food either for man or cattle. A small quantity is occasionally mixed with flour as a seasoning. It is also occasionally given to plough cattle in very small quantities only in the rains as a stimulant. It is not supposed to be good for them. The better class of Dharalas and Patidars do not give it them at all. If it is given to milk cattle they cease to give milk. Thus the proposal of Government provides for all, and more than all, the mhowra needed by the people for legitimate purposes.

Leaving on one side for the moment the question of whether mhowra is food or seasoning of food I listened anxiously for any statement on the part of the Honourable Mr. PATEL or the Honourable Mr PAREKH that it could be used for human consumption after the 1st July, *i e*, after the rains had well set in in a normal year. If it is not, the legislation can do harm to no one. And for the fact that it is not we have Mr. Ghosal's explicit statement. The Honourable Mr. PATEL says that Mr. Ghosal's information is based on reports of his Excise officers. If I know anything of Mr Ghosal it is based on laborious personal investigation in different talukas and villages. Mr PAREKH has referred to the cruelty of cutting off the food of the people in periods of scarcity and famine. Now let us suppose the rains were to fail this year (which Heaven forbid). The results of that failure would become apparent not now but next spring. Does any one maintain that this year's mhowra flowers will be fit to use for food next spring? If not, the argument as affecting famine disappears. Next spring will be the open season and the people can pick at pleasure next year's crop.

The present position as regards mhowra in Kara reminds one of a confectioner who says to a small boy "I am going away, Tommy. Now mind you don't touch the sweets. If you do, I'll beat you." He goes away, leaving the shop open, and Tommy, seeing the coast clear, helps himself to the sweets. The shopkeeper comes back and finds him eating the sweets in a ditch by the roadside, takes a stick and gives the boy a severe beating. Next day, having to leave the shop again, he locks the door and puts the key in his pocket. Which method is kinder to Tommy?

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[*Mr. S. R. Arthur, Mr. Vithalbhai
Jhaverbhai Patel, the President;
Mr. G. Carmichael*]

The Honourable Mr. CARMICHAEL has alluded to the use of mhowra for the manufacture of acetone which is an important constituent of smokeless powder. This is an imperial purpose and it is imperatively necessary that all reasonable steps should be taken to ensure as large a supply as possible being brought on the market. This new demand is likely to increase greatly the price of mhowra. Thus there is every prospect that the ryot will secure a good price for mhowra which he collects and sells. Thus he will be benefited in pocket and saved from temptation to drink illicitly distilled spirit.

To sum up

There is, I submit, everything to be said for the proposed legislation.

It is proved that illicit distillation is rife

It is proved that other measures to stop it have failed

It is proved that the provision now proposed for Kara has been applied to other districts with complete success and with no injury to the people

It is proved that Kara has an unenviable notoriety for crime.

It is certain that by the proposed legislation the people will become more sober and therefore better cultivators and better members of society.

Finally it is certain that with the demand for mhowra for licit distillation and for the manufacture of acetone they will have at their doors a means of making money in the hot weather when cultivation is at a standstill. Thus the mhowra tree, which has hitherto been nothing but a curse to the district, will now become a source of legitimate profit.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency, in order to save time, and with Your Excellency's permission, I should like to make my position in regard to this amendment clear at this stage. I find that several of my Honourable colleagues complain that they have not been placed in possession of sufficient materials to justify them to vote one way or the other and they therefore would refrain from voting. It is, my Lord, very regrettable that only some of the members of this Council should be placed in possession of materials from which they could talk of certainties and truths in regard to any legislative measure before this Council. I always thought that any one member of this Council was as much entitled to get information from Government as any other in respect of any legislative measure at least. However that may be, I have decided to withdraw my amendment at this stage inasmuch as several Honourable members are not willing to vote either way in the absence of necessary information and also because I realize the importance of the difficulty pointed out by my Honourable friend Principal PARANJPYE. May, I therefore, request Your Excellency to permit me to withdraw my amendment?

His Excellency the PRESIDENT.—I am very much obliged to the Honourable Member. I think he can really have no grievance. Except the members of the Executive Council and my Honourable friend the Commissioner of Abkari, he is in exactly the same position as every other member of this Council, so I hope he will not nurse any grievance in his bosom during the next six months.

The amendment was by leave withdrawn.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Mr. G. CARMICHAEL.—Your Excellency,—I beg to propose that the bill be referred to a Select Committee consisting of myself, the Honourable Mr. ARTHUR, the Honourable Mr. PRATT, the Honourable Mr. PATEL, the Honourable Mr. LALUBHAI SAMALDAS MEHTA, the Honourable Rao Bahadur VAIDYA, and the Honourable Mr. PURSHOTAMDAS THAKURDAS.

ABKARI BILL, CITY OF BOMBAY POLICE BILL, RESOLUTIONS
NOS 1 AND 2.

[*Mr. Vithalbhai Jhaverbhai Patel,*
Mr. G. Carmichael, the President,
Mr G S. Curtis, Sardar Dulabawa
Raisinghji]

[25TH JULY 1916.]

The Honourable Mr. PATEL.—Your Excellency, I propose the name of the Honourable Mr PAREKH to be included in the Select Committee, as he has made a special study of the subject

The Honourable Mr CARMICHAEL.—I am quite agreeable to include the name of the Honourable Mr PAREKH in the list

The motion was then put to the vote and carried
Bill referred to a Select Committee

BILL No. II OF 1916—(A BILL FURTHER TO AMEND THE CITY
OF BOMBAY POLICE ACT, 1902).

His Excellency the PRESIDENT.—A Bill further to amend the City of Bombay Police Act, 1902, First Reading, the Honourable Mr. CURTIS.

The Honourable Mr G S. CURTIS.—Your Excellency,—I rise to propose the first reading of Bill No. II of 1916, a Bill further to amend the City of Bombay Police Act, 1902. The objects and reasons of the Bill will be apparent from the statement appended to the Bill which is in the hands of the Honourable Members of this Council. I think they will gather from that that the provisions of the Bill are of a non-contentious nature. I therefore think, Sir, that no further remarks from me will be called for, and I therefore propose that the Bill be read a first time

The motion for the first reading of the Bill was then put to the vote and carried
Bill read a first time

The Honourable Mr CURTIS.—Your Excellency,—I beg to move that the consideration of this Bill be referred to a Select Committee consisting of—

The Honourable Mr. C V MEHTA,
The Honourable Dr FERNANDES,
The Honourable Mr. BARODAWALLA,
The Honourable Mr. LALUBHAI SAMALDAS,
The Honourable Mr. PURSHOTAMDAS THAKURDAS,
The Honourable Rao Bahadur VAIDYA,
The Honourable SHERRIFF DEVJI CANJI, and myself,

with instructions to report by the 30th of September

The motion was then put to the vote and carried
Bill referred to a Select Committee

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST

His Excellency the PRESIDENT.—Resolution by the Honourable the Thakor of Kerwada

The Honourable Sardar DULABAWA RAISINGHJI THAKOR of KERWADA.—Your Excellency,—In order to save the time of the Council, with Your Excellency's permission I propose to deal with both the resolutions together. The resolutions that stand in my name read as follows—

RESOLUTIONS NOS. 1 AND 2.

[25TH JULY 1916]

[*Sardar Dulabawa Raisingji,*
Mr G.S. Curtis]

" 1. That this Council recommends to His Excellency the Governor in Council to extend the privilege to the Talukdars of Gujarat of electing a Member to represent their interests on the District and Taluka Local Boards.

2. That this Council recommends to His Excellency the Governor in Council to extend the privilege to the Sardars of Gujarat to elect one Member for a seat on the District and Taluka Local Boards of their respective districts."

My Lord,—One of the essential aims to be secured by the establishment of Taluka and District Local Boards was to afford training in local citizenship and self-government in rural areas. Care has been taken to see that important interests are well represented, but the Talukdars of Gujarat do not as usual seem to have attracted the amount of attention which their position and their interests demanded. The privilege I claim for the Talukdars has already been conferred upon the Inamdars of Gujarat, and, on principle, I do not see how their claim can be resisted. The contributions made by the Talukdars towards Local Funds far exceed those of the Inamdars and many other classes, and their stake in rural self-government is proportionately large. While the number of inam villages and the area covered by them is comparatively small, the Talukdar estates cover nearly one-fifth of British Gujarat. I do not grudge the inamdars the privilege they enjoy, but it does seem to me unfair that the ancient landed aristocracy of Gujarat should have no direct and separate representation on the Local Boards, and no effective voice in the administration of the rural affairs of their districts. It is not simply to safeguard the interests of Talukdars and Talukdari villages that I move this resolution, but the Talukdars form the principal leisured class in the rural areas, and it ought to be their duty to take the lead in the intelligent and efficient direction of their local affairs. Your Excellency in Council would be opening a career of general usefulness to this leisured class by accepting my resolution, and I am sure the Talukdars will do all in their power to deserve the privilege extended to them.

As regards the other resolution, the Sardars of Gujarat have a stronger claim than the talukdars. Though there are some talukdars who have the proud privilege of belonging to the Sardariat of Gujarat, their number is small, and one class would not adequately represent the other. The class of Sardars is mainly composed of heads of families whose ancestors were ruling princes or scions of ruling families and who own large and hereditary landed estates and may aptly be described as rural magnates. The dignity has also been conferred on large landholders and gentlemen who have rendered distinguished public services, and commerce and industries have not been left out. Personally I should be glad if the aristocracy of intellect is also represented in the class. The Sardariat includes the leading representatives of rural society, and I do not see why it should not be called upon to discharge the duties of local citizenship. The Sardars have the privilege of returning a member to the Local Legislative Council and share the right of electing a member for the Imperial Council with other distinguished constituencies.

With these remarks I beg to move the two resolutions for favourable consideration and acceptance by Your Excellency-in-Council.

The Honourable Mr. G. S. CURTIS.—Your Excellency,—I venture to think that it will be impossible for Government to accept the resolution moved by my Honourable friend the Thakor of Kerwada. In fact, Sir, I think that his speech in support of the resolution is characterised by a number of statements which are sweeping and full of inaccuracies.

The Honourable Member's main contention is that, generally speaking, in the whole of Gujarat the talukdars are more important than the inamdars, and the argument which he put forward was that because the inamdars have special

RESOLUTIONS NOS. 1 AND 2.

[*Mr. G. S. Gurtis.*]

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representation on District and Taluka Local Boards therefore in every area in which they exist similar privileges should be accorded to talukdars. Well, Sir, I would remind members of this Council—I need not remind those who represent the constituencies in Gujarat—that the distribution of talukdars throughout Gujarat is extremely unequal, that in talukas and in parts of the various districts their importance and their numbers vary immensely. In one taluka, for instance, in the Dhandhuka taluka or in the Dholka taluka, their estates constitute perhaps two-thirds of the total area of the taluka, and in another taluka, such as Prantij, they constitute four or five villages, while many villages may constitute a third of the village. Therefore, Sir, the reasons which in one case might perhaps justify the constitution of a special constituency of talukdars, in the case of Dhandhuka and Viramgaum, might not justify a special constituency in the case of, say, Prantij or Daskroi or in any other place. Indeed, Sir, it might happen that if we were to accept this resolution and lay down that broadly speaking wherever a talukdar exists there he should have a seat on the Taluka Board as a matter of course, there would be one talukdar electing himself in perpetuity on that Taluka Board.

The same objection, Sir, applies to the Honourable Member's second resolution. There he asks that special constituencies should be created in District and Taluka Local Boards for the benefit of the Sardars of Gujarat. I venture to think that he has failed to number up how many Sardars there are in Gujarat. I confess I have not done so, but, speaking at a guess, I should be doubtful if they exceed two dozen. Now, Sir, it is obvious that members who know Gujarat will understand that there are five districts in Gujarat with probably six or seven taluka boards in each. Therefore, Sir, once more we might very possibly have a case in which there will be one Sardar in one taluka electing himself in perpetuity. I venture to think, Sir, that that is a state of things which this Council would not view with favour. The Government of Bombay have at present under consideration the constitution of District and Taluka Local Boards and the orders recently issued by this Government based on the report recently submitted by the Honourable Mr. LAWRENCE and the rest of the members of the Local Boards Committee, on which several members of this Council sat, reads as follows:

“Paragraph 10. The Commissioner in Sind and the Commissioners of Divisions should be requested to submit proposals under the following heads—Number of members on each Board, that is to say, District and Taluka Local Boards, the number to be nominated, the distribution of elective seats between territorial and special constituencies, the constitution of territorial constituencies and the constitution of special constituencies,” and so forth.

Members of this Council are therefore already aware that the whole question of the constitution of these special constituencies and of the District and Taluka Local Boards generally has for some time past been and is receiving the close and sustained attention of this Government and its heads of departments. I venture to think, therefore, Sir, that if the Honourable Member still considers that he can establish a case on behalf of the small class of Sardars of Gujarat and the more influential class of talukdars, if he can establish a claim on behalf of these two classes to a special treatment, he will no doubt be well advised to place it before the Commissioner of the Division, so that the claims of these two classes may receive due attention. But, Sir, it would be obviously impossible for Government, without any figures as to area and wealth of these estates, without any figures as to their distribution, and without the report of the Commissioner as to the extent and importance of the various interests for whom it is desirable to create special constituencies on the new boards to be constituted in this Presidency, it will be impossible, as I say, for Government to accept this resolution. I urge therefore that this resolution should be negatived.

RESOLUTIONS Nos 3 AND 4

[25TH JULY 1916]

[*Sardar Dulabawa Raisinghji, the President ;
Mr. Raghunath Purshottam Paranjpye*]

The Honourable Sardar DULABAWA RAISINGHJI, Thakore of Kerwada.—Your Excellency,—In view of the suggestion made by the Honourable Mr CURTIS, I beg leave to withdraw both the resolutions

The resolutions were by leave withdrawn.

His Excellency the PRESIDENT.—Resolution No 3 “That this Council recommends that Government be pleased to withdraw the recent Circular to the head masters of all recognised schools restricting their discretion in making admissions to their schools.” The Honourable Mr PARANJPYE

The Honourable Mr RAGHUNATH PURSHOTTAM PARANJPYE.—Your Excellency, with regard to this resolution I wish to say that, since I gave notice of this resolution, the circular complained of has been withdrawn and action has been taken in accordance with that proposal. So I wish to withdraw this resolution.

The resolution was by leave withdrawn

His Excellency the PRESIDENT.—Resolution No 4 The Honourable Mr PARANJPYE.

—The Honourable Mr RAGHUNATH PURSHOTTAM PARANJPYE.—My Lord, the resolution that I wish to move for the acceptance of this Council reads as follows—

“That this Council recommends that Government be pleased to represent to the Government of India that the rules regarding the use of text-books in recognised schools have been found unsatisfactory in working and require modification on the following lines:— (1) Head masters should be allowed full discretion in selecting text-books, the Educational Department having a veto which should be exercised on general, moral and political grounds and should state the objections against any book in detail. (2) As regards the suitability of a book from the educational point of view, the Department should have the power of making recommendations only.”

The resolution deals with a matter which is of very great importance from the educational point of view and has been agitating the educational world for many years. Although perhaps no public and formal representations might have been made on this subject, the Council may take it from me that the state, in which this question of text-books is at present, has given rise to a great deal of discontent and dissatisfaction. Your Excellency, I had given notice of a resolution on this question of text-books in the last Council but I was then told that the rules were made by the Supreme Government, and hence I have been obliged to put the resolution in this form. Apparently, if any change in the rules is wanted, the Supreme Government will have to be moved. But the execution of the rules rests with this Government, and I think that this Council is justified in considering this question and recording its opinion that the working of these rules has been found unsatisfactory and that the rules themselves are opposed to educational efficiency.

Your Excellency, the grant-in-aid and recognised schools are not allowed to use any text-books but those which are on the Government sanctioned list, not only so but no books are allowed to be purchased for school libraries, except such as are mentioned in another list of books sanctioned for libraries and prizes. The rule is so rigid that it was recently pointed out in the discussion of the Matriculation and the School Final that the University cannot prescribe for the matriculation books that are not on the sanctioned list, for, if it did, the department would not allow these books to be taught in the schools. Absurdity cannot further go! It

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[*Mr. Raghunath Purshottam Paranjpye.*]

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will thus be seen that the discretion of the managers of the schools has been altogether fettered if they wish to try new experiments and wish to use a book which seems to them suitable.

My Lord, the procedure about the sanctioning of those books is somewhat as follows. When a head master or the author of any book wishes to have a book on the list he has got to apply to the department for the purpose. The department has one or more committees for getting books properly examined. I believe there is one committee for the examination of English books and another for the examination of vernacular books. In my remarks I wish, so far as the latter committee is concerned, to refer only to the sanctioning of books in the Marathi language as I am more familiar with it than with its operations in the case of other vernacular languages. The committee which sanctions English books generally consists of one or more Inspectors and other officers of the department, and I suppose its recommendations are to a certain extent personally considered by the Director himself. In the case of vernacular books the Director has mostly to rely upon the opinions of his advisors. I suppose that when the system of the sanctioning of text-books was brought into operation, it was intended mainly to see that books and other publications whose nature is politically and morally pernicious were alone to be proscribed. But since the suitability of books from all points of view began to be considered at the time of sanctioning them, a large number of evils have crept in, which I intend to lay before the Council. In the first place, it may happen that the head of an institution may regard a book as suitable which the examining committee may not so regard. But in such cases I would myself allow the head master to follow his own view reserving to the department only a general supervision which it can always exercise especially through its annual inspection of schools. In the case of English books moreover, the Council will observe after a careful inspection of the list of the sanctioned books, that a large number of books on it have been written by the officers of the department themselves. And it is but human that when an officer has himself written a text-book in a subject, he is likely to consider that other text-books on the same subject by other authors are not quite as satisfactory as his own. But it does not necessarily follow that that view is correct. I may be told that there are other members on the committee. But as the late Mr Chamberlain once remarked, if one man on a committee has got a decided opinion while the others have none, that one man will necessarily dominate the whole committee; but further in these cases under consideration, favour to a colleague in one case is likely to be repaid by him in kind in other cases by putting a spoke in the wheel of rival books by outsiders. Again several extraneous considerations are occasionally also imported. Whether a book is high priced or low priced, whether it is intended by the author for English schools or for Indian schools, whether it is too difficult or too easy, these are considerations which certainly deserve thought but upon which the department should not have the absolute and the final word. I have in view an instance in which a book on Mathematics was for a time not sanctioned because it contained something more than what was required for the school course, because the examples in it were too few and too hard and because the treatment of some parts in it differed slightly from that in the standard books. What does the department lose if boys use two different books on practical and theoretical geometry or use one book containing both theoretical and practical geometry? But it is on this ground that a book on practical geometry was recently rejected. What the department has to see is whether boys taught with these books know their subject properly and have been intelligently taught. The school master knows what is most suitable for his boys.

In these days there is a great competition among publishers to have a hand in this vast and lucrative trade of school books and I have heard complaints—I do not know how far they are well founded—that some publishers are unduly favoured, while others do not get their publications sanctioned so easily. The production of books

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and series specially meant for boys is nowadays so large that it is hardly possible for the department to examine them all very thoroughly. There is a great competition among the various book-sellers, and on looking at the sanctioned list one finds that a disproportionate number of them have been written by the officers of the department itself. Thus, for instance, in the list of sanctioned books the following authors' names recur continually, Percival Wren, Marsden, Nesfield, Barrow, Fraser, and so on. Some of these officers appear to have made quite a trade of writing school books on all conceivable subjects. I shall take the example of Mr Percival Wren who was till recently the Personal Assistant to the Director of Public Instruction. I find him responsible for books on education, physics and hygiene, English composition, poetry for composition, Ivanhoe re-written, physiology, Swift simplified, and various other works. Members of the Council will remember that the same gentleman is well known among the general reading public as the author of several Anglo-Indian novels. I think the department is to be congratulated on possessing such a versatile genius, but I can't help wondering how it is that he was able to do all this literary work over and above his usual office work and his military duties, for he was a keen volunteer and is now on active service. Again on every conceivable subject Mr Marsden is responsible for one or more books, and Mr. Marsden is, I am told, a literary adviser of a publishing company at present and was a high educational officer in another Presidency some years ago. With such competition it is very difficult for new writers to get their new books sanctioned. Many other wild stories are current in educational circles about the extent to which this patronage has been abused, but without giving credence to any we may certainly say this, that the whole atmosphere is such that it is very favourable to the production and growth of such rumours. Even from the point of view of the efficiency of the department this is not a desirable state of things. In every book to a hypercritical eye some faults will always be visible, and I do not think that these faults should be judged by people who are, so to say, parties in the case. But, Sir, not only do new books suffer in this manner but even old and recognized gems in English literature have to take a back place. Thus only three novels of Scott appear in the sanctioned list, namely, Talisman, Quentin Durward, and Ivanhoe, the last also re-written by Mr Percival Wren. Only one novel of Jane Austen is sanctioned as a text-book, while three others are sanctioned for use in libraries. So far as I was able to discover the Vicar of Wakefield, Shakespeare's plays, Washington Irving's Sketch Book, Macaulay's essays or Addison's essays do not figure in the list of text-books. In fact I am told that Macaulay's essays have been recently dropped from the list deliberately, though I am not able to say why. Perhaps from the modern point of view of some educationists, they might have become antiquated but most members of the Council who have been brought up on these books will not be able to accept that opinion. I myself have read most of these books in my school days. I believe that some intelligent school boys—and certainly many of their teachers—resent being confined to books written mainly for boys. We want to give the boys a taste for good literature, for the best that has been written in the English language, and while selections and abstracts may be very well to a certain extent—and here I may say that such standard selections as Palgrave's Golden Treasury or the Oxford Book of English Verse do not appear in the list—we must always aim at giving them a taste for good English classics. What sort of an arrangement is that in which the Vicar of Wakefield cannot be used in schools? The same is the case with books that are sanctioned for French. There is not a single work among the sanctioned books by any of the masters of French literature. And we are sullen ready to complain that boys going out from schools do not get a love for great literature. Not only are reading books subject to the sanction of the department, but copy books, maps, drawing books, even pictures have to get the sanction of the department before they can be used in schools. I suppose that the time will come when every printed word anywhere seen in a school building will have to be sanctioned in whatever place it occurs.

RESOLUTION No. 4.

[*Mr. Raghunath Purshottam Paranjpye*]

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The case is still worse with the sanctioning of vernacular books. Here, the one aim of the department appears to be to scent sedition in every conceivable place. So far as the sanctioning of Marathi books is concerned, there is a committee the principal member of which is the Vice-Principal of the Poona Training College and he is assisted by a few other gentlemen. When a book is sent for sanction the Vice-Principal reads it first and he has got to go over every word of it, taking special care to see if any reference can by hook or by crook be made to have a political or seditious tinge. Thus for instance the life of Socrates in Marathi by Chiplunkar, which was published more than thirty-five years ago and had been in use in Government schools for many years, has been recently removed from the list of sanctioned books, because the author is apparently in bad odour or because it was printed at a press which is out of favour, although the book is a masterpiece of modern Marathi literature, and the author has been dead these thirty-four years. I happened once to see an opinion of a member of the text-book committee who reported against a book because it went against the established usage. With such an opinion how are we to have any educational progress at all? The books on history and especially on Maratha history appear to come in for very minute examination. I am told that recently a book on Maratha history was rejected and that too even when according to the Vice-Principal it had many merits because it contained many statements which were taken from such well known authorities as Grant Duff's Maratha history almost word for word, but which were not considered complimentary to the British or the Mahomedans of the times of the Peshwa or Shivaji. Among other points against this book was the fact that there were on its wrappers advertisements of books which were not sanctioned, and one in particular in which the opinion of the newspaper *Kesari* on a book was quoted. By the way, this minute examination and hunting after allusions which can be possibly misconceived has discouraged the production of new books, and authors of good repute hardly care to run the fire of such criticism. I suppose if Dr Sir Ramkrishna Bhandarkar were to write a text-book now he would disdain to send it for sanction under the present system. In connection with our school we should have liked to produce our series of text-books to enable us to realise our educational ideas, and in fact such a series was once actually in contemplation and even begun but it had to be given up under the system of sanctioning books. I know of a Marathi text-book in Algebra which was condemned absolutely because it contained an example on Swadeshi somewhat to this effect: "A man takes the Swadeshi vow and in a month he persuades two others to do the same and so on; how long will it take for the whole of India to be converted to Swadeshi?" I do not know that there is anything very dreadful in this example although perhaps if I were myself writing a book I should not have put the example in. But if we are to reject books from such considerations or to condemn teachers whose teachings can be conceived by a stretch of imagination to encourage seditious propaganda, I am afraid that hardly any book will escape, and I myself must plead guilty to teaching things which will condemn me certainly in the eyes of an Inspector determined to condemn me. When for instance I teach in my dynamics class about projectiles, I must be giving my boys apparently a lesson in waging war which by a further stretch of diseased imagination may mean war against Government, when I teach them the laws of impact and work out examples on the motion of billiard balls, I shall be considered by such a committee to be teaching my pupils how to play billiard only in my class. If I teach them how to calculate the chances of a particular combination of cards in the game of bridge I shall be told that I am teaching my boys gambling. Why, even the most innocent book on Arithmetic or Algebra contains many examples on the adulteration of milk with water or coffee with chicory. All these examples will in the opinion of the sanctioning committee tend to give boys examples of dishonesty in trade. Books with examples in which the word *wine* is used will certainly be objected to by a temperance member of the committee and may be rejected. I think such examination of books can very easily be too minute. Returning to the above-mentioned

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book on Algebra, I find that some other objections against it were that it contained too difficult examples, that it did not contain a sufficient number of simple examples, that the price was too high, it treated of matters not required in the school course, that Sanskrit rules from ancient books were quoted as a piece of interesting history and that historical details were occasionally inserted in the body of the book. I am told there was another reason which is the real reason for the prohibition—that the department itself was intending to produce a Marathi textbook on Algebra. In that reason really lies my whole case. The department or some officer of the department was apparently interested in some other publication. That was the great fault of the book; otherwise from the educational point of view most of the other charges would really be mere matters in the opinion of several, and all this silly criticism was made against it when there was only one antiquated book in Marathi on Algebra on the list of sanctioned books. There are only three books on Indian history in Marathi on the list for use in Secondary schools. Two of them are translations of books by Mr. Marsden and one is a short history of Maharashtra only. In fact nobody would care to ask for departmental sanction and risk a refusal which is very likely in the case of such books on history when objection is taken to remarks like "The breaking of idols is considered sacred in the faith of Islam," "The British renewed an unjust war with Marathas" after the convention of Wadgaon, "Balajipant Natu was the secret spy of Elphinstone," "Hastings silenced the Bhonsla by a bribe of sixteen lakhs," a statement which is taken word for word from the well known work of Grant Duff. I may mention in this place that the 1st I have consulted was revised up to the 31st August 1914 and of course there might have been some changes during the last two years but the point of my argument is not thereby weakened. Such a very scholarly book as the History of India by Sir Desai in three volumes and the school edition of the same does not find a place on it. I hope, Your Excellency, that I have fully proved that the system which leads to such results as I have tried to describe to you is not a satisfactory system. The department is not competent to give its opinion on all possible books and should not try to do it either. I fully admit that the department should have a right to proscribe a book on moral or political grounds or take steps against a school which uses such books, but these should be clear and not far-fetched, and should not be a matter of only a confidential communication. If the teaching of a book is pernicious, the department should be bold enough to say so publicly. The public will never complain of rejections on these grounds. Of course when a head master wants to launch out into new experiments and wishes to use other than usually used books, he takes full responsibility upon his shoulders if anything morally or politically objectionable is found in them. My idea is to give full freedom to follow out purely educational ideas, and as the present practice of sanctioning goes to restricting this freedom, I have thought it my duty to bring this question before the Council. When the power of sanctioning is used to attain other ends by indirect means, as for instance, proscription of all books printed at a particular press because the owner of that press is not a *persona grata* with Government or because the department is itself going to publish a book on the same subject and wants to burke all competition, the state of things is on the face of it absurd. The way in which the department gets books written specially for the use of primary schools is also noteworthy. Thus, *e.g.*, when science readers were wanted two noted scientists were asked to write books. These scientists from the nature of their service can hardly have entered a primary or secondary school in India. The books that they write in English are then translated word for word into the vernaculars and you can imagine what a translation is often like. Against one science reader I am told that the Head Master of a Government High School wrote as to its being too difficult. The competency of these departmental authors is not often properly considered, *e.g.*, the Inspector of Science-teaching is now reported to be writing a book on Arithmetic for the department and I would like to know what his special qualifications for this work are. He has recently published practical science note books each worth annas six but any science

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expert will tell you that the same work can be equally well done by blank books worth an anna or two. But our department makes these books compulsory on all schools and some schools had to protest against this compulsion.

This is not a matter of interest to Indian publishers and authors only. English publishing firms have been heard to complain that while the publications of some authors and publishers easily get on the list, their own publications find very great difficulty in getting the necessary sanction. In fact there was some public agitation when the contract for the departmental series was given to one company on apparently favourable terms and Indian firms of repute and having a name in the publishing business were not thought fit to publish books in Indian languages. Any objections are invented to excuse the non-sanctioning of a book. Thus some books are rejected because they contain misprints while books by favourite authors or publishers contain not only misprints but even glaring mistakes.

The question is really one of mere educational interest and if our educational system is to improve and not get stereotyped, we must leave full liberty in all those matters to educationists. The Department should make suggestions but on such points those most directly concerned with the teaching should have the first voice. But some of the actions of the Department cannot but give one the idea that they were dictated by mere questions of patronage rather than of real educational interests. After all one single man even if he be the Vice-Principal of the Poona Training College or an Educational Inspector is not competent to sit in judgment on books in all subjects and written several times by people who are greatly his superiors. The delay necessarily involved before sanction is obtained is often excessively long. It has occasionally happened that the final decision has taken years before it can be obtained. It sometimes even happens that a teacher is not allowed to teach his own book. I think that if a teacher is worth anything at all he must have some ideas of his own about the teaching of his subject. He often writes a book with the object of testing those ideas. There is no finality at all in educational methods. They have got to be submitted to the test of experience and trial. Our method is at present to lay down rules which would ensure dead uniformity. Under it we must say good-bye to all educational improvements except under strict official patronage. Educational Department has got its legitimate sphere of action in stopping everything that is essentially bad; but it ought not to lay down absolute laws on subjects on which there can be an honest difference of opinion. It can watch the results of new experiments and new methods and through its inspecting officers can make recommendations on the spot but beyond that it should not go.

My Lord, it is for the purpose of preserving liberty in educational matters to educationists to as great an extent as possible that I have brought forward this resolution. It is only thus that education will really progress and if the members of this Council have the progress of education really at heart, I trust they will pass my resolution unanimously.

The Honourable Mr. PHIROZE C. SETHNA.—Your Excellency, I agree with the Honourable Mr. PARANJPYE in the resolution that he has moved in regard to the use of text-books in recognised schools. Schools are either recognised or unrecognised, and recognised schools are divided into those that are aided with grants from Government and unaided schools which receive no such grant. If the Educational Department must impose very strict rules in regard to text-books to be used in aided schools there ought to be a certain amount of laxity in regard to text-books used by the unaided schools. There is a wide range of text-books and rather than select a few and compel the schools to use any of these it would perhaps be an easier course and one that would certainly appeal to all to issue a list of text-books which the Department for general, moral or political reasons would not like to be used in the different schools in the Presidency.

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Venkatesh Shrinivas Naik.]

Certain schools in Bombay have for years past been teaching one of Shakespeare's plays in the Matriculation class every year. It appears* the Educational Department will not now permit Shakespeare in the schools. Some institutions may be paying more attention to the study of English and the students of their Matriculation classes might perhaps be taught Shakespeare with advantage. It would hardly be fair to deny them this privilege. Again some teachers of long standing have published books on different subjects and they are entirely at the mercy of the Educational Department whether to use them or not in their schools. I may give here an instance of a prominent unaided school in Bombay where an Inspector in the middle of the year during one of his rounds discovered that the school was using a text-book published jointly by two of its teachers. He took objection to the book when it was pointed out to him that the same book was in use for four years running and that no previous Inspectors had taken exception. As the Inspector persisted the school authorities asked for permission to go on till just the end of the year and offered to stop the use of the book from the following year. The school as I have observed is unaided, it is one of the leading institutions and yet when commenting on the subject the Department wrote back to say that they would allow the book to be continued for the next six months but if it were found to be used thereafter "serious notice" would be taken. Surely there was no warrant for such language when the school authorities definitely promised to avoid the book after the end of the year and there was nothing against this particular school to give cause to believe that they would not conform to the arrangement. A little more consideration on the part of the Department would greatly help to prevent what irritation is caused by remarks such as these which are so many pinpricks and cannot contribute to the harmonious relations that should subsist between the Department concerned and the different schools. The main point however is that the text-book objected to is by no means inferior to the text-books on the same subject authorised by the Department and under such circumstances the proprietors of schools, particularly unaided schools, feel that they have a legitimate grievance. The Honourable Mr. PARANJPYE'S motion therefore is deserving of serious consideration and if Government cannot see their way to agree to the resolution *in toto* they might certainly be more lenient in the matter of text-books in the case of unaided schools.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK—May it please Your Excellency,—I have much pleasure in supporting the resolution moved by my Honourable friend Professor PARANJPYE. I agree with my friend in thinking that the head masters and managers of schools should be given some discretion in selecting text-books for different classes. All that is required in the secondary schools is to give certain amount of knowledge on different subjects. In these schools boys are examined and tested every year about the knowledge they have acquired either by the Educational authorities or by the managers of the schools. In secondary schools where instruction is given on subjects which involve general knowledge the selection of books should vary according to the needs of the locality and the taste of students and teachers. If the same books are taught year after year the work would be monotonous. It is true that if the same books are prescribed in different classes in all the schools the school children will find it more convenient to leave one school and join another even in the middle of the year, and such cases are very few and as far as possible they should not be encouraged. The head masters of recognised schools are supplied from time to time with a list of books recommended for the use of school libraries and students as extra readers. I am aware that the head masters have been given very little latitude in asking for special permission to allow them to prescribe some of the books from this list and prescribe such books only as will be permitted by the Educational authorities. When these books have been recommended to the students for reading, and are allowed to be kept in the libraries for the school

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children I do not see any cogent reason for interfering with the school masters' discretion in selecting books of a similar nature as those which are already prescribed. This practice of prescribing the same books in all the schools has been in vogue during the last two or three years and the circular issued in this respect every year by the Educational authorities are received only a few months before each year's new course commences. So it is probable that a demand would be made at one and the same time for these books and in the case of supply being short, which is very likely, many students would be without text books and remain idle until the publishers could furnish a new supply. Though this is but a contingency, still excepting uniformity, no other useful object is gained by the choice of the same books throughout. It sometimes happens that the books prescribed are not suitable to the local requirements and are not interesting to the school children and their teachers, though they may be useful in their own way. In such cases the head masters of the schools have to renew the very books though in their opinion the books are neither instructive nor interesting. All these inconveniences can be remedied by vesting in the head masters of the schools the power of selecting their own books for the students for whose education they are responsible.

The Honourable Sardar SHRINIVAS COOPOOSWAMY MUDLIAR —May it please Your Excellency,—I rise to support the resolution so ably put before the Council by my friend the Honourable Mr. PARANJPYE. Before making a few observations on the same, I have to thank Your Excellency for having satisfactorily solved the difficulty referred to in the first resolution which the Honourable Mr. PARANJPYE was going to propose. This decision of Government has to a great extent relieved the inconveniences and anxieties of many students and their parents.

At the outset, it would appear a presumption on my part to discuss or criticise questions which involve educational interests. But the present question is not of such a nature as would prevent a layman from doing justice to it. The question is one of very broad principles and therefore concerns every citizen. I have discussed this question with educationists and I am convinced that in the interest of education it is high time that our Government should represent to the Government of India that the existing rules, as regards the use of text books, require modification.

I understand that there is a Committee appointed to select vernacular text books, of which the Vice-Principal of the Poona Training College is the Chairman. The working of this Committee is not satisfactory and the question should engage the attention of the authorities concerned, as the object for which the Committee is appointed is not fulfilled. According to the present arrangement every book submitted for sanction has to go to the Chairman who goes through it. It is then passed round to the other members, if the Chairman is of opinion that the book is fit to be introduced in schools as a text book. This, in my opinion, is rather arbitrary, as the Chairman has the option of rejecting any book, without having the benefit of the opinion of the other members of the Committee. Authors are thus left to the mercy of the Chairman alone. He might take any view he likes. The other members of the Committee do not, for all practical purposes, exist, so far as authors are concerned. It is really the arbitrary opinion of the Chairman that decides the fate of the publication. This certainly was not the object of appointing the Committee. These arbitrary arrangements should not be tolerated consistently with the belief that the Department has at its disposal the efficient assistance of a Committee of experts.

I therefore pray that the present Committee should have a real hand in the selection of books. That will no longer withhold, from good authors, the encouragement which the Government has provided for in establishing this Committee. I need not allude to the discontent that is felt, in some quarters,

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owing to the present system of selecting books. I hope, and sincerely hope, that this Council will consider this resolution favourably, and when once the rules are modified, most of the difficulties now before us and others, if any, will be set right.

When a book is fortunate enough to meet with the approval of the Chairman, under the present procedure, a copy of it is sent to each member, and their opinion is called for separately. Thus there are no means for the members to know the opinion of one another, or discuss the merits of a book in an actual meeting. So the present system of taking opinion of the members is not at all satisfactory. It requires early modification.

The matter was so very important that, in my opinion, it should have been attended to long ere this. The Committee should meet several times in the year, when the opinions of the various members could be criticized and the conclusions thus arrived at then would be valuable. This, I need hardly say, is the view which should commend itself to every other member of the Committee, except the Chairman. The objections might be put forth, that this would involve time, inconvenience and expense. The only reply to this is, that the matter is of very great importance. It concerns the well-being of our future generation. A judicious selection of books should be made at any cost. It is the only sensible way of sowing the seed, which will bear fruit, and turn out of our schools good and law-abiding citizens.

Many of the books published, especially English text books, are mostly written by English authors. The merits of English authors, so far as the power of expression goes, cannot be disputed for a moment. But what, my Lord, about the ideas, which the authors are called upon to give expression to in the books? The English author cannot have that insight into our society and its manners and customs that an Indian author has. The former is less at home with the subject, consequently, however ably written a book, it might not be adapted to the needs of the average Indian boy. What we want is to lay the foundation necessary for the moral and religious tone of our young men. It is an admitted fact that religion is the foundation of everything that is good in this world, and yet our Indian students are not getting this education in our schools, just as Christian boys receive in their schools. I know full well, that owing to so many sections and sub-sections, amongst the Indians, the Educational Department will find it a very difficult task to impart religious education to Indian students. But if we prepare such books, we can achieve our end by placing them in the hands of Indian students.

It will not be out of place if I just make a passing allusion to the kind of books used formerly. If we but compare the books used about 20 years ago, with those now prescribed, my statement will be made clear. The books then taught were superior in every way. Both from the language and instruction point of view, they can stand comparison favourably with books now in vogue. It is therefore rather unfortunate that many of these books written as they are by standard authors, should be omitted from the present list. I need not say that many of us owe a good deal of our education to those old books. Should the present mode of selection be kept up, our future generations will treasure up these books as curios. Entering into minute details will be an encroachment on time. I should therefore recommend that this restriction on the choice of books be removed and that some of these books be used. This will serve a double purpose. Some more standard books will be utilised, a fact which will undoubtedly benefit the present generation of students. The heads of schools will be also benefitted, inasmuch as they will have a wider range of books to choose from, and so will not be cornered into making the best of the existing list, which is comparatively a narrower one.

To make this matter still easy, I would suggest that this part of the work should be left in the hands of the heads of the schools, who should select

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the series according to their wants, and as proposed by the Honourable Mr. PARANJPYE, the Educational Department should exercise the veto only on general, moral and political grounds to be clearly stated, in support of the exercise of the veto and in justification of it.

With these few remarks I support the resolution of the Honourable Mr. PARANJPYE.

The Honourable Mr. W. H. SHARP —Your Excellency, I should like first of all to attempt to remove an extraordinary misconception which seems to exist, and that is that the Vice-Principal of the Poona Training College is the principal member or even the chairman of the Vernacular Text Books Committee. As a matter of fact, he is not even a member of the committee. The instructions of the Government of India were issued long ago. Amongst the instructions was this, that to prevent the committee from being overburdened with books every book should be subjected to a preliminary examination by somebody and only if it was thought to be *prima facie* suitable should it be passed on to the committee. In the case of English books I regret to say that it is my own sad fate to subject them to this preliminary examination, that is to say, when books of the English Reader type or History or Geography are to be scrutinized, I undertake that task myself, and if on looking through a book *prima facie* it seems suitable, I send it to the divisional committee. In the case of vernacular books the book is first of all sent to the Principal or Vice-Principal of the training college concerned, and after his report has been received together with the remarks of the Educational Inspector upon it, it is then that the book is circulated to the members of the committee. The Vice-Principal gives merely a preliminary review of the book and is not a member of the committee at all. I have here the names of the Marathi Committee, to which the Honourable Mover referred. I find that the first four are officers of the department, the fifth is a pensioner; the sixth is now the Principal of the new Poona College; the seventh is a Professor of the Fergusson College; the eighth and the ninth are Rao Bahadur Marathe and Rao Bahadur S. V. Patwardhan; and the tenth is a European missionary. Only four of them are actually officers of the department, one is a European and two represent the two leading Indian institutions in Poona City. I dare say the committee deserve many of the hard things that the Honourable Mr. PARANJPYE said of them, but at all events, I do not think that looking at the list of names you could easily suggest ten other people who would be obviously and eminently more fit for the work. The Honourable Members who have spoken have gone into a number of details. I cannot pretend to follow them into all the details, nor can I pretend to remember the details of every case which has been raked up, but I have noted here one or two points on which some stress has been laid. It is said that books are rejected because of price. Well, that is an objection which is invariably raised by Indian members. They very often say that if a book is priced at 6 annas it is exorbitant, and it should be reduced to 3. In these cases my sympathy is always with the unfortunate author or the publisher, and in some cases I strike out any such condition. Occasionally it does appear that a book is highly priced, and I presume that the Indian members of the committee are better able to judge of the worth of a book and the price that children are willing to pay for it, and I therefore sometimes defer to their opinion.

Then it is said that books are objected to because they are too difficult. Well, that seems to me a most excellent reason for rejecting them. Only the other day I remember that a book was submitted and the unanimous opinion of the committee was that the greater part of it was far too difficult for any standard in the ordinary Anglo-Vernacular school. What then was the use of sanctioning it? It is said that a distinction is made according as the books are intended for English schools and Indian schools. Well, why not? That again seems to be a most reasonable distinction. I frequently reject myself such books because

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they are written entirely from the English point of view and contain stories such as would only interest English children, stories about the seaside and so forth, which are absolutely unintelligible both to the teachers and to the pupils of the ordinary Anglo-Vernacular schools.

Then again complaint has been made that we do not find on the sanctioned list well known books such as "Palgrave's Golden Treasury," or Shakespeare, we only find three novels of Scott, and so on. Well, I myself removed Milton from the sanctioned list. It is too difficult for students in ordinary Anglo-Vernacular schools to understand. "Palgrave's Golden Treasury" is prescribed by the University for the Intermediate Class or the B.A. Class. Shakespeare is prescribed for the B.A. Class or used to be. Scott is prescribed for the Previous Class. If then these books are suitable for the first, second and third year of the University course, how can it be contended that they are suitable at the same time for an ordinary Anglo-Vernacular school? I know it used to be the fashion to take a book like "Ivanhoe" in the 7th Standard of an Anglo-Vernacular school, and how much do they read of it in a year? Only 35 or 40 pages. What is the use of taking a long, difficult and a somewhat expensive book like that for the purpose of reading a very small fraction of the whole book? But I should like to ask, if any school considers that it is qualified to teach, for instance, a play of Shakespeare, like the school to which my Honourable friend on the right (the Honourable Mr. P. C. SETHNA) referred, why the management of that school should not put up that book for sanction for its own special purposes. Books are generally received from the publishers. Publishers send such books as they think suitable, but every manager or head master of a school is at liberty to propose any book that he would like to be sanctioned. It is not very often that they do propose books, but still whenever they do propose, I always take care to see that such a book is not rejected off-hand but is circulated to all the members of the committee, and the committee are informed at the same time that this book has been proposed by the head master of a school and therefore presumably is suitable from the point of view of at least one head master. I always inform them of this especially and purposely that they may give special attention to the book. I remember cases where Mission schools have put up books published by the Christian Literature Society and so forth for their own purposes, and those books have been sanctioned for use in Mission schools. There was too much of the Christian religion about them to make them suitable for the ordinary Anglo-Vernacular school. And in the same manner if any other school, which has a specially intelligent class of pupils or which for any other reason wants a particular kind of book sanctioned, will propose the books and state the reasons, then I am certain that every consideration will be given to it, as much as to the Mission schools.

These are some of the details that have been commented on and which I just noted down. Coming to the main principle, there is perhaps not very much to be said about the first part of the Honourable Mover's motion. He concedes that the department should have the power to veto certain books. The difference is that he proposes that this veto should be exercised after the book has been in use, whereas the present practice is that the book should be vetoed before it is taken into use. I submit that the present practice is the more convenient of the two. If the book is found free from objection in the long run, of course no harm has been done; but if the book is found to be objectionable and is vetoed, the fact remains that it has been in use for more or less time and has done as much mischief as it was capable of doing. The instance quoted by the Honourable Mr. SETHNA is very much in point. He says that after a certain book had been used for four years it was discovered one day by the Inspector and was objected to. Well, I do not remember the particular case referred to, but let us suppose that that book was seriously objectionable. For four years it was doing harm in the school and it was only suddenly discovered one day by the Inspector. Perhaps you will say that the Inspector ought to have attended to

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this book sooner. The Honourable Mr. PARANJPYE was complaining the other day that there was too much of direction and inspection in this department, yet he imposes upon the Inspector what really would be a rigorous inquisition by which he is to see that all the books used are free from objection. Again we see that in this case the head master pleaded that this was the middle of the year and it would be very inconvenient to discontinue the book suddenly, and therefore he was allowed to use it for another six months. I submit that in every way it is much more convenient for all the parties that a book should be examined in advance, and that is a principle on which the Government of India have always insisted in their instructions from time to time. The books should be examined by the committee and they must be examined in advance before they are taken in use, and I still think that it is the more convenient course. It, of course, involves a little delay perhaps, but it is the business of the head master to propose a book in good time before his term begins.

The second part of the motion is the more important part, which denies to the Educational Department the power of veto in the majority of cases. In spite of all that the Honourable Mover has said I do not think the number of cases is large in which books are objected to on moral or political grounds. A great many of the books are disapproved of by the committee because the methods which they follow seem to be indifferent or because they are suited to some other class of boys, or because the language in which they are written is too difficult. Another point that I remember which I noted down is the question of misprints. We were told that books are often rejected on the ground, of misprints. Well, it depends on where you draw the line as regards misprints. It was only yesterday that I had to reject a book as it contained 400 misprints. The author confessed to 400 misprints and the reviewer said that there were at least 200 more to which the author did not confess. All these criticisms would come under the general head of educational, I suppose. There is another thing. Now-a-days there are many books which are written in English in India. Very often the English is extremely bad. Now there are, of course, head masters who are able to distinguish between good English and bad English. But in many cases they are not able, and they are in danger of corrupting the boys still further by the bad English. I am not prepared, therefore, to agree that the Educational Department should confine itself to recommendations, and that it be deprived of all power of taking objection to a proposed text-book on such grounds as have been mentioned. Perhaps I may be allowed to refer to what is the actual practice based on the instructions of the Government of India. The Government of India say that the object of this rule is that only text-books to which no objection can be taken should be used in schools for the tuition in which the State is directly or indirectly responsible. "In the schools maintained by Government or local bodies a large list of text-books is not required." In the case of those schools—the Government schools and the Local Board schools—we retain the absolute right of prescribing a book. "In the case of aided schools a wider range is required." Well, I have here the authorised list of text-books. I observe that as far as Secondary schools are concerned, there are more than 1,000 books of various kinds on the sanctioned list, and although some sections are larger of course than other sections, still head masters and managers of schools have this whole list to choose from if they like. It is absolutely incorrect to say that the department orders the aided schools to use such and such books. Orders of that nature are only issued to Government High Schools and, although copies of circulars are usually sent to the aided schools for their information, no order is given in the matter and they remain perfectly free to follow the Government practice or to choose any other book they like from the sanctioned list. The Government of India go on to say that if a manager of an aided school wishes to adopt a particular text book, the Local Government will give every facility to have the book referred to the Text Book Committee, with a view to its being included in the list. It is very seldom, as a

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Purshottam Paranjpye*]

matter of fact, that anybody does put forward any book of his own, but whenever any such book is proposed, as I have already stated, the proposal is treated with every respect. The book is circulated to the committee and their attention is specially drawn to the fact that a school requires it. Finally the Government of India say that the Local Government or the Government of India retain the right of prescribing a particular book for use in *all* schools, whether Government or not. That is an exceptional right which they consider themselves justified in retaining. As a matter of fact, at the present moment, I do not think there is a single book, not even the Vernacular Readers, which is absolutely prescribed; and all the schedules prescribing the standards contain the provision that wherever a departmental book is prescribed any other book of equal merit and difficulty is acceptable.

I now come, Sir, to what is perhaps the most serious part of the Honourable Mr PARANJPYE'S indictment, and that is his allegation or insinuation that all these departmental books get into the sanctioned list because of the profit that accrues from them to officers of the Department. He says that if you look through this list you will find the names of the officers of the Department. Of all the names of the officers that he read out Mr Wren is the only one who is actually an officer of the Department. The other names he referred to are not officers of the Department.

The Honourable Mr. PARANJPYE.—Mr. Nelson Fraser also.

The Honourable Mr. SHARP—I did not hear his name mentioned; but, as a matter of fact, there is not a single book written by Mr Fraser prescribed by the Department, except his six books for the first three English Standards, and they are not prescribed absolutely. Most of his books are written and intended for teachers, not for the pupils at all. It is true that Mr. Marsden has been employed to write some books, he is a retired officer of the Madras Educational Department. The reason why a good many of these books appear is that we require certain books for our own purposes and we employ certain people to write those books. When a man writes a book to order, and consults with you as to what subjects you want included, and approximately the number of pages, and so on,—when he has written all this to your order, naturally you sanction that book. It would be really very odd if you did not. They are simply written to order, and therefore they are sanctioned, and prescribed for Government High Schools. Some people have an idea that Government own all the High Schools in this country. The total number of High Schools in this Presidency registered by the University for the Matriculation is nearly 200, and of these only 20 are Government High Schools.

Reference has been made to "the vast and lucrative trade" in these books. If the honourable member were to refer to some of the publishers, he would find that things are quite different. There is only one series of books which is profitable, and that is the Vernacular Readers, on which Government obtain a royalty, but these are not prescribed for High Schools. For other books my difficulty is to get any publisher to undertake them. In the first place the number of Government schools is very small, and in the second place they are divided between four languages, in some cases the publisher has to bring out not only an English edition, but editions in the four Vernaculars, and with a comparatively small market his profit is also very small. As regards the officers of the Department, you will usually find that the author has no interest in the sale of the book at all. I know it in the case of Mr. Wren as a fact. The same is the case with Mr. PRATT, the Inspector of Science. His Science note books are not compulsory in any schools, excepting Government schools. I have here with me all circulars issued either from my office or from the Inspector of Science's office, and in every case where the word "must" is used, it applies to Government High Schools only. It is perfectly true that they are compulsory in Government High Schools, but the use

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is not compulsory in other schools and Mr. Pratt informs me that a large number of schools are in the habit of sending him work done in ordinary blank books. Aided schools are not bound to use them, and many do not use them.

Time will not allow me, Sir, to go further into all these details. Many of the statements that have been made are mis-statements, they have no foundation in fact at all. If I had time and the requisite materials at hand, I dare say I should be able to demonstrate the same of many more of the points made. The general principle remains that Government have always claimed the right to approve the books used in schools that are directly maintained or aided by them, and they have also insisted that this right should be exercised before the books are brought into use and not afterwards. I submit that this practice, though it may involve certain delays sometimes, is on the whole more convenient to everybody concerned than the other course would be, and that therefore there is no reason why the power of selecting the text-books for schools should be freely given to the head masters and be taken away from the officers of the Department.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA :—Your Excellency, the Honourable Mr SHARP has divided his reply into two parts, one as regards the principle on which the orders of the Government of India are based, and the other as regards the manner in which these orders are executed. Speaking of the principle, my Lord, so far as the orders of the Government of India are concerned, there is no objection to prescribing text-books for Government schools. It is only when we come to the unaided or partly aided schools that the difficulty arises. With regard to the aided schools, the Government of India has said that they will afford facilities to see that the text-books prepared by the head masters of such schools are taken up. It is chiefly in connection with the unaided schools that the question arises as to whether these should be compelled to go to the Director of Public Instruction to get the text-books prepared by their head masters approved.

My Honourable friend Mr. SETHNA referred to a school in which a book on astronomy prepared by the principal of the school himself was in use for four years and which was abruptly ordered to be stopped in the middle of the term. I believe my Honourable friend Mr. SETHNA refers to the same school which I have in view. If the Director of Public Instruction thinks that his department is justified in ordering that a certain book should not be used in the school, I think we have every right to ask that the department should not stop the use of the book in the middle of the year. My Lord, there are certain books which some principals of large high schools have prepared for the use of their own students, such as books on elementary arithmetic, and so on. I may state here that the principal of a certain school who is an educationist second to none in this Presidency—I will not mention the name of the high school or of the principal—studied the difficulties of the boys, and after considering what kind of arithmetic book was suitable for them, he prepared two or three text-books himself. He sent the first of his series to the department for approval, and the department approved of it merely as a prize book. He was naturally disgusted with this reply and did not send his other books to the Director thereafter, but has been using his own book though the department have not approved of it. What I want to ask Your Excellency's Government is this. Is the principal of a high school like that to send the text-books to a committee, however eminent the members of it may be, who cannot be expected to have the same experience as regards secondary education as the principal and his colleagues have? Is it necessary? I can understand the Director of Public Instruction wanting to see that books on history, politics, etc., should be submitted to him for approval in the first instance. I would not object to that. But as regards books on mathematics or astronomy or other divisions of science, I do not see how the department can know the requirements of a

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Mr. Mahadev Bhaskar Chaubal.*]

particular school better than the principal of the school himself. The principal told me that he considered it unfair to go to a committee who do not know anything about the requirements of the school, and he has been going ahead with his own text-books.

As regards the manner in which the orders of the Government of India are carried out, of course there will be a difference of opinion. I have nothing to say about that, but what I submit is that, while the Educational Department may have every right of vetoing or prescribing text books on history, moral education, and so forth, and that these should be submitted in the first instance for the approval of the Committee, as regards other books the head masters of high schools should be trusted and they should be allowed to teach from their own books without referring them to the Director of Public Instruction, in the first instance.

The Honourable Mr SHARP said that there was a difference between good and inefficient head masters who could not distinguish good English from bad English. Well, if there are such inefficient head masters, then the best thing that the Director of Public Instruction can do is to disaffiliate the institutions to which they belong

[The Honourable Mr BELVI —He may dismiss them]

The Honourable Mr. LALUBHAI :—He cannot dismiss them as they might not be in the department, but he can disaffiliate such schools. He has the power to disaffiliate a school. Therefore with such a powerful weapon in his hand, I do not see any reason why Your Excellency's Government should not approach the Government of India to modify the rules so as to meet the requirements—I won't say of the Government schools—but of the unaided and partly aided schools

The Honourable Mr MAHADEV BHASKAR CHAUBAL —Your Excellency,— I think that there is very little that I can add to what has been stated by the Director of Public Instruction. The resolution which the Honourable Member has moved requests the Government to represent to the Government of India that the rules have been found unsatisfactory in working and require modification on the lines proposed by him. The Government of India have laid down the policy and are particular in maintaining it that the text books used in secondary schools and primary schools should be books which have been previously approved by the committee. Members of these committees are carefully selected, and consist of Educational officers as also independent non-official Educational experts. And I feel sure that it would be useless to go to the Government of India and to ask them to in any way change this principle which they have apparently enforced not only on this Presidency but upon every other province in India. I think that there ought not to be any hardship in practice after the facility which the Government of India have left at present to managers of schools to submit any books they want to the approval of the committee, and from the very rare occasions on which that facility has been taken advantage of, it seems that the mischief which the Honourable Mover of the resolution refers to must be more imaginary than real, because you will find that under the existing rules, however stringent they might appear to my Honourable friend, managers of schools who wish to introduce a new book have only to submit that book to the text books committee for approval through the Director of Public Instruction. The Honourable Member has not placed before the Council much evidence to show that books which managers of schools or head masters wished to get introduced have been submitted to the committee and have been unnecessarily or unjustly rejected by that committee. Unless specific instances of this kind are given in numbers enough to satisfy this Government that there is a substantial evil which requires to be remedied this Government cannot recommend to the Government of India that the rules which they have laid down and are apparently in force in other provinces should not be accepted in Bombay. I think it would be idle for us to approach the Government of India on a case which I do not think has been made out by the Honourable Mover of the resolution, particularly taking into consideration the doubtful and inaccurate statements to which the Director of Public Instruction

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has drawn the attention of the Council. I therefore think that there is no practical mischief at present which can be said to be due to the rules which the Government of India have enforced on this Presidency along with others, and so long as there is an opportunity to the managers and the head masters of schools to submit books in time, I think the Honourable Mover and all the members of the Council will appreciate the force of the Director of Public Instruction's remarks that if a book is really objectionable on any one ground it should not be sanctioned. The Director of Public Instruction has already told you that there are about 180 schools, of which 20 only are owned by Government and the rest are either aided or unaided schools, and amongst these 180 schools there will be all kinds of head masters. Supposing they are given the absolute discretion to use any book they choose, would there be any guarantee that books, which for one reason or another should not find their way into the hands of young boys and infants, will be kept out? No doubt, the Honourable Member proposes to leave to Government the power to veto a book, but it has been shown that an objectionable book may remain in use for some time before the discovery and before the power of vetoing it is exercised. Therefore I think it is no use going to the Government of India on a case which I do not think has been made out, and if there are any instances in which an unsatisfactory working of the rules is shown, the Director of Public Instruction and the Department would always be willing and ready to remove any objectionable features in the working of the rules, which may be brought to their notice.

There is only one more point I think which ought to be mentioned. The Honourable Member in his speech in moving the resolution referred to the restrictions imposed as regards books to be used in libraries. That of course is not the subject of the resolution moved by him and any consideration of that question would, in my opinion, be irrelevant. The resolution relates purely to text books for use in schools and I think that the present rules have been laid down by the Government of India with great deliberation and I do not think this Government would be justified in going to the Government of India with the recommendation which the Honourable Member wishes it to make.

The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.—Your Excellency,—I will briefly go over the various remarks which the Honourable Mr SHARP and the Honourable Member in charge of the Department have made, and I hope to persuade the Council that the statements I have made are based on very good grounds. The Honourable Mr. SHARP first of all said that the Vice-Principal of the Training College is not a chairman or a member of the committee, but I have already disposed of that argument in my speech. He is the man who has principally to do with everything in sanctioning a text book. He is the starter of all proceedings in connection with the sanction and the opinion he gives generally influences everyone. I have no objection at all to the personnel of the committee, but you can easily see that all the members of the committee are very busy men, they cannot go over all the books in detail and they can only form a general impression. I know of cases in which members of the text books committee have recommended a book and still the book has not been sanctioned, and I know it for a fact that if the Vice-Principal of the Training College writes against a book, it is often not circulated to the other members. Then the Honourable Mr SHARP thought that some of the objections that I raised were according to him not correct. For instance, he said that high price was a reasonable objection against a book. If it were a question of absolutely prescribing it as a text book necessary for all schools, the question of high price would come in; but if the head master of a particular school thinks that a particular book is suitable in spite of its high price, I do not think that its high price should be any reason for not sanctioning that book. It is only the head masters who can know the interests of the students best. If a head master thinks a book is suitable, I do not think the Department on the ground of price alone should force its will upon the head master. A head master may think that some

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boys of his school are so good as to require a difficult book, that they have a very good teacher and that that book is suitable to that teacher. In all these things I say that a great deal of liberty should be given to the head masters. I do not object to the personnel of the committee, but I object to the system.

As regards the Honourable Mr. SHARP'S remarks on what I said about the sanctioning of English books, I have just got here two examples of books, sanction for which was asked for by the Superintendent of the New English School, Poona, who is himself a member of the text books committee. These books were Munson's "Selections for Paraphrasing" and "Preparatory Readings and Composition" by Marsh, and this is the answer which the Department gave him —

"I have the honour to state that the Text Books Committee consider Munson's 'Selections for Paraphrasing' too difficult for the 7th Standard. The Senior and Junior Courses by Lewis Marsh are written for English boys and are not considered suitable for Anglo-Venacular Schools."

Now I ask, why is the Department to consider the suitability of a book from these points of view? It should be for the head masters to decide. The Department, after all, has inspection twice a year and can find out whether a book is really suitable or not. I do not think that the Department should on these grounds alone absolutely reject the books.

The Honourable Mr. SHARP mentioned "Palgrave's Golden Treasury", Shakespeare, Milton and so on, and said that as these books are prescribed by the University for college examinations there is no need of having them on the list of school text books. Well, I myself can say that several of us were taught some of these books in our school days. We had done about 400 lines of Milton's "Samson Agonistes" and three acts of a play of Shakespeare in about 6 months, and in the old days when sanction was not required several of these books were taught. Again, what about the "Vicar of Wakefield"? He cannot say that it is very difficult. I think the objection taken against the use of Shakespeare, Milton, Scott and so on is altogether fanciful. He told us that some of these books were used for teaching in the colleges. Now, I really wonder how the Honourable Mr. SHARP can bring forward an objection like this. There is a difference between teaching and teaching, and a book may be taught in one way in a school and in another way in a college. You would not simply explain the language of Shakespeare if you were to teach Shakespeare in a college, but would comment upon the plot of the play and all those sorts of things, while that would not be done in schools. In schools they have got to learn particularly the language; but even in schools some boys can get higher benefit out of these higher books. I do not think that the objection that the books are prescribed in colleges and that therefore they are not suitable for schools is at all a valid objection. Why, the same thing happens also in the case of subjects. For instance, English History is prescribed for the B.A. and it would not be right to say that therefore it should not be prescribed for the matriculation. English History is taught in one way and to one extent in a school and in another way and to another extent in a college.

The Honourable Mr. SHARP says that he considers a veto after a book has been used for some time is less satisfactory than veto before it is used after it has done some evil, but as I mentioned in my speech the head masters know that they are taking a great responsibility in using books which are not the usual books. If they want to launch into experiments, they will do it with a clear sense of their responsibility and the Department has got very many ways in which they can come down upon a school if the school is found to be really disseminating any unsatisfactory or pernicious teaching.

The Honourable Mr. SHARP said that there is a huge list of sanctioned books. I do not want a huge list, I only want perfect freedom given to head

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masters in the selection of books. He told us that head masters hardly ever ask for sanction. Now, I have given you an illustration in which a head master proposed two books which he considered suitable, but which were rejected by the sanctioning committee, and when he makes a recommendation that he wants to use these two books in the school the Department overrides his opinion and says that these books cannot be used. Now, who are the head masters who would submit to such rebuffs? It is on account of these rebuffs that head masters are not taking more advantage of the rules about getting other books sanctioned and are not possibly writing their own books. When the Honourable Mr. SHARP said that he is perfectly prepared to consider any books, I am reminded of the Scotchman who said "I am perfectly open to conviction but it takes a lot to convince me". In the same way on paper he says that he is prepared to consider any book and sanction it, but when the recommendations come in, they have their own way of disposing of them in the manner I have mentioned.

Then again he told us that Departmental books are written to direct order. If the Departmental books are written to direct order, they ought to be very much easier of access, and in the case of Mr. P. C. Wren's books I do not know why the Department makes such a good profit out of them. The actual printing and publication of the books cannot cost very much, and as Departmental books they must be sold much cheaper. Again some books are written by the Department, but others are written by officers independently and they are published by firms like Cooper & Company and others. These publishing firms give them a large royalty, possibly large lump sums, for writing those books. When an officer of the Department writes books for outside companies in that manner there is bound to be special patronage for such books. I myself should be also unconsciously led to form an opinion against any other rival book if I have written a book on the same subject. It is unconscious, it is not deliberate, but it is bound to be so. Therefore I think the system ought to be changed.

Just one more remark about Mr. SHARP'S reference to Mr. PRATT'S Science Note Books. Our school has been taking a very great interest in practical science teaching long before the Department started any practical science teaching at all, and this is the remark that Mr Pratt makes about the Note Books in his notes of inspection of our school —

"The Regulation Note Books had not up to the time of inspection been introduced. Those which I saw, I was not satisfied with"

Regulation Note Books are note books prepared by Mr Pratt. The following are his general remarks and are very interesting and they will show how much pressure is being put upon high schools which are not Government high schools —

"This is a very large school and needs very careful organization. During the past years a certain amount of practical work has been done of a standard perhaps higher than usual in Indian High Schools. On the strength of this there is a tendency not to come into line with the Departmental requirements of science. This, however, cannot be permitted, and while congratulating the Head Master and the Senior Science Master on the work of the past, I pointed out to them that their course of action must be modified and their teaching adapted to the Departmental scheme, wherein attention is concentrated on certain definite aims. I look to schools of this kind to provide much valuable criticism of the *details* of the course, but the principles of it must be observed, and that small quantity of work which is stereotyped must be done. In regard to the rest, Science Masters are left more to their own discretion."

I think I have not at all exaggerated the case when I said that the Inspector of Science Teaching practically forces the use of his Regulation Note Books upon all schools.

Now the Honourable Mr. SHARP and the Member in charge of the Department told us that the rules are made by the Government of India. Of course,

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I admit it, but I want the Government of Bombay to approach the Government of India on the subject. After all, the regulations of the Government of India are not the laws of the Medes and Persians. If it is found that they are objectionable and that they lead to dissatisfaction, then not only the circulars but even the laws passed by the Government of India can be altered if sufficient public discontent is manifested. Therefore I do not think that it is fair to say that we should not approach the Government of India and that we should not make our representation, as that would mean that the course which we are following at present is the right course. Of course, I admit that even if the Bombay Government makes a reference, it may not produce an immediate effect, but if similar representations are made by other provinces or Presidencies as well and if the Government of India sees that there is a fair amount of feeling against these rules, even the Government of India may be led to modify these rules.

I have not said anything about the books to be used for libraries except by way of a general reference. I had no time to refer to all the vagaries of the list, but anyone who is actually engaged in education knows what these vagaries are. For instance, a text book on history is sanctioned as a text book in English, but not in history. These are some of the absurdities. I think, therefore, that the whole basis of sanctioning text books in this manner is a false basis. The Government of India may have laid down these rules, but I want the Council to record its firm opinion that the method is educationally faulty, and that the method should not go beyond just simply prescribing the minimum of regulations for doing away with any mischief that can possibly arise. Therefore I hope that the Council will vote with me and pass the resolution.

The resolution was put to the vote, 22 members voting for it and 18 against it. The Council divided as follows :—

Noes	Ayes.
His Excellency the Right Honourable Lord Willingdon of Rutton, G.C.I.E.	The Honourable Mr. D. V. Belvi
The Honourable Mr. M. B. Chaubal	The Honourable Mr. G. M. Bhurgri.
The Honourable Mr. G. Carmichael	The Honourable Mr. Sherriff D. Canji.
The Honourable Mr. G. S. Curtis.	The Honourable Mr. Pandurang A. Desai
The Honourable the Advocate General (Mr. M. R. Jardine).	The Honourable Sheikh Ghulam Hussein Hidayatallah.
The Honourable Mr. S. R. Arthur	The Honourable Mr. B. S. Kamat.
The Honourable Mr. S. K. Barodawalla	The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada
The Honourable Mr. P. R. Cadell.	The Honourable Mr. Daji Abaji Khare.
The Honourable Dr. C. Fernandes	The Honourable Mr. C. V. Mehta
The Honourable Mr. M. N. Hogg.	The Honourable Mr. Lalubhai Samaldas Mehta
The Honourable Lieut.-Col. J. Jackson	The Honourable Sardar Shrinivas Cooposwami Mudhar.
The Honourable Mr. J. D. Jenkins.	The Honourable Rao Bahadur V. S. Naik
The Honourable Mr. G. F. Keatinge.	The Honourable Mr. R. P. Paranjpye.
	The Honourable Mr. G. K. Parekh.
	The Honourable Mr. V. J. Patel.
	The Honourable Mr. Abdul Kadir alias Fakir Mahamed walad Ibrahim Khan Pathan.
	The Honourable Mr. Munmohandas Ramji.

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[*Mr. Raghunath Purshottam Paranjpye ;
the President*]

Noes

The Honourable Surgeon-General
R. W. S. Lyons
The Honourable Khan Bahadur
Pir Baksh walad Mian
Mahmud
The Honourable Mr J P. Orr.
The Honourable Mr. F. G Pratt.
The Honourable Mr W H.
Sharp.

Ayes.

The Honourable Rao Bahadur G K.
Sathe
The Honourable Mr P. C Sethna.
The Honourable Mr Purshotamdas
Thakurdas
The Honourable Rao Bahadur N T.
Vaidya
The Honourable Mr. Harchandrai
Vishindas

The resolution was declared to be carried.

His Excellency the PRESIDENT —I think probably it will be the wish of the Honourable Members that we should now adjourn until half past eleven tomorrow morning

The Council then adjourned till 11-30 a. m. on Wednesday the 26th July 1916.

By order of His Excellency the Right Honourable the Governor,

J NISSIM,

Secretary to the Legislative Council
of the Governor of Bombay

Journal of the Proceedings of the Legislative Council of the Governor
of Bombay, assembled under the provisions of the Government of
India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council reassembled at 11-30 on Wednesday, the 26th July 1916, in the
Council Hall, Poona.

P R E S E N T .

- His Excellency the Right Honourable Lord WILLINGDON OF RA11ION,
G C I E , Governor of Bombay, *President*.
- The Honourable Mr. M. B. CHAUBAL, C S I , *Vice-President*.
- The Honourable Mr G CARMICHAEL, C S I , I. C S
- The Honourable Mr G S CURTIS, C S I , I. C. S.
- The Honourable the ADVOCATE GENERAL
- The Honourable Mr. S. R. ARTHUR, I. C S.
- The Honourable Mr SALEBHOY KARIMJI BARODAWALLA.
- The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL B
- The Honourable Mr GHULAM MUHAMMAD walad Khan Bahadur WALI
MUHAMMAD BHURGRI, Bar -at-Law.
- The Honourable Mr P. R. CADELL, C.I E., I. C. S.
- The Honourable Mr. SHERRIFF DEVJI CANJI
- The Honourable Mr PANDURANG ANANT DESAI, LL B
- The Honourable Dr C FERNANDES, M D
- The Honourable Mr SIDDHANATH DHONDEV GARUD.
- The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B
- The Honourable Mr MALCOLM N HOGG
- The Honourable Lieut -Col JAMES JACKSON, C I E., M B., I. M. S
- The Honourable Mr. J. D JENKINS
- The Honourable Mr BALKRISHNA SITARAM KAMAT
- The Honourable Mr. G F. KEATINGE, C.I E., I C S
- The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
- The Honourable Mr DAJI ABAJI KHARE, LL B.
- The Honourable Surgeon-General R W S LYONS, M D , I M S
- The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD
- The Honourable Mr CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
- The Honourable Mr LALUBHAI SAMALDAS MEHTA, C.I E.
- The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR
- The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK
- The Honourable Mr J. P. ORR, C S I., I C S
- The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPE.
- The Honourable Mr GOKULDAS KAHANDAS PAREKH, LL B
- The Honourable Mr VITHALBHAI JHAVERBHAI PATEL, Bar-at-Law
- The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRA-
HIM KHAN PATHAN
- The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.

RESOLUTION No 5.

[*The President, Rao Bahadur Narayan
Trimbak Vaidya*]

[26TH JULY 1916]

The Honourable Mr. F. G. PRATT, I. C. S.
 The Honourable Mr MUNMOHANDAS RAMJI
 The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
 The Honourable Mr PHIROZE C. SETHNA
 The Honourable Mr W H SHARP
 The Honourable M PURSHOAMDAS THAKURDAS
 The Honourable Rao Bahadur NARAYAN TRIMBAK VAIDYA
 The Honourable Mr HARCHANDRAI VISHINDAS, LL.B.

His Excellency the PRESIDENT —Resolution No. 5 The Honourable
 Rao Bahadur VAIDYA

The Honourable Rao Bahadur NARAYAN TRIMBAK VAIDYA —Your Excellency,—With Your Excellency's permission I beg to move the following resolution —

“ That this Council recommends to His Excellency the Governor in Council to consider the desirability of the vernacular final, as also the vernacular IVth standard (which qualifies for admission to English schools) examinations being held every year in March or April instead of in September or October.”

This Council is aware that University examinations are now held in March instead of in November owing to a change in the academic year. English and Anglo-vernacular schools have adapted themselves to this change, the examinations for transfers of classes being now held in March or April, and promotions are made before the beginning of the summer vacation. Examinations for admission to these schools are now held in June, soon after the opening of schools after the summer vacation. Thus the students of these schools, though they were only once detained in one class for 16 or 18 months, are now regularly promoted after examination every year, suiting these transfers to the matriculation examination time.

The vernacular schools outside Bombay, which are feeders of the English schools, have, however, not adapted themselves to this new state of things. There is one very important difference between these two classes of schools. Examinations for promotion in the English or Anglo-vernacular schools are held by the school authorities, Government Inspectors only inspecting them at their convenience but in vernacular schools, examinations in different standards have to be held by Government Inspectors before promotion of classes is made. I understand that only a few aided or unaided vernacular schools in Poona promote their classes without regard to the examination by Government Inspectors, but these are only exceptions. All public schools (Government, local board, and municipal and private schools (aided or unaided)) have to follow the course described above.

These examinations by Government Inspectors go on for almost the whole year, beginning in the case of outlying schools after the monsoon, and in the case of schools in municipal areas, during the monsoon. In the vernacular schools there are two classes—(1) the upper primary, teaching vernacular standards up to IV to VII, and (2) lower primary, teaching the first three standards, as also what are called rural 'standards'. Schools of the latter class are of course not feeder schools.

From the report of the Director of Public Instruction for the year 1914-15, it is found that there are 9,929 public schools for boys in British territory of the Presidency. The number of upper primary schools does not appear to have

RESOLUTION No :

[26TH JULY 1916]

[*Rao Bahadur Narayan Trimbak Vaidya ;
Mr W H Sharp*]

been given, but as the total number of pupils is given, in round numbers, at 672,000, of which that in the upper primary stage is given at about 100,000, it may safely be assumed, making allowance for students in the lower standards attending the full primary schools, that the number of full primary schools could not be more than one-fifth of the total number of schools. All these premises have to be borne in mind in following the discussion on the present resolution. I will now first take the case of the students appearing for the vernacular final examinations. These consist of poor boys who cannot afford to undergo English education and who therefore endeavour to obtain some recognised educational qualification to enable them to earn their livelihood. Lost time in their case is likely therefore to press heavily upon them.

The vernacular final examinations are held in September. As the transfers of classes take place after the Government Inspector's examinations, which as stated above are held any time between October and May, boys who are promoted to standard VII have many of them to either pass more than 16 months in that class or have to appear for the examination after, in some cases, 6 months' tuition in the VII standard. In the former case they lose more than four months. In the latter case the tuition of, about six months for the highest standards, naturally requiring heavy studies, is not enough, and though they work very hard many of them fail to pass the examination, thus losing one year.

In the case of students seeking admission to English schools after completing the vernacular standard IV for the reason that their examination for promotion to standard IV having also taken place some time between October and May following, they have many of them to lose on an average 4 months, and this continues in the case of each yearly batch.

There is no reason why the Inspectorial staff should not be able to adapt themselves to the altered circumstances, and try to give facilities to the students. It is understood that the Deputy Inspectors have generally to be present at their head-quarters for about a fortnight in April for their administration report. That time would be most suitable for the vernacular final examination, which is now held before the Inspectors proceed on their tour after the monsoon. The present time (September) is again very inconvenient for the students to appear at the examination centres from long distances during the rains, and this inconvenience to them could also be avoided.

There also ought not to be any difficulty in examining the students of the IV standard—or for the matter of that—all the upper primary schools, between March and May every year. The proportion of these schools to all the schools is less than one-fifth as shown above, and a period of two and half months at the outside ought to be sufficient for their examination. The Inspectorial staff could very easily arrange their tours to take up all the upper primary schools at the time stated. For examining the lower primary schools they may occasionally have to go over the same area, but the inconvenience to them would be comparatively very little, and the advantage to the students would be great. Moreover, going twice over the same area is beneficial to the schools, upper or lower, for such tours would keep the teachers more alert than they would be under only a single visit.

I am sure the Inspectorial staff would be able to arrange all this without difficulty if they exerted themselves a little, and I am also sure that our sympathetic Director of Public Instruction will direct them in that direction.

I may state that the municipal vernacular schools in Bombay have at once been able to adapt themselves to the changed circumstances.

The Honourable Mr W. H. SHARP :—Your Excellency,—The inconvenience to which the Honourable Member has drawn attention is a real one. It is entirely due to the change in the academic year of the University. The transfer of the

RESOLUTION No. 5

[*Mr. W. H. Sharp, Mr Mahadev Bhaskar
Chaubal*]

[26TH JULY 1916.]

matriculation from November to March has considerably upset the arrangements of the secondary schools and also the primary schools. Several difficulties have arisen out of this change, and I am sorry to say that so far the department has not been able to arrive at any very satisfactory solution of them. The boys to whom the Honourable Mover refers are those who wish to move from a vernacular school to an English school. I do not think that the vernacular final examination has very much to do with the matter, since the number of boys who pass the Vernacular final and then go on to English schools is small. The boys who are chiefly concerned are those who have completed at least the 4th vernacular standard. The majority of the boys who go to English schools come from municipal vernacular schools. Of course, some come from the large local board schools, but still the main portion of the boys who take up English come from municipal schools, and it is the business of the inspecting staff to examine them and to see that they have completed the 4th standard.

Now, the work of the inspecting staff is determined mainly by climatic conditions. Roughly speaking, during the fair season they are supposed to tour in the district and inspect the local board schools, and during the rains they work at the municipal schools at head-quarters and at places which can easily be reached, that is to say, they inspect the municipal schools in the rains, and the local board schools in the fine weather. Under the old system the matriculation examination was held in November. The municipal school boys were examined during June, July, August and September, and they were able to join an English school at latest at the time of Diwali. Under the new arrangements the English school year does not begin till the following June. These municipal school boys are examined as before during the rainy months, and the next following school year of the English school does not begin until June. There is a very long gap, therefore, between the time of completing the 4th standard and the beginning of the next secondary school year, and that is the inconvenience that is complained of. The question is how to reduce this gap so as to enable the boys to join an English school within a reasonable time after they have completed their vernacular school course in the 4th standard. The problem has been considered for some months past by the officers of the department, and as far as I am concerned, I have not the slightest objection to undertaking to consider it still further as proposed by the Honourable Mover. But at the same time I do not wish to commit myself to accepting his particular solution of the case. The difficulty is this. If the inspecting staff are asked to examine the municipal schools earlier in the year, half of the touring season will be cut away from them, and at the same time there will be nothing left for them to do in the rains. The examination of these schools takes at least three or four months. If, therefore the municipal schools are to be examined before May, all the latter half of the touring season will be withdrawn, and at the same time there will be nothing left to be done during the rains. That is the practical difficulty from the point of view of the inspecting staff. But I hope that some means will be found of reconciling both, the duties of the touring season and the convenience of the public, and in the meantime I am perfectly ready to agree that we shall do our best to endeavour to find a solution of this difficulty.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL.—Your Excellency,—I think the resolution which the Honourable Member has moved relates to two separate examinations—the vernacular school final and the 4th standard vernacular examination, which is the entrance to the English school or the secondary school course. As has been already explained by the Director of Public Instruction, the difficulty he alludes to is not felt as regards the vernacular school final examination, and if the Honourable Member will see his way to confine his resolution to the examination which, it is shown, does involve a real hardship on the great majority of the boys wishing for admission to the secondary school course, and as his resolution only recommends to His Excellency the

RESOLUTIONS NOS. 5 AND 6.

[26TH JULY 1916.]

[*Mr. Mahadev Bhaskar Chaubal; Rao Bahadur Narayan, Trimbak Vaidya; Mr. Harchandrai Vishindas.*]

Governor in Council to consider the desirability of a change, I think Government will readily accept it, particularly as the department itself is at present considering the question and it admits the difficulty complained of by the Honourable Member. As has been already explained by the Director of Public Instruction, Government in conjunction with the Department and the authorities concerned will try their best to find out the best solution of an admitted difficulty. Therefore, if the Honourable Member will confine his resolution to one examination, that is to say, the vernacular 4th standard, Government will accept the resolution and try to find out a solution for the difficulty complained of.

The Honourable Rao Bahadur NARAYAN TRIMBAK VAIDYA—Your Excellency,—Under the circumstances stated by the Honourable Member in charge of the Educational Department, I have no objection to confining my resolution to the vernacular 4th standard examination

The resolution as amended (by the omission of the words " Vernacular final as also the ") was then put to the vote and carried, in the following form —

" That this Council recommends to His Excellency the Governor in Council to consider the desirability of the Vernacular IVth standard (which qualifies for admission to English schools) examination being held every year in March or April instead of in September or October."

His Excellency the PRESIDENT —Resolution No 6 Mr HARCHANDRAI VISHINDAS.

The Honourable Mr HARCHANDRAI VISHINDAS—Your Excellency,—The resolution I move is this —

" That it be recommended to His Excellency the Governor in Council that elective franchise be granted to the Municipality of Rohri in the district of Sukkur in the Province of Sind."

Now, as Honourable Members are aware, Municipalities of this Presidency or for the matter of that in the whole of India are of two kinds. One class consists solely of members nominated by Government and the other class, which I confine myself to in the mofussil, consists of a mixed body partly elected by people and partly nominated by Government. In Sind there are what are called City Municipalities under the District Municipal Act, which are four, Karachi, Hyderabad, Shikarpur and Sukkur, which have for a very long time enjoyed the elective franchise, probably from the very commencement of local self-government being granted in the year 1881, but there are several other cities which have a sufficiently large population which should entitle them to an elective franchise, but which they have not yet received. There are only two other Municipalities in Sind which have been given elective franchise. One is the Kotri Municipality and the other the Jacobabad Municipality. Two municipalities, namely Larkana and Rohri, rather the people of these two cities have been for a long time pressing their claim for being granted electoral franchise so that they may be in a position to return their own elected members to the municipality. I think that as Government are inclined to allow training to the people to manage their own municipal affairs wherever they are desirous or wherever they are fit, there should be no difficulty in granting this request of the Rohri Municipality. A few months ago a Provincial Conference was held at Larkana where these two questions formed the subject of a resolution, namely that the Larkana and Rohri Municipalities should be granted an elective franchise. Now I am informed that a couple of months ago Larkana has been granted this elective franchise, but Rohri has not yet received it. Now in this matter in order to justify the claim that I am putting forward for Rohri, I would say that Sind has not been treated in this regard with

RESOLUTIONS NOS. 6, 7 AND 8

[*Mr. Harchandrai Vishindas ; Mr G. S. Curtis ;* [26TH JULY 1916.]
the President ; Mr. G. Carmichael]

as much liberality as the other divisions of the Bombay Presidency. I must tell the Honourable Members that the population of Rohri is 10,751. Although in the Census Report it is given as 9,910, it has been subsequently revised by the Department and it is now put down at 10,751. In the Northern Division there is one Municipality with less population than 5,000, but—

The Honourable Mr CURTIS —I rise to a point of order, Sir. I think the subject-matter of the resolution is whether the Rohri Municipality should have the elective franchise or not. The subject-matter of the resolution is not whether other cities or towns should have the elective franchise or not. I am also prepared to make a statement which I think will shorten matters.

The Honourable Mr. HARCHANDRAI VISHINDAS —If the Honourable Member will make the statement that he made to me before he entered this hall, I might drop this resolution. I understood the Honourable Mr. CURTIS to say that the Commissioner is quite prepared to grant the elective franchise if they only asked for it. If that be so, my object would be served.

The Honourable Mr. CURTIS —In the circumstances, I may say that on receipt of this resolution reference was made to the Commissioner in Sind. Information was asked for by telegraph and a reply was received that nowhere had the people asked for it, but that the Commissioner had full powers in the matter to grant elective franchise if a representation was received by him.

The Honourable Mr. HARCHANDRAI VISHINDAS.—In view of this public announcement by the Member in charge, I withdraw my resolution.

His Excellency the PRESIDENT —I would just remind the Honourable Member that this matter has nothing to do with the Honourable Member in charge and that it has entirely to do with the Commissioner in Sind.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT :—Resolution No. 7. Mr HARCHANDRAI VISHINDAS.

“That it be recommended to His Excellency the Governor in Council to appoint an industrial expert for the purpose of making a thorough survey of the industrial possibilities of the Province of Sind with a view to revive the industries of Sind and develop new ones.”

The Honourable Mr. HARCHANDRAI VISHINDAS.—Your Excellency,—The Honourable Mr. CARMICHAEL told me yesterday that it was not necessary for me to move this resolution and that the same object would be served in another way, that the suggestions about all the industrial possibilities in Sind could be made to the Industrial Committee for Bombay and so the same purpose would be served in that way. If that be the case, I would not like to trouble the Council. I take it from the silence of the Honourable Mr. CARMICHAEL that it is so.

The Honourable Mr. CARMICHAEL.—You may take it that it is so.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT :—Resolution No. 8. The Honourable Mr. PATEL.

“That this Council recommends that His Excellency the Governor in Council may be pleased to take immediate steps to remove the existing restrictions which debar Indians duly qualified in England from holding the posts of Principal and Professor of the Sydenham College of Commerce and Economics, Bombay.”

RESOLUTIONS NOS. 8 AND 9.

[26TH JULY 1916.]

[*Mr. Mahadev Bhaskar Chaubal ;
Mr. Vithalbai Javerbhai Patel ;
the President.*]

The Honourable Mr MAHADEV BHASKER CHAUBAL.—Your Excellency,—I think before the Honourable Member moves his resolution if he will permit me to make a short statement as regards the subject-matter of his resolution it might perhaps save the time of the Council. The resolution refers to Government's taking immediate steps to remove the existing restrictions which debar Indians duly qualified in England from holding the posts of Principal and Professor of the Sydenham College of Commerce and Economics. I think I am in a position to assure the Honourable Member that there are no permanent existing restrictions whatsoever which make it impossible or which prevent the appointment of Indians duly qualified in England to hold the post of Principal and Professor. No doubt the Honourable Member is aware that this was the first institution of its kind which was being started in India in 1913, and therefore during its first years when the institution had to be organised and set going, as it were, it was considered desirable that for the first four or five years while the institution was being placed on a sound basis the help and assistance of efficient Europeans trained in England was perhaps necessary. The present resolution does not and cannot refer to appointments which have been made. The Honourable Mover only wants an assurance for the future and, so far as that goes, I can assure him that there are no such restrictions, the only restriction is that of efficiency, and so long as we get the right man for the place Government will not care whether he is a European or an Indian trained in England.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL.—Your Excellency,—After the statement made by the Honourable Member in charge I am inclined to withdraw this resolution, but before I do that, I think I should in a minute or two explain the circumstances which prompted me to give notice of this resolution. On the 1st June I read an announcement in the *Bombay Government Gazette* that Mr. A. R. Burnett-Hurst of the Muir College, Allahabad, was appointed Professor of Statistics and Indian Economics at the Sydenham College of Commerce and Economics. On the 5th June the sanction of the Government of India to that appointment was announced. On the 22nd of June I read in the *Government Gazette*, with considerable regret, that Mr. Mazumdar, who was a Lecturer of that College, had resigned. It was a matter—

His Excellency the PRESIDENT.—Order, order. I must tell my Honourable friend that I can see nothing about these gentlemen in this resolution.

The Honourable Mr. PATEL.—Your Excellency,—I thought I was bound to explain the circumstances under which I had to give notice of this resolution. I tried to get information as to the exact position of Government on this question. I was told I had no right to get from the Secretariat any information other than that which the public was entitled to get. I am glad to know now that in future efficiency will be the only guide irrespective of creed or colour. I did not know of this when I gave notice.

His Excellency the PRESIDENT.—But the Honourable Member has been informed of it now and surely he does not want to go further into the matter, does he?

The Honourable Mr. PATEL.—Under the circumstances, I withdraw my resolution.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT.—Resolution No 9. Mr. BHURGRI.

“That this Council recommends to His Excellency the Governor in Council to issue orders that the Settlement Officer's report be made available to the people concerned before or at least along with the notices inviting objections are issued.”

RESOLUTION No. 9.

[Mr. G. Carmichael; Mr. Ghulam
Muhammad Bhurgri; the President]

[26TH JULY 1916.]

The Honourable Mr. G. CARMICHAEL :—Your Excellency,—Perhaps it will save time if I explain with regard to this resolution what the Government are actually doing. Some time ago the Honourable Mr. BHURGRI asked that the people should be informed in greater detail of the reasons for the changes proposed by the Settlement Officer before or at the time they were called on to state their objections to those changes. His letter was fully considered and the orders are now being issued under which the Settlement Officer at the time he issues the notice inviting objections will give a summary of the reasons for all the changes he proposes, and I understand the Honourable Mr. PAREKH wishes to have it made clear that these orders would be of suitable application in the Presidency proper as apart from Sind, and that the notification should contain also a summary of the reasons showing why the alterations in the rates and also alterations in the grouping are being proposed. The orders which are being issued will give full effect to that suggestion and at the same time Government have further directed that a copy of the Settlement Officer's report should be deposited at the Taluka Office, where it will be available for inspection by any one interested.

The Honourable Mr. GHULAM MUHAMMAD BHURGRI :—Your Excellency,—It only remains for me to thank the Honourable Member for his statement and to ask Your Excellency's permission to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the PRESIDENT :—The next business of the Council is election of six members of the Finance Committee by the non-official Additional Members of the Legislative Council. The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 4th December 1916 are published for general information —

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, BOMBAY, ON MONDAY, THE 4TH DECEMBER 1916, AT 12 NOON.

I. NEW MEMBERS—

Before taking his seat a newly elected or nominated Additional Member should make an oath or affirmation of allegiance to the Crown

II. QUESTIONS AND ANSWERS—

(The list of Questions and Answers will be printed and placed on the Council Table.)

III. BILLS—

1. A Bill further to amend the City of Bombay Police Act, 1902 (Bill No. II of 1916)—*Second Reading*

2. A Bill further to amend the Bombay Abkari Act, 1878 (Bill No. III of 1916)—*Second Reading.*

(1) *For notice of amendments from the Honourable Mr. V. J. Patel, Bar-at-Law, please see items under Head IV.*

(2) *For notice of amendments from the Honourable Mr. G. K. Parekh, LL.B., please see items under Head IV.*

LIST OF BUSINESS.

4TH DECEMBER 1916.]

3. A Bill further to amend the Bombay Port, Trust Act, 1879 (Bill No. V of 1916)—*First Reading*

4. A Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916)—*First Reading*

5. A Bill further to amend the Bombay Tramways Act, 1874 (Bill No. VII of 1916)—*First Reading*.

6. A Bill to amend the law for the inspection and management of boilers and prime-movers in the Presidency of Bombay (Bill No. VIII of 1916)—*First Reading*.

IV. AMENDMENTS OF WHICH NOTICES HAVE BEEN RECEIVED.

Under sub-rule (4) of rule 35 of the Rules for the conduct of Council business, notices have been received of the following amendments to Bill No. III of 1916 (A Bill further to amend the Bombay Abkari Act, 1878) as amended by the Select Committee —

Clause 2 (a).

1. From the Honourable Mr. G K Parekh, LL.B.—

- (1) *In clause 2 (a)*, instead of inserting "Kaira" after Broach, drop the word and after "Kolaba" add the words "and of the taluka of Anand in the district of Kaira".

Clause 2 (b).

2. From the Honourable Mr. V. J. Patel, Bar.-at-Law—

- (2) In the proviso to sub-clause (b) of clause 2 for the words "four and a half months from the 16th February to the 30th June", substitute the words "six months from the 16th February to the 15th August".

3. From the Honourable Mr. G. K. Parekh, LL.B.—

- (3) *In clause 2 (b)*, for the words "four and a half months from the 16th of February to the 30th June", substitute the words "eight and a half months from the 16th of February to the 31st of October".
- (4) If amendment No (3) is not accepted, substitute for the same the words "eight months from the 16th of February to the 15th of October".
- (5) If amendment No. (4) is not accepted, substitute for the same "seven and a half months from 16th February to 30th September".
- (6) If amendment No. (5) is not accepted, substitute for the same "seven months from 16th February to 15th September."
- (7) If amendment No. (6) is not accepted, substitute for the same "six and a half months from 16th February to 31st August".
- (8) If amendment No. (7) is not accepted, substitute for the same "six months from 16th February to 15th August."
- (9) If amendment No. (8) is not accepted, substitute for the same "five and a half months from 16th February to 30th July".
- (10) *In clause 2 (b)*, for the words "district of Kaira", substitute the words "taluka of Anand"

4. From the Honourable Mr. V. J. Patel, Bar.-at-Law—

- (11) In the proviso to sub-clause (b) of clause 2.
Omit the words "which are the produce of that year".

5. From the Honourable Mr G K. Parekh, LL B —

- (12) In the proviso to clause 2(b) for the words "which are the produce of that year", substitute the words "which are lawfully collected, transported, sold and held in possession".

IST OF BUSINESS

[4TH DECEMBER 1916.]

- (13) If the previous amendments (proposed by the Honourable Mr. Parekh) are not accepted, add to clause 2(b) a second proviso as under—

“ Provided further that during the period of two months from the 1st of July to the 31st of August in each year no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere within the limits of the district of Kaira of any quantity of mhowra flowers not exceeding 60 pounds in weight ”.

- (14) To clause 2(b) add a third proviso as under—

“ Provided further that if between the 1st of June and the 30th of September of any year the rainfall of the whole or any specified part of the district of Kaira is less by 40 per cent or more than the average rainfall of the said district during the preceding five years, no license, permit or pass shall be necessary for the collection, transport, sale or possession, in the whole of the said district or in such part thereof, of any quantity of mhowra flowers during the period from the 1st of October of that year to the 30th of September of the following year ”.

V. DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolutions by the Honourable Mr. Harchandrai Vishandas, LL.B.—

1. That it be recommended to the Government that no magisterial powers be conferred on Revenue Officers below the rank of Mamlatdars (in Sind called Mukhtarkars) and Mahalkaris.

2. That the City Magistrates of Hyderabad, Sukkur and Shikarpur be graded with Deputy Collectors and the vacancies among the City Magistrates in Sind be filled up from among the Resident Magistrates.

Resolutions by the Honourable Mr. V. J. Patel, Bar-at-Law—

3. That this Council recommends that an early beginning should be made in the direction of making elementary education free and compulsory throughout this Presidency by introducing it in the first instance within the limits of its municipal districts and that a mixed committee of officials and non-officials be appointed to frame and submit definite proposals in that behalf.

4. This Council recommends that His Excellency the Governor in Council may be pleased to announce or issue general instructions to Heads of Departments within the Presidency that Government have no objection to Government servants attending as visitors the meetings of the Indian National Congress and Provincial Conference.

5. That this Council recommends that His Excellency the Governor in Council may be pleased to declare that no officer of Government shall be appointed President of a Municipality to which the privilege of recommending a Councillor for nomination as President by a two-thirds' majority has been granted by Government.

6. This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation so to amend section 179 of the Bombay District Municipal Act, 1901, as to debar the person or persons appointed by the Revenue Commissioner from time to time to exercise and perform all the powers and duties of a superseded Municipality from making an application to the Governor in Council for the appointment of a Municipal Commissioner under section 186A.

7. This Council recommends that His Excellency the Governor in Council may be pleased to rule that where there are more candidates than one for the office of the President of a Municipality to which the privilege of recommending a Councillor for nomination as President by a two-thirds' majority has been granted by Government, the one who secures the highest number of votes shall be appointed under section 23 (a) of the Bombay District Municipal Act, 1901.

LIST OF BUSINESS.

[4TH DECEMBER 1916.]

8. That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of creating an increasing number of posts of Resident Magistrates in the three divisions of the Presidency proper

9. That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of recruiting a substantial percentage of Resident Magistrates direct from the Bar.

10. This Council recommends that in future all vacancies occurring among the City Magistrates in the Presidency shall be filled up from among the Resident Magistrates.

11. This Council recommends that, in pursuance of the recommendations of the Royal Commission on decentralization, which were commended by the Government of India in their recent Resolution on Local Self Government, steps be taken to constitute village panchayats in this Presidency in select areas and if necessary a mixed committee of officials and non-officials be appointed to suggest and advise Government on the necessary methods of detail to be adopted for the purpose.

12. That this Council recommends that His Excellency the Governor in Council may be pleased to direct an inquiry by a Committee or otherwise on the question of the public expenditure of this Presidency with a view to securing economy whenever possible.

Resolution by the Honourable Mr. M. N. Hogg—

13. That Government may be pleased to consider whether it is not advisable to compel all boarding schools, which receive any monetary grant from Government, to arrange for the regular attendance of a medical officer and the periodical medical inspection of all children.

VI. ELECTION—

Election, by the non-official Additional Members of the Legislative Council, of one member of the Finance Committee, in the place of the Honourable Mr. Daji Abaji Khare, LL.B., deceased

VII. PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. II of 1916 (A Bill further to amend the City of Bombay Police Act, 1902)

2. Report of Select Committee appointed to consider Bill No. III of 1916 (A Bill further to amend the Bombay Abkari Act, 1878)

3. Letter from the Government of India, Legislative Department, No. 3528, dated the 7th September 1916—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the City of Bombay Municipal (Further Amendment) Law

4. Answer to question No. 4 put by the late Mr. Daji Abaji Khare at the meeting the Legislative Council held on the 25th July 1916.

* 5. Answer to question No. 1 put by the late Rao Bahadur Narayan Trimbak Vaidya at the meeting of the Legislative Council held on the 25th July 1916.

* 6. Printed papers in connection with clause 2 of Bill No. III of 1916 (A Bill further to amend the Bombay Abkari Act, 1878).

* Not printed in Proceedings.

J. NISSIM,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 29th November 1916.

LEGISLATIVE COUNCIL, 4th DECEMBER 1916.

LIST OF QUESTIONS AND ANSWERS.

Questions.

Answer:

THE HONOURABLE MR DATTATRAYA
VENKATESH BELVI, LL B.

Khots and Kabulayats in
Kolaba District

1. Will Govern-
ment be pleased
to state.—

(a) * * * * *

(b) the total number of villages the
khots of which have been called
upon to execute annual kabula-
yats in the current year,

(c) the total number of khoti
villages which have now been
placed under attachment by
Government owing to the khots'
failure to execute kabulayats
in the form recently prescribed by
Government?

2. (a) Will Government be pleased
to state the
Beynon Smith Mission
High School at Belgaum. total number
of pupils in the
Beynon Smith Mission High School
at Belgaum, the number of graduates
employed in it and the amount of
grant-in-aid to it during each of the
last five years?

(b) Is it a fact that the Beynon Smith
High School at Belgaum has neither
a hostel nor a playground attached
to it?

[These questions were asked at the
meeting held on the 25th July 1916,
when ad interim replies were given.]

3. (a) Will Government be pleased to
state whether
Sir Valentine Chrol
utilising services of official
translators two Govern-
ment trans-
lators in the office of the Oriental
Translator to the Bombay Govern-
ment were ever engaged by Sir
Valentine Chrol for translations
required by him for the Civil Suit
instituted against him in England
by Mr. B. G. Tilak?

(b) If so, whether they were secured
with the permission or knowledge
of Government or their officers?

4. Is it a fact that the Collector of
Bijapur has
Collector's order to Bija-
pur Municipality recently issued
an order to the

1. (a) * * * * *

(b) and (c) The khots of 362 villages
were called upon to execute annual
kabulayats in the year 1915-16 and
324 of these villages were placed
under attachment owing to the khots'
failure to execute kabulayats in the
form recently prescribed by Govern-
ment.

2. (a) Two graduates are employed
in the school. The remainder of
the question has already been
replied to.

(b) The school has no hostel. An
answer to the Honourable Member's
enquiry about a play-ground has
already been given.

3. (a) and (b) Two clerks of the
Oriental Translator's office were
granted leave without pay and
allowed to accept paid employment
under Sir Valentine Chrol's Solicitors.
This was done, with the knowledge
of Government, in order to facilitate
the translation of documents needed
in the suit and so to expedite the
hearing of the suit. The documents
were in the Mofussil and the High
Court Translators were not avail-
able.

Information is being called for.

QUESTIONS AND ANSWERS.

[Mr. Dattatraya Venkajesh Belvi.]

[4TH DECEMBER 1916.]

Questions.

Answers.

Bijapur City Municipality under section 173 (a) of the Bombay District Municipal Act, 1901, stopping all "further expenditure of any kind", "except for fixed recurring charges" - without the Collector's approval, and that in consequence urgent sanitary works such as drains and improvements to public roads and the like have been suspended?

(a) Is it a fact that recently the Collector of Bijapur suspended the execution of four resolutions passed by the Municipality of Bijapur during the month of September 1916 under section 174 (1) of the Act in three of which the Commissioner, S. D., set aside the Collector's order?

(b) Will Government be pleased to call for all the papers in that connection and place them on the table of the Council?

Is it a fact that friction exists between the Collector and City Municipality of Bijapur since the latter passed the resolution in November 1915 to remove their late Chief Officer?

Will Government be pleased to state if it is a fact that the Municipality of Bijapur are proceeding to provide a temporary but fairly substantial and sanitary school house for their Kanarese School No. 3 on a site a portion of which (20' X 40') is Government unoccupied land, in anticipation of the Collector's sanction for occupation but that the Collector of Bijapur declines to give the sanction?

(a) Will Government be pleased to state the total number of Printing Presses and newspapers published in the Kolaba District?

5. (a) Yes.

(b) Government are making inquiries into the matter.

6. Government have no information.

7. The information is being called for.

There are seven printing presses. No newspapers are published in the district.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. Dattatraya Venkatesh Belvi]

(b) Is it a fact that the Collector of Kolaba has recently demanded a security for Rs. 1,500 for a mere formal change of declaration from the name of an old and decrepit man to his son's name in the case of the "Sudhakar Press"?

(b) Enquiry will be made.

9. (a) Is it true that annual Kabulayats in one and the same form used to be taken from the Khots in the Kolaba and Ratnagiri Districts from the year 1818-1819 to the date of the original survey?

(b) Will Government be pleased to lay on the Table of the Council a copy of the form of the Kabulayat taken from the Khots of each of the two districts during the aforesaid period of time?

9. (a) and (b) To give a complete view of the facts on which the Honourable Member seeks information would entail extensive historical research upon which Government see no sufficient reason to embark.

10. Will Government be graciously pleased to lay on the Table of the Council a copy of the form of the yearly kabulayat taken from the Khots in the talukas of Roha, Mahad and Mangaon in the Kolaba District after the date of the original survey down to the year 1914-15?

10. Samples of the forms in use before they were standardised in 1915 will be called for.

11. Will Government be pleased to state in a tabular form—

(a) the total number Khoti villages in each taluka of the Kolaba District?

(b) The total number of Khots who have been called on to pass annual kabulayats in each taluka?

(c) The total number of Khots who accepted leases from Government for a fixed period before the year 1865 in each taluka?

(d) The total number of Khots who accepted such leases after the year 1865 in each taluka?

11. (a), (b), (c) and (d) The information will be called for

12. (a) Is it a fact that a proclamation was issued over the signature of the Sub-Collector of Kolaba in 1869 and alleged distinctions subsequently made.

12. (a) and (b) Government are not aware that a proclamation was issued. The Sub-Collector of Kolaba was directed to issue a

QUESTIONS AND ANSWERS.

[Mr Dattatraya Venkatesh Belur.]

[4TH DECEMBER 1916.]

Questions.

Answers.

of Kolaba, dated the 15th May 1869, making it optional for Khots in the district either to accept leases from Government for a stipulated period of time or to pass the annual Kabulayats?

(b) If so, will Government be pleased to lay on the Table of the Council a copy of the said proclamation?

(c) Does Government make a distinction now between the Khots who accepted leases and those who agreed to pass annual Kabulayats under the aforesaid proclamation and between Khots who accepted leases before 1865 and those who accepted leases after the introduction of Bombay Act I of 1865?

(d) If so, will Government be pleased to state their reasons, if any, for such distinction?

13 (a) Is it a fact that many well-built houses of long standing situated on the section of the Poona-Bangalore Road passing through the Mangalwar Peth of the town of Nipani have been recently ordered to be demolished?

(b) If so, will Government be graciously pleased to state what action they propose to take in the matter?

14 (a) Is it a fact that there is not a single Jain or Mahomedan on the District Local Board of Belgaum the District Local Board of Belgaum at present?

(b) Will Government be pleased to state the total number of Jains and Mahomedans in the Belgaum District?

5. Will Government be pleased to give information on the following points.—

(a) The total amount of land revenue collected at Hanchinal in the Parasgad Taluka of the Belgaum District from January to August 1916?

notice to certain khots whose villages had been attached to the effect that if they accepted an annual agreement in a certain form or a lease in a certain form, the attachment on their villages would be removed. It is understood that action was taken in accordance with these orders.

(c) and (d) Each class of case has to be considered on its merits as the determining circumstances are different.

13. (a) and (b) Government have no information. Inquiry will be made.

14. (a) The information is being called for.

(b) The total number of Jains and Mahomedans in the Belgaum District is 41,533 and 77,075 respectively.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. Dattatraya Venkatesh Belvi;
Mr G M. Bhurgr]

Questions.

- (b) The total amount of the Imperial War Relief Fund collected with land revenue in the same village during the abovementioned period of time ?
- (c) The total amount of penalty exacted from landholders in that village for default to pay land revenue punctually, within the said period of time ?
16. Will Government be pleased to state the extent of damage done to the standing crops and to house-property by the recent heavy rains in each district of the Central and Southern Divisions ?
- 17 Is it true that the District Magistrate, Dharwar, served a notice under section 42, Bombay District Police Act, on Mr. Bal Gangadhar Tilak at Gadag on 20th instant ? If so, with what object ? Will Government be pleased to lay on the Council Table a copy of the said notice ?

Answers.

15. (a), (b) and (c) Information will be called for.
16. The Honourable Member's attention is invited to the answer to question No 1 put by the Honourable Mr Desai
17. Yes The notice was served in order to prevent the gathering of large crowds and consequent obstruction to public thoroughfares A copy of the notice* is laid on the Table.

THE HONOURABLE

MR. G. M. BHURGRI, BAR.-AT-LAW.

- (a) Is it a fact that the Sindvasi defamation case in Hyderabad, Sind, is stated by the complainant to be a private prosecution launched by himself in his individual capacity, and at his own expense ?
- (b) Is it a fact that the services of the Public Prosecutor in Sind have been lent to the complainant ?
- (c) If so, will Government be pleased to state why the services of the Public Prosecutor in Sind have been lent in support of a private complainant, and what will be the expense of such services ?

This question was asked at the meeting held on the 25th July 1916, when an ad interim reply was given

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Questions.

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local feeling which had been aroused it was considered that the case could best be conducted by a prosecutor having no local connections.

The fees of the Public Prosecutor for Sind are Rs. 100 for each whole day that he is necessarily absent from Karachi. This fee is inclusive of travelling and other expenses. The total expenditure which has been incurred on account of the services of the Public Prosecutor in the Magistrate's Court is Rs 1,900. An appeal against the conviction is pending.

2. Will Government be pleased to state—

(a) if it is a fact that the Decentralization Commission of 1908 recommended, in paragraph 416 of their report, certain safeguards to "meet such objections as might be reasonably taken to a Delegation Act pure and simple, or to the general application of the (Commissioner in) Sind Act"

(b) if one of those safeguards was that "any proposed notification of delegation of functions under this (Delegation) Act should be published in draft in the *Government Gazette*, and a reasonable period should be allowed for the submission of objections, as under the procedure in regard to rules and bye-laws laid down by the Indian General Clauses Act."

(c) if another safeguard recommended in the same paragraph was that "such draft notifications must be placed on the table of the Imperial or Local Legislative Council (according as the powers proposed to be delegated are contained in an Imperial or Local Act) and sufficient time afforded for members of that Council to make an interpellation, and, if necessary, to move a resolution on the subject.

2. The Honourable Member is referred to the Report of the Royal Commission on Decentralization.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

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Questions

Answers

(d) if such safeguards are provided in the Commissioner in Sind Act I of 1868.

(d) The Honourable Member is referred to Act V of 1868.

3. (a) Will Government be pleased to state whether the enquiry held by the Collector of Hyderabad, Sind, into an alleged case of Police torture at Husri and Machiss village in the Hyderabad District has been completed?

(b) If so, will Government be pleased to state what was the result of the enquiry?

(c) Will Government be pleased to state whether any identification test of the alleged offenders was held?

(d) If so, will Government be pleased to state what was the result of the test?

(e) If not, will Government be pleased to state why no test was held?

(f) Will Government be pleased to lay all the papers connected with the matter on the Council Table?

3 Information has been called for.

4. Will Government be pleased to state—

4.

(a) when the report of the Sind Settlement Committee will be published?

(a) The report has not yet been considered by Government

(b) If it proposes to publish the evidence given before it by official and non-official witnesses?

(b) The point will be considered when the orders of Government are passed on the report

(c) if any official memoranda or tables containing information on the subject of Land Settlements in Sind had been prepared in view of the appointment of the Committee?

(c) and (d) Government are not aware whether any memoranda or tables were prepared before the Committee was appointed

(d) if it proposes to publish these memoranda and tables?

(e) if the report will be available to the public for sale?

(e) Attention is invited to the reply to question (b).

5 (a) Will Government be pleased to state whether the Fallow Rules in Sind have been sanctioned by the Government of Bombay?

5. (a) Yes.

QUESTIONS AND ANSWERS.

[Mr. G. M. Bhurgri.]

[4TH DECEMBER 1916.]

Questions.

Answers

(b) If so, will Government be pleased to lay on the Council table the orders or resolution of Government sanctioning the rules ?

(b) The Resolution* sanctioning the rules in their final form is placed on the table.

* See Appendix]

6. (a) Will Government be pleased to state whether the Remission Rules in Sind have been sanctioned by the Government of Bombay ?

6. (a) and (b) The rules have been sanctioned by the Commissioner in Sind who has authority in the matter subject to the revision of Government

(b) If so, will Government be pleased to lay on the Council table the orders or resolution of Government sanctioning the rules ?

7. (a) Is it a fact that grants of land in tracts commanded by the triple canal project are made for 5 years only ?

7. (a) Yes.

(b) Will Government be pleased to state when the project is expected to mature ?

(b) Government are not yet in a position to make any forecast

(c) Will Government be pleased to state their reasons for making such restricted grants of land ?

(c) The restriction is imposed in order to secure a more rapid and orderly development of irrigation when the project comes into operation

8. (a) Is it a fact that the charges of the Manager of Encumbered Estates for expenses are 8 per cent. on the gross revenue ?

8. (a) The cost of management of encumbered estates in the year ending 31st July 1915 was 8.3 of the gross income. There was an increase of 0.8 over the cost of the previous year, owing to the recovery of pension contributions in arrears.

(b) Is it a fact that the same charge is made in respect of estates which are not encumbered but are under the management of the Court of Wards ?

(b) The percentage of cost of management of estates under the Court of Wards in Sind is the same.

9 Will Government be pleased to state—
Customs Preventive Service at Karachi

(a) What is the total number of Preventive Officers in the Customs Service at Karachi ?

(b) How many of them are Europeans or Anglo-Indians and how many are Indians ?

(c) How many posts of Preventive Officers of the Customs Service at Karachi, permanent as well as acting, fell vacant since 1912 ?

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[4TH DECEMBER 1916]

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- (d) How many of these vacancies were filled by appointing Indians, and how many by Europeans or Anglo-Indians?
- (e) What is the number of posts, temporary or permanent, since 1912, which have been filled by conferring them on Europeans or Anglo-Indians brought from outside Sind who had no previous experience of the Preventive Service?
- (f) Were there any Indians in the Preventive Service at the time of each of such appointment and is it a fact that some of these Indians had from 10 to 30 years experience in the Department?
- (g) If it is a fact that the Customs authorities in Karachi have approached the Customs authorities in Bombay and other places in India for Europeans and Anglo-Indians to fill the posts which have fallen vacant since the outbreak of war?
- (h) If it is a fact that a scheme for strengthening the Preventive Service at Karachi has been submitted to the Commissioner in Sind, whereby most of the Europeans or Anglo-Indians already holding permanent appointments as Preventive Officers will get still higher salaries than at present and their places filled by appointing Europeans or Anglo-Indians as Extra Preventive Officers who are not on the establishment list, but are being paid out of overtime fees?
- (i) The manner in which Indians in the Preventive Services will benefit by the proposed strengthening of the Preventive Service at Karachi?
10. Will Government be pleased to

Custom House at
Karachi—Promotions in the
Branches. state—

- (a) If it is a fact that in the Custom House at Karachi promotions to employees in the different branches, viz, the statistical, the accounts, the manifest, and the correspon-

9. Information will be called for.

QUESTIONS AND ANSWERS.

[Mr. G. M. Bhurgri.]

[4TH DECEMBER 1916.]

*Questions.**Answers.*

dence branches, are given not according to the seniority on the general list of the employees, but according to the seniority in each separate branch?

(b) Whether this practice prevails in any other Custom House in India?

(c) If not, the reasons why this practice has been adopted in Karachi?

Legislation on recommendations made by Local Boards Committee.

11. Will Government be pleased to state—

(a) Whether it proposes to bring forward any legislation to give effect to the recommendations made by the Committee appointed by the Government of Bombay to consider and report on the question of the extension of the principles of Local Self-Government in regard to Local Boards,

(b) If so, will Government be pleased to state when the proposed legislation is likely to be brought forward?

12. (a) With reference to the Village Panchayats recommended by Decentralization Commission re recommendations made by the Decentralization Commission in regard to Village Panchayats in Part III, Chapter 18, of their Report, will Government be pleased to state whether they have considered the question, and what steps they propose to take?

(b) If any legislation is proposed by Government, will Government be pleased to state when it is likely to be brought forward?

13. Will Government be pleased to state—
Cases in Sind under Chapter VIII of Code of Criminal Procedure

(a) If it is a fact that out of 638 persons convicted in Sind in 1915 under Chapter VIII of the Criminal Procedure Code, 108 were released on security or agreement, and 530 were sent to jail?

10. Information will be asked for so far as the Bombay Presidency is concerned.

11. Yes. A bill to provide for the increase of the proportion of elective members of district local boards and the formation of special constituencies is at present under the consideration of Government.

12. The question is under consideration but no action is possible until the financial position improves and the question of amending the Local Boards Act is settled.

13.

Yes.

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[4TH DECEMBER 1916.]

[Mr. G. M. Bhurgri.]

*Questions.**Answers*

(b) How many of these 530 persons had offered security which was rejected, and how many had offered none?

(c) How many of these 530 persons were sent to jail for the first time?

(d) Whether persons sent to jail for the first time under Chapter VIII are kept apart from or together with habitual offenders in the jails?

(e) If it is a fact that the proportion of persons released on security or agreement to those sent to jail in the various Divisions of the Presidency is as under —

Central Division ...	342	281
Southern Division .	383	141
Northern Division .	548	94
And in Sind ...	108	530

and will Government be pleased to state the reasons for this great difference between the proportion in Sind and the proportion in the other Divisions of the Presidency?

(f) If its attention has been drawn to the following remark made by the Commissioner in Sind in his letter to Government, submitting the Police Administration Report of Sind "The fact is that the large decrease occurred almost entirely in one sub-division of the District (Larkana) where the Sub-Divisional Magistrate held what the Commissioner can only describe as perverse views about the working of Chapter VIII. This Magistrate has since been transferred"?

14 (a) Will Government be pleased to state if it is a fact that the Magisterial powers of Head Munshis. J u d i c i a l Commissioner of Sind, while on tour, was approached by various Bar Associations in Sind with a representation for the removal of udicial powers from Head Munshis?

(b) If so, will Government be pleased to state what action, if any, has been taken in the matter.

Information has been called for.

Yes.

Government have no information on the subject.

Yes.

14. Government have no information in this respect.

QUESTIONS AND ANSWERS.

[*Mr G. M. Bhurgri.*]

[4TH DECEMBER 1916.]

Questions.

Answers.

15. (a) Will Government be pleased to state (a) if in moving the first reading of Bill No. 1 of 1916 (a Bill further to amend the Act to declare the constitution of Courts of Civil and Criminal Judicature in the province of Sind) the Honourable Mr. E. M. H. Fulton, the Member in charge of the Bill, said —“ The main features (of the Bill) are that the Sadar Court and the District Court are to be combined in a Court of 3 Judges, of whom one is necessarily a barrister of at least 5 years' standing, while the other 2, including the Judicial Commissioner, will ordinarily be Members of the Indian Civil or Statutory or Provincial Civil Services ?”
- (b) How many times appointments, acting or permanent, have been made to fill the latter 2 posts since the time the Bill was passed,
- (c) How many of the persons so appointed belonged to each of the abovementioned services, and how many were Europeans and how many Indians;
- (d) Whether Government proposes to appoint a member of the Provincial Civil Service to fill the next vacancy in the two existing appointments of Judicial Commissioner and Additional Judicial Commissioner not reserved for a barrister;
- (e) If it is a fact that the Karachi Bar Association recently made a representation to the Judicial Commissioner of Sind on the subject of the appointment of a Third Additional Judicial Commissioner and has pressed thereon for the appointment of an Indian as an Additional Judicial Commissioner;
- (f) If it proposes to recommend the appointment of a Third Additional Judicial Commissioner for the Court of the Judicial Commissioner of Sind,
15. (a) Yes.
- (b) There have been 17 occasions of making appointments, including permanent and acting, to the offices of the Judicial Commissioner of Sind and of the Additional Judicial Commissioner of Sind whose office is not reserved for a barrister.
- (c) All the persons so appointed have been European members of the Indian Civil Service.
- (d) Government will decide the question when occasion arises.
- (e) Yes.
- (f) The question is under the consideration of Government.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. G. M. Bhurgri.]

*Questions.**Answers.*

(g) If so, if it proposes to appoint a member of the Provincial Civil Service to the post of the Third Additional Judicial Commissioner ;

(g) Government will decide this question when occasion arises.

(h) If so, whether Government proposes to appoint a pleader to fill the next vacancy, temporary or permanent, in the 2 existing appointments of Judicial Commissioner and Additional Judicial Commissioner, or to fill the appointment of the Third Additional Judicial Commissioner ?

(h) Government will decide this question when occasion arises.

16. (a) Will Government be pleased to state whether there are any orders of the Secretary of State restricting appointments to the post of Judicial Commissioner and one of the two Additional Judicial Commissioners to the members of the Indian Civil Service or Statutory or Provincial Civil Service ?

16. (a) The Secretary of State has not expressed his views specifically on the point.

(b) If so, will Government be pleased to lay the orders on the Council Table ?

(b) Government do not propose to lay the correspondence on the Table.

17. Will Government be pleased to state.—

17

(a) The sanctioned strength of Deputy Superintendents of Police in Sind

(a) The sanctioned strength is 7 ; but at present there are 8 Deputy Superintendents of Police in Sind.

(b) The number of Deputy Superintendents of Police in Sind who are Europeans or Anglo-Indians, and the number who are Indians,

(b) Five Europeans or Anglo-Indians and 3 Indians.

(c) What recommendations the Public Services Commission had made with regard to the appointment of Indians to these posts,

(d) Whether these recommendations, if any, have been followed in the making of appointments of Deputy Superintendents of Police in Sind,

(e) The reasons why there has been a departure, if any, from recommendation.

The report of the Public Services Commission has not yet been published.

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai*]

[4TH DECEMBER 1916.]

Questions.

Answers.

THE HONOURABLE MR. P. A. DESAI.

1. (a) Is it a fact that distress has been caused by rainfall and floods in Southern Division to people in the Bijapur District, in the major portion of the Dharwar District, and in some portion of the Belgaum District, by the excessive rainfall and consequent floods?
- (b) If so, what measures of relief does Government propose to adopt?

1. (a), (b) The recent heavy rains and consequent floods have caused considerable damage to houses and standing crops in various parts of the Karnatak. The district officers are taking all possible steps to relieve the distress caused. Detailed reports have been called for and will be published as soon as received. The Collector of Bijapur has asked for an additional sum for distribution as takavi among the weavers, and this has been granted.

2. Is it a fact that the mail and passenger Railway trains between Gadag and Hotgi trains on the M. & S. M. R line between Gadag and Hotgi are irregular in their arrivals and departures?

2. Enquiry will be made

3. Will Government be pleased to state—

3.

- (a) Whether its attention has been called to be frequency of Motor car accidents in Bombay motor car accidents in the City of Bombay in recent years?

- (a) Yes.

- (b) How many accidents occurred during the last 12 months ending with the 31st October 1916?

- (b) 748.

- (c) How many persons were injured and how many of them died of the injuries?

- (c) In all except 3 of the 748 cases injury was caused either to pedestrians or to the drivers of vehicles. 31 cases proved fatal.

- (d) Whether Government propose to take any steps to prevent such accidents in future?

- (d) The matter is receiving attention.

- (e) Is it a fact that most of the accidents are due to the drunkenness of the drivers of the motor cars, if so, what steps Government proposes to take to remedy this evil?

- (e) It is not a fact that most of the accidents are due to the drunkenness of the drivers of motor cars.

4. Will Government be pleased to state—

- (a) Whether any proposals have been made by the District Officers of Ratnagiri to certain khots in the Devrukh Taluka to part with their khoti rights in return for pecuniary compensation?

4. (a), (b) Enquiries are being made.

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[4TH DECEMBER 1916]

[Mr. P. A. Desai, Sardar Syed Ali
El Edroos]*Questions.**Answers.*

(b) If so, how many khots have agreed to resign their khot rights in consideration of the proposed compensation?

5. (a) Is it a fact that the people of several villages in the western and northern parts of the Belgaum District have applied to Government to open Marathi schools?

(b) Will Government be pleased to state what steps have been taken in the matter?

6. (a) Is it a fact that a Fund called the Police Fund has been started by the Police in this Presidency and that they are collecting subscriptions from people for this Fund?

(b) If so, will Government be pleased to enlighten the public as to the objects of this Fund?

5. (a), (b) Enquiries are being made.

6. (a), (b) The attention of the Honourable Member is invited to the answer given to question No. 4 put by the Honourable Mr R. P. Paranjpye.

HONOURABLE SARDAR SYED
ALI EL EDROOS.

1. (a) Is it a fact that owing to a recent order of the Mamlatdar of Borsad the Mahomedans of the village of Sarsa in that taluka have been forbidden the use of a fresh water well which belongs to the Local Board?

(b) Is it a fact that there is no other fresh water well in the vicinity?

[This question was asked at the meeting held on the 25th July 1916, when an ad interim reply was given]

1. (a) and (b) The Honourable Member has been misinformed. Certain Bohras applied to the Collector for permission to use a well in land belonging to Patidars residing in a street called Mota Darwaja. The well was constructed at the expense of the Patidars, with the assistance of small grants from the local board and the village sanitary committee. It was originally brackish, but fresh water was recently obtained by boring, at the Patidars' expense. Only persons residing in the street are allowed to use the well. The Collector declined to give the permission asked for as he found that the Bohras had no right to use the well, as there was a danger of the breach of the peace if they did so, and as there was a sufficient supply of drinking water in two wells in the immediate vicinity of their houses.

QUESTIONS AND ANSWERS.

[*Dr C. Fernandes, Mr. Siddhanath
Dhonddev Garud*]

[4TH DECEMBER 1916.]

Questions.

Answers.

THE HONOURABLE DR. C
FERNANDES, M D

1. Has the attention of Government been drawn to a statement by a correspondent of *The Times of India* in the issue of that journal of the 14th June drawing attention to the danger involved in allowing vehicles to stand on the roadside at night without lights; and the reply received by the commissioner of Police to the effect "there is no rule by which such vehicles can be compelled to carry lights" and "that a vehicle can stand on any road in Bombay without a light and it is not intended to amend the existing rules"?
2. Will Government be pleased to state whether in licensing dramatic performances and cinematograph shows in Bombay the requirements of juveniles under 12 are specially considered?

THE HONOURABLE MR. SIDDHANATH DHONDDEV GARUD.

1. Will Government be pleased to state (a) the total number of students who presented themselves for the preliminary examination in each high school in the Central Division in 1915 and 1916, (b) the total number of those who were allowed to appear for the matriculation and school final examinations in those years; (c) the total number of those who passed these examinations in those years?

[*This question was asked at the meeting held on the 25th July 1916, when an ad interim reply was given.*]

1. Yes: Government are not aware of any accident having occurred which would have been prevented by the existence of a rule requiring vehicles to show lights when at a standstill. The great majority of vehicles at a standstill on the public roads in Bombay after dark are either at certain well-known places near the sea front or in well-lighted streets outside places of entertainment. A rule of the kind referred to would entail considerable expense upon the owners of vehicles, and it is doubtful whether the advantages gained would be worth the cost. The lights of many carriages are invisible from behind, and would, therefore, even if lit, afford no warning to the driver of a vehicle approaching from behind.
2. The requirements of the public generally are considered. The requirements of juveniles under 12 are not specially considered.

1 (a), (b) and (c) The information is given in the accompanying statement *

* See Appendix A.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. Siddhanath Dhonddeo Garud.]

*Questions.**Answers.**Supplementary question.*

The Hon'ble Mr. GARUD :—Is it true that preliminary examinations are abolished in the high schools now ?

His Excellency the PRESIDENT :—I am not quite clear what the Hon'ble Member wants. I understood he has got a full answer to all his questions.

The Hon'ble Mr. GARUD :—I want to know whether it is true that preliminary examinations are abolished from all high schools ?

The Hon'ble Mr. CHAUBAL :—I do not think that that arises as a supplementary question to the question and answer given, and if the Hon'ble Member wants he had better put a separate question about it.

2. Will Government be pleased to state—

(a) Whether the Inspector General of Police ^{House-rent to Sub-Inspectors of Police.} has issued a circular

withdrawing the grant of house-rent allowance to Sub-Inspectors of Police ;

(b) whether the grant was given by any Government Order ;

(c) whether it was withdrawn by any Government Order ?

2. (a), (b) and (c) No such order has been issued. Quarters are hired for Sub-Inspectors where required.

3. Will Government be pleased to state.—

(a) Whether Bhil Chowkidars in West Khandesh ^{Bhil Chowkidars in West Khandesh.} are paid nothing from Local Fund or Provincial Revenues for their services ?

3. (a) They are not paid from Local Funds or Provincial Revenues.

(b) Whether they are permitted to levy a fee on every cart which passes the chowki ?

(b) They are permitted to levy a fee of half an anna on every loaded cart which passes a chowki.

Supplementary question.

The Hon'ble Mr. GARUD :—Will Government be pleased to state under what provision of law such a fee can be legally levied ?

His Excellency the PRESIDENT :—I do not call this a supplementary question. If the Hon'ble Member wishes to have information on a particular point he must put the question in the ordinary way.

The Hon'ble Mr. GARUD :—Do I understand Your Excellency to say that this should be put as a separate question ?

His Excellency the PRESIDENT :—My point is this. If the Hon'ble Member really seriously wants to ask a supplementary question on a question that has been

QUESTIONS AND ANSWERS.

[Mr. Siddhanath Dhonddev Garud.]

[4TH DECEMBER 1916.]

Questions.

Answers.

answered, he is perfectly entitled to do so ; but if he wants to ask a completely new question that is not supplementary to the question which has been answered, he ought to ask it in a separate manner altogether. If the Hon'ble Member will refer to rule 11 of the Question Rules in the Bombay Legislative Council Manual, 1916, he will find it stated there that any member who has asked a question may put a supplementary question for the purpose of further elucidating any matter of fact regarding which a request for information has been made in his original question.

The Hon'ble Mr. GARUD :—Will Your Excellency permit me to say that my present question arises from the answer to the question No 3 (b) which says that a fee has been allowed to be levied ; and now ask whether that fee has been levied under any provision of law.

His Excellency the PRESIDENT :—The Hon'ble Member's original question has been answered and he will agree that there is permission to levy this fee. The Hon'ble Member's supplementary question is whether it is really permissible to levy it, and I think, he can take it that what he says is a fact.

4. (1) Is it true :—

(a) That the Municipality of Raver

Municipality of Raver— was moved
House-tax. by the
Collector of
East Khandesh by his letter dated
the 7th January 1914 to revise its
house-tax assessment on the basis
of rent value calculated at four
per cent. on the cost value of the
house property ?

(b) That the members of the
Municipality expressed to the
Assistant Collector in charge of
the Taluka their unwillingness to
assess the house-tax on the new
basis proposed and they desired
to continue the old system under
which it was assessed on the rent
actually received or estimated to
be received ?

(c) That subsequently at a general
meeting of the Municipality a
resolution was passed assessing
the house-tax on the new basis
suggested by the Collector with-
out accepting or putting to the
vote an amendment given in
writing by a member of the
Municipality who opposed the
proposal ?

(d) That the councillor tendered
his resignation on the next day
stating the circumstances and that
a petition was sent to the Collector,
East Khandesh, on the 31st May

4. (1) and (2) Enquiries are being
made.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. Siddhanath Dhonddev Garud.]

Questions.

Answers.

1915 to which no reply has yet been sent ?

- (e) That the said member's vacant place has not yet been filled up ?
- (2) Will Government be pleased to lay on the Table the resignation of the member and state what action has been taken in the matter ?

5. (1) Is it true :—

- (a) That the Municipality of Ahmednagar has to pay the maintenance charges of 3 lunatics, who are ascertained not to be residents of that municipal district ?

(b) That a representation was submitted to the Collector by the President of the Municipality stating their places of residence and giving further details about them with a view to get the Municipality relieved from that charge ?

(c) That the Commissioner, Central Division, did not agree to forward it to Government for consideration ?

(2) Will Government be pleased to state if the Municipality is liable to pay the maintenance charges in such cases ?

5 (1) Inquiry is being made.

(2) Yes.

6. Will Government be pleased to lay on the Table the orders, if any, passed with reference to the commutation of hereditary kulkarni watans in inam and jahagur villages ?

6 Government are not prepared to lay the papers on the Table

7 Will Government be pleased to state —

(a) Whether the commutations of kulkarni watans in jahagur and dumsal villages are made with or without the consent of the jahagirdars who pay remuneration for the kulkarnis' services ?

7 (a) With the consent of the Jahagirdars

QUESTIONS AND ANSWERS.

[Mr. Siddhanath Dhonddev Garud.]

[4TH DECEMBER 1916.]

Questions.

- (b) Whether talatis appointed to dumala villages are also appointed to other khalsa villages? If so,
- (c) Whether the dumaldars are still made to pay the same remuneration which they used to pay when the kulkarnis' full time services were available for their villages alone?
8. Will Government be pleased to state the total number of commutation agreements obtained from kulkarnis in the several districts of the Central and Southern Divisions?

9. Will Government be pleased to state what action has been taken in the case of the 390 kulkarnis who withdrew their consent to the commutation of their watan as stated in answer to question No. 7 put by the Honourable Mr. Munmohundass Ramji at a meeting of the Council on the 12th July 1915.

10. Will Government be pleased to state the number of cases in which consent to commutation of kulkarni watans has been obtained from females, guardians of minors, or only some of the co-sharers, in the several districts of the Central Division?

11. Will Government be pleased to place on the Table a list of Irrigation Works left uncompleted.

Answers.

- (b) Yes, in some cases.
- (c) Yes

8. *Central Division.*

Districts.	No. of agreements
East Khandesh	... 2,428
West Khandesh	... 538
Nasik	... 2,008
Ahmednagar	... 3,313
Poona	... 2,426
Satara	... 3,247
Sholapur	... 526

Southern Division.

Districts.	No. of agreements.
Belgaum	... 119
Dharwar	... 20
Bijapur	... 38
Kolaba	... 10
Ratnagiri	... 20

9. The Honourable Member is referred to the answer given to question No 9 (a) put by the Honourable Mr S B Upasani at the meeting of the Legislative Council held on 7th December 1915

10. Government are not prepared to call for the information asked for, as the labour of collecting it would be out of all proportion to any purpose the information is likely to serve

11. The information is being called for from local officers.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr Siddhanath Dhonddev Garud]

Questions.

Answers.

Works taken up during famines but left uncompleted, and state (1) the amount spent on them, and (2) the amount now estimated to be required to complete them?

12. (1) Will Government be pleased to state.—

(a) Whether the Victoria Jubilee Technical Institute—Grants-in-aid to receives a grant from Government?

(b) The purpose for which the grant is made?

(c) How far that purpose has been carried out?

(a) Will Government be pleased to lay on the Table the reports, if any, received from the Institute, showing how the grant has been utilized?

13 Will Government be pleased to lay on the Table a statement showing—

(a) The rates charged by the Railway Companies and refreshment licenses in the Presidency Proper for licenses to sell Indian food stuffs and provisions at Railway stations?

(b) The total amount received by the Railway Companies during the last official year from such fees?

(c) The total amount received for licenses for Refreshment Rooms?

12 (1) (a) Yes

(b) The grant is given for the maintenance of the Institute and for developing the scope of its work.

(c) The Honourable Member is referred to Government Press Note No 1855, dated the 27th June 1913, and to the publication entitled "A record of twenty-five years' progress of the Victoria Jubilee Technical Institute, Bombay" (bringing up the account to 1912-13) by Mr. R. M. Chonkar, Assistant Secretary to the Institute, as well as to the subsequent annual reports of the Institute.

(2) No such reports are received by Government.

13. Information will be called for.

QUESTIONS AND ANSWERS.

[*Mr. Siddhanath Dhonddev Garud;*
Shaikh Ghulam Hussain Hidayatallah.]

[4TH DECEMBER 1916.]

Questions.

Answers.

14. Will Government be pleased to state.—

(a) In what Divisions Pleaders are allowed to appear before Commissioners to argue in appeals under (1) the Income-Tax Act, (2) the Watan Act, (3) the Land Revenue Code, and in what Divisions they are not so allowed?

Pleaders' appearances in income-tax, watan and land revenue appeals

(b) In what districts they are allowed to appear in similar cases before Collectors and in what districts they are not so allowed?

14. (a) and (b) Inquiry will be made.

15. Will Government be pleased to state.—

(a) Whether dramatic companies are required to obtain a fresh license for every play they perform in every new district they visit?

Dramatic companies' licenses

(b) If so, is the subject under consideration?

15. (a) Yes.

(b) Yes.

THE HONOURABLE SHAIKH GHULAM HUSSAIN HIDAYATALLAH, LL.B.

1. (a) Will Government be pleased to state whether Deputy Collectors there are any such posts as attached Deputy Collectors in the Presidency proper?

(b) If not, will Government be pleased to state why such posts are maintained in Sind?

1. (a) No

(b) District Deputy Collectors were originally attached to three Sub-Divisions in Sind, because, owing to their size and the heavy revenue and criminal work belonging to them, the Sub-Divisional Officers required assistance. Only one such post is now maintained.

2. (a) Will Government be pleased to state whether officers of the Indian Civil Service get acting promotions when senior officers go on leave?

Acting promotions for Indian Civil Servants and Deputy Collectors when seniors are on leave.

2. (a) Yes. Under Articles 104 (a) and 105 of the Civil Service Regulations.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. Shaikh Ghulam Hussain Hidayatallah.]

Questions.

(b) If so, will Government be pleased to state whether Deputy Collectors get acting promotions when senior officers go on leave?

(c) If not, will Government be pleased to state why the latter officers do not get such acting promotions?

3. (a) Will Government be pleased to state whether ^{Vacancies amongst} Deputy Collectors. it is a fact that the permanent vacancies in the line of Deputy Collectors are not filled for a long time?

(b) If so, will Government be pleased to state what are the reasons for the delay?

4. Will Government be pleased to state how ^{Sindhis appointed Assistant and Additional Sessions Judges.} many permanent places, if any, of Assistant and Additional Sessions Judges have been given to Indians from the Provincial Civil Service, and how many of such places, if any, have been given to Sindhis during the last 10 years?

5. (a) Will Government be pleased to state ^{Candidates who have passed in the Vernacular School Final and Matriculation} whether a candidate who has passed the Vernacular School Final and Matriculation Examinations can be employed in the English Departments in service?

(b) If not, will Government be pleased to state why such a candidate cannot be so employed?

Answers.

(b) No. Unless arrangements can be made for provisional substantive or substantive *pro tem.* arrangements.

(c) Because under Article 119 (a) an officer of a class divided into grades cannot officiate in this class in a grade higher than that to which he is substantively appointed. This applies to all graded *cadres* and not only to Deputy Collectors.

3 (a) and (b) Delay occasionally takes place in making appointments to vacant places in the grades of Deputy Collectors, owing to the necessity for comparing the merits of officers from the different Divisions including Sind. In the case of grade promotion this does not injure the officers concerned, as the promotions when made take effect from the date of vacancy.

4. Such appointments have been given to four Indians, none of whom was a Sindh.

5. (a) No.

(b) The reasons for the non-recognition of the Matriculation Examination are fully stated by the Government of India in paragraphs 23 and 24 of their Resolution on Indian Educational Policy, dated the 11th March 1904, and in paragraphs 24 and 25 of their Resolution, dated the 21st February 1913, dealing with educational policy

QUESTIONS AND ANSWERS.

[*Mr. M. N. Hogg ; Mr. B. S. Kamat*]

[4TH DECEMBER 1916.]

*Questions**Answers.*

THE HONOURABLE Mr. M. N. HOGG.

1. With reference to the statement, made by the Honourable Sir William Meyer in his speech to the Bombay Chamber of Commerce on the 2nd August 1916, that a letter addressed by the Bombay Chamber of Commerce to the Government of India dated 30th November 1915 on the subject of Stamp Duty on Cash Credit Agreements and forwarded through the Bombay Government under cover of the Chamber's letter of 6th December 1915 to the Secretary to the Bombay Government in the Revenue Department, was not forwarded by the Bombay Government to the Government of India until June 1916, will Government be pleased to state whether any, and if so what, special reasons necessitated a delay of six months in the forwarding of the letter?

The letter in question applied for a reduction of the stamp duty leviable on agreements of hypothecation of goods to secure cash credits or overdrafts and for the application to them, if unattested, of an exemption clause. Before the letter should be forwarded to the Government of India it was necessary to examine the probable financial effect locally of the reduction and exemption asked for. The letter was accordingly forwarded to the Superintendents of Stamps, Bombay and Karachi. The Superintendent of Stamps, Bombay, attempted to ascertain from his registers the number of documents of this character presented and the duty paid upon them. As no special register had been kept for these documents, the figures extracted by the Superintendent of Stamps were necessarily approximate, and he accordingly addressed the Banking concerns of Bombay in confirmation of them. The Bank of Bombay only was able to give him an authoritative statement. These enquiries necessarily took time, and the subject, which involved important points, required careful consideration before it could be submitted to the Government of India on 1st June 1916.

THE HONOURABLE Mr. B. S. KAMAT.

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

(a) What is the total number of persons dealt with so far in the Presidency under the Defence of India Act?

(b) What opportunity is offered to each suspect of meeting any charges or giving any explanation of the allegations against him, before final orders are passed by Government?

1. (a) Including eleven Europeans transferred to this Presidency from Burma, the total number is 44.

(b) In view of the desirability of speedy action in such cases, it is not possible to ask for formal explanation before orders are passed. The persons concerned are, however, freely permitted to submit any representations which they may desire.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. B. S. Kamat.]

Questions.

Answers.

- (c) Are arrangements made by Government in any cases for the maintenance, where necessary, of the families of the *détenus*?
2. Will Government be pleased to make a statement, consistently with public interests, of the circumstances and the reasons which necessitated the application of the Defence of India Act to Mrs Annie Besant?
3. (i) Has the attention of Government been drawn to certain paragraphs in the Bombay Vernacular papers, *Sanj Vartman* of 27th September, and the *Rast Goflar* of 29th October last, regarding an appeal to Government by a dismissed servant, by name V. V. Dalvi, formerly a Sarkarkun in the Customs Department in the Ratnagiri District?
- (ii) Will Government be pleased to state whether in this case it is true as alleged in these comments (a) that the departmental inquiry was made in the absence of the accused and without giving him a full opportunity to meet the charges against him; (b) that he was denied a trial in a Court of Law although he prayed for it; and (c) that the then Commissioner of Customs who had sanctioned the dismissal had subsequently expressed the view that probably injustice was done to the man?
- (iii) Have Government been pleased to inquire into the applicant's prayer for pension, and if so with what result? Are there precedents for granting compassionate pensions to dismissed servants of Government?

after action is taken, and all such representations receive the careful consideration of Government.

(c) Yes

2. The answer to the Honourable Member's question is the same as that given to the Honourable Mr. Patel's Question No. 29

3. (i) and (ii) Attention is requested to the answer given to the question of the Honourable Mr D A Khare on the same matter at the Legislative Council meeting of March 1907. It was therein stated that Mr Dalvi had the fullest opportunity of meeting the allegations against him, and that the evidence of their truth was quite incontrovertible. Government are unable to allow a matter which was very fully considered to be re-opened.

(iii) Mr Dalvi's application for a pension was fully considered in 1908 and was rejected. By Article 353 of the Civil Service Regulations pensions are not allowable to dismissed officers, but compassionate allowances may be granted by the Government of India in cases in which there are special reasons for their being granted. No such reason exists in the present case.

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*]

[4TH DECEMBER 1916.]

Questions.

4. (i) Has the attention of Government been drawn to the complaints in the Poona City Vernacular Press during September last regarding the execution of Poona City Drainage Works at present under construction, in the matter of alleged defective house-connections, deviations from original plans, and a large excess over the total estimated expenditure for the drainage scheme?
- (ii) Will Government be pleased to state (a) whether Government have investigated how far the complaints are justifiable, (b) whether the anticipated excess in expenditure was brought to the notice of the City Municipality by the Executive Engineer for Drainage; (c) if so on what date? and (d) how many times did the Executive Engineer attend the Municipal meetings since his appointment to the Board during the present triennium?

Answers.

4. (i) Yes.
- (ii) (a) Yes. The defects found by the Municipality consist of—
- (1) one manhole (out of 1,000 constructed), in which a brick bund had been purposely made and left with a view to stop leakage from sub-soil water;
 - (2) a few house connections which had become blocked up through the neglect of municipal sweepers not cleaning them regularly;
 - (3) six defective house connections, (out of some 6,000) which were put right on discovery.

The scheme on the whole appears to be working satisfactorily but there are here and there difficult house connection questions which require careful consideration which it is understood they are receiving. In all schemes of this nature constant attention and occasional repairs are necessary.

The drainage works have been carried out according to the design sanctioned by Government, with the exception of (1) an improvement and addition to the Balancing Tank, (2) shortening and straightening up the alignment of the 14" sewage pumping main and (3) a slight modification in the design of the pail depots, to suit both types of night soil and sullage carts at present in use by the Municipality. These changes are unimportant and do not affect adversely the convenience of the people.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr B. S. Kamat.]

*Questions.**Answers.*

- The excess expenditure was mainly due to the excess payment on account of land compensation and to the enhanced cost of cast-iron pipes (due to strikes in England in 1911), the advices of adjustments for which were not received until the works were approaching completion.
- (ii) (b) and (c) The excess in expenditure was brought to the notice of Municipality in February 1916 after the sanction of the revised estimate by Government.
- (ii) (d) The Executive Engineer attended about five meetings of the Poona City Municipality during the present triennium.
5. Have Government been pleased to lay down any Rules for the guidance of officers in the matter of holding District Durbars in the Presidency, regulating such matters as the list of persons to be selected for invitations in the district, the interpellations and recommendations which people can make at such Durbars, and the effect such recommendations are to have? If no such Rules are in existence, will Government be pleased to say if it is intended to take any action in the matter with a view to secure uniformity in the Presidency?
5. The Honourable Member is referred to the replies to the Questions Nos 17 and 36 put, respectively, by the Honourable Mr R. P. Paranjpye and the Honourable Mr. V. J. Patel.
6. Have the Sanitary authorities investigated into any causes as to why there is no material improvement in the birth and death rates and the general health of Poona City?
6. The attention of the Honourable Member is invited to paragraph 19 of the Sanitary Commissioner's report for the year 1915 from which it will be seen that the death rate in Poona City was comparatively low during the year in spite of plague.
- The Honourable Member's attention is also invited to paragraph 9 of that report and paragraph 2 of the Government Resolution No. 7577, dated the 15th November 1916, reviewing it, which will show that the low birth rate in the city has already been noticed and the attention of the Poona Municipality has been called to the importance of securing efficient registration.

QUESTIONS AND ANSWERS.

[Sardar Dulabawa Raisinji; Rao Bahadur V. S. Naik.]

[4TH DECEMBER 1916.]

Questions

Answers.

THE HONOURABLE SARDAR DULABAWA RAISINJI, THAKOR OF KERWADA

- (a) Will Government be pleased to state whether the rate of interest on a loan from Government advanced to a particular Tálukdár has been reduced to four per cent?
- (b) Is it a fact that the rate of interest in the case of a loan advanced to a Tálukdár under Agency Jurisdiction is much lower than on the loan advanced to a Gujarát Tálukdar?
- (c) Will Government be pleased to state the total amount of loan given to the Tálukdárs which had to be written off as bad debt?

1. (a) Already answered.
- (b) Already answered.
- (c) Government have had no occasion hitherto to write off as a bad debt any part of the principal of any loan given to a Tálukdár.

[This question was asked at the meeting held on the 25th July 1916, when an ad interim reply was given.]

THE HONOURABLE RAO BAHADUR V S NAIK

Will Government be pleased to lay on the Council table the following details about the 35 Táluka Local Boards that have failed to hold the minimum number of four meetings during 1914-15 referred to in paragraph 5 of the Government Resolution No 3846, General Department, of 31st May 1916?

- (a) * * * * *
- (b) Which of these Boards have non-official gentlemen as their Vice-Presidents?

Will Government be pleased to inquire and lay on the Council table the number of matriculates from the Karnatic districts who applied to the different college authorities for admission into their colleges and

* Karnatic matriculates not accommodated in colleges

- 1 (a) * * * * *
- (b) Vaghra and Panvel.
2. The accompanying statement* gives the information required by the Hon'ble Member. The figures are only approximately accurate, as the same student often applies for admission at more than one college. The total number of applicants does not therefore represent 224 different

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Rao Bahadur V. S. Naik.]

Questions.

were refused the same for want of accommodation ?

[These questions were asked at the meeting held on the 25th July 1916, when ad interim replies were given]

3. Will Government be pleased to furnish the following information about the Inspectors and Sub-Inspectors of the Excise Department ?

(a) Whether the appointments of Excise Inspectors and Sub-Inspectors are graded like those of the Police Department,

(b) Whether promotions in their cases are usually guided by the graded list,

(c) Whether such graded lists, if they are kept, are published from time to time for the information of the Inspectors and Sub-Inspectors concerned as in the Police Department,

(d) Will Government be further pleased to say whether the Excise Inspectors and Sub-Inspectors hold in the official circle status and rank equal to those of the Police Department.

4. With reference to Appendix III printed on page 31 of the notes on Deaths of infants in Poona in 1915 vaccination in the Bombay Presidency for the year 1915 and 1916, will Government be pleased to state whether they have ascertained the cause of the unusually high number of deaths amongst children under one year during 1915 in Poona city which is 1,396 as against 1,070 births during that year ?

Answers.

individuals ; nor is it possible to say that all of the 27 candidates who were refused admission failed eventually to secure admission in any college.

* See Appendix B.

3. (a) The appointments of Excise Inspectors and Sub-Inspectors are graded, but the scale of pay differs in some respects from that fixed for Police Inspectors and Sub-Inspectors.

(b) Promotion is made by seniority on the graded list combined with merit.

(c) The graded list is shown in the Excise Directory which is not supplied to Excise Chief Inspectors, Inspectors and Sub-Inspectors. These officers, however, can at any time ascertain by enquiry their place on the list.

(d) Inspectors and Sub-Inspectors of Excise rank after Inspectors and Sub-Inspectors of Police in the official list, but are treated with equal consideration and respect.

4 The Honourable Member's attention is invited to paragraph 9 of the Sanitary Commissioner's Report for the year 1915 and paragraph 2 of Government Resolution No. 7577, dated the 15th November 1916, reviewing it, from which it will be seen that the low birth-rate in Poona as compared with the number of deaths among children under one year during the year 1915 is believed to have been due to defective birth registration and that the attention of the Poona Municipality has been drawn to it.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik.*]

[4TH DECEMBER 1916]

*Questions.**Answers.*

5. Will Government be pleased to say if any ^{Waiting rooms in revenue offices.} room or accommodation is exclusively set apart in the District Revenue, Táluka Mamlatdars' and Mahálkaris' offices for use as waiting room by respectable gentlemen visiting these offices on business?

If so, whether such accommodation is available in all the District Revenue Offices and Mámlatdárs' and Mahálkaris' offices in this Presidency?

6. Is it the case that in the Madras Presidency the ^{Descriptive publications for villages in Madras Presidency} descriptive memoirs of every village with the village map giving all details about the village, its lands, land revenue, holdings, census and various survey and other information regarding the village are published by Government or under their patronage and such books pertaining to the different villages of the táluka are available for sale in the Mamlatdars' (Tahasildars') office at the táluka headquarters?

(a) Will Government be pleased to obtain from the Madras Government the information whether the publication of such memoirs during the last 10 or 15 years has been financially self-supporting?

7. Will Government be pleased to ^{Improvement of village and town sites.} furnish the following information about town extensions by Municipalities and Local Boards?

(a) The names of the District Municipalities and Local Boards in the Presidency which have

- 5: Separate rooms do not exist at present at the offices named, though in many cases separate verandah space can be exclusively reserved for the purpose mentioned. The provision of such rooms has been recognised to be desirable, but it would entail very heavy expenditure since full provision would entail the reservation of accommodation at private bungalows where many gentlemen prefer to visit the officers whom they wish to see. Government are considering the possibility of providing such accommodation at certain District offices, and also in the construction of new offices or official residences. The cost involved in any general measure will be so heavy that it must be postponed to more urgent needs

6. Enquiry will be made.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[*Rao Bahadur V S Naik.*]*Questions.**Answers.*

- acquired or have applied for acquisition of agricultural lands for inclusion in village and town sites,
- (b) The area so acquired,
- (c) The altered assessment levied upon these Municipalities and Local Boards for converting agricultural land into non-agricultural purpose,
- (a) The names of the Municipalities and Local Boards which have capitalised such assessment,
- (e) The area occupied or intended to be occupied for roads, wells, breathing places, garden suburbs, schools, dharamshalas, dispensaries, and other objects of public utility in different Municipalities and Local Boards.
8. Will Government be pleased to say when the Amendment of Deccan Agriculturists' Relief Act, amendment of the Deccan Agriculturists' Relief Act will be introduced into this Council for discussion.
9. Will Government be pleased to furnish the following information about the Excise Advisory Committees.—
- (a) Whether Excise Advisory Committees exist in all towns the population of which is more than 10,000?
- (b) Whether such Committees exist in all towns in which permanent Municipalities exist?
- (c) Whether there are any temporary or permanent such Committees in or near the places where big annual religious or social fairs are held and to which great number of pilgrims and visitors visit, to advise Govern-
7. Government regret that they cannot supply the information asked for as its collection and compilation would involve an amount of labour entirely out of proportion to any purpose which the information is likely to serve.
8. The Bill is under the consideration of Government, but Government are not in a position to say when it is likely to be introduced.
9. (a) No. The approximate standard of population for Advisory Committees in towns is 20,000. There are however Committees in five towns with populations below that number, while in three towns whose population exceeds that figure there are no Committees.
- (b) No.
- (c) There are no temporary Committees. Where there is a permanent Committee, one of its functions is to give the advice suggested on the occasion of fairs and festivals.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik ; Mr. R. P. Paranjpye.*]

[4TH DECEMBER 1916.]

Questions.

Answers.

- ment in the matter of the opening and location of excise shops during the fair days ?
10. Will Government be pleased to say how many Magistrates of the Second Class, Táluka Shiras-tedárs and Aval-kárkuns in different districts have been invested with Second Class magisterial powers ?

10. The information will be obtained.

11. (a) Is it a fact that Mr. Ramdas Assistant Surgeon advertising ophthalmic skill. G. Koppikar, Sub-Assistant Surgeon of Navalgund in Dhárwár District, advertises openly in the local papers that he performs all kinds of ophthalmic operations in the Government (municipal grant-in-aid) dispensary at Navalgund, similar to those performed in hospitals at Miraj, Bombay and Madras, and that he treats all kinds of eye complaints ?

11. Enquiry is being made

- (b) Is it permissible to the Assistant Surgeon as a Government servant to advertise ?

THE HONOURABLE MR. R. P. PARANJPYE.

1. (a) Has the attention of Government been drawn to the large excess of male births over female births in Sind every year ?

1. The excess pointed out by the Hon'ble Member has been reported by the Sanitary Commissioner in his annual reports.

- (b) If any enquiry into the matter has been made, will Government be pleased to publish the result ?

No particular enquiry into the matter has been made but an enquiry into the causes of defective registration of vital statistics in Sind has shown that certain classes in that Province are unwilling to give information regarding their females.

2. With reference to the enhancement of land assessment of land in the Násik District, is it a fact that some villagers of Ozar, Táluka Niphád, petitioned against it and in particular asked for a copy of the *anevari* of the crops

2. All the petitions of objections against the proposed revision settlement of the Niphád táluka which were submitted by the villagers concerned were carefully considered by the Collector and by Government before the orders sanctioning the revised settlement were passed.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. R. P. Paranjpye.]

Questions.

in the village for the last ten years? And was no notice taken of the petition and no copy of the *anevarz* supplied? What are the new rates of enhancement in the assessment on the various kinds of land in this village?

3. Is it a fact that the marks system of promotion Seniority of persons in the Educational Department. in the Educational Department has been recently done away with?

If so, will Government be pleased to lay on the table the rules regarding the seniority of persons with varying qualifications at the time of entering the department and in particular the rules regulating the relative position of persons joining the department with a low qualification and then obtaining a higher qualification by taking leave without pay and those that join the department with the same higher qualification but a few years after the former?

4. Has the attention of Government been directed Shetkari's note on so-called police fund to an editorial note in the *Shetkari* newspaper of the 27th August regarding a so-called Police fund?

Is it true that, as said in that note, Sub-Inspectors of Police are in the habit of making collections for this fund from agriculturists in villages?

Answers.

The village of Ozhar Tambat is a large village on the Agra road, and showed increases under all heads of resources during the previous settlement. The revised maximum rates of assessment for the village are Rs. 2-8-0 per acre for dry crop and Rs. 6-4-0 per acre for garden land. The rates under the previous settlement were Rs. 1-12-0 and Rs. 5 respectively.

3. Yes.

There are no such rules as those referred to by the Honourable Member. Of late years only graduates are recruited. A B A is now given a start of Rs. 50 and a M A. one of Rs. 60, but neither is confirmed unless he secures the diploma of the Secondary Training College. The general principle now followed in the matter of promotions is that of length of service as shown in the Departmental Directory subject, however, to the proviso that except in special cases matriculates are usually not promoted beyond Rs. 80 in the teaching line or Rs. 100 in the inspecting line; or undergraduates beyond Rs. 100 in the teaching or Rs. 125 in the inspecting line. As regards "persons joining the department with a low qualification and then obtaining a higher qualification" each case would have to be settled on its own merits if the general principle mentioned above did not appear to be applicable.

4. Yes.

Government have received no information to that effect. Sub-Inspectors are not permitted to make collections for the fund.

QUESTIONS AND ANSWERS.

[Mr. R. P. Paranjpye.]

[4TH DECEMBER 1916.]

*Questions.**Answers.*

What is the object of this fund and how is it collected? Has it been started with the cognisance of Government?

The object of the fund is to afford relief to widows and children of Policemen when the death of the bread-winners leaves them in indigent circumstances. The fund has been started with the cognizance of Government, who have authorised the Inspector-General, Deputy Inspectors-General and Superintendents of Police to approach wealthy and charitably disposed gentlemen for subscriptions.

5. (i) Has the attention of Government been directed to the persistent demand of the inhabitants of Purnagad and the adjoining villages in the Ratnáguri District to have Purnagad made a port of call by the B. S. N. Company's steamers?

Opening of a new port of call for steamers in the Ratnáguri District.

directed to the persistent demand of the

inhabitants of Purnagad and the adjoining villages in the Ratnáguri District to have Purnagad made a port of call by the B. S. N. Company's steamers?

(ii) Is it a fact that the port offers good facilities for anchorage and that the people concerned have offered to guarantee the company an average of 50 passengers per day during the fair season and to bear the expense of erecting the necessary waiting sheds, etc.?

5. Government have no information. A report will be called for.

6. Has the report of the Commission appointed more than two years ago to report on the coasting, shipping and steamer traffic in India been received by Government?

Coasting, shipping and steamer traffic—Report of the Commission on the.

appointed more than two years ago to

report on the coasting, shipping and steamer traffic in India been received by Government?

6. Government are not aware to what Commission the Hon'ble Member refers.

7. Have Government received information to the effect that the coconut oil nowadays on the market is very badly adulterated?

Cocoonut oil.—Adulteration of

information to the effect that the coconut oil

nowadays on the market is very badly adulterated?

7. (a) No.

(b) How many persons have been prosecuted for this offence during the last year?

(b) The Prevention of Adulteration Act (II of 1899) has not been extended to oil in this Presidency

8. Is it the case that on many roads in the mofussil the directions on boards and stones are given only in English and not in the vernacular of the surrounding country? Are there any standing orders to this effect?

Road Side boards and stones.

mofussil the directions on

boards and stones are given only in English and not in the vernacular of the surrounding country? Are there any standing orders to this effect?

8. The answer to the first part of the question is in the affirmative, to the second part in the negative.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. R. P. Paranjpye.]

*Questions.**Answers.*

9. Will Government be pleased to lay on the table a statement showing—

- Water-works by Municipalities.
- (i) the names of the Municipalities in the Presidency that have constructed a system of water-works.
 - (ii) the names of those Municipalities that manage their own water-works and of those whose water-works are under the management of the Public Works Department
 - (iii) and, in case of the latter, the reasons why the management has not been handed over to the Municipalities concerned.

10. Will Government be pleased to state—

- (1) Whether the attention of Government has been drawn to the letter published in the *Times of India* dated 3rd October 1916 under the signature of a retired Deputy Collector regarding "Suggested restrictions" to be imposed rigidly under the existing provisions of the Land Revenue Code in carrying out sub-divisions of agricultural holdings.

- (2) Whether it is true as pointed out in the said letter that the minimum areas prescribed under section 98 of the Land Revenue Code for Survey Nos. are ordinarily not observed of late years by Revenue Officers in carrying out and demarcating sub-divisions of agricultural holdings and for the entries made in the Village Register for Record-of-Rights.

11. Will Government be pleased to state—

- (1) Whether under the amended Municipal Act and Rules it is necessary to appoint Assistant Collectors of the I. C. S. Cadre as Municipal Commissioners in the large City Municipalities, or whether these appointments are also opened to selected Deputy Collectors of the Provincial Revenue Service.

9. The statement* appended furnishes the information required.

* See Appendix Q

10. (1) Yes

- (2) Section 98 of the Land Revenue Code applies to Survey Nos. The letter suggests that it should be extended to sub-divisions of Survey Nos, an impossible course if the Record-of-Rights is to be maintained.

11.

- (1) Under the Bombay District Municipal Act, 1901, it is not necessary to appoint Officers of the I. C. S. as Municipal Commissioners. These appointments are also open to officers of the P. C. S.

QUESTIONS AND ANSWERS.

[Mr. R. P. Paranjpye]

[4TH DECEMBER 1916.]

Questions.

- (2) From what dates have the appointments of Municipal Commissioners been made in the City Municipalities of Surat and Ahmedabad respectively.
- (3) What Officers have since the first appointment held the posts of Municipal Commissioners, and how long have they continued to do duty as Municipal Commissioners.

Answers.

- (2) The appointments of the Municipal Commissioners for the cities of Ahmedabad and Surat have been made from the 1st April and 1st June, 1915, respectively.
- (3) At Ahmedabad Messrs. J. Montearth, I. C. S., and M. J. Dikshit held the appointment of Municipal Commissioner from the 1st April to the 23rd October, 1915 and from the 25th October to the 12th November, 1915, respectively Mr J. A. Shildy, I. C. S., has since been the Municipal Commissioner for the City of Ahmedabad

At Surat Mr. H. Denning, I. C. S., held the appointment of Municipal Commissioner from the 1st June, 1915, to the 9th October, 1916. Mr. H. Dow, I. C. S., has been appointed to succeed him in the post.

12 Will Government be pleased to state—

- (1) What educational and other qualifications have been prescribed for the selection of candidates to the posts of Assistant Collectors in the Customs, Salt and Excise Departments.

12.

- (1) The qualifications for Assistant Collectorships in the Salt and Excise Departments are good natural capacity and education, a probability of power to withstand the temptations to which the Departments are liable, social standing sufficient to obtain the respect of the outside public, of officers of other Departments, and of their own subordinates, energy and physique for the arduous outdoor work involved, proved detective ability, and the power to control large and widely scattered subordinate establishments. Appointments are made by promotion of members of the Non-gazetted Staff of proved merit and capacity, though occasionally officers are promoted from other departments on account of proved suitability. The vernacular and Departmental Examinations have to be passed. The Assistant Collectors of the Customs Department, which is an Imperial Department, are appointed by the Government of India, and are liable to service in any part of India.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. R. P. Paranjpye]

Questions.

(2) What is the present strength of the cadre and graded pay of the above officers.

(3) What is the number of European, Eurasian and Indian officers respectively, holding the posts of Assistant Collectors in the above cadre

13 Will Government be pleased to state how many Head Masters and Assistant Masters in the various Government High Schools knew the languages of the districts concerned sufficiently well to be able to make use of those languages in their teaching if necessary, and how many are not so familiar with them?

14. (1) Is it a fact that the Municipality of Ahmednagar has been charged with the maintenance of some lunatics who were found by accident within the municipal limits of Ahmednagar but whose real place of residence is known to be quite different?

(2) Will Government be pleased to lay on the table of the Council all orders of Government bearing on this question?

15. Will Government be pleased to supply information on the following points:—

(1) What is the number of horse-carriages which were examined at the last six-monthly inspection by

Answers.

(2) The information asked for will be found in the quarterly Civil List.

(3) The appointments of Assistant Collectors in the Salt and Excise Departments are at present held by—

Salt Department—

Assistant Collectors Europeans (including one temporary) ...	5
Eurasian (Anglo-Indian) ...	1
Indians ...	2

Excise—

Assistant Collectors Europeans (including two absent on military duty) ...	6
Eurasians (Anglo-Indian) ...	2
Indian ...	1

13 The information will be called for

14 Enquiry is being made

QUESTIONS AND ANSWERS.

[Mr. R. P. Paranjpye]

[4TH DECEMBER 1916.]

Questions.

Answers.

the Police Department and for which licenses were issued (a) within limits of the Poona City Municipality and (b) within limits of the Poona Cantonment?

- (2) By officers of what rank are these carriages examined and licenses issued periodically, and what provision has been made in the Rules, and before what superior officers, for an appeal, in cases where the carriages are declared unfit and not passed at the first examination?
- (3) What are the dates fixed for the half-yearly inspection during each year? Have Government noticed that one half-yearly inspection is carried on just about the close of X'mas holidays, when the ordinary passenger traffic is heavy?
- (4) After carriages have been passed and licenses issued at the six monthly inspection, have the Police Subordinates powers to stop carriages running and to allow them to run again after re-examination; and if so, on what definite grounds could they exercise such powers?
- (5) Will Government be pleased to supply information as to the number of carriages which were stopped running and allowed to run again after re-examination, during each month after the last six monthly inspection, and what were the grounds for such stoppage?

16. Will Government be pleased to place on the table a Statement giving the number of the A'bkári Committees in the Central, Southern and Northern Divisions and of the meetings held by them during the last three years and also showing the various sub-heads of the A'bkári question discussed at such meetings with a note of the action taken thereon by the authorities?

A'bkári Committees in three Divisions

15. Inquiries are being made.

16. The number of Committees and of meetings was as follows:

Name of Division	No of Committees			No of meetings held.		
	1913-14	1914-15	1915-16	1913-14	1914-15	1915-16
Northern	26	26	26	34	18	9
Central	14	14	14	19	8	6
Southern	11	11	11	12	5	4

Information on the latter part of the question will be called for.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. R. P. Paranjpye ; Mr. Gokuldas
Kahandas Parekh]*Questions.*

17. Will Government be pleased to lay on the table the rules on orders, if any, relating to the convening of District Durbars, the admission and considerations of questions and suggestions permissible at such Durbars, and the action to be taken in consequence of the questions and suggestions at such Durbars?

THE HONOURABLE MR GOKULDAS
KAHANDAS PAREKH, LL B.

Will Government be pleased to say—

- (1) What were the total receipts of customs revenue at certain stations of Ranpur, Kundli, Salangpur, Rampara, Bavaliari, Phedra and Adval during the year 1915-16, and what is the budget estimate of such revenue to be realised at these stations during the year 1916-17?

- (2) Will Government be pleased to say what was the cost of maintaining these stations including that of patrols attached thereto during the year 1915-16, and what is the estimate of the expenditure in connection with these stations during the year 1916-17?

Will Government be pleased to say—

- (1) Whether in 1910-11 the Gangad Estate was under the management of the Talukdan Settlement Officer of Gujarat?

Answers.

17. A copy of Government Resolution in the Political Department No 3773,* dated the 26th May 1909, is placed on the Council Table. These are the only general orders that have been issued on the subject of Collectors' Durbars.

* See Appendix L.

- (1) The total receipts of customs revenue at these stations during the year 1915-16 were as shown below —

	Rs.
Ranpur	... 8,254
Kundli	.. 1,546
Salangpur	3,145
Rampura	.. 4,368
Bavaliari	... 475
Phedra	... 467
Adval	... 888

Total ... 19,137

The estimated revenue for these stations for the year 1916-17 is Rs. 47,850

- (2) The cost of maintaining the stations, including that of patrols, amounted to Rs 12,877 during the year 1915-16. The estimate of expenditure in connection with these stations for the year 1916-17 is Rs. 14,677.

2. (1) Already answered.

QUESTIONS AND ANSWERS.

[*Mr. Gokuldas Kahandas Parekh,*
Mr. V. J. Patel]

[4TH DECEMBER 1916.]

Questions

- (2) Whether the Tálukdári Settlement Officer obtained an advance of rupees two thousand from the Gujarát Tálukdárs' Jubilee Institute on behalf of the Gangad Estate and whether the repayment of this advance was secured by the mortgage of four villages and five vantas belonging to the Estate?
- (3) Whether at the time of the loan there was a cash balance far in excess of the amount borrowed from the Tálukdárs' Jubilee Institute to the credit of the Gangad Estate in the hands of the Tálukdári Settlement Officer?
- (4) Why was the cash balance in the hands of the Tálukdári Settlement Officer not utilised and why was the money borrowed by mortgaging the Tálukdár's Estate?
- (5) Has the property mortgaged remained in the management of the Tálukdári Settlement Officer since the mortgage up to now?
- (6) What has been the income of the mortgaged property realised from the date of the mortgage up to 30th June last?
- (7) Whether the mortgage has been paid off?
- (8) If not, how much of the mortgage amount has remained unpaid?

[*These questions were asked at the meeting held on the 25th July 1916, when ad interim replies were given*]

Answers.

- (2) Yes. Four villages, four vantas and some *jivai* land constituted the property mortgaged
- (3) The cash balance at the time was Rs. 4,872-10-8
- (4) The cash balance was required for the current expenses of the Estate, which being heavily in debt could not provide money for the purpose in view
- (5) Yes.
- (6) The income of the mortgaged estate for the period was Rs 74,316-12-10 or an average of Rs. 12,386-2-0 per annum
- (7) No.
- (8) Nothing has yet been paid. The income of the whole Estate has been taken together in lump for the purpose of the repayment of the debts of the Estate. The payment of the debt to the Institute has been postponed in favour of private creditors who can less afford to wait than the Institute. The amount of debt paid off in the last five years was Rs. 1,29,514.

THE HONOURABLE MR V. J.
PATEL, BAR-AT-LAW

1. Will Government be pleased to say whether the annual administration reports of local bodies in the President

Administration reports of
Local Bodies

The annual administration reports of local boards and municipalities are forwarded to the Commissioners, who submit to Government a review of their working Reports of local

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. V. J. Patel.]

Questions.

are placed before these bodies by the Presidents for adoption before they are submitted to Government?

2. (a) Has the attention of Government been drawn to a letter headed "Official interference with public gatherings" which appeared in the issue of the *Bombay Chronicle*, dated the 11th July last?

(b) Is the allegation true that the Inspector of Schools under the directions of the Director of Public Instruction who was moved in the matter by the Police ordered the school authorities not to lend the school-hall for any kind of meeting?

[These questions were asked at the meeting held on the 25th July 1916 when ad interim replies were given.]

3. Will Government be pleased to state whether it is intended by their recent Resolution regarding the abolition of rural schools to raise those schools which were converted into rural schools since 1911 to the status of first grade primary schools?

4. Will Government be pleased to say whether it is intended in future to consult village schools committees and Local Boards in the matter of raising second grade primary schools into first grade ones?

Answers.

boards are not placed before the boards by the Presidents for adoption prior to their submission to the Commissioners. The general practice with regard to municipal administration reports is the same, except in Smd, where in the majority of cases these reports are placed before the municipal boards for adoption before submission to the Commissioner.

2. (a) This part of the question has already been answered

(b) No. The Police made no application on the subject to the Director, and neither the Director nor the Inspector of Schools gave instructions to the school authorities not to lend the hall for any kind of meeting.

3. The attention of the Honourable Member is invited to paragraph 4 (5) of the Resolution referred to, from which it will be seen that the schools in the smaller villages are generally to be of the second grade but that if local conditions so demand a higher standard may be added, thus converting them into the lowest type of the first grade. The question of raising the status of the rural schools referred to by the Honourable Member will be settled by the Director of Public Instruction in consultation with local authorities on the above principle.

4. In the orders promulgated in press note No 2183, dated the 8th July 1911, it was laid down that the question of the location of 'rural' and 'full primary' schools should be settled after consultation with district officers and after ascertaining fully the local opinion. These orders are still in force.

QUESTIONS AND ANSWERS.

[Mr. V. J. Patel]

[4TH DECEMBER 1916.]

*Questions.**Answers.*

5. Will Government be pleased to state the number of candidates who sought admission and the number admitted in each of the vernacular training colleges in the Presidency during each of the last five years ending March 1916?

5. The information has been called for.

6. Will Government be pleased to state whether there are any proposals at present under consideration to open more Normal Schools or Training Colleges for a larger supply of male and female primary teachers in the Presidency?

6. The answer to the question is in the negative.

7. Will Government be pleased to say whether the revision of the present grant-in-aid code providing the relaxation of control of the Educational Department on the aided schools is in contemplation?

7. The answer to the question is in the negative.

8. Has the attention of Government been drawn to the Resolution of the 1st Gujarát Educational Conference that "The text-books prescribed for History in secondary schools should be removed from the list of prescribed books?"

8. A copy of the Resolutions of the Conference referred to has been received and the resolutions are under the consideration of Government.

Will Government be pleased to say what steps, if any, they propose to take in reference to that suggestion?

9. (a) Has the attention of Government been drawn to the correspondence that

9. (a) Yes.

Police reporters at the Provincial Conference at Ahmedabad took place between the Secretaries of the 16th Provincial Conference recently held at Ahmedabad and the District Superintendent and the District Magistrate in connection with the assignment of special place for the Criminal Investigation Department reporters in the Conference pandal?

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. V. J. Patel.]

*Questions.**Answers.*

- (b) Will Government be pleased to say whether there exist any orders issued by them which give the Criminal Investigation Department reporters a wider right of admission to any public meeting than to any other member of the public? If so, will they be laid on the Council Table?
10. Is it true that the salaries of the Vaccinators' salaries various grades of vaccinators in the Presidency were last fixed in the year 1871?
11. Will Government be pleased to state whether the Director of Public Instruction has formulated and submitted to Government a special curriculum of studies for Indian girls going up for the Matriculation and, if so, will they be pleased to lay it on the Council Table?
12. Will Government be pleased to say how many Water-finders water-finders are kept in use in the Presidency by the Agricultural Department and whether their experiments have been in any degree successful?
13. Will Government be pleased to say whether the Director of Agriculture has submitted his report to Government on the general survey of the cattle question in the Presidency and, if so, will it be laid on the Council Table?
14. Will Government be pleased to state what stage the question of grouping the smaller municipalities in the
- (b) Government have issued no such orders
10. Yes.
11. A set of alternative secondary standards for girls, which provide for the inclusion of some "domestic" subjects, has been drafted by the Inspectress of Girls' Schools, Bombay and Northern Division, in consultation with the heads of the schools. It has, however, been laid aside for the present pending its co-ordination to the primary course and also the provision of facilities for the teaching of the domestic subjects, for which, it appears, the schools look to Government. In the meantime the whole subject of female education is under the consideration of Government in connection with the circular letter of the Government of India of February last.
12. The Department of Agriculture possesses two water-finders. The results of experiments are described in the Department's Bulletins No 38 of 1910 and No. 72 of 1915.
13. The Report referred to has not yet been received by Government.
14. One of the proposals made by the Sanitary Commissioner in connection with the revised scheme of regrouping municipalities for the purpose of entertainment of health

QUESTIONS AND ANSWERS.

[Mr. V. J. Patel]

[4TH DECEMBER 1916,]

Questions.

Presidency for the purpose of appointing Health Officer and Sanitary Inspector for each of such groups has reached ?

15. Will Government be pleased to say when they intend to issue orders in regard to the recommendations contained in Chapter III of the report of the Local Board Committee ?

16. Will Government be pleased to state whether the Collector of Kaira had, before submitting his proposals to Government for the extension of the provisions of section 18-B of the A'bkari Act, obtained the opinions of his sub-divisional officers ; and, if so, will those opinions be laid on the Council Table ?

17. Is it true that the organizers of the 16th Provincial Conference inquired of Government whether they had any objection to Government servants attending the Conference as visitors and will Government be pleased to say whether Heads of Departments were informed that they had no such objection ?

18. Will Government be pleased to state what the expenditure on public works and the cost of establishment are in each of the districts of the Presi-

Answers.

officers and sanitary inspectors submitted by him in 1914, was that a trial might be given to the suggestion for the combination of the municipalities of Ranebennur, Byadgi and Haveri for the entertainment of a sanitary inspector. The whole of the revised scheme has, however, in view of the present financial situation, been held in abeyance. No concrete proposal on the subject has been submitted to Government.

15. The recommendations contained in Chapter III of the report by the Local Boards Committee are at present under the consideration of Government and they are unable to say when orders will be issued thereon.

16. No written reports were obtained from the sub-divisional officers. The letters and notes of the Collector of Kaira show that the Collector personally consulted the subordinate officers of his district and met them in conference. All the written reports he received have been placed on the Table.

17. The Honourable Member's attention is invited to copy of the accompanying correspondence* between the Secretary, Ahmedabad Provincial Conference, and Government on the subject of the attendance of Government servants at meetings of the Provincial Conferences. There was no necessity to communicate any orders to Heads of Departments on the subject.

* See Appendix G.

18. Information has been called for.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. V. J. Patel]

*Questions.**Answers.*

• dency for the year ending March 1916 and for the year ending March 1913?

19. Will Government be pleased to give a list of retired Public Works Department officers and subordinates who have been re-employed in the Department, showing the salary drawn by each at the time of retirement, the salary on which he was re-employed, the salary he draws at present, his age, the amount of pension he draws and the reasons for re-employing him?

20. Is it true that Mr W Y. Austin, recently in-
Appointment of a deputy superintendent of Police. spector of police, has been promoted to the second grade of deputy superintendent of police?

Will Government be pleased to say how many deputy superintendents have been superseded by reason of this appointment and what are the special reasons justifying Government to make the appointment?

21. (a) Is it true that non-gazetted officers posted in Bombay whose salaries range from Rs 220 to Rs 400 per month get no local or house allowance?

(b) Will Government be pleased to lay on the Table the rules governing the grant of local allowances to Government servants in Bombay and also the rules admitting gazetted officers to the Bombay House Allowance Scheme?

(c) Will Government be pleased to say what the annual expenditure incurred by Government is (1) on house allowance and (2) on local allowance in the City of Bombay?

19. The list* required is appended.
 * *Vide* Appendix K.

20. Yes.

Twenty-three deputy superintendents, of whom fifteen were substantive in that rank and the remainder acting or temporarily appointed, were superseded by the appointment. It was made on account of Mr Austin's special qualifications for the post

21 (a) Local allowance which is given on account of increased cost of living, is granted to members of establishments in superior service whose salary does not exceed Rs. 220. No house allowance is given to officers drawing less than Rs 500 except where the officers are entitled to free quarters with which they cannot be supplied.

(b) The Resolutions† under which local allowance is granted, and the rules ‡ for house allowance are placed on the Table

(c) Information will be called for.

† Government Resolutions, Financial Department, No 2724, dated 25th June 1908, No 3332, dated 8th August 1908, No 491, dated 1st February 1909, and No 336, dated 28th January 1910, and

‡ Rules relating to the Calcutta, Bombay and Rangoon House Allowance Schemes.

Vide Appendices L to P

QUESTIONS AND ANSWERS.

[Mr. V. J. Patel.]

[4TH DECEMBER 1916.]

*Questions.**Answers.*

22. (a) Will Government be pleased to say whether the Táluka Boards of Godhra and Kálol, the Vice-Presidents and Chairmen of Godhra and Kálol Táluka Boards in the Panch Maháls District are officials or non-officials?

(b) With reference to the remarks made by Government in their resolution No. 3846, dated 31st May 1916, General Department, in connection with the Táluka Boards of Godhra and Kálol will Government be pleased to say whether they have made any inquiry to ascertain who really are responsible for failure to hold the minimum number of meetings of the boards for last five years in succession?

23. Will Government be pleased to say how far the questions regarding the proposed Nadiád-Karra and Vasád-Borsad-Kathana Railways have reached?

24. Will Government be pleased to state the total amount of costs including lawyers' fees, translation charges and miscellaneous expenses incurred by them in connection with the security proceedings against Mr. Tilak?

25. Will Government be pleased—
(a) to name the Municipalities which the Official and non-official Presidents of certain Municipalities recommend—

22. (a) The information is being called for.

(b) No.

23. The Honourable Member is referred to the answers given to the questions Nos. 22 and 23 put by him at the meeting of the Legislative Council held on 12th July 1915. Detailed surveys of the proposed Nadiád-Karra and Vasád-Borsad-Kathana Railways have been carried out. The question of the construction and working of the former line through the agency of the Bombay, Baroda and Central India Railway and the grant of a rebate to the Branch Line Company is now under the consideration of the Railway Board, who are in correspondence with the Bombay, Baroda and Central India Railway Administration in the matter. The project report and estimate of the Vasád-Borsad-Kathana Railway are under preparation.

24. Rs. 4,734-2-0.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[Mr. V. J. Patel.]

*Questions**Answers.*

- ing a Councillor for nomination as President by a two-thirds majority has been granted ?
- (b) to state in respect of each of such Municipalities whether it had a non-official President after the grant of that privilege and, if so, for what particular period or periods ? and
- (c) to name all such Municipalities who have at present official presidents
25. (a), (b) and (c) The information is being obtained
26. (a) Is it true, that during the years 1914 and 1915 it was the accepted policy of Government to appoint a councillor securing the highest number of votes as President of a municipality to which the privilege of recommending one for that office has been granted, apart from the question of his securing a two-thirds majority ?
- (b) Will Government be pleased to say whether that policy has been recently departed from and, if so, in what cases and for what reasons ?
26. (a) and (b) Whenever a municipality to which the privilege of selecting its President by a majority of two-thirds of the total number of councillors is conceded fails to exercise the privilege, Government in exercise of the powers conferred by section 23 (2) (a) of the Bombay District Municipal Act, 1901, appoint such a person as President, who, in their opinion, is most suitable for the post, irrespective of the fact whether he has obtained the highest number of votes or not. The policy of Government is the same now as it was in 1914 and 1915.
27. Will Government be pleased to state the names of the Municipalities which entirely consist of non-official members ?
27. The Ahmednagar Municipality is the only Municipality which entirely consists of non-official members.
28. Will Government be pleased to state whether the Commissioners of the three Divisions in the Presidency proper have submitted to Government the names of persons who, in their opinion, are fit and capable to hold the office of President of a District Board. If so, will a list of those names be placed on the Council Table ?
28. The names of persons recommended for the office of President of District Local Boards are under consideration and Government are not prepared to place a list of those names on the Council Table at this stage.
29. Will Government be pleased to make a brief statement for the information of the public of the grounds on which the order against Mrs. Annie Besant is based ?
29. The Honourable Member is referred to the order of this Government dated June 29th, 1916, a copy of which is attached* Further discussion of the matter is not in the opinion of Government conducive to the public interest.

* See Appendix H.

QUESTIONS AND ANSWERS.

[Mr. V. J. Patel]

[4TH DECEMBER 1916.]

Questions.

30. Is it a fact that His Excellency the President regards the publication by a member of the Legislative Council of any question or resolution not admitted by him as breach of etiquette?

Publication of disallowed question or resolution.

Answers.

30. The answer is in the affirmative.

Supplementary Question.

The Hon'ble Mr. PATEL:—With regard to question No. 30, will Government be pleased to say whether the answer given prohibits a member of the Legislative Council from giving out to other persons the substance of the resolution or question disallowed by His Excellency the President?

His Excellency the PRESIDENT:—I can only tell the Honourable Member that I have answered his question as fully as I can, and he may draw what inference he likes from it. I cannot say more than that.

31. (a) Is it a fact that Mr Hari-
bhai Javerbhai
Government aid to second-
ary schools. Amin, member
of the Broach

District Local Board, asked the Collector of Broach at the annual Darbar recently held by him whether he would consider the desirability of moving Government and Educational Authorities to secure further accommodation for more students in the first three standards of the R. S. Dalal High School and the reply of the Collector was that measures of secondary education beyond a certain limit should be the province of private effort?

(b) Will Government be pleased to say whether the Collector's views are in accordance with the views of Government and, if so, what is the limit which Government have fixed for its support of secondary education?

32. Will Government be pleased to name the
Certain Municipalities
which may select their
Presidents. Municipalities
in the Presidency which consist of half the number of elected and half the number of nominated members and yet enjoy the privilege of selecting a President by a two-thirds majority?

33 Will Government be pleased to
Appointment of Taluk-
dari Settlement Officer state—

31. (a) and (b) The answer to part (a) and the first portion of part (b) of the question is in the affirmative. With regard to the second portion of part (b), the attention of the Honourable Member is invited to paragraphs 2 and 3 of the orders of Government embodied in Press Note No. 90, dated the 19th January 1911, and to Press Note No. 2684, dated the 8th September 1911, which indicate the extent to which Government are prepared to provide for the increasing demand for secondary education.

32. The information is being obtained.

33. (a) The post of Talukdari Settlement Officer is listed as a post for which members of the Provincial Civil Service are eligible.

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916]

[Mr. V. J. Patel.]

*Questions.**Answers.*

- (a) whether the post of Tálukdári Settlement Officer is reserved for the executive branch of the Provincial Civil Service, and
- (b) why the post has so far not been conferred on a Provincial Civil Servant ?
- (b) The post was held by a member of the Provincial Service from December 1896 to September 1904. Since then appointments have been made in consideration of the special circumstances of the case and in accordance with the conditions governing appointments to listed posts.
34. Will Government be pleased to District Local Boards regulations. say—
- (a) how many District Local Boards in the Presidency have framed regulations under section 39 of the Local Boards Act with the approval of Government, and
- (b) whether there are any model regulations for District Local Boards as there are for municipalities ?
34. (a) The information is being obtained.
- (b) No
35. Will Government be pleased to place on the Table a statement showing the number of meetings of the A'bkári Committees in the Central, Southern and Northern Divisions during the last three years and the various sub-heads of the A'bkári question discussed at such meetings with a note of the action taken thereon by the authorities ?
35. The Honourable Member is referred to the reply to question No. 16 put by the Honourable Mr Paranjpye which will be found on the Council Table
36. Will Government be pleased to say whether it is contemplated to frame rules as to convening of Durbárs, reception and consideration of questions and suggestions permissible at the durbars, and the action to be taken in consequence of the questions and suggestions, with a view to secure uniformity in the matter of district Durbárs throughout the Presidency.
36. No. Government do not consider uniformity of procedure to be necessary

QUESTIONS AND ANSWERS.

[Mr. Abdul Kadir Pathan]

[4TH DECEMBER 1916]

Questions

Answers

THE HONOURABLE MR ABDUL KADIR *also*, FAKIR MAHOMED WALAD IBRAHIM KHAN PATHAN.

1. Will the Government be pleased to state whether they intend to provide Dhakras (wharves) at an early date for the principal ports between Bombay and Vengurla ?

Wharves at ports between Bombay and Vengurla
 2. Will Government be pleased to state what are the means of communication between Bombay and Konkan in the monsoons, and what facilities are being afforded to persons who have or intend to start motor service from Vengurla to Belgaum, Málvan to Kolhápúr, Kolhápúr to Ratnáguri and Karhad to Chiplun ?

Roads and motor services to the Konkan
 3. (a) Will the Government be pleased to state if it is proposed to abolish the Khoti tenures in the Ratnáguri District ?

Khoti tenure in Ratnáguri District
 - (b) Has the attention of the Government been drawn to certain articles on the subject in the *Ratnáguri Weekly* ?
 4. Will the Government be pleased to state whether it is known to them whether the Khots and the tenants in the Kolába District desire to be placed on an equal footing with the Khots and tenants respectively in the Ratnáguri District ?

Khots and tenants in Kolába District.
1. Government intend that steps should be taken to improve the landing facilities at the ports wherever it is necessary and practicable to do so, and that the fees leviable under the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 should be used for the purpose. The Commissioner of Customs, Salt, Opium and Abkari has been called on to prepare and submit the rules required for the working of the Act.
 2. The reply to the first part of the question is that during the monsoon there is a regular daily steamer communication between Bombay and Dharamtar whence there is a good road leading to Mahad via Nagotna. From Mahad the road goes to Khed, Chiplun, Sangmeshwar, Hatkhamba and Ratnáguri. From Hatkhamba there is also a road to Rájápúr, Phonda and Devgad. From Phonda another road branches off to Málwan.

No special facilities are afforded to motor traffic as apart from other wheeled traffic
 3. (a) No such proposal is before Government
 - (b) If the "Satya Shodhak" is referred to, the article in its issue of 10th September has been brought to the notice of Government.
 4. Government are aware that certain of the Khots of the Kolába District have asked that the Khoti Act in force in Ratnáguri should be extended to the Kolába District, but they have no information that the khoti tenants desire its introduction.

QUESTIONS AND ANSWERS

[4TH DECEMBER 1916.]

[Mr. Abdul Kadir Pathan |

*Questions.**Answers.*

5. (a) Will the Government be pleased to state if Execution of partition decrees it is a fact that partition-decrees sent for execution to the Collectors by the Civil Courts remain unexecuted for a number of years?
- (b) Will Government be pleased to state what steps they propose to take to expedite this work?
6. Has the attention of the Government been drawn to an article of Mr. Lokur, Pleader of Belgaum, in 16 Bombay Law Reporter Journal, page 25, and to the fact that the Civil Courts insist on certificates being produced under the Pensions Act even in cases where the executive consider such certificates are not necessary in consequence of certain orders of Government?
7. Has the attention of the Government been drawn to a correspondence carried on, in the English dailies, about the alleged grievances of the railway passengers? If so, what steps have been taken by Government in consultation with Railway Companies to prevent overcrowding?
8. Will the Government be pleased to state if they propose to stop the manufacture of Madh liquor in the Ratnágiri and Kánara Districts; and whether it is proposed to introduce mhowra liquor into the districts?
9. Will the Government be pleased to state if it is a fact that there is no series of Urdu reading books compiled for use in the Urdu Primary Schools in the Presidency?
10. Will the Government be pleased to state if it is a fact that Training Colleges at Dhárwar and Poona—Muhammadan students at—Muhammadan
5. (a) No complaints have been received of undue delay in the execution of partition decrees after they have been received from the Civil Court.
- (b) Government are not aware that greater expedition is required or is possible, but a report will be asked for.
6. The Honourable Member is referred to the answer given to question No 12 on the same point of the Honourable Mr. Belvi at the meeting of the Legislative Council in December 1915.
7. Yes. In cases in which specific complaints of overcrowding were proved, the Railway Companies have agreed to provide additional accommodation and have assured Government that every endeavour is being made by putting on extra carriages, by the appointment of a special staff to watch and regulate the passenger services and by other departmental measures to prevent overcrowding.
8. The answers to the Honourable Member's queries are in the affirmative.
9. There are at least three series of Urdu reading books compiled for use in Urdu primary schools which have been sanctioned by Government for use in those schools?
10. Enquiries are being made.

QUESTIONS AND ANSWERS.

[*Mr. Abdul Kadir Pathan*]

[4TH DECEMBER 1916]

*Questions.**Answers.*

students are not admitted into and trained in the Dhárwár and Poona Training Colleges as Teachers for non-Urdu Primary Schools?

11. Will the Government be pleased

to state the number of Training Institutions—Admission of Muhammadans from 1911 to 1916

Muhammadan students that appeared for admission into the several Training Institutions in the Presidency, and the number admitted in each Training Institution for training as teachers for Urdu Primary Schools in 1911, 1912, 1913, 1914, 1915 and 1916.

12. Will the Government be pleased

to state how many new Urdu Schools were applied for, and how many were opened in the Southern, Central and Northern Divisions in 1914-15 and 1915-16.

13. Will the Government be pleased

to state —
Wharf at Uran

(a) If it is a fact that there is no Dhacca (Wharf) at Uran (Táluka Panwel) for steamers to touch?

(b) If it is a fact that accidents occur on account of steamers having had to anchor at some distance from the bundar at Uran?

(c) If it is a fact that the Customs Department levies some fees with a view to utilise the same for keeping the Uran Bundar in good repair? And, if so, will the Government be pleased to state what is the amount of such accumulated fees?

(d) What will be the approximate cost of building a wharf at Uran?

11. The information has been called for.

12. The information has been called for

13. (a) There is no wharf at Uran at which steamers can lie.

(b) It is not known whether accidents occur owing to the absence of landing facilities, but great inconvenience is undoubtedly caused.

(c) Port fees are levied at all Customs Ports but the fees are credited to a Common Fund, and it cannot be said what portion of the accumulated funds is due to collections from Uran. It is proposed to use the fees leviable under the Bombay Landing and Wharfage Fees (Amendment) Act for the improvement of landing places

(d) The cost of building a pier at Uran along which steamers could lie was estimated in 1913 at Rs. 6,25,000. There are alternative proposals for extending the existing jetty, so that boats from steamers could land passengers at all states of the tide. These

QUESTIONS AND ANSWERS.

[4TH DECEMBER 1916.]

[*Mr. Abdul Kadir Pathan ; Sir P. D. Pattani ; Sir Dinshaw M. Petit.*]*Questions.**Answers.*

14. Will the Government be pleased to state when they propose to take the water works at Uran in hand?

14. The Uran water supply scheme is at present under the consideration of Government, and they are unable to say when its execution will be undertaken.

THE HONOURABLE SIR P. D.
PATTANI, K.C.I.E

1. Will Government be pleased to say—

- (i) Whether the Press Note No. 10383, Settlement and grouping of villages dated 30th October 1916, has reference only to grouping of villages at the time of re-settlement only, or

1. (i) Yes.

- (ii) whether it also contemplates re-grouping of any villages in the middle of the duration of settlement period?

- (ii) No.

- (iii) If the answer to question 2 is in the affirmative, whether such a re-grouping would involve any enhancement of assessment for the regrouped village or villages?

- (iii) This question does not arise in view of the reply to question (ii).

- (iv) Whether enhancement during settlement period is allowable?

- (v) If there are any instances in which re-grouping during settlement period may have taken place with enhancement in assessment?

- (iv) and (v) No (*vide* section 106 of the Bombay Land Revenue Code).

THE HONOURABLE SIR DINSHAW
M. PETIT, BART.

1. Will Government be pleased to state the total number of employees of Railway Companies, each nationality drawing a salary of Rs. 40 or more in the services of the Railway Companies in the Presidency?

1. The information required by the Honourable Member is contained in the accompanying statement.*

* Appendix C.

QUESTIONS AND ANSWERS

[*Mr. Dinshaw M Petit,*
Mr. Manmohandas Ramji]

[4TH DECEMBER 1916]

Questions.

Answers.

2. (a) Is it true that Railway Companies in this Presidency provide, in certain trains, a third class compartment reserved exclusively for Europeans and Anglo-Indians?

2. (a) Third class compartments are reserved for Europeans and Anglo-Indians on—

(i) *B B & C. I. Railway*—on all through trains except the Northern Express.

(ii) *G. I. P. Railway*—on all through trains

(iii) *M. & S. M. Railway*—on certain trains.

(iv) *North-Western Railway*—on passenger trains

(v) No compartments are reserved on the Barsi Light and Guzerat Railways.

- (b) Will Government be pleased to state if the arrangement stated in the last question is adopted with the approval and sanction of Government?

- (b) The arrangement is made by the Railway administrations in exercise of the functions vested in them by law in regard to which the sanction or approval of Government is not required.

[*These questions were asked at the meeting held on the 25th July 1916 when ad interim replies were given*]

THE HONOURABLE MR. MAN-
MOHANDAS RAMJI.

1. Will Government be pleased to

Discretionary grants to
Commissioners of Divisions state—

(a) * * *

(b) * * *

- (c) the amounts which have remained unutilised during the period?

1. (c) The accompanying statement* gives the information required.

* See Appendix D.

2. (a) Will Government be pleased

College admissions to state on whom the fixing of the limit for the admission of students to different colleges and different classes of these colleges depends, whether on the Principal of the College or the Educational Department?

2. (a) and (b) The accompanying statement† gives the information required by the Honourable Member.

† See Appendix E.

- (b) Will Government be pleased to present a table giving limits fixed for different colleges in the Presidency?

3. Will Government be pleased to inform the Council of the respective
Customs staff at Viramgam and Marble Rock († Castle Rock).

3. The appended statement‡ shows the sanctioned strength of the staff at the Viramgam and Castle Rock Custom Houses. The Customs

[4TH DECEMBER 1916]

[*Mr. Manmohandas Ramji; Rao Bahadur G. K. Sathe, Rao Bahadur Tekchand Udhavdas*]

QUESTIONS AND ANSWERS.

Questions.

strength of the staff at Viramgam and Marble Rock (? Castle Rock) appointed by the Customs authorities for inspection and also as to who is the responsible officer at each place?

[*These questions were asked at the meeting held on the 25th July 1916 when ad interim replies were given.*]

THE HONOURABLE RAO BAHADUR
G. K. SATHE, C.I.E.

1. Will Government be pleased to give the following information —
- (a) whether more lock-up rooms are built at Barsi and if so, how many and whether existing rooms are improved, if so, how?
- (b) If not, when does Government intend to have more rooms?

[*This question was asked at the meeting held on the 25th July 1916, when an ad interim reply was given*]

THE HONOURABLE RAO BAHADUR
TEKCHAND UDHAVDAS

1. Will Government be pleased to give the following information —
- Trial by jury in Sessions Court at Karachi
- (a) How many cases were tried by Jury in the Sessions Court at Karachi during the years 1913, 1914 and 1915?
- (b) In how many of these cases did the Judge disagree with the verdict of the Jury and submit the case to the Court of the Judicial Commissioner of Sind under section 307 of the Criminal Procedure Code?
- (c) In how many of the cases so submitted was the verdict of the Jury upheld by the Court of the Judicial Commissioner of Sind?

Answers.

Manager is the duty collecting officer, while the Senior Inspector is the officer who supervises the examination of passengers' baggage and of goods arriving by train at these stations.

‡ See Appendix F.

1. No additions or alterations have been made to the lock-ups at Barsi, but plans and estimates have been prepared for building three additional cells and improving the existing cells by providing strong iron-barred windows for ventilation. These additions and improvements will be taken in hand as soon as the finances permit.

Government have under consideration a proposal for issuing a general rule in order to fix the maximum number of prisoners to be accommodated in lock-ups.

1. (a), (b) and (c) The information will be obtained

QUESTIONS AND ANSWERS.

[*Mr. Harchandrai Vishindas, LL.B*]

[4TH DECEMBER 1916.]

*Questions.**Answers.*THE HONOURABLE MR. HARCHAND-
RAI VISHINDAS, LL.B.

1. Will Government be pleased to state if it is the fact that in Sind there are 38 posts of Inspectors of Police of which 8 are filled from among European Sergeants whose total strength is only 12, while the remaining 30 are filled from a body consisting of 200 Indian Sub-Inspectors and others?

(a) Will Government be pleased to state if it is true that one of the recommendations of the Police Commission is that only such persons should be appointed to the posts of Inspectors as have had previous experience as Sub-Inspectors?

(b) If so, will Government be pleased to state if it is true that this condition is not observed in appointing Europeans to the posts of Inspectors?

3. (a) Will Government be pleased to state if it is true that lately an examination was held for making selections for the posts of Inspectors to which only European Sergeants were admitted?

(b) If so, will Government be pleased to state whether this was an exceptional case and the usual annual

1. Yes. The European Inspectors fill special posts at Karachi, Hyderabad and Sukkur. The report of the Indian Police Commission of 1902-03 recommended the employment of European Inspectors and Sergeants in Cantonments and Sea-ports and in other places where the police may have to deal with Europeans, and of a European Inspector to be in charge of the Headquarters Force of each district.

2. Instead of the word "only" the Commission used the word "ordinarily" When the passage is compared with other parts of the report, such as that quoted in the answer to the last question, it is clear that it refers primarily to Indian Inspectors. The Commission proposed no change in the system under which European Inspectors were ordinarily selected from among Sergeants, just as Indian Inspectors were ordinarily selected from among Sub-Inspectors This system continues in force

3. (a) No. A special course of instruction in law was given by the Assistant Superintendent of Police, Karachi, to English Sergeants and to some Indian Head Constables, and at the close of this course a special examination was held, at which three English Sergeants presented themselves, of whom one passed. The Head Constables were invited to present themselves for examination, but elected not to do so. Both the course and the examination were outside the ordinary routine. The examination was not held for the purpose of "making a selection for the post of Inspector" It was held to enable certain officers to pass a qualification necessary before selection.

(b) The usual examination will continue to be held.

QUESTIONS AND ANSWERS

[4TH DECEMBER 1916.]

[*Mr. Harchandrai Vishindas, LL.B.*]*Questions.**Answers.*

- examination to which both Europeans and Indians are admitted will be adhered to for the future or this special examination will be repeated?
4. Will Government be pleased to state if any measures have been taken to effect improvements in Gudu Dhandh which serves as the feeder of the Dahar and Mahi canals?
5. Will Government be pleased to state what progress has been made towards opening the projected Sihar Wah in Ubawro and Mirpur Mathelo Talukas and when the said work is expected to be carried to completion?
4. The Gudu Dhand is being maintained in efficient working order by suitable annual clearance of the Dhand and its feeders.
5. A project for the Seharwah is under preparation. The sanction of the Government of India is required before work can be commenced. The time required for construction would be about 5 years.
-

APPENDIX A

Serial No.	Name of the school	Matriculation Examination						School Final Examination						
		1915			1916			1915			1916			
		No. appeared for preliminary	No. sent up	No. passed.	No. appeared for preliminary	No. sent up.	No. passed	No. appeared for preliminary	No. sent up.	No. passed	No. appeared for preliminary.	No. sent up	No. passed.	
1	Elphinstone High School, Bombay	27	19	2	164	113	59	5	5	2	6	4	2	
2	High School Poona	34	31	7	55	38	27	..	..	..	20	12	10
3	High School for Girls, Poona	11	15	3	25	13	12	No School	Final	Class	5	maintained	..	
4	High School, Sátára	26	21	6	37	28	13	6	6	2	21	17	6	
5	Northcote High School, Sholapur	38	33	7	33	25	13	20	9	2	13	11	7	
6	High School, Násik	29	29	5	24	24	7	20	3	17	17	5	8	
7	G. S. High School, Jalgaon.	Newly opened	..	..	29	22	12	Newly opened.	..	..	29	20	..
8	Garud High School Dhulia	24	24	9	69	45	27	1	1	..	37	18	12	
9	Israelite High School, Bombay	2	2	..	3	3	2	..	..	..	3	3	2
10	Wilson High School, Bombay	38	32	10	74	55	34	4	4	1	3	11	3	
11	Robert Money Institution, Bombay	11	12	3	27	14	9	1	1	..	3	1	1	
12	A. M. High School, Byculla	5	3	..	6	3	..	1	1	..	1	1	..	
13	Anjuman-Islam High School Bombay	4	4	..	12	12	5	..	..	..	..	..	..
14	B. J. Parsi Charitable Institution, Bombay	The school has not sent candidates for Matric	3	17	9	2
15	Sir J. J. Parsi Benevolent Institution, Bombay	13	9	4	20	14	11	The school does not S F Examination	..	..	..	..	..
16	St. John's Night High School, Bombay	4	4	2	10	8	3	..	..	..	2	2	1
17	Esplanade High School, Bombay	46	34	14	58	42	24	The school does not S Examination	..	..	..	..	..
18	G. E. Institute, Dadar	2	2	..	17	14	9	..	..	..	2	1	..
19	St. Andrew's High School, Bombay	..	..	..	..	..	..	None appeared for	S F Examination.	..	..	..	..
20	Young Ladies' High School, Bombay	15	15	..	7	5	5	No students are prepared for	S F Examination	..	..	..	..
21	Alexandra Native Girls' Institution, Bombay	..	..	..	8	8	8	No students are prepared for	S F Examination	..	..	..	..
22	Empress, High School, Bombay	2	2	..	..	..	..	No students are prepared for	S F Examination	..	..	..	..
23	Princess' High School, Bombay	..	..	..	..	..	..	..	..	..	..	..	..
24	U. F. C. M. Boarding School, Bombay	4	4	1	12	6	6	No students were sent up for	S F Examination	..	..	..	..
25	Students' Literary and Scientific Society, Bombay	6	6	2	12	7	5	The school does not S F Examination.	..	..	..	..	..
26	Emmanuel Girls' School, Bombay	..	..	..	5	2	..	None appeared for	S F Examination.	..	..	..	..
27	Bai Ruttonbai Framji Dorabji Panday's School, Bombay	2	2	2	2	2	2	None appeared for	S F Examination.	..	..	..	..
28	Maratha High School, Bombay	..	10	2	21	12	4	..	1	1	9	5	3	
29	New English School, Poona.	117	180	64	268	185	118	..	30	5	56	49	18	
30	Poona Native Institution	..	87	15	100	56	..	..	31	4	27	13	..
31	Nutan Marathi Vidyalaya, Poona	116	70	27	186	103	68	..	15	2	64	33	14	
32	St. John's School, Panchowd, Poona	No information available.	..	..	72	52	14	No information available	..	..	2	2	..
33	Dastur Hoshang Boys' High School, Poona	10	10	2	13	10	4	..	..	..	13	2	..
34	Union High School, Poona.	33	25	3	70	59	5	..	..	..	17	13	2
35	Bahadury's Parsi Girls' School, Krikee	3	3	1	1	..	..	None appeared for	S F Examination.	..	..	..	..
36	Dastur Nisharwan Girls' High School, Poona.	..	..	..	2	2	2	The school does not S F Examination	..	..	..	..	..
37	P. E. High School, Junnar	4	3	..	5	4	3	..	..	..	15	11	5
38	New English School, Sátára.	16	16	7	21	18	7	11	11	2	22	25	7	

APPENDIX A—continued.

Serial No.	Name of the school.	Matriculation Examination						School Final Examination.					
		1915			1916			1915.			1916		
		No appeared for preliminary.	No sent up	No passed	No appeared for preliminary	No sent up	No. passed.	No appeared for preliminary	No sent up	No passed	No appeared for preliminary	No sent up.	No passed
39	David High School, Wai	3	6	1	10	10	3	.	.	.	3	2	..
40	V J High School, Pandharpur	9	5	4	10	10	7	9	4	1	14	15	1
41	A M High School, Nagar	.	11	.	19	15	2	.	8	1	15	19	..
42	Education Society's High School, Nagar	51	28	12	46	24	8	25	23	4	31	19	6
43	S P G Mission High School, Nagar	..	.	.	3	2	.	2	2	.	3	3	.
44	A M Girls' High School, Nagar	.	.	.	3	3	1	None appeared	or	S F Examination			
45	Zoroastrian Boarding School, Deolali	2	2	2	9	5	5	None was sent up	for	S F Examination			
46	Proprietary and Fort High School, Hornby Road, Bombay	28	43	8	50	34	10	The school does not	prepare	boys for S F Examination			
47	Gokuldas Tejpal High School Bombay	45	38	12	58	35	22	None appeared	for	S F Examination			
48	New High school, Hornby Road, Bombay	274	173	79	344	215	133	The school does not	prepare	students for S F Examination			
49	J N Petit Parsi Orphanage, Parel, Bombay	5	4	1	6	5	4	The school does not	prepare	students for S F Examination			
50	Aryan Education Society's High School, Girgaum	131	93	23	116	64	24	2	13	3	22	16	3
51	Tutorial High School, Bombay	63	63	14	77	63	29	The school does not	prepare	students for S F Examination			
52	Babu P P Jan High School, Bombay	11	11	5	16	12	9	.	.	.	.	.	.
53	Girton High School, Bombay	4	4	3	8	8	3	The school does not	prepare	students for S F Examination			
54	King George English School, Bombay	Newly opened			6	4	2	None appeared	for	S F Examination.			
55	Chanda Ramji Hindu Girls' School, Bombay	4	4	2	11	8	4	The school does not	prepare	students for S F Examination			
56	New English School, C. P. Tank, Bombay	30	21	3	52	29	9	Non appeared	for	S F Examination			
57	St. Helena's School, Poona	1	1	..	5	4	4	1	..	.	1		
58	Parsi High School, Panchgani	8	5	1	9	6	1	None appeared	or	S F Examination			
59	Bombay High School, Princess Street, Bombay	Newly registered			28	18	7	Newly registered		.	..		
60	High School, Bhor	22	11	4	18	11	2	2	.	.	3	2	.
61	Mudhoji High School, Phaltan	8	4	1	8	6	...	8	4	1	6	4	1
62	S S High School, Aundh	10	10	8	9	4	1	2	2	.	8	7	4
	Total ..	1,32	1,244	372	2,389	1,599	836	100	194	32	595	362	123

APPENDIX B.

Statement referred to in the reply given to question No. 3 put by the Honourable Rdo Bahadur V. S. Nask at the meeting of the Legislative Council held on the 25th July 1916

Name of the College	Number of the Matriculates from the Karnatic Districts who applied for admission.	Number of those that were admitted	Number of those that were refused admission for want of accommodation	Remarks
<i>Government Colleges.</i>				
Elphinstone	7	7	...	
Deccan	60*	30	20	* Ten did not turn up at all.
Gujarát ... ..	...	...	...
<i>Other Colleges</i>				
Fergusson	87	87	...	
Wilson	27	25	2	
St. Xavier's	6	6	..	
New College, Poona	18	13	5	
Dayaram Jethmal Sind College	1	1	..	
<i>Colleges in Native States.</i>				
Rajaram College	19	19	...	
Bahauddin ... ..	...	...	...
Samaldas ... ..	...	...	..
Baroda ... ..	...	...	...
Total	225	188	27	

APPENDIX C.

Statement showing the total number of employees of each nationality drawing a salary of Rs 40 or more in the services of the Railway Companies

Railway	Euro-peans.	Anglo-Indians.	Indians.	Chinese	Jews.	Arme-nians	Africans	Syrians.
North-Western Railway ..	165	166	792	...	20	...	...	1
G. I. P. Railway	844	646	4,080	28	89	2	1	...
B. B. & C. I. Railway	153	104	3,192	...	40	...	...	...
M. & S. M. Railway	66	247	408	...	...	...	...	...
Barsi Light Railway	7	25	49	...	...	...	...	...
Guzerat Railways	2	...	29	...	...	...	...	...

APPENDIX D.

Statement showing the amounts which have remained unutilised out of the discretionary grants placed at the disposal of the Commissioners of Divisions and the Commissioner in Sind.

(a) Amounts which remain unutilised out of the discretionary grants allowed for the purpose of supplementing district contract and contingent grants, etc —

	1912-13	1913-14	1914-15	1915-16
	Rs a p.	Rs a p	Rs a p	Rs a p.
Commissioner in Sind ...	38 8 11	<i>Nil</i>	<i>Nil.</i>	221 0 6
Do. N D ...	157 5 6	<i>Nil</i>	<i>Nil</i>	1,425 0 0
Do C D ...	4 13 7	0 13 7	<i>Nil.</i>	14 0 0
Do S D	<i>Nil</i>	<i>Nil</i>	<i>Nil.</i>	953 0 0
Total	200 12 0	0 13 7	<i>Nil</i>	2,613 0 6

Note—These are quinquennial grants and the balances remaining at the end of a year are available for expenditure during the following year within the quinquennial period. The last quinquennium expired on 31st March 1915

(b) Amounts which remained unutilised out of the discretionary grants for expenditure on Provincial minor works —

	1912-13	1913-14	1914-15	1915-16
	Rs. a p	Rs a p	Rs. a p	Rs. a p
Commissioner in Sind ...	<i>Nil.</i>	<i>Nil</i>	<i>Nil.</i>	<i>Nil.</i>
Do N D ...	15 0 0	<i>Nil.</i>	78 0 0	196 0 0
Do C. D ..	1,933 0 0	19 0 0	1,080 0 0	2,021 0 0
Do. S D	147 0 0	175 0 0	<i>Nil</i>	1,453 0 0
Total ...	2,095 0 0	194 0 0	1,158 0 0	3,670 0 0

(c) Amounts which have remained unutilized out of the discretionary grants allowed for general purposes of a public nature, grant of money rewards to specially deserving persons, etc —

	1913-14	1914-15	1915-16
	Rs. a p	Rs a p	Rs a. p
Commissioner in Sind	331 13 6	35 0 10	5 0 0
Do. N D	870 0 0	<i>Nil</i>	3,326 9 0
Do C D	2,450 0 0	4,980 0 0	4,255 0 0
Do. S. D.	673 0 0	<i>Nil</i>	1,363 0 0
Total	4,324 13 6	5,015 0 10	8,949 9 0

APPENDIX E.

Statement referred to in the reply given to question No. 2 put by the Honourable Mr Manmohandas Ramji at the meeting of the Legislative Council held on the 25th July 1916.

No	Name of the Institution	Limits of admissions fixed for						Remarks.	
		B Sc	B A	Inter- mediate Science.	Inter- mediate Arts.	First Year	Civil Engi- neering		Mecha- nical Engi- neering
1	Elphinstone College	None	102	9	81	135	..	..	Number fixed by the Principal according to the accommodation available.
2	Deccan College	..	...	.	.	..	.	...	No limits fixed
3	Gujarat College	...	...	.	160	240	.	.	Number fixed by the Principal according to the accommodation available.
4	Sydenham College of Commerce and Economics		...	.	.	.	.	.	Principal does not allow more than 50 in a class for the purposes of tuition as distinguished from formal lectures
5	Government Law School			.	.	.	.	.	No limit fixed
6	College of Engineering			.	.	.	50	10	Fixed by Government
7	Grant Medical College			.	.	.	.	.	No limit fixed.
8	Agricultural College			.	.	..	.	.	Principal does not wish to admit more than 45 new students into the first year class
9	Fergusson College			.	.	...	.	.	No limit fixed, except in Science classes in view of the accommodation available in laboratories.
10	Wilson College			.	.	360	.	.	Fixed by the Principal.
11	St Xavier's College			.	.	.	.	.	No limits fixed, except those of space in the class rooms
12	D J Sind College		80	.	70	134	.	.	Fixed by the College Board, but slightly exceeded in the current year
13	Samaldas College			.	.	.	.	..	No limit fixed.
14	Bahauddin College		90	.	90	140	.	.	Fixed by the Principal according to the accommodation available.
15	Rajaram College			.	...	.	.	.	No limits fixed
16	New Poona College			.	120	200	.	.	Fixed by the University.

APPENDIX F.

Strength of Staff at Viramgam and Castle Rock.

VIRAMGAM

Senior Inspector's Office.

	Rs.
1 Senior Inspector	... 250
4 Junior Inspectors	... 100 each.
1 Clerk	... 40
1 "	... 30
1 "	... 25
1 Jamadar	... 30
1 Havildar	... 15
5 Naiks	... 13 each.
29 Peons	... 11 and 10.

Customs Manager's Office

1 Customs Manager	... 300
1 Clerk	... 50
1 "	... 40
1 "	... 35

4 Clerks	...	...	...	30 each.
7 "	..	..	..	25 "
1 Havildar	.	...	...	15 "
1 Naik	..	...	...	13 "
12 Peons	..	...	...	11 and 10.

CASTLE ROCK.

Senior Inspector's Office.

1 Senior Inspector	..	...	...	300
3 Junior Inspectors	..	..	..	100 each.
1 Clerk	.	..	..	45
1 " "	..	...	...	30
1 "	..	..	..	25
1 Jamadar	.	...	...	25
2 Havildars	.	...	..	15 each.
5 Naiks	.	.	.	13 "
15 Peons	..	..	...	11 "
13 "	..	..	..	10 "
25 "	..	..	...	9 "

Customs Manager's Office

1 Customs Manager	...	...	...	250
1 Clerk	.	...	.	50
1 "	..	...	.	40
2 Clerks	..	.	.	35 each.
5 "	..	..	.	30 "
4 "	..	..	..	25 "
6 "	..	..	.	20 "
1 Jamadar	.	.	..	20
1 Naik	..	..	..	13
8 Peons	.	...	..	11 each.
11 "	..	..	...	10 "
18 "	..	...	...	9 "

APPENDIX G

Telegram from the Secretary, Provincial Conference, Ahmedabad, dated the 17th October 1916 —

"We understand permission given to Government servants to attend Congress as visitors holds good for Provincial Conference. Please wire reply"

Government letter No 7031, dated the 21st October 1916, to the Secretary, Provincial Conference, Ahmedabad —

"With reference to your telegram of the 17th instant, I am directed to say that the attendance of Government servants at meetings of Provincial Conferences is governed by orders relating to their attendance at political meetings"

APPENDIX H.

Order

Whereas in the opinion of the Governor in Council there are reasonable grounds for believing that Mrs. Annie Besant has acted and is about to act in a manner prejudicial to the public safety

Now therefore the Governor in Council in exercise of the powers conferred by rule 3 of the Defence of India (Consolidation) Rules, 1915, published in the Notification of the Government of India in the Legislative Department, No. 86, dated the 9th December 1915, is pleased to direct that the said Mrs Besant shall not enter and shall not reside or remain in the Province of Bombay pending the further orders of Government.

And the said Mrs. Besant is hereby informed that if she knowingly disobeys this order she will be liable to imprisonment of either description for a term which may extend to three years and will also be liable to fine.

Dated this 29th day of June 1916

By order of His Excellency the Right Honourable
the Governor of Bombay in Council,

(Signed) L. ROBERTSON,
Secretary to Government.

Seal.

APPENDIX I.

Instructions for the holding of Darbars by the Collectors in their Districts.

No. 2563, dated the 17th March 1909

From—A M. T. Jackson, Esquire, Collector of Nasik,
To—The Commissioner, C. D

It may be of interest to you and to Government to hear of the results of an experiment which I have been conducting since I came to this District at the end of November 1907.

2. * * * * *

3. I have made it a practice to hold a Darbar at every Táluka Headquarters Station visited on tour, generally after office in the evening. I also hold a Darbar at the District Headquarters at 4 o'clock on every Saturday when I happen to be in the Station. It is of course not expected that all those on the Darbar list should attend every Saturday Darbar. They receive a general invitation for all Saturdays and can attend whenever they find it convenient to do so.

4. In preparing the lists of persons to be invited I had of course at first to take the names from the lists of Sardars, Municipal and Local Board Members, pleaders, income-tax payers and so on, supplementing them by information obtained from the Mámálatdárs and others. Increasing acquaintance with the District of course makes it possible to add other names from personal knowledge. My object has been to be inclusive rather than exclusive. Even in the case of active politicians invitations have been issued. * *

5. My practice has been to open the first Darbar at each place with a few words explaining that my object is to make the acquaintance of those present and to give them an opportunity of bringing to my notice any matters affecting the town, the táluka, or the country generally which they may wish to put forward. Any one who wishes then rises and speaks, and is followed by others, until all who desire to say anything have done so. My practice is to join in the discussion by asking questions and announcing the decisions or policy of Government, and to take notes of matters of which further consideration is desirable. The proceedings, which are conducted in the vernacular and last as a rule from half an hour to an hour, terminate with the distribution of *atar* and *pan*. From the Indian point of view, this creates a bond of personal hospitality between the Collector and his Darbaris, and has been a great factor in making the institution popular, as it has most certainly become.

6. I have now sufficient experience to say that this system is extremely useful, not only for the purpose of creating and maintaining friendly relations between the Collector and the non-officials, but also for the purpose of making him acquainted with the matters that really interest the people. The tradition of comparatively free speech in public Darbar is not yet extinct and has several times been referred to in my presence by way of preface to the statement of some grievance. The opportunity of so speaking is greatly valued, and, so far as my experience goes, is seldom used for the purpose of bringing forward an individual petition. The matters which are most generally brought up are general questions such as forest policy, the importance of greater supervision over weights and measures and of better arrangements for the protection of widows and orphans, of improving the position of school masters and so on. These are the matters that really interest the people, and one hardly realises the extent of the feeling about them so long as one draws one's knowledge from the petitions or conversation of individuals.

7. The Darbar system of course is no substitute for the regular daily hearing of petitions or for interviews with particular persons, but I have found it an extremely useful and valuable supplement to these, and I would recommend that something of the kind should be generally adopted. The essence of it is the personal relation between the Collector and his Darbaris, and the Collector should

have absolute discretion as to whom he will and whom he will not admit. Any thing like a fixed number of members or a formal constitution for the Darbar would be a great mistake.

*Endorsement by the Honourable Mr. W. T. Morison, C.S.I., Commissioner,
C D, No. C.—883, dated the 23rd March 1909*

Submitted for the information of Government

2. The system of holding frequent Darbars is an excellent way of getting into touch with the people, and is much appreciated by them. During my tour this year I have at many of my camps invited the local leaders (in number from 25 to 40 at each place) to informal Darbars, ending with the distribution of flowers, etc., at which local affairs have been discussed. The people appeared to appreciate these meetings, and I feel sure they do much good.

3. I would recommend that Mr. Jackson's letter be communicated to all Collectors with a suggestion that a similar experiment should be tried both by them in their Districts and by their Sub-divisional officers in their charges. It may not in every District be found convenient to hold a Darbar as often as every week at Head-quarters, but no rules need be laid down

No. 3773.

POLITICAL DEPARTMENT.

Bombay Castle, 26th May 1909.

RESOLUTION—Copies of the foregoing papers should be forwarded to all Collectors with an intimation that Government approve of the arrangements described by Mr Jackson and desire that Darbars should be held occasionally in each District. The Collectors should select the gentlemen whom they consider eligible for attendance at the Darbars, and should prepare regular lists of the Darbaris for each District, additional nominations being made from time to time as occasion requires.

2 Besides these occasional Darbars, an annual Darbar should be held in each District to which the principal officials, especially the Mámátdárs, and a few non-official gentlemen selected for their judgment and knowledge of the affairs of the District should be invited. The non-official gentlemen invited to these annual Darbars should all be chosen from among the Darbaris. Questions of general interest should be discussed at the annual Darbar, and at some convenient date after the annual Darbar the Collector should hold a meeting of the officials alone at which administrative matters should be confidentially discussed, the Collector's orders explained, and instructions issued for carrying out his orders.

3 The proceedings of the Darbars should invariably be conducted in the vernacular of the District.

J H DuBOULAY,
Acting Secretary to Government.

To

The Commissioner in Sind.
The Commissioner, N. D.
The Commissioner, C. D.
The Commissioner, S. D.
All Collectors.
The Revenue Department of the Secretariat.
The General Department of the Secretariat.
The Judicial Department of the Secretariat.
The Public Works Department of the Secretariat.

APPENDIX J.

Fallow Rules in Sind.

No. 2399.

REVENUE DEPARTMENT.

Bombay Castle, 21st April 1887

Memorandum from the Commissioner in Sind, No. 494, dated 24th February 1887 —

"The Commissioner in Sind presents compliments to the Secretary to Government, Revenue Department, Bombay, and with reference to Government Resolution No 842, dated 4th February 1887, has the honour to inquire whether the fallow rules recommended in this office letter No 2944, dated 21st August 1886, are approved, if so, it is requested that they be sanctioned"

RESOLUTION.—His Excellency the Governor in Council is pleased to sanction the rules proposed by the Commissioner with the following modifications —

In Rule 1 the word "may" should be substituted for "shall" and the word "levied" for "paid."

In Rule 2 it should be stated that part or whole of the assessment shall be levied.

It is hoped that with reference to this rule the Commissioner may be able to instruct the Collectors as to its working, in sufficient detail to secure uniform practice giving as little room as possible for either fraud or inquisitional proceedings.

(Sd) T D. MACKENZIE,
Acting Secretary to Government.

To

The Commissioner in Sind,
The Collectors of Karáchi, Hyderabad and Shikárpur,
The Deputy Commissioners, Thar and Parkar and Upper Sind Frontier,
The Superintendent, Sind Revenue Survey,
The Accountant General.

APPENDIX K.

Statement showing retired officers and subordinates at present re-employed
in the Public Works Department

Name of retired officer or subordinate re-employed in the Public Works Department	Salary drawn at time of retirement (plus allowances)	Year from which re-employed	Salary on which re-employed	Salary now drawn.	Age.	Amount of pension which he draws	Reasons for re-employment.		
1	2	3	4	5	6	7	8		
<i>Temporary Engineers.</i>									
1 Mr J Walker	Rs per mensem Staff pay as Sub-Engineer, 1st grade ... 250 0 0 Military pay and allowances 225 0 0 Exchange com- pensation allowance 29 11 0 S u b d i v i s i o n a l allowance 30 0 0 534 11 0	1903	Rs per mensem Pay 400 Pension 140 540	Rs per mensem Pay 700 + 80 Pension ... 140 (vide col. 7) 920	68	140	To supplement the permanent Engineer establishment.		
2 Ráo Bahádúr Shripat Vishnu Mhaskar, L C E	Pay P r e s i d e n c y allowance 50 0 0 A d d i t i o n a l allowance for being in S E's office 30 0 0 P r e s i d e n c y House-rent 20 0 0 500 0 0	1914	500	500	59	Pension held in abeyance during period of re-employment			
3 Ráo Bahádúr Harumal Ramchand Jhangiani	Pay 450 0 0	1914	450	450	57				
4 Ráo Bahádúr Vishnu Keshav Chaphekar	Pay 400 0 0	1913	400	400	59				
5 Mr Kharshedi Hormasji Mistri, L C E	Pay 400 0 0	1916	400	400	55				
<i>Sub-Engineers.</i>									
6 Mr J. A. Gayer ...	Pay 500 0 0	1916	500	500	55			To supplement the per- manent Upper Subor- dinate establishment.	
7 Mr Bhagwant Sakharam Kirtane, L C. E.	Pay 400 0 0	1916	400	400	55				
8 Mr. Mulchand Awatrai Mahtani	Pay 300 0 0	1916	300	300	55				
9 Mr. Ramrao Sheshgiri Amjadi	Pay 150 0 0	1916	150	150	55				

APPENDIX L.

Local Allowances.

Grant of — to certain Government clerks
employed in the City of Bombay

No. 2724.

FINANCIAL DEPARTMENT.

Bombay Castle, 25th June 1908.

Letter from the Government of India, Finance Department, No 3410-Ex, dated 9th June 1908 —

"With reference to your letter No. 186, dated the 13th January 1908, I am directed to forward a copy of the correspondence with His Majesty's Secretary of State for India noted on the margin from which it will be seen that His Lordship has sanctioned the proposal of the Government of Bombay to grant local allowances to certain Government clerks employed in the City of Bombay."

Despatch to His Majesty's Secretary of State, No. 75,

dated the 5th March 1908

Despatch from the Secretary of State, No 68 (Public),
dated the 15th May 1908

correspondence with His Majesty's Secretary of State for India noted on the margin from which it will be seen that His Lordship has sanctioned the proposal of the Government of Bombay to grant local allowances to certain Government clerks employed in the City of Bombay."

Despatch from the Government of India, No 75, dated 5th March 1908, to the Secretary of State for India.

We have the honour to forward for your consideration a copy of a letter from the Government of Bombay, No 186, dated the 13th January 1908, and its enclosures, proposing the grant of local allowances to Government clerks in the City of Bombay on salaries not exceeding Rs. 220 a month in consideration of the increase in the cost of living that has taken place during the last thirty years.

2 Before formulating these proposals the Local Government appointed a Committee to inquire into the matter and to report to what extent, and in what manner, relief was required in the various offices in Bombay. The Committee have dealt thoroughly with the question and their report clearly establishes the facts that there has been an advance of 20 per cent in the cost of food, and an even greater rise in house-rents since the years 1865 to 1870, in which the present scale of salaries was practically fixed.

The Local Government recommends that relief should take the form of local allowances on the following scale —

- 20 per cent on salaries up to Rs. 50 ;
- 15 per cent on salaries above Rs. 50 and up to Rs. 100 ;
- 10 per cent on salaries above Rs. 100 and up to Rs. 200 ,

any salary above Rs. 200 to be brought up to not less than Rs. 220 by an allowance.

3 Although the extra expenditure, which is estimated at Rs. 1,36,200 a year, is considerable, we are satisfied that the proposals of the Government of Bombay do not go beyond the necessities of the case and we accordingly recommend them for your sanction

Despatch from the Secretary of State for India, No 68 (Public), dated 15th May 1908, to the Government of India.

I have considered in Council the letter of Your Excellency's Government No 75 (Finance), dated the 5th March last, in which you recommend for my sanction a scheme formulated by the Government of Bombay for the grant of local allowances to Government clerks in the City of Bombay on salaries not exceeding Rs. 220 a month, in consideration of the increase in the cost of living that has taken place during the last thirty years

2. I recognise that the circumstances of low-paid Government servants who are obliged to live in the City of Bombay differ very markedly from those of other Government servants, and I am satisfied of the necessity of a substantial measure of relief.

3 Your Excellency's Government support the recommendation of the Local Government that relief should take the form of local allowances on the following scale —

- 20 per cent on salaries up to Rs. 50 ,
- 15 per cent. on salaries above Rs. 50 and up to Rs. 100 ,
- 10 per cent on salaries above Rs. 100 and up to Rs. 200 ,

and salary above Rs. 200 to be brought up to not less than Rs. 220 by an allowance.

4. I presume that, in order to make the operation of the scheme uniform, it will be arranged that all salaries between Rs. 50 and Rs. 60 shall be brought up to Rs. 60; and all salaries between Rs. 100 and Rs. 115 brought up to Rs. 115. The evidence as to the increased cost of living on which these recommendations are based is stronger as regards house-rent than as regards the price of food. I observe, in fact, that the official prices current do not by any means tally with the conclusions of the Committee appointed by the Bombay Government, which are based on apparently trustworthy evidence as to retail prices collected from private sources

5 The most difficult question in the scheme before me is the proper treatment of clerks on salaries ranging from Rs. 100 to Rs. 200, whom Mr. W. T. Morison, the President of the Committee, thought it necessary, mainly on financial grounds, to exclude from special relief. It seems clear that under present conditions clerks on salaries below Rs. 100 a month in Bombay City are not in receipt of a wage upon which they can live satisfactorily. I am not convinced that this is the case with the somewhat higher paid clerks, but I recognise that the rise in house-rent presses with special severity on officials of somewhat better standing who find it necessary to maintain a better position than the subordinates at the foot of the scale, and who are in most cases men of long service with families to support.

6. After careful consideration I have decided to sanction the scheme submitted by Your Excellency's Government in its entirety. The extra expenditure involved is estimated at Rs. 1,36,200 a year

7 It must of course be clearly understood that this scheme is based upon the special circumstances of Bombay City, and must not be taken as affording a precedent for any enhancement of salaries elsewhere.

RESOLUTION.—Copies of the letter from this Government to the Government of India, No. 186,* dated 13th January 1908, and of the reply of the Government of India and of its enclosures, should be forwarded to the officers concerned for information and guidance, with reference to Government Resolution No. 2664, dated 19th June 1907. With reference to paragraph 4 of the despatch from the Secretary of State, Heads of Offices should be informed that salaries above Rs. 50, up to Rs. 52, should receive an allowance bringing them up to Rs. 60, and salaries above Rs. 100, up to Rs. 104½, should receive an allowance bringing them up to Rs. 115. The orders of the Secretary of State take effect from 31st May 1908. Heads of Offices should be requested to submit to Government in the Financial Department, through the Account Officer concerned, statements showing the number and pay of clerks entitled to receive the local allowance now sanctioned, as well as the extra expenditure which will be incurred on account of the allowance

J. E. C. JUKES,

Under Secretary to Government.

To

- The Private Secretary to His Excellency the Governor
- The Director, Bombay Bacteriological Laboratory.
- The Inspector General of Registration
- The Commissioner of Customs, Salt, Opium and A'bkari.
- The Surgeon General with the Government of Bombay
- The Sanitary Commissioner for the Government of Bombay
- The Director of Public Instruction.
- The Inspector General of Prisons.
- The Inspector General of Police.
- The Deputy Inspector General of Police for (Railways and Criminal Investigation.
- The Superintending Engineer, N. D.
- The Government Examiner of Railway Accounts, Bombay.
- The Military Secretary to His Excellency the Governor (with a *copy of Government Resolution No. 2664, dated 19th June 1907)
- The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Side, Bombay, } By letter No 2725, dated 25th June 1908
- The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay, }
- The Agent, B. B & C. I Railway Company (with reference to Government letter No 445, dated 25th January 1908)
- The Agent, G. I. P. Railway Company (with reference to Government letter No 449, dated 25th January 1908)
- All other Heads*of Offices in the City of Bombay under the several Departments of the Secretariat
- All Departments of the Secretariat (with copies of the report, dated 20th November 1907, of the Committee appointed by Government Resolution No 2664, dated 19th June 1907).

No. _____ of 1908.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Financial Department, No. 2724, dated 25th June 1908.

FINANCIAL DEPARTMENT

No. 186, dated 13th January 1908.

To—The Secretary to the Government of India, Finance Department.

Sir,

In the beginning of last year petitions were received by this Government from the majority of members of the clerical establishments employed in Bombay City, representing that the cost of living had increased to such an

* Printed as an accompaniment to this Resolution

extent of late years that the existing scale of pay no longer enable them to subsist decently and in comfort, and praying for the grant of compensation. The Government of India in the Marine Department in their letter* No. 1317-M, dated 8th December 1906, also informed this Government that memorials had been received from clerks of the Royal Indian Marine Dockyard, Bombay, praying for some provisional local allowance in view of the high cost of living in Bombay, and inquired what steps it was proposed to take in the matter if similar memorials had been received by the Government of Bombay. A provisional reply was sent to the Government of India, Marine Department, with this Government's letter* No. 1308, dated 12th March 1907, and a further communication was promised. I am now directed to address the Government of India on the subject

2. The scales of pay of clerical establishments in this Presidency were fixed as far back as 1870 when the conditions obtaining in Bombay City were very different from what they are now. They have been modified from time to time in order to meet particular cases; but in order to enable this Government to deal adequately with the whole question of relief, the Governor in Council appointed a Committee, consisting of Mr. W. T. Morison, I. C. S. (President), Mr. H. G. Gell, M.V.O., Commissioner of Police, and Mr. James MacDonald, late Sheriff of Bombay and a Member of the Bombay Municipal Corporation, to inquire into the matter and report to what extent and in what manner relief was required in the various offices in Bombay. The points to which the Committee were asked specially to direct their attention in conducting the inquiry are stated in the Resolution* of this Government, No. 2604, dated 19th June 1907. I am to forward for the information of the Government of India copies of the Resolution and of the report† submitted by the Committee on 21st November last. In the opinion of the Governor in Council the Committee's report furnishes a satisfactory basis for dealing with this important and difficult question. In comparing the position of the Government employees with that of men serving in mercantile and professional offices the Committee have omitted to take into account the pensionary advantage of the Government servants. But from a perusal of the report it remains clear that despite the abundance of supply of fairly qualified men private employers have found it expedient on the whole to raise pay among the lower grades. The increase in the cost of necessaries is undoubtedly considerable. It may fall, but is unlikely, to remain for any length of time at the relatively low level of twenty to thirty years ago. House-rents have risen on the average considerably more than 20 per cent. for the class of employees under consideration and are even less likely to fall than the price of necessaries. The population of the city is rapidly increasing and in the opinion of good authorities is not unlikely to be doubled within 20 years. It will be exceedingly difficult to expand accommodation in the same proportion. The demand for accommodation is almost certain for a number of years to come to remain in excess of the supply. For these reasons the Governor in Council considers that a moderate but substantial increase in the pay of Government clerical establishments is undoubtedly required.

3. It will be observed that the Committee are not unanimous as to the limit of pay up to which relief should be granted and as to the scale of extra allowance. The proposals of Mr Morison on the one hand and of Messrs. Gell and MacDonald on the other are shown in the following table:—

Monthly Local Allowance.

	For clerks on pay up to Rs. 50	For clerks on pay above Rs. 50 and upto Rs. 100.	For clerks on pay above Rs. 100 and up to Rs. 150.	For clerks on pay above Rs. 150 and up to Rs. 200.
Mr. Morison's proposals	20 per cent	15 per cent	...	...
Proposals of Messrs. Gell and MacDonald	20 per cent	17½ per cent	15 per cent.	12½ per cent.

* Not printed.

† Appended.

Mr. Morison, while admitting that men on salaries between Rs. 100 and Rs. 200 are put to much inconvenience by the present high cost of living especially in the matter of house-rent and that especially Europeans, Eurasians and Pársis on these salaries may find it hard in some cases to live in decency and comfort, is reluctantly compelled mainly by financial considerations to advise that no allowances should be given to clerks on pay beyond the limits suggested by him Messrs Gell and MacDonald on the other hand consider that the distress consequent on the general rise of prices has touched clerks of every grade, most seriously of course those drawing lower salaries but seriously also those in receipt between Rs 100 and Rs 200. The Governor in Council is disposed to agree with Messrs. Gell and MacDonald that the claims of men drawing from Rs 100 to Rs 200 deserve full consideration. The rise in house-rent is probably higher relatively in their case than in that of lower paid men who are in a better position to economise by doubling up and similar expedients. The higher paid men often have responsible and difficult work to do and cannot be expected to do it well if they have to struggle to make two ends meet. Moreover the amount of work has greatly increased, and despite augmentations of establishments from time to time, these have never been made commensurate with the increase of work and it may be taken as certain that each and every man does a good deal more work than he did in the days when the present scales of pay were fixed. Europeans and Eurasians are in a worse position than native clerks of equal status, as food and house-rent must cost more in the case of the former than in that of the latter. But Government cannot make a distinction in the same grade and this is an additional argument for giving an increase to those whose salary is between Rs. 100 and Rs 200. The Governor in Council therefore considers that the extent of relief proposed by Mr. Morison will not be sufficient to meet the requirements of the situation, and that the limit must be raised as proposed by Messrs. Gell and MacDonald. The increase of expenditure will be considerable, but the Governor in Council thinks that it must be faced.

4. As regards the scale of extra remuneration, the Governor in Council considers it desirable, with a view to economy, to suggest a lowering of the rates proposed by Messrs. Gell and MacDonald to the extent shown below:—

20 per cent.	on salaries up to Rs 50 ;
15 "	" " above Rs 50 and up to Rs 100 ,
10 "	" " above Rs 100 and up to Rs. 200 .

any salary above Rs 200 being brought up to not less than Rs. 220 by an allowance. It is proposed to grant the extra remuneration in the shape of a local allowance, and the increased expenditure involved will amount approximately to Rs 1,41,000 per annum, that is, 12.1 per cent. of the total sanctioned cost (Rs 11,64,000 per annum) of the present clerical establishments. Of the total annual cost a sum of Rs 1,00,200 per annum is chargeable to Provincial revenues, Rs. 36,000 to Imperial revenues, the remaining Rs. 4,800 being recoverable on account of establishments entertained at the cost of public or private bodies. The sanction of the Government of India is necessary to the extra expenditure under Articles 278, 283-4 (8) and 287 of the Civil Account Code. I am to state that the figures of present cost of establishment and increase involved as given above are only approximate as inquiries have not been made of each office separately to ascertain the number of clerks at present actually serving and their salaries. If the rates of extra remuneration proposed above meet with the approval of the Government of India, detailed statements will be called for from each office so as to enable Government to ascertain the exact increase of expenditure. I am to request that the Government of India may be moved to accord the requisite sanction. The Accountant General is being instructed to make the necessary budget provision.

5. I am to add that a copy of this letter has been forwarded to the Government of India in the Marine Department.

I have, etc.,
R. A. LAMB,
Chief Secretary to Government.

APPENDIX M.

Local Allowances.

Orders on certain points in connection with the grant of — to clerical establishments in Bombay City.

No 333a

FINANCIAL DEPARTMENT

Bombay Castle, 8th August 1908

Letter from the Examiner of Public Works Accounts, No E—1411, dated 4th July 1908.—

“With reference to Government Resolution, Financial Department, No 2724, dated 25th June 1908, sanctioning the grant of local allowances to Government clerks in Bombay, I have the honour to refer the following questions in connection therewith for the orders of Government —

(a) Are the allowances admissible to temporary clerks kept on from year to year or only to those on the permanent establishment?

(b) Are the local allowances to be given in addition to grain compensation (Government Resolution, Financial Department, No 1610, dated 31st March 1908), or do the former supersede the latter as far as clerks in Bombay are concerned?

(c) Are the allowances to be confined to clerks who *live* in Bombay as mentioned in paragraph 2 of the Secretary of State's despatch or are they to be given to all clerks *employed* in Bombay whether they actually reside within City limits or not?

(d) Are the allowances admissible to men employed in the Secretariat Press who are not technically ‘clerks’?

(e) Are the allowances admissible to draftsmen employed in the several Public Works Offices in Bombay?

“2 The favour of an early reply is requested”

Memorandum from the Public Works Department of the Secretariat, No E—1100, dated 9th July 1908

Letter from the Accountant General, No P A—1933, dated 14th July 1908 —

“With reference to Government Resolution, Financial Department, No 2724, dated 25th June 1908, I have the honour to inquire whether the concession is intended for men serving in Bombay but living outside the City and whether it is restricted to clerks only”

Letter from the Accountant General, No P.A—2132, dated 21st July 1908 —

“With reference to the despatch from the Secretary of State, No 68 (Public), dated the 15th May 1908, received with Government Resolution, Financial Department, No. 2724, dated the 25th June 1908, sanctioning the grant of local allowance to certain Government clerks employed in the City of Bombay, I have the honour to inquire the views of Government on the following points —

(1) Whether the allowances are subject to Income Tax.

(2) Whether they should be taken into consideration while granting grain compensation

(3) Whether in the case of privilege leave the whole or any part of the allowance is payable to the absentee

(4) Whether apprentices, and men in acting and temporary appointments should be given the allowance”

RESOLUTION—The Governor in Council is pleased to pass the following orders on certain points in connection with the grant of local allowances to clerical establishments in Bombay City —

(a) *Whether the local allowance is admissible to temporary clerks.*

A clerk, who is really temporary, *ie*, taken on for a specified period not exceeding one year, for a specified purpose, is not entitled to the allowance he is paid on which he is engaged being ordinarily fixed at a rate sufficient to remunerate him for the work. A clerk who is called “temporary,” but is in reality kept on from year to year on the general work of the office in which he is employed, should be granted the allowance. Doubtful cases should be submitted to Government for orders.

- (b) *Whether the local allowance can be given in addition to grain compensation.*

Both the local allowance and grain compensation allowance should not be allowed to be drawn at the same time. A clerk who may be eligible for both should be allowed to take his choice which he will draw.

- (c) *Whether the local allowance can be granted to clerks employed in Bombay, but living outside the city*
 (d) *Whether the local allowance is liable to Income Tax*
 (e) *Whether men in acting appointments should be given the local allowance.*

These queries are answered in the affirmative

- (f) *Whether the local allowance is admissible to employées who are not technically "clerks," such as men employed in the Secretariat Press, draftsmen in Public Works Offices, and apprentices.*

The answer is in the negative

- (g) *Whether in the case of privilege leave the local allowance is admissible in whole or part to an absentee.*

The allowance may be drawn by an officer on privilege leave only if there is no *locum tenens* to whom it is payable.

- (h) *Whether section writers should be given the local allowance.*

This question is answered in the negative

J. E. C. JUKES,

Under Secretary to Government.

To

The Private Secretary to His Excellency the Governor,
 The Director, Bombay Bacteriological Laboratory,
 The Inspector General of Registration,
 The Commissioner of Customs, Salt, Opium and A'bkán,
 The Surgeon General with the Government of Bombay,
 The Sanitary Commissioner for the Government of Bombay,
 The Director of Public Instruction,
 The Inspector General of Prisons,
 The Inspector General of Police,
 The Deputy Inspector General of Police for Railways and Criminal Investigation,
 The Superintending Engineer, N. D.,
 The Government Examiner of Railway Accounts, Bombay,
 The Military Secretary to His Excellency the Governor,
 The Examiner of Marine Accounts, Bombay (with reference to Government letter No. 2943, dated 10th July 1908),
 The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Side, Bombay,
 The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay } By letter No 3333, dated 8th August 1908
 All other Heads of Offices in the City of Bombay under the several Departments of the Secretariat,
 All Departments of the Secretariat.

No _____ of 1908.

Copy forwarded for information and guidance to

APPENDIX N.

Local Allowance.

Orders on certain points in connection with the grant of — to clerical establishments in Bombay City

No. 491.

FINANCIAL DEPARTMENT

Bombay Castle, 1st February 1909.

Letter from the Superintendent, Government Central Press, No. 2128, dated 9th November 1908.—

"I have the honour to forward herewith a copy of a memorandum No. P A—3829, dated 19th ultimo, from the Accountant General, Bombay, and to intimate that Mr. N. Fernandes, a clerk in this office, was, by Government Resolution, Public Works Department, No. A—2457, dated 28th September 1904, allowed to occupy quarters as Care-taker in the Old Medical Stores Building, free of rent, in those months in which his pay did not exceed Rs 50 and for other months when, by reason of acting allowances, he drew over that amount as salary, he had to pay rent at the rate of 5 per cent per mensem. In consequence of the objection raised by the Accountant General, I have to solicit the orders of Government whether—

(1) Local allowance should be granted to a clerk who is allowed Government quarters free of rent

(2) Local allowance should be paid to a clerk for such period as he pays a proportion of his salary as rent for Government quarters.

In this connection it may be borne in mind that Mr. Fernandes was allowed quarters for services rendered as Care-taker

"2 Mr. N. Fernandes will, under the orders passed in Government Resolution, Public Works Department, No. A—2740, dated 23rd ultimo, cease shortly to occupy his present quarters in the Old Medical Stores Building, and, in view of this fact and of his having been paid local allowance in good faith up to 18th September 1908 (from 19th September to 31st October 1908 he acted as Assistant Deputy Superintendent), I have the honour to solicit that Government may be pleased in any case to order that the local allowance already paid to him be not now recovered from him."

Memorandum from the General Department of the Secretariat, No. 123, dated 11th January 1909.

RESOLUTION.—His Excellency the Governor in Council is pleased to rule that the local allowance referred to in Government Resolution No. 2724, dated 25th June 1908, should be reduced by one-half in the case of a Government servant who is provided with free quarters. It should be paid in full in cases in which rent is paid for Government quarters, even though the rent be less than what would have to be paid if such quarters were not provided.

2. The allowances already overdrawn should be re-adjusted in accordance with these orders.

H. B. CLAYTON,

Acting Under Secretary to Government.

To

The Commissioner of Customs, Salt, Opium and A'bkári,
 The Surgeon General with the Government of Bombay,
 The Sanitary Commissioner for the Government of Bombay,
 The Director of Public Instruction,
 The Inspector General of Prisons,
 The Inspector General of Police,
 The Deputy Inspector General of Police for Railways and Criminal Investigation,
 The Superintending Engineer, N. D.,
 The Director, Bombay Bacteriological Laboratory,
 The Inspector General of Registration,
 The Private Secretary to His Excellency the Governor,
 The Military Secretary to His Excellency the Governor,

The Government Examiner of Railway Accounts, Bombay,
 The Examiner of Public Works Accounts,
 The Superintendent, Government Central Press,
 The Accountant General,
 The Prothonotary and Registrar of His Majesty's High
 Court of Judicature, Original Side, Bombay,
 The Registrar of His Majesty's High Court of Judicature,
 Appellate Side, Bombay, } By letter No 492,
 dated 1st February
 1909
 All other Heads of Offices in the City of Bombay under the several Depart-
 ments of the Secretariat,
 The Examiner of Marine Accounts,
 The Secretary, Bombay Port Trust,
 All Departments of the Secretariat.

No. of 1909

Copy forwarded for information and guidance to

APPENDIX O.

Local Allowance.

Grant of the Bombay — to superior servants
 serving in Bombay who are not speci-
 fically designated as clerks

No. 336.

FINANCIAL DEPARTMENT

Bombay Castle, 28th January 1910.

Read Government Resolution No 4427, dated 6th November 1908

Read replies thereto

Letter* to the Government of India, Finance Department, No. 4066, dated 13th November 1909.

Letter from the Government of India, Finance Department, No 6404-F O & A., dated 22nd December 1909 —

"In reply to your letter No 4066, dated the 13th November 1909, I am directed to convey the sanction of the Government of India to the extension, as proposed by the Government of Bombay, with effect from the 1st March 1910, to the non-clerical members of superior establishments in Bombay mentioned in statement A appended to your letter of the local allowances sanctioned for Government clerks in that city in the despatch from the Secretary of State, No 68 (Public), dated the 15th May 1908."

RESOLUTION — Copies of the letter from the Government of India and of that to which it is a reply should be forwarded to the officers concerned for information and guidance.

R D. BELL,

Under Secretary to Government.

* To

The Commissioner of Customs, Salt, Opium and A'bkári.
 The Collector of Customs, Bombay,
 The Collector of Bombay,
 The Collector of Salt Revenue, Bombay,
 The Surgeon General with the Government of Bombay,
 The Director of Public Instruction,
 The Commissioner of Income Tax, Bombay,

The Collector of Income Tax, Bombay (with reference to his letter No 7414, dated 20th November 1908),
 The Inspector General of Prisons,
 The Commissioner of Police, Bombay,
 The Superintendent of Stamps, Bombay (with reference to his letter No. 3503, dated 23rd November 1908),
 The Health Officer of the Port of Bombay,
 The Director, Bombay Bacteriological Laboratory,
 The Principal, Bombay Veterinary College,
 The Superintendent, Government Central Press,
 The Superintending Engineer, N. D (with reference to his memorandum No. 9965, dated 4th December 1909),
 The Consulting Architect to Government (with reference to his letter No 841, dated 16th November 1908),
 The Accountant General,
 The Examiner of Public Works Accounts,
 The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay (with reference to his letter No 2496, dated 21st November 1908) (by letter No 337, dated 28th January 1910),
 The Revenue Department of the Secretariat,
 The Judicial Department of the Secretariat,
 The General Department of the Secretariat,
 The Educational Department of the Secretariat,
 The Public Works Department of the Secretariat [with reference to that Department memoranda No 2126, dated 16th November 1908 (Railway Branch), and No. E.—1897, dated 27th idem].

No. of 1910.

Copy forwarded for information and guidance to

No. 4066 of 1909.

FINANCIAL DEPARTMENT.

Bombay Castle, 13th November 1909.

From

THE HONBLE MR R A LAMB, C.S.I., C.I.E., I.C.S.,
 Chief Secretary to the Government of Bombay,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
 Finance Department.

Sir,

I am directed to invite reference to the correspondence ending with the letter from the Government of India, No 3410-Ex, dated 9th June 1908, conveying the sanction of the Secretary of State to the grant of local allowance to certain Government clerks employed in Bombay City. The report of the local Committee, which accompanied the letter from this Government, No. 186 dated 13th January 1908, dealt with the question as to the extent and manner in which relief was required for clerical establishments in Government offices in Bombay in view of the high cost of living, and the Committee's inquiry did not extend to other Government servants employed in Bombay. The sanction of the Secretary of State, which covers the case of clerical establishments only, was strictly interpreted by this Government and no local allowance has been granted to officers in superior service who are not specifically designated clerks and were not included in Appendix E to the Committee's report. In August 1908 petitions were submitted

to this Government by the teachers of the Elphinstone High School for the grant to them of the local allowance sanctioned in the case of clerical establishments. In dealing with these petitions the Governor in Council arrived at the conclusion that it was impossible to find any reason for distinguishing between the cases of the clerical and the non-clerical members of superior establishments, that the line at present drawn was arbitrary and logically indefensible, and that there was undoubtedly a considerable amount of sore feeling among those who not being designated clerks were not admitted to the local allowance, whilst their fellow employees who are clerks received it. The President of the Committee (the Honourable Mr W T Morison, I C S), who was consulted on the subject, observed that he felt at the time of writing the report that the question was bound to come up for decision, and that he did not see how an allowance granted to clerks could reasonably be refused to other Government servants on similar rates of pay. Accordingly by Government Resolution No 4427, dated 6th November 1908 (copy appended), Heads of Offices were asked to submit, through the Account Officer concerned, statements showing details of the number, pay and duties of the members of their establishments in superior service employed in Bombay City, who are not specifically designated clerks and are therefore debarred from the local allowance sanctioned by the Secretary of State in his Despatch No 68 (Public), dated 15th May 1908. On consideration of the information furnished in these statements the Governor in Council has decided to recommend the grant to the officers mentioned in the accompanying statement A of a local allowance on the scale sanctioned in the Despatch of 15th May 1908. The statement does not include officers whose pay was fixed or revised in recent years in consequence of the high cost of living in Bombay. The expenditure on account of the proposed grant is estimated at Rs 34,855 per annum, of which Rs 25,664 are chargeable to Provincial revenues and Rs 9,119 to Imperial revenues, the remaining Rs 72 being recoverable on account of establishments entertained at the cost of private persons. Under Articles 278 and 283, Rule 4 (8), of the Civil Account Code, the sanction of the Government of India is necessary to the expenditure, and I am directed to request that you will be so good as to move them to accord it. Provision for the additional cost will be made in the budget for 1910-11 and effect will be given to the scheme, if approved, from 1st March 1910.

2 I am to invite reference to the concluding portion of paragraph 4 of the letter from this Government, No. 186, dated 13th January 1908, and to forward, for the information of the Government of India, the accompanying statement B, showing under each major head the increased expenditure on account of the grant, in accordance with the orders of the Secretary of State of 15th May 1908, of local allowance to certain clerical establishments serving in Bombay City. The total annual cost is now calculated at Rs. 1,34,224, of which Rs 1,28,635 are on account of permanent establishments, and Rs 5,589 are on account of temporary establishments. Out of the total amount, Rs 94,164 are chargeable to Provincial revenues, and Rs 36,293 to Imperial revenues, and the remaining Rs. 3,767 are recoverable on account of establishments entertained at the cost of public or private bodies. The allowance is also granted to certain members of the clerical establishments of two Local Funds, *viz.*, the Steam Boiler Inspection Fund and the Steam Vessels Survey Fund, the total cost being Rs. 1,180 per annum.

3 I am also to forward for information copies of Government Resolutions No. 3332, dated 8th August 1908, and No. 491, dated 1st February 1909, which contain the orders passed by this Government on certain points in connection with the grant of the local allowance to clerical establishments in Bombay. These orders will be equally applicable in the case of non-clerical establishments.

I have the honour to be,
 Sir,
 Your most obedient servant,
 R. A. LAMB,
 Chief Secretary to Government.

Statement A showing the local allowance proposed for officers in superior service in Bombay who are not specifically designated clerks (vide paragraph 1 of the letter from the Government of Bombay to the Government of India, Finance Department, No. 4066, dated 13th November 1909)

NOTE 1.—In the case of appointments carrying progressive pay the average value of such pay is taken into account, and one appointment the average value of which exceeds Rs. 220 per mensem has been excluded, although the holder of it will be eligible for the allowance so long as his actual pay *plus* the allowance does not exceed Rs 220 per mensem.

NOTE 2.—Temporary appointments, the duration of which has not exceeded, or is not likely to exceed, one year, have been omitted, but those which have continued for more than one year have been included

NOTE 3.—Establishments in Imperial Departments not under the administrative control of the Government of Bombay have been excluded

No.	Name of office.	No and pay of officers.						Total local allowance per mensem	Remarks	
		Upto Rs 50		Over Rs 50 and upto Rs. 100		Over Rs 100 and upto Rs 200				
		No.	Total pay	No.	Total pay	No.	Total pay			
1	2	3	4	5	6	7	8	9	10	
4—Opium.										
1	Bombay Opium Office.		Rs.		Rs.		Rs.	Rs. a p		
				2	124		...	18 9 8		
5—Salt										
2	Collector of Salt Revenue.	9	174	1	100	1	175	67 4 10		
3	Chief Account Officer	1	20					4 0 0		
6—Stamps										
4	Stamp Office.	5	180					36 0 0		
9—Customs										
5	Commissioner of Customs	1	20					4 0 0		
6	Collector of Customs	12	295	15	1,410	20	3,150	585 8 0*		* Tallmen, wharfingers and gatekeepers in the Customs Preventive Service have been excluded, but some of them while actually employed as clerks will be granted the allowance for the period during which they are so employed. The cost of local allowance in respect of these officers has not been included in the amount in column 9.
7	Establishment in Foreign Service, 3rd kind.	1	30					6 0 0		
10—Assessed Taxes.										
8	Income Tax Office					7	1,250	125 0 0		
19-B—Jails.										
9	Criminal Jail	5	105			1	119	25 6 5		In column 9 local allowance of certain officers has been calculated at one-half as they are either provided with free quarters or granted house-rent allowance
10	House of Correction	3	58			5	644	64 11 2		
20—Police										
11	Commissioner of Police	1	17					3 6 5		
12	Cattle Pound					1	125	12 8 0		
22—Education										
13	Deputy Educational Inspector					3	450	45 0 0		The local allowance included in column 9 on account of the Second Deputy Educational Inspector, Bombay, drawing pay of Rs.200 per mensem, will cease when he begins to draw pay of Rs 250, which is the pay of the post.

No	Name of Office	No and pay of officers						Total local allowance per mensem.	Remarks
		Up to Rs 50		Over Rs 50 and upto Rs 100		Over Rs. 100 and upto Rs. 200			
		No.	Total pay	No	Total pay	No	Total pay		
1	2	3	4	5	6	7	8	9	10
			Rs		Rs		Rs.	Rs.	
14	Secondary Training College,	12	540					108 0 0	Every year some 12 Assistant Masters from Mofussil schools whose pay ranges from Rs. 30 to Rs. 60 are required to stay in Bombay for nine months. The cost of the local allowance is accordingly calculated on an average pay of Rs. 45 per head.
15	Elphinstone College	4	145	4	390	2	400	120 0 0	In column 9 the allowance of the Superintendent and Librarian on Rs. 100 per mensem is reduced by one-half as he is provided with free quarters
16	Elphinstone High School	3	125	33	2,465	3	500	444 12 0	
	Elphinstone Middle School	10	400	12	850	1	200	227 8 0	
18	Sir J J School of Art & Medical	12	515	8	587	3	413	232 5 7	
19	Port Health Officer	1	22					4 6 5	
20	Chemical Analyser	4	131	1	60			35 3 4	
21	Grant Medical College	7	220					45 12 8	
22	Lunatic Asylum	1	24	1	90			11 8 10	In column 9 the allowance of the Steward on Rs. 60-8-100 per mensem is reduced by one-half as he is provided with free quarters
23	Sir J J Hospital	8	205	1	75	1	188	42 2 5	In column 9 the allowance of the Head Steward on Rs. 150-10-200 per mensem and eight compounders (three on Rs. 30, three on Rs. 25 and two on Rs. 20 per mensem each) is reduced by one-half as they are provided with free quarters or receive house-rent allowance.
24	Ophthalmic Hospital	2	45					4 8 0	In column 9 the allowance of two compounders (one on Rs. 25 and one on Rs. 20 per mensem) is reduced by one-half as they receive house-rent allowance
25	Bai Mothbai and Petit Hospitals	3	40	1	69			14 5 7	In column 9 the allowance of two compounders on Rs. 20 each per mensem is reduced by one-half as they receive house-rent allowance.
26	St George's Hospital	3	75			2	265	15 0 0	
27	Cama Hospital	1	20	1	55	1	115	38 12 0	
28	Allbless Hospital	...				1	115	11 8 0	
29	Jaffer Sulman Dispensary	1	25					5 0 0	
30	Gokaldas Tejpal Hospital	1	30			1	138	19 12 10	
	30-Scientific and of other Minor Departments								
31	Veterinary College	1	35	2	192	1	217	31 4 10	In column 9 the allowance of the Instructor in Shoeing on Rs. 100 per mensem is reduced by one-half as he is provided with free quarters.
	30-Stationery and Printing								
32	High Court Press	10	264	1	60			61 12 10	
31	Government Central Press (fixed establishment)	48	1,169	4	305	2	332	312 12 1	The allowance in column 9 is exclusive of that on account of one appointment carrying pay of Rs. 200-10-250, which is subject to Note 1
	45-Civil Works								
34	Public Works Department, Secretariat	5	155			1	110	42 0 0	
35	Superintending Engineer N D			1	65			9 12 0	
30	Consulting Architect to Government--Permanent			2	160			24 0 0	
	Temporary	4	140	1	60	1	110	48 0 0	
37	Executive Engineer, Presidency	...		1	60	1	100	25 0 0	
				Total,		Permanent		250 9 11	Inclusive of the sum of Rs. 108 per mensem mentioned in column 9 against entry No. 14, which is to be paid for nine months only.
						Temporary		43 0 0	
	Total	178	5,273	92	7,177	58	9,061	2,931 9 1	

Statement B showing the expenditure on account of Vocal allowance sanctioned in the case of certain clerical establishments in Bombay (vide paragraph 2 of the letter from the Government of Bombay to the Government of India, Finance Department, No 4066, dated 13th November 1909)

NOTE 1.—In the case of appointments carrying progressive pay the average value of such pay is taken into account, and consequently ten appointments the average value of which equals or exceeds Rs 200 per mensem have been excluded, although the holders thereof are eligible for the allowance so long as their pay plus the allowance does not exceed Rs 200 per mensem

NOTE 2.—Temporary appointments, sanctioned for a period not exceeding one year have been omitted but those which have been continued for more than a year have included

NOTE 3.—Establishments in Imperial Departments not under the administrative control of the Government of Bombay have been excluded

No	Major head of account	No and pay of officers						Total local allowance per mensem.	Remarks
		Up to Rs 50		Over Rs 50 upto Rs 100		Over Rs. 100 upto Rs 200			
		No	Total pay	No	Total pay	No	Total pay		
1	2	3	4	5	6	7	8	9	10
1	3—Land Revenue— Permanent	20	755	8	532	5	806	Rs a p 312 12 1	
	Temporary	18	700	2	160			104 0 0	
2	4—Opium	2	75	1	94			29 1 7	
3	5—Salt (Nine-monthly)	74	2,470	13	945	3	465	682 11 2	
4	6—Stamps	8	298	14	854	1	123	3 0 0 211 7 3	* The allowance in column 9 is exclusive of that for one appointment of Storekeeper on Rs 200—10—250 per mensem, which is subject to Note 1
5	7—Excise	9	355	4	260	1	120	122 0 0	† The allowance in column 9 is exclusive of that for one appointment of a clerk on the establishment of the Reporter General on Rs. 150—20—250 per mensem, which is subject to Note 1
6	9—Customs (Nine-monthly)	170	6,659	54	3,573	9	1,280	2,000 11 8	‡ The allowance in column 9 is exclusive of that for one appointment of the Collector of Income Tax, Bombay, which is subject to Note 1
7	10—Assessed Taxes	22	775	8	530	2	326	267 3 0	§ The allowance in column 9 is exclusive of that for one appointment on Rs. 200—10—300 per mensem on the establishment of the Collector of Income Tax, Bombay, which is subject to Note 1
8	12—Registration	31	1,030	5	355			259 4 0	
9	18—General Administration— Permanent	101	4,090	87	6,630	38	5,646	2,366 13 10	¶ The allowances in column 9 are exclusive of those on account of four appointments on progressive pay, the average value of which exceeds Rs 200 per mensem and which are therefore subject to Note 1
10	19A.—Law and Justice— Temporary	11	425					85 0 0	¶ In the case of a few clerks the allowance is not admissible for about eight months in the year, during which period they are employed at the head-quarters of Government outside Bombay
11	19B.—Jails	92	3,089	47	3,407	30	4,434	1,545 10 5	
12	20—Police	4	170	2	160			8 0 0	
13	21—Ports and Pilotage— Permanent	32	1,140	11	740	2	208	364 12 10	
	Temporary	7	245	3	200	1	130	92 0 0	
14	22—Education	1	30					6 0 0	
15	23—Ecclesiastical	1	461	2	344			143 12 9	
16	24—Medical— Permanent	15	547	8	527	1	119	44 0 0	
	Temporary	4	135	1	55			200 5 6 35 4 0	
17	26—Scientific and other Minor Departments— Permanent	18	570	3	210	1	125	158 0 0	
	Temporary	1	30	1	100			21 0 0	
18	30—Stationery and Printing	89	2,591	22	1,525	6	850	832 9 8	|| The allowance in column 9 is exclusive of that on account of one appointment on Rs 200—10—250 per mensem which is subject to Note 1
19	45—Civil Works— Permanent	63	2,436	43	3,306	7	1,060	1,088 2 11	¶ The allowance in column 9 is exclusive of that on account of two appointments on Rs. 200—10—250 and Rs 160—16—240, which are subject to Note 1
	Temporary	17	650	2	110			146 8 0	¶ In the case of one clerk the allowance is not admissible for about eight months in the year, during which period he is employed at the head quarters of Government outside Bombay
	Total, Permanent	772	27,796	339	24,311	108	15,831	10,779 10 8	
	Temporary	53	2,010	6	425			465 12 0	
	Nine-monthly	5	135					27 0 0	
						Grand Total		11,272 6 8	
20	Local Funds— Permanent	8	295	2	130	1	119	60 6 5	
	Temporary	1	40					8 0 0	

APPENDIX P

RULES RELATING TO THE CALCUTTA, BOMBAY AND RANGOON
HOUSE ALLOWANCE SCHEMES

The object of the schemes, as at present devised, is to grant house-rent allowances to Government officers stationed in Calcutta, Bombay and Rangoon as a measure of relief against the increased cost of living in those cities as compared with a mofussil station and the difficulties experienced in obtaining suitable accommodation either in rented houses or in boarding houses and hotels at a reasonable cost. The Government of India reserve to themselves full power at any time to provide officers permanently resident in those places with quarters at a suitable rental, or to reconsider the whole subject without admitting any vested rights to the concession in its present or any other form, or to any compensation owing to its withdrawal or modification. Officers temporarily resident in these places or not provided with quarters will receive allowances at the rates laid down in Rule III.

RULES.

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

- (a) That he holds an appointment specifically admitted to the scheme by an order of Government who reserves an absolute discretion to admit or refuse to admit an appointment to the benefits of the scheme.
- (b) That he has a wife or child or children of his resident with him, such child or children being dependent upon him for support.
- (c) That he is a gazetted officer not belonging to a provincial service (other than the Provincial Branches of the Public Works and Telegraph Departments).
- (d) That his salary is not more than Rs. 2,500 a month and that the maximum pay of his appointment or of the service to which he belongs is not less than Rs. 500 a month.

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

(e) That his headquarters, under the terms of his appointment, are at Calcutta, Bombay or Rangoon respectively.

(1) *Exceptions as regards Calcutta.*

- (a) The allowances may be drawn by officers who hold appointments in Calcutta which have been admitted to the scheme but actually reside at Alipore, Ballygunge, Sealdah, Howrah, Barrackpore, Dum Dum or Serampore.
- (b) Officers posted to the headquarters of the 24-Parganas district and residing at Alipore may be admitted to the benefits of the House Allowance Scheme if otherwise eligible.

(2) *Exceptions as regards Bombay.*

The allowance may be drawn by officers who hold appointments in Bombay which have been admitted to the scheme, but actually reside in the suburbs up to Andheri Station on the Bombay, Baroda and Central India Railway and Ghatkopar station on the Great Indian Peninsula Railway.

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

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

- (b) Officers provided with quarters by Government whether free or on rent.
- (c) Medical officers who are allowed the privilege of private practice.
- (d) Touring officers who ordinarily make no long stay at headquarters, *viz.*, Calcutta, Bombay or Rangoon, as the case may be.
- (e) Officers who are not whole-time servants of Government.
- (f) Officers holding appointments of a local character.
- (g) Officers whose pay has been fixed or revised since 1895 with reference to their residence in Calcutta or Bombay, and since 1900 with reference to their residence in Rangoon.

III.—The scale of the allowance is as follows.—

Rate of salary.	CALCUTTA		BOMBAY.		RANGOON
	Between the 1st April and 31st October.	Between the 1st November and 31st March.	Between the 1st May and 31st October.	Between the 1st November and 30th April.	Monthly rate of the allowance.
Under Rs 300 ...	Rs. 40.	Rs. 50	Rs 40	Rs 50	Rs. 45
Rs 300—499 ...	65	100	65	100	80
Rs 500—999 ...	90	175	80	170	125
Rs 1,000—1,499 ...	60	175	70	140	110
Rs 1,500—1,999 ...					
Rs. 2,000—2,500 ...	<i>Nil</i>	50	50	100	75

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

NOTE 2.—In cases in which the pay and allowance of an appointment are limited to a fixed maximum the allowances admissible under these rules do not count towards the maximum. 3

IV.—The allowance is admissible only if the period during which the officer himself is actually present in Calcutta, Bombay or Rangoon, as the case may be, [or other place residence at which, under the exceptions to Rule I (e), qualifies for the allowance] and has his family resident with him. It is not admissible during leave of any kind, and Article 267, Civil Service Regulations, and the notes thereunder, are inapplicable in respect of the allowance.

Exceptions.

- (1) An officer stationed at Calcutta or other qualifying place mentioned under rule 1 (e) may draw the allowance in full for the seven months April to October if his family reside with him for five of these months [including periods of interruption covered by exception (3) below] and for the five months November to March if his family reside with him for four of these months [including periods of interruption covered by exception (3) below].
- (2) An officer stationed at Bombay or other qualifying place mentioned under rule 1 (e) or at Rangoon may draw the allowance in full for the six months May to October, if his family reside with him for four and-a-half of these months [including periods of interruption covered by exception (3) below] and for the six months, November to April, if his family reside with him for four and-a-half of these months [including periods of interruption covered by exception (3) below].
- (3) An officer may draw the allowance during any period of interruption in qualifying residence arising out of the absence of his family, or his own absence on official duty, if the interruption does not exceed two months, exclusive of the months of departure and return. Subject to the conditions mentioned in this exception, the allowance may also be drawn when both the officer and his family are absent.

Provided that in any case he is able to certify* that his expenditure on house accommodation in Calcutta, Bombay or Rangoon, as the case may be, [or other qualifying place mentioned under Rule I (e)] has not been less during the period of absence than if he had been resident there with his family.

* See Forms A and B in the Appendix.

NOTE 1.—No retrenchments should be made on the ground of frequency of absence from Calcutta, Bombay or Rangoon, as the case may be, [or other qualifying place mentioned under Rule I (e)] of an officer or his family so long as the allowance is admissible under the letter of the rule. But the audit officer should report for the orders of Government any case in which it appears that the rules have been deliberately abused.

NOTE 2.—The absence of an Educational officer of the professorial branch during the period of vacation shall be treated as absence on official duty for the purpose of Exception (3), provided that the officer certifies that his expenditure on house accommodation has retained his house in Calcutta, Bombay or Rangoon, as the case may be, [or other qualifying place mentioned under Rule I (e)], during the period of his absence has not been less than if such absence had not occurred.

V.—The concessions under the scheme take the place of and are not given in addition to allowances, such as Presidency house-rent, Presidency allowance or allowances, other than the general Burma allowance, hitherto granted by way of compensation for the extra cost of living in Calcutta, Bombay and Rangoon as compared with a mofussil station.

VI.—Officers who were permitted to exercise the option of retaining Presidency or house-rent allowances and elected to do so and who have been continuously in the same appointment are permitted to draw these allowances until they vacate the appointments or elect to come under the House Allowance schemes.

VII.—Admission to the scheme may be sanctioned by the Governments of Bengal, Bombay and Burma, in respect of officers under them, in the case of appointments on establishments paid wholly or partly from provincial revenues subject to the correct application of the rules being certified to by the responsible audit officer. In all other cases (including appointments whose creation required the Secretary of State's sanction subsequent to the introduction of the scheme or requires such sanction hereafter, in which cases Secretary of State's sanction is required to the admission) application for admission should be submitted to the Government of India. Proposals for admission should be made in Form C in the case of officers stationed in Calcutta or Bombay, and in Form D in the case of those at Rangoon.

APPENDIX.

FORM A (*vide* Rule IV)

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

Certified that my wife resided with me at Calcutta Bombay Rangoon in the month of 19 such child children being dependent upon me for support.

Certified that I my wife child was children were absent continuously from to and that

during this period my expenditure on house accommodation in Calcutta Bombay Rangoon was not less than if such absence had not occurred.

[This need only be added when the officer or his family were absent from Bombay during a portion of the month in respect of which the claim is made.]

(Signature.)

(Designation.)

FORM B (vide Rule IV).

(To be submitted when either the officer or his family or both were absent from ^{Calcutta} ^{Bombay} ^{Rangoon} during the whole of the month in respect of which the claim is made.)

Certified that ^{my absence on duty} the absence of my ^{Wife} ^{child} ^{children} commenced on _____ but is not expected to exceed two months exclusive of the months of departure and return, and that my expenditure on house accommodation at ^{Calcutta} ^{Bombay} ^{Rangoon} during the whole of the month of 19__ was not less than if such absence had not occurred.

(Signature)

(Designation.)

FORM C (vide Rule VII)

The admission of the following appointment to the ^{Calcutta} ^{Bombay} House Allowance Scheme is proposed —

1. Designation _____
2. Residence in ^{Calcutta} ^{Bombay}, z. e., whether seasonal or otherwise.

Salary, z. e., pay and staff pay	EXISTING ALLOWANCES				PROPOSED ALLOWANCES			
	Local	House-rent.	Presidenc	Other.	HOUSE-RENT UNDER SCHEME		Local	Other.
					Hot weather.	Cold weather.		
	Rs	Rs	Rs		Rs.	Rs.	Rs.	Rs

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

Note.—As regards the retention of existing compensatory allowances, see Rule V.

Dated the _____ 19__ . } (Signature of authority making recommendation.)

Audit Officer's report.

Dated the _____ 19__ . } (Signature.)

FORM D (*vide* Rule VII).

The admission of the following appointment to the Rangoon House Allowance Scheme is proposed :—

1. Designation _____
2. Residence in Rangoon, *i. e.*, whether seasonal or otherwise.

Salary, <i>i. e.</i> , pay and staff pay	EXISTING ALLOWANCES				PROPOSED ALLOWANCES			
	LOCAL.		House-rent.	Other	House-rent under the Scheme	LOCAL.		Other
	Burma	Other				Burma.	Other	
	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs	Rs.

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

NOTE.—As regards the retention of existing compensatory allowances, other than the Burma allowance, *see* Rule V.

Dated the _____ 19 }
(Signature)

(Signature of authority making recommendation.)

Audit Officer's report.

Dated the _____ 19 }
(Signature)

(Signature)

APPENDIX Q

Names of the Municipalities that have constructed a system of water works		Names of the Municipalities that manage their own water works.	Names of the Municipalities whose water works are under the management of the Public works Department
<i>Sind</i>			
1	Karachi	...	Karachi
2	Hyderabad	...	Hyderabad.
3	Sukkur	...	Sukkur
<i>Northern Division</i>			
4	Ahmedabad	...	Ahmedabad
5	Surat	...	Surat.
6	Bhiwandi	...	Bhiwandi
7	Thana	...	Thana
<i>Central Division</i>			
8	Ahmednagar (new works not complete)	not	Ahmednagar
9	Jalgaon	...	Jalgaon.
10	Talegaon Dabhade	...	Talegaon Dabhade
11	Jejuri	...	Jejuri
12	Lonavla	...	Lonavla.
13	Satara Town	...	Satara Town.
14	Karad (not complete)	...	.. ..
15	Sholapur	...	Sholapur.
16	Sarsi (not complete)	...	.....
17	Dhulia	...	.....
18	Poona City	...	.....
19	Nasik	...	.....
20	Pandharpur	...	.....
<i>Southern Division</i>			
21	Nipani	...	Nipani.
22	Rajapur	...	Rajapur.
23	Dharwar	...	Dharwar.
24	Hubli	...	Hubli.
25	Alibag	...	Alibag
26	Pen	...	Pen
27	Panwel	...	Panwel.
28	Roha—Ashtami	...	Roha—Ashtami
29	Vengurla	...	Vengurla.
30	Chiplun	...	Chiplun
31	Bijapur	...	.....
32	Ratnagiri	...	.....

Item 17—Dhulia—The works are in Government charge for a period of three years by arrangement with the Municipality

Item 18—Poona City } Having regard to the large grants-in-aid given by Government towards these works Government
Item 19—Nasik } consider it advisable to retain the management of the installations until there is a
Item 31—Bijapur } reasonable assurance that the Municipalities are in a position to manage them efficiently

Item 20—Pandharpur—These water works have been entirely constructed at Government expense and Government consider it desirable in the interests of the general body of tax-payers that the management and control of the new pumping installation should remain in charge of the Public Works Department

Item 32—Ratnagiri—The water works at Ratnagiri were formerly in charge of the Municipality but as that body was not able to keep the works in proper order the Government took them over in their charge in 1910 and improved them and also relieved the Municipality of the debts incurred by that body on account of these works

APPENDIX R.

Order by the District Magistrate of Dharwar.

Mr. Bal Gangadhar Tilak is hereby prohibited during his stay in the Municipal town of Gadag-Bettigeri from delivering any harangue in a street or other place in which he is open to public view. Section 42, Bombay District Police Act

(Signed) E. G. TURNER,
District Magistrate.

REPORT OF THE SELECT COMMITTEE ON BILL
No. II of 1916.

We, the members of the Select Committee appointed to consider and report on the Bill further to amend the City of Bombay Police Act, 1902 (Bill No. II of 1916), have the honour to report as follows :—

Clause 2.—A point which we have considered in connection with the amendment of the definition of “place of public amusement” is whether, if the words “otherwise than for a *bond fide* charitable purpose” are omitted as proposed, there is any risk that the definition might be held to include a place where the members of a community assemble for a purpose which relates exclusively to religious teaching or worship. We think, however, that there is no doubt that the omission of the said words will not have such effect, because a religious purpose differs from a charitable purpose and also, if the definition is read as a whole, it cannot be held so to apply.

Clause 5.—We have given careful consideration to the provisions of clause (a) of new section 111-A which will empower a police officer to arrest without warrant a person against whom a reasonable complaint has been made or credible information has been received that he has wilfully damaged property belonging to Government or a public body in Bombay. On the information furnished to us, however, we are doubtful whether sufficient reasons have been shown for the proposal and we recommend that the clause (section 111-A (a)) may be omitted from the present Bill.

G. S. CURTIS,
CHUNILAL V. MEHTA,
LALUBHAI SAMALDAS,
SALEBHOY KARIMJI BARODAWALLA,
C FERNANDES,
SHERIFF D. CANJI.

REPORT OF THE SELECT COMMITTEE ON BILL
No. III OF 1916.

We, the Members of the Select Committee to whom the Bill further to amend the Bombay A'bkari Act, 1878 (Bill No. III of 1916), has been referred, have the honour to report as follows :—

We have no remarks to offer except in connection with clause 2 of the Bill. Several suggestions have been put before us. It has been proposed that clause 2 may be omitted from the Bill ; that Government should be asked to consider whether it would be practicable to exclude sweet as distinguished from bitter mhowra flowers from the scope of section 18B of the Act ; that the free period may be extended to the 15th October or the 15th September or the 15th August in each year. We have carefully considered each of these suggestions in the light of the reports and notes of Mr. Ghosal, Collector of Kara, and of the evidence collected by him and his subordinate officers, and are unable to recommend their adoption. We are not of opinion that any partial measures should be adopted. The illicit distillation of liquor from mhowra flowers is notoriously rife in the Kara district and its suppression is essential in the public interests and in the interests of the Dharalas and other inhabitants of that district. We are convinced that no measures short of control, by license or permits, of the possession of and traffic in mhowra flowers after the monsoon has generally set in are likely to be effective in suppressing this evil. A free period of four and a half months from the middle of February, followed by the raising of the prescribed limit to a minimum of 10 sers in July, in accordance with the undertaking announced on behalf of Government, is sufficient to meet legitimate needs. It would lead to administrative difficulties and leave a large loophole for the evasion of the law if any attempt was made to exclude sweet mhowra flowers from the scope of section 18B of the Act. In so far as the

result of the legislation proposed in clause 2 of the Bill will be to compel the Dharalas to sell their gathered stores of mhowra flowers before deterioration has set in with the advent of the rains and to realise the proceeds in cash or in grain, the measure will benefit them and increase the supply of mhowra available for commercial purposes.

We propose to embody in the clause itself the undertaking announced on behalf of Government that the free period will not be less than four and a half months, from the 16th February to the 30th June, in each year.

(Signed) G. CARMICHAEL,
 ,, S. R. ARTHUR,
 ,, V. J. PATEL,
 (subject to my minute)
 ,, G. K. PAREKH,
 (subject to my minute of dissent)
 ,, LALUBHAI SAMALDAS,
 (subject to a note)
 ,, PURSHOTAMDAS THAKURDAS,
 ,, NARAYAN T. VAIDYA,
 ,, F. G. PRATT.

*(Joint Minute of dissent of the Honourable Mr. G. K. Parekh
 and the Honourable Mr. V. J. Patel.)*

1. We feel quite unable to accept the view of the majority of the Select Committee in reference to the retention of clause 2 in the Bill.

2. Three classes of the population of the district of Kaira, namely, Dharalas, Vaghris and Dheds, use mhowras as an article of food. They are among the poorest of the poor and their population is approximately three lakhs. The consequences of the passing of the Bill will be to deprive them and their cattle of the cheapest food during about 3 months of an ordinary year and the whole of a year of famine, scarcity and agricultural distress.

3. The Gazetteers and other Official documents published under the authority of Government upto 1905 invariably show that mhowras are used as food by the Dharalas and other poor classes in the Kaira district. In 1905 Government deputed a special A'bkari Officer to make enquiries into certain matters connected with the question of illicit distillation prevailing in the district and the measures to be adopted for suppressing the same, which included the question of mhowras being used as food. Upon this question the result of his enquiry was that—"the people are poor and the mhowra is a food for them and it would be great hardship to them to be suddenly deprived of one of the means of existence. I think a number of innocent people would suffer". Thus the fact of the poor people of the district using mhowras as food is established upto 1905. It is alleged that since 1905 the rise of wages and the scarcity of labour have raised their standard of living and have caused them to give up the use of mhowras as food. It would be so if the Dharala, who represents the largest proportion of the mhowra eating people, was a man of average industry. But the Dharala is quite wanting in average industry as will appear from the following passage in which Mr. Ghosal, the Collector of Kaira, describes a Dharala's laziness and indolence: "That though he can get excellent wages as a labourer he refuses to work oftener than necessary for a bare maintenance, that even when cultivating his own land he cannot be bothered to spend thereon more labour than is absolutely necessary to raise a crop and that it is no good trying to persuade him that with a little more labour, with a little more weeding and a little more care taken of his cattle, he could get double the crop." This weakness of the Dharala may be inherent or the result of some vice; but the fact of his indolence and laziness remains. Scarcity of labour cannot improve the condition of people who are wanting either in the will or in the capacity for work. In the face of this fact, it is not conceivable that the scarcity of labour and the rise of wages in the district should have so raised the

Dharala's average standard of living that he should have appreciably given up mhowras as an article of food either for himself or his cattle. It may also be noted that the other conditions of these 11 years were most unfavourable for the improvement of a Dharala's economic status. There were two years of famine and scarcity. In 26 Dharala villages additional police was stationed for 3 years, and to 55 villages the Criminal Tribes Act was applied for 2 years.

Under these circumstances, it is difficult to attach any credence to the theory of the Dharalas having given up mhowras as food owing to the standard of living having been raised during the last 11 years.

4. On the part of the Government Officers who urge this measure, there is a considerable amount of quibbling on the question whether mhowras are used as food. We accept the assertions of some Officers who say that in ordinary years mhowras are used as food only during 3 or 4 months of the year, that even when used they are not eaten unmixed but food preparations are made of them in which some flour or grain is put, that during the seasons when mhowras are used as food, they are not eaten continuously, there are occasional short intervals when they are not used. But on this account mhowra cannot be regarded as being no article of food. When Lord Ripon expressed his disapproval of the Mhowra Bill in 1882, when the Members of this Council opposed Mhowra Bills, they are not to be supposed to have understood that mhowras were used as food continuously during the whole of an ordinary year or they are eaten unmixed or that during the mhowra eating season they were used without breaks. The following facts leave no doubt that for the Dharalas, Waghris and Dheds of the Kaira district mhowras must be regarded as food:—

(1) During seasons of famine or scarcity when the demand for agricultural labour almost disappears, when the Dharala's means of earning his livelihood are at the lowest—it is not even suggested that the Dharala can have any article of food cheaper than mhowra. It is the cheapest food inasmuch as it merely costs the trouble of collecting and storing. No payment has to be made for it unless the Dharala has sold away the stock collected by his family and has therefore to repurchase the same from the village shop-keeper. We therefore think that the mhowra is and must be the main article of food with which the Dharalas, Waghris, Dheds and other people of the poorer classes are enabled to eke out their existence during years of famine, scarcity and agricultural distress. On this point the majority of the Select Committee say as follows in their report.—“In so far as the result of the legislation proposed in clause 2 of the Bill will be to compel the Dharalas to sell their gathered stores of mhowra flowers before deterioration has set in with the advent of the rains and to realise the proceeds in cash or in grain, the measure will benefit and increase the supply of mhowra available for commercial purposes.” But the Dharalas, Waghris and Dheds belong to the backward classes whose improvidence and recklessness are so universally known. From the knowledge we have of the character of these people we strongly feel that it is exceedingly unreasonable to expect that they will purchase grain, to meet future wants, out of the money they receive by selling their collection of mhowras in the open season or that they will be able to lay by such money to buy necessaries when they are wanted in bad times.

(2) Mr. Gandhi, the Māmlatdar of Anand, in his report of 16th January 1915, addressed to the Collector of Kaira, testifies to the highly sustaining powers of mhowra food, when he shows that preparations of one pound of mhowra in the form of Sukhadī or Kansar containing from about $\frac{3}{4}$ lbs to $\frac{1}{2}$ pound of bajri flour would suffice as food for 4 adults who in ordinary circumstances would require about 8 pounds of ordinary flour or grain. When people by adding mhowras can live with one pound of cereals, while if they lived on cereals alone they require 16 pounds, it is hardly likely that a community which is known for indolence and poverty would give up the use of mhowras as food.

5. There is an attempt made on the part of Government to prove that—
(1) mhowra is used as food only in the hot season and never after the rains,

(-) that mhowras are used as food only during the first month or two after the rains set in and that mhowras cannot remain in good condition after the rains. The evidence on these points consists mostly of reports of Mámlatdárs and A'bkári Officers and the statements of some persons belonging to the tálukas of Anand and Nadiád taken by them. The evidence for the most part is conflicting and inconsistent on material matters, the enquiries conducted were *ex parte* enquiries of Revenue and A'bkári Officers, and people interested in the use of mhowras and the general public were not given any opportunity to take part in them to cross-examine the witnesses who supported the case of Government or to produce evidence which would destroy or weaken it, some of the important conclusions are not based on facts but on mere conjectures, and that there are no statements of witnesses in respect of 5 out of 7 tálukas of the district. We are unable to attach much weight to this evidence, and we think that facts justifying legislative interference with the food supply of about three lacs of the poorest of the people ought to have been established beyond all reasonable doubt by regular enquiry conducted by a mixed body of officials and non-officials appointed for the purpose.

6. In our opinion, the answer to the question whether section 18B (2) of the A'bkári Act should be applied to the Kaira district would depend upon a determination of the fact whether the mischief that is anticipated from the application of the section to Kaira is as serious or more than the mischief which it is sought to remedy. On the one side there is a large amount of illicit distillation which the A'bkári Department is unable to prevent, the demoralizing effect of the frequent breaking of the law, and the unjustified loss of public revenue.

7. In connection with the question of suppressing existing mischief we think that one of the most important matters for consideration is to what extent the proposed measure is likely to be successful. We ourselves feel exceedingly doubtful about its success. The Officers of Government say that the application of section 18B (2) has prevented illicit distillation in the districts to which it was applied and there is no reason why it should not meet with the same success in the district of Kaira. We think that the matter is too serious for the trial of experiments. The Officers do not attempt to differentiate the conditions of the Kaira district from those of the places where the section has been applied. The places where the section has been applied till now are those in which either no mhowra trees exist or exist in small numbers, or where mhowras are not used as food for men or cattle or where the population that uses mhowras except for the illicit distillation is generally law-abiding and easily controllable. In the district of Kaira, on the other hand, mhowra trees grow in great abundance, the poor people use mhowras as food in considerable quantity both for men and cattle, and the Dharala and Waghri population is notorious for lawlessness and criminal propensities. The Dharala is not ashamed or afraid of going to jail. There is considerable spirit of combination among the Dharalas, there are numerous facilities of illicit distilling and smuggling, and considerable difficulties in detecting offences. The greatest difficulty in suppressing illicit distillation and smuggling will be found in the fact that numerous Kaira villages adjoin foreign State villages of the Baroda State, of the Nawabs of Cambay and Balasinor and the villages of the jurisdictional Chiefs of the Mahá Kántha Agency. It will not be possible to suppress altogether the illicit possession of mhowras in the British villages. But assuming this is done, the Dharalas will not find much difficulty in smuggling mhowras or illicitly distilled liquor from the villages of foreign territory. This facility of illicit traffic has no counterpart in the places to which section 18B (2) has been hitherto applied.

8. There is one point in connection with this branch of the question to which we would like to refer. For strengthening their arguments for applying section 18B (2) to Kaira it now suits the Revenue Officers to attribute the prevalence of violent crimes in the district to the facilities of illicit distillation offered by the unrestricted possession of mhowras. But if the history of the Dharalas is studied by the light of official records, it will be found that the Dharala's reputation for turbulence and lawlessness, for inclination towards

committing crimes of violence, and predatory habits—is considerably more ancient than the time when it was discovered that he had contracted drinking habits. We are afraid the Officers are confounding the effect with the cause.

9. Referring to the other side, we will enumerate some of the evil consequences which, according to our view, are likely to follow if section 18B (2) be applied to Kaira :—

(1) That it would be opposed to the principles and policy laid down by the Government of India to place any restriction on the possession and transport of and the traffic in mhowra where mhowra trees grow in abundance and the flowers are used as food by the poorer people and their cattle.

(2) That it is open to serious objection that the poor people should be prevented from using such cheap food as is offered by the mhowra, during the rainy months of the year when it is most used and with the greatest advantage.

(3) That it is exceedingly objectionable that the poor people should be forced to part with food, which costs them no money during the open season, and be left without resources to meet the distress of a year of famine, scarcity or agricultural depression when there is no demand of labour and their power of earning wages is much impaired.

(4) That the result of applying section 18B (2) to Kaira will be to concentrate the mhowra business in the hands of a few traders who enjoy the favour of the officers of the A'bkari Department.

(5) We are of opinion that the legislation that is contemplated will affect the poor inhabitants of the district in another way. A large number of the poorest inhabitants of the district now manage to earn their living during the two or three months of the season when the mhowras are falling by collecting mhowras and selling what they do not require for their own use. As no restrictions to the traffic exist, there is competition among the shop-keepers, and those that collect mhowras get fair and reasonable prices for their commodity. But when a time is fixed beyond which none but a licensee could keep mhowras in his possession, the non-licensees who have got mhowras in their possession would be placed at the mercy of the licensees, they would not be able to insist on the payment of fair prices and would have no alternative left to them but to accept the price offered to them by the licensee or to be punished by a Criminal Court for illegal possession of mhowras. Limiting the time for the sale of a commodity is the most certain way of depreciating its market value. It is most undesirable that the means of livelihood of a large number of poor people should be reduced in this manner or taken away.

(6) We also think that if restrictions are placed on mhowra trade and the freedom of business is taken away from it, the volume of business is likely to suffer therefrom and the district will become somewhat poorer on that account.

(7) We are afraid of another serious evil likely to arise from the application of section 18B (2). The Dharala is by nature restive and obstinate. He is not subdued by repressive measures—he feels provoked to resist them. When the Dharalas find that their earnings from the collection of mhowra flowers are reduced, that the cheap food on which they lived is taken away from them, when they find that their cost of living during the monsoon months has risen 16 times over, we fear much discontent and unrest will grow among them, crimes of violence will increase, the safety of the more peaceful classes like the Patadars and Vamas would be jeopardised and the administering of and the maintaining of order in Dharala villages will become more difficult. We quite realise that several administrative officers will not agree with us and will regard our views as too pessimistic. We, however, feel bound to give free utterance to whatever we believe. In our opinion, the consequences of the application of section 18B to Kaira will be worse than the evil that is sought to be remedied.

10. We fully sympathise with the desire of Government to reclaim the Dharalas and Waghris of the Kaira district, to wean them from the ways of crime, to make them more industrious, to curb their turbulence and criminal habits, and to make them more temperate. Government have tried repressive measures for achieving their object—such as the stationing of additional police and the application of the Criminal Tribes Act—and we understand that they have not proved successful. We think that the application of section 18B (2) to Kaira will be regarded as a harsh repressive measure and it is likely to be much resented. We may offer the following suggestions for the reclamation of the Dharalas.—

(1) Government should help in the establishment of the Colonies of the Salvation Army or of the Servants of India Society in the neighbourhood of Dharala villages, and gentler and more civilizing influences should be carried near them and made to work upon them,

(2) Special efforts should be made to give education to Dharala children and grown-up lads.

(3) That work congenial to their habits should be brought nearer their homes and they should be enabled to earn reasonable wages.

(4) That Dharalas should be made to feel that Government and the public have much sympathy for them and they desire to ameliorate their condition and like to see them happier and more comfortable and that they are not regarded as nuisances to be got rid of.

(5) That persons who can inspire the Dharalas' confidence in their sympathies and good intentions should be appointed to supervise agricultural and other work of the Dharalas, who should now and then guide and advise them about the manner in which their work is to be done, and persuade and coax them so that each person would do a full day's work.

11. In connection with the question of stopping of illicit distillation, our suggestion is that illicit manufacture of liquor having become very rampant, the first course that Government should take is to reduce the rate of selling liquor to such an extent that it may not pay people to take the risk of resorting to illicit methods. We ourselves are under ordinary circumstances strongly opposed to the cheapening of intoxicants and we make our suggestion for the purpose of meeting an extreme case. It is a known axiom of criminology that when there is very large difference between the cost price and the selling price of an article it would lead to smuggling or illicit manufacture. One of the most efficient methods to prevent such offences would be to reduce the difference between the cost and the selling prices. If these offences are to be stopped without resorting to harsh measures, the selling price of liquor should be reduced temporarily in the market. If the rates are reduced sufficiently, smuggling and illicit distillation must necessarily stop. After the people have ceased committing such offences, the selling rates may be gradually raised. Mr. Ghosal had also suggested the cheapening of liquors, but his proposal in this direction was not approved of by Government. This question was discussed before the Select Committee and the Chairman gave the Committee to understand that the suggestion about the reduction of rates could not be considered because there was an agreement for maintaining equal rates in adjoining areas between the British Government and the Government of Baroda. We think that the conditions of the British villages are so much alike to those of the adjoining Baroda villages that the question of illicit distillation which so much troubles the authorities of Kaira must also be troubling the Gaekwad authorities in charge of the adjoining Baroda villages. We believe that if the British Government is prepared to make a reduction in the selling rates of liquor and approach the Baroda Government for adopting a like measure within its territory, a decision satisfactory to both the Governments may likely be arrived at.

12. We think that it is worth while ascertaining whether the evil of illicit distillation which is so rampant in Kaira does not prevail to the same extent in the adjoining villages of Baroda; and if the evil does not exist in the Baroda villages or exists to a smaller extent, to ascertain by what methods the Baroda

Officials have been able to keep it down. This may perhaps enable the British Government to find out a gentler method for solving this difficulty.

13. We are of opinion that even if section 18B (2) of the A'bkári Act be applied to Kaira, the harshness of its operation may be modified appreciably if the following suggestions be adopted :—

(1) There are two classes of mhowras—sweet and bitter. There is considerable evidence that trees that bear sweet mhowras are different from those that bear bitter mhowras. People generally keep sweet mhowras separate from the bitter ones. It is the sweet mhowras alone that are used for human food. The number of trees that bear sweet mhowras is considerably smaller than of trees that bear bitter mhowras. The quantity of flowers yielded by sweet trees is also considerably smaller than that yielded by bitter trees. If the application of section 18B (2) in Kaira be limited and confined to bitter mhowras, more than $\frac{9}{10}$ ths of the mhowra produce would be put under restriction, and the argument about the new legislature interfering with poor man's food supply will not remain. We therefore wish that if section 18B (2) be applied to Kaira, its operations be limited to bitter mhowras and be not extended to the sweet ones.

(2) The rainy months are the period of the year when mhowra food is particularly wanted both for men and bullocks, considerable hardship will be caused to the poor people by the vacation period ending on the 30th June. Much hardship will be obviated if the suggestion of the Mámátdár of Kapadvanj that ordinarily the vacation period should be extended upto the 15th September, and if it be found before if that the year is likely to be one of famine or scarcity, it may then be extended upto the 15th of February following—is adopted. We wish the suggestion to be adopted.

GOKULDAS K. PAREKH,
V. J. PATEL,

Bombay, 4th September 1916.

(Note by the Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.)

In his report of 12th February 1915, the Collector says that though in his previous report he had said that he was prepared to recommend the extension of the vacation to 15th August, he was convinced after "further inquiry and mature consideration" that it was unnecessary and undesirable to give so much extension. The inquiry referred to herein must be the one which the various Mámátdárs and Excise Inspectors were asked to conduct in accordance with instructions given to them at a Conference held on the 20th December 1914 of all Revenue, A'bkári, and Police officers. Almost all the reports of these officers say that the Dharalas and Dheds use mhowra flower as an article of diet till the middle of August and that there will be no hardship to the people if at the time of extending the section 18B of the A'bkári Act to Kaira District, the period of vacation were extended to 15th August.

After the bill was introduced in the Council further inquiries were made by the Mámátdár of Anand and the Mámátdár of Nadiád and written statements of various parties examined by these officers have been supplied to the members of the Select Committee. While persons appearing before the Mámátdár, Anand, say that the mhowra flower gets spoilt after the end of June, those appearing before the Mámátdár of Nadiád, and styling themselves as Agavans of the Dharalas, say that the people eat mhowra flower till Shravan, and some of them said that the flowers were edible on the day on which they gave evidence, i. e. the first week of August. Taking all the facts into consideration and weighing all the evidence submitted to us, I come to the conclusion that in most of the places of the Kaira District, mhowra flower is used as an article of diet till the beginning or the middle of August, and I am consequently of opinion that the period of vacation should be extended to 15th August, as suggested in the first report of the Collector and supported by the almost unanimous opinion of the Mámátdárs and Excise Inspectors.

LALUBHAI SAMALDAS.

9th September 1916.

No. 3528.

GOVERNMENT OF INDIA:
LEGISLATIVE DEPARTMENT.

From

THE HONOURABLE MR. A. P. MUDDIMAN, C.I.E., I.C.S.,
Secretary to the Government of India, Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
LEGAL DEPARTMENT.

Simla, the 7th September 1916.

Sir,

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No 819, dated the 17th August 1916

The City of Bombay Municipal
Further Amendment) Law

I have the honour to be,

Sir,

Your obedient servant,

A. P. MUDDIMAN,
Secretary to the Government of India.

ANSWER TO QUESTION NO 4 PUT BY THE LATE MR. DAJI ABAJI KHARE AT THE MEETING OF THE LEGISLATIVE COUNCIL HELD ON THE 25TH JULY 1916.

Question.

Answer.

THE HONOURABLE MR. DAJI
ABAJI KHARE.

4. (a) Is it a fact that malaria is
Malana at Lonavla. on the increase
at Lonavla?

4. (a) There is no evidence to show that malaria in Lonavla as a whole has increased. Lonavla bazar and Bhangarwadi were comparatively healthy so far as malaria was concerned, but malaria was unusually prevalent in the outlying portions, occupied by temporary residents.

(b) Will Government be pleased to state if any and what steps have been taken to combat the increase?

(b) The report of the Sanitary Commissioner who specially visited the place last May was sent to the Resident Engineer in charge of the Tata Hydro-Electric Company's works, and Messrs Tata and Company have agreed to take steps to stop leakage from their aqueduct and to drain away surplus water. The effect of the measures which the Company propose to take will be carefully watched.

ANSWER TO QUESTION No. 1 PUT BY THE LATE RAO BAHADUR
NARAYAN TRIMBAK VIDAYA AT THE MEETING OF THE
LEGISLATIVE COUNCIL HELD ON THE 25TH JULY 1916.

Question.

Answer.

THE HONOURABLE RAO BAHADUR
NARAYAN TRIMBAK VAIDYA.

1. Will Government be graciously pleased to furnish information on the following points—
- (a) What effect has been given till now to the orders contained in Government Press Note, Educational Department, no 2258, dated the 21st July 1914, regarding the employment of those who have completed the course of the Normal Class attached to the College of Engineering, Poona?
- (b) The number of students under training according to the revised rules (*vide* the Government Press Note quoted above) in that Normal Class?
- (c) The number of technical schools opened since 1909 (*vide* Government Notification no. 3001, dated the 12th December 1908); and the number of those passed out of the Normal Class who have been employed as teachers in them?
- (d) The yearly cost of maintaining the Normal Class (i) before 1914, and (ii) since that year?

1. The Honourable Member has already been supplied with the information called for in clauses (a), (b) and (d) of the question. With regard to (c) the number of new technical schools opened, together with the number of schools to which technical classes or branches have been added, since 1909 is 23. No one from the Normal Class has been employed in any of these institutions.

No. 1692 of 1916.

ORIENTAL TRANSLATOR'S OFFICE.
Bombay Castle, 27th November 1916.

Substance of a petition, dated 2nd November 1916, from Patel Hirabhai Ramdas and 46 other inhabitants of Kathlál, taluka Kapadvanj, district Kaira, to His Excellency the Right Hon'ble the Governor in Council.

We are all agriculturists belonging to Dharala and other tribes. We have just now been informed that Government intend to impose a restriction upon the storing by us in our houses of mhowra flowers by extending the provisions of section 2 (*ssc*) of the A'bkári Act (to Kaira). If Government take such action it would cause us considerable hardship and misery, inasmuch as mhowras are a staple food, not only with us, but they are also used for feeding agricultural cattle. There are lakhs of our people in the Kaira District and the imposition of the restriction upon such a large number of people will result in nothing but distress among us. Like the richer classes we do not eat *dal*, rice or bread but mhowras form our chief food as well as that of our cattle. Further, it is a patent fact that we are too poor to purchase rice, dal, wheat, bajri and other cereals. Even supposing our condition improves and we become sufficiently rich to afford to consume grain, yet mhowras will remain our staple food as they produce warmth in the body and make us energetic and active. Their use as food during the

rains makes us warm. We also give them to our bullocks in the monsoon, which is a season of hard work for them, after cooking them mixed with *guwar*. They serve us the same purpose as dry fruits do to the rich and are as delicious as raisins. As soon as the mhowra flowers begin to fall from their trees we commence to suck their juice. We expose them to the sun and store them in a skilful manner after crushing them, whereby they are preserved and we use them as our food throughout the year and especially during the period between Holi and Divali. We also eat them during the winter.

There is a common adage in Gujaráti that "when the Holi comes the kolis have no grain to eat". It shows that after the Holi, mhowras and mangoes are our chief food. The allegation that mhowras deteriorate when stored has no foundation whatever. They may perhaps deteriorate during the monsoon in the godowns of shop-keepers who store them in gunny bags, but our process of storing them is a skilful one. First we dry them by exposing them to the sun, then we crush them and after removing the husk fill them in *kothis* (large earthen jars) and keep them well-pressed. Finally, three layers of the mhowras leaves are placed over them. By storing them in this manner they remain undeteriorated, not only for one year, but even for five years, and can be used as food. It is only the interested people who say that the mhowras deteriorate.

We are told that Government is led to place the restriction in question because some people illicitly manufacture liquor from the mhowras and drink it and the public revenue suffers in consequence. We do not know how far this is true. If there is some truth in it, the A'bkári police may arrest the offenders and put them in prison. If the A'bkári Department cannot detect such offences, the fault does not lie with us. The proposed legislation would amount to nothing else but the infliction of punishment on one for the fault of another. The stored mhowras are baked before they are eaten and we also prepare a sweetmeat by mixing 4 to 5 pounds of baked mhowras with $\frac{1}{4}$ to $\frac{1}{2}$ pound of bajri-flour and a quantity of mhowra oil.

If Government prescribe a time limit for the disposal of mhowras the traders will take advantage of the provision and it will come in the way of our realizing a good price for the mhowras. For when they know that keeping mhowras beyond a fixed period is an offence they will refuse to pay us a fair price and we will be compelled to give them away almost for nothing. In this manner we shall be at the mercy of the traders. We confidently hope that Government will not pass a measure that will prevent us from using the fruits of the trees grown in our own lands by our ancestors. If Government will pass such an unjust law people will commence cutting down the mhowra trees and the consequent decrease in the number of trees will affect rainfall. People say that a license shall have to be obtained (in future) from the Mámlatdár's office for the purpose of storing mhowras. We beg to submit that the imposition of this condition will interfere with our work as we will have to go from place to place and the subordinate Government servants will harass us. If Government are not convinced of the truth of our statement we urge that a committee composed of officials and leaders of the people be appointed to make house to house inquiries and we shall thoroughly convince them that mhowras form our staple food and also that of our cattle.

In conclusion, we pray that Government may be pleased to give consideration to our representations and not apply section 18-B (2), of the A'bkári Act to our district.

M K SHAIKH,

Oriental Translator to Government.

No 11687.

REVENUE DEPARTMENT.

Bombay Castle, 29th November 1916

Forwarded to the Secretary, Legislative Council, for disposal.

P. R. CADELL,

Chief Secretary to Government.

Journal of the Proceedings of the Legislative Council of the Governor
of Bombay, assembled under the provisions of the Government of
India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council assembled at 12 noon on Monday the 4th December 1916, in
the Council Hall, Secretariat, Bombay.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGTON OF RATTON,
G.C.I.E., Governor of Bombay, *President.*

The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*

The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.

The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.

The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN,
Bar.-at-Law)

The Honourable Mr. S. R. ARTHUR, I. C. S.

The Honourable Mr. SALEBHOY KARIMJI BARODAWALA.

The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.

The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.

The Honourable Mr. SHERRIFF DEVJI CANJI.

The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

The Honourable Sardar SYED ALI EL EDROOS.

[The President.]

[4TH DECEMBER 1916.]

The Honourable Dr. C. FERNANDES, M.D.
 The Honourable Mr. SIDDHĀNĀTH DHONDDEV GARUD.
 The Honourable Dewān Bahādūr KASHINĀTH RAMCHANDRA GODBOLE.
 The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
 The Honourable Mr. MALCOLM N. HOGG
 The Honourable Lieut.-Col. JAMES JACKSON, C.I.E., M.B., L.M.S.
 The Honourable Mr. EBRAHIM HAROON JAFFER.
 The Honourable Mr. J. D. JENKINS
 The Honourable Mr. BALKRISHNA SITARAM KAMAT.
 The Honourable Mr. G. F. KEATINGE, C.I.E., I.C.S.
 The Honourable Mr. H. S. LAWRENCE, I.C.S.
 The Honourable Surgeon-General R. W. S. LYONS, M.D., I.M.S.
 The Honourable KHAN BAHADUR PIR BAKSH walad MIAN MAHMUD.
 The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
 The Honourable Mr. MALUBHAI SAMALDAS MEHTA, C.I.E.
 The Honourable Sardār SHRINIWAS COOPOOSWAMI MUDLIAR
 The Honourable Rāo Bahādūr VENKATESH SHRINIWAS NAIK.
 The Honourable Mr. W. U. NICHOLAS.
 The Honourable Mr. GOKULDAS KĀHANDAS PAREKH, LL.B.
 The Honourable Mĕ. VĪTHALBHAI JHAVERBHAI PATEL, Bar at-Law.
 The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN
 The Honourable Sir PRABHASHANKAR D. PATTANI, K.C.I.E.
 The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
 The Honourable Rāo Bahādūr GANESH KRISHNA SATHE, C.I.E.
 The Honourable Mr. PHIROZE C. SETHNA
 The Honourable Mr. W. H. SHARP.
 The Honourable Mr. W. C. SHEPHERD, I.C.S.
 The Honourable Mr. PURSHOTAMDAS THAKURDAS.
 The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
 The Honourable Rāo Bahādūr TEKCHAND UDHAVDAS.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL.B.

The Honourable the Advocate General (Mr. THOMAS JOSEPH STRANGMAN, Bar-at-Law), the Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE, the Honourable Mr. EBRAHIM HAROON JAFFER, the Honourable Mr. W. U. NICHOLAS, the Honourable Mr. W. C. SHEPHERD, the Honourable Mr. G. H. THISELTON-DYER, and the Honourable Mr. SHRIDHAR BALKRISHNA UPASANI took the oaths of allegiance to the Crown.

His Excellency the PRESIDENT:—Before we begin the business of the day, I want to inform Honourable Members that we have endeavoured as far as possible to add to their comfort during the session of the Legislative Council by turning the lobby in front of the main staircase into a sitting room, where they can, if they please, read or write or interview such friends as they may wish during the session of the Council. We have done this in order that we may as far as possible assimilate the practice of the House of Commons in our debates. I wish Honourable Members to understand that they need not think in the least an act of discourtesy on their part not always to sit in their seats and attend throughout the whole of any discussion. It is true that the President has to remain in the chair but the Honourable Members may consider themselves more fortunate that it is not always necessary for them to do so. If Honourable Members find at any time that they are not specially interested in any matter that is before the Council, or in any speeches that are being made upon it, this room has been arranged for their use where they can take such opportunities for relaxation from their duties in the Council as they feel disposed to do.

CITY POLICE BILL; ABKARI BILL.

[4TH DECEMBER 1916.]

[The President; Mr. G. S. Curtis;
Mr. George Carmichael.]BILL FURTHER TO AMEND THE CITY OF BOMBAY POLICE
ACT, 1902 (BILL No. II OF 1916).

His Excellency the PRESIDENT:—Order, order. Bill further to amend the City of Bombay Police Act, 1902 (Bill No. II of 1916)—second reading,—the Honourable Mr. CURTIS.

The Honourable Mr. GEORGE SEYMOUR CURTIS:—Your Excellency, I rise to propose the second reading of Bill No. II of 1916, a Bill further to amend the City of Bombay Police Act, 1902. The Bill has been considered by a strong Select Committee and it will be seen from the papers placed before the Honourable Members of this Council that the report of that Select Committee is unanimous.

The principal amendment made in the Select Committee has been the omission of clause 5 (a) of the Bill, that is, the first clause of new section 111-A. The effect of the original clause 5 (a) would have been to enable the police to arrest without warrant a person who is accused by a third party of having damaged property belonging to Government or to any public body. After detailed examination of similar law on the subject in England and elsewhere, and also the statistics as to the amount of damage to municipal property which is caused during the course of the year, it has been decided that the retention of this clause is unnecessary and the Committee formally recommend that it may be dropped. With this proposed omission the new section 111-A will consist of one clause only and will cover only the damage caused through a false alarm of fire and damage to fire-alarms. I now propose, Sir, that this Bill be read a second time.

Bill read a second time. The motion for the second reading of the Bill was then put to the vote and carried.

Clauses 1 to 5 and the preamble were then put to the vote and carried.

The Honourable Mr. G. S. CURTIS:—Your Excellency, I now have the honour to move that the Bill be read a third time

Bill read a third time. The motion for the third reading of the Bill was then put to the vote and carried.

A BILL FURTHER TO AMEND THE BOMBAY ABKARI
ACT, 1878 (BILL No. III OF 1916).

His Excellency the PRESIDENT:—A Bill further to amend the Bombay Abkari Act, 1878 (Bill No. III of 1916), second reading,—the Honourable Mr. CARMICHAEL.

The Honourable Mr. GEORGE CARMICHAEL:—Your Excellency, I rise to present the report of the Select Committee on Bill No. III of 1916, a Bill further to amend the Bombay Abkari Act of 1878, and to move the second reading of the Bill.

The alterations which the Select Committee have made in the Bill are confined to clause 2 and may be explained in a few words. The Bill as originally drafted left the vacation period to be prescribed by executive order. The Select Committee were of opinion that a minimum period of vacation should be prescribed by law as was done for the mhowra-producing talukas in Thana and Kolaba when the mhowra section was first incorporated in the Act. Accordingly a separate proviso to sub-section (3) of section 18-B has been drafted for the Kara district, giving the vacation period of 4½ months as compared with the two months' period in the existing proviso. The new proviso differs from the

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existing one in another detail of some importance. During the vacation period dealings in mhowra flowers are free and unrestricted provided the flowers are (1) the produce of the same year, (2) the produce of the same talukā. The second condition is not suitable in the case of Kaira district which borders on mhowra producing areas in Native State territory. A resident in a Kaira village might well be the owner of mhowra trees in a village in the Baroda territory. To obviate any possible hardship on this account the new proviso has been drafted so as to permit during the vacation period unrestricted dealing in mhowra flowers, wherever they may be produced provided only that they are the produce of the same year.

So much for the form of the legislation which the Committee have agreed to recommend. As to its substance I regret to say that there has not been the same unanimity. Two honourable members, the Honourable Mr. GOKULDAS and the Honourable Mr. PATEL, would cut out clause 2 altogether. The Honourable Mr. LALUBHAI, while agreeing with the majority that clause 2 should stand, is of opinion that the vacation period should be of six months instead of 4½ months.

Before dealing with the points raised in the minutes subject to which these honourable members have signed the Select Committee's report I wish to draw attention to the papers relating to the subject which have been placed on the table. As promised during the discussion on the first reading of the Bill the reports received from the Collector of Kaira have been printed and supplied to honourable members. The Honourable Mr. PATEL also asked for the reports the Collector had received from his subordinates, a certain report from Mr. G. F. SHEPPARD, quondam Commissioner, N. D., a report from Sir F. LEVY, and the report prepared by Mr. LORIMER of the Excise Department, who was deputed in 1905 to make special enquiries with regard to the prevalence of illicit distillation in Kaira. These papers have been supplied and Government have endeavoured to meet all possible demands for information. I am afraid some of the honourable members must have been appalled at the amount of literature which has been provided for their study. The papers however are not uninteresting and another point about them is that they shew conclusively that there is a strong case, a very strong case, for the legislation proposed.

I shall now deal as briefly as possible with the objections to clause 2, which have been stated by the Honourable Messrs. GOKULDAS and PATEL. I think I may take it that their minute of dissent includes every possible argument that can be thought of. I think I may also take it that it is not denied that we are faced with a very serious evil and that the demoralization caused by the illicit practices is spreading rapidly from the Dharala to the more industrious and law abiding classes in the district. The only question therefore is whether the means which it is proposed to adopt are in proportion to the end in view, whether there is any other more effective way of coping with the evil.

First as to the nature, temperament and past history of the Dharala on which the honourable members lay so much stress. They point out that the Dharala's inclination towards crimes of violence, his predatory habits, are considerably more ancient than the time when it was discovered that he had contracted drinking habits and they suggest that to attribute the prevalence of violent crime to the practice of illicit distillation may be to confound the effect with the cause. I do not know when it was discovered that the Dharala was a liquor drinker. It is not a recent discovery and there is no reason to doubt that his practice of illicit distillation is also of ancient date. It is more ancient than the introduction of British rule, probably as old as the time when a Dharala first owned a mhowra tree in Kaira. However that may be, the immediate point is that the Dharala is addicted to crimes of violence and also to the manufacture and drinking of illicit liquor. If we are to succeed in converting him into a law abiding citizen one of the first steps to be taken is to compel him to observe the Excise laws.

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This view is based on repeated experience in other countries—in Scotland, in Ireland and, coming nearer home, we have our own experience in the successful results of the application of this particular measure to the districts of Thana, Kolaba, Surat and Broach. However ancient the predatory habits of the Dharala, may be, the making and drinking of illicit liquor undoubtedly fosters them and keeps them alive. Clause 2 of the Bill will clear the ground and allow better influences a chance of taking effect.

The honourable members say the Dharala is by nature restive and obstinate and that he is more likely to resist oppressive measures than to be subdued by them. They advocate the policy of peace at any price, a policy which is at a great discount in the present day. In the old days many of the Dharalas did live by blackmail. There is no district in the Presidency where so much has been paid out to the turbulent and unruly to induce them to refrain from looting their neighbours and peaceful travellers. There is far too much blackmailing in the district at the present day. It is a demoralising system to which we in this Council should not give any countenance. There are many honest and law-abiding Dharalas who will be very glad to see the turbulent members of their community compelled to live peaceful and honest lives. After all, the measure proposed is not repressive. It operates by guidance, not by repression. The people are to be taught to use their stock of mhowra in a legitimate way so that in due course there will be none left for illegitimate use. To remove the temptation to sin is not repression. By removing the temptation there will be fewer offences, less occasion for searches and raids on illicit stills, and consequently fewer chances of conflict between the Dharalas and the representatives of law and order.

The honourable members say that though economic conditions may have improved, though labour is in great demand in the district and wages have risen, the Dharala either from some inherent weakness in his character or as the result of some vice is too lazy to take advantage of the improved conditions and still has to use mhowra as an article of diet. I believe I am quite correct in assuring this Council that many of them have taken advantage of the new conditions and are living industrious lives. Further I am a sufficient believer in human nature, to hold that there is no such thing as inherent vice. The Dharala does not lack enterprise or adaptability though I admit that the manifestations of these qualities which come most to notice are misdirected. Take for instance the running train theft cases. Ask any merchant in Bombay who sends goods by rail on what part of the railway line most losses by theft occur. The invariable reply will be, on the sections of the B. B. & C. I. Railway between Wasad, Petlad and Nadiad, i.e., the heart of the Dharala country. Things are so bad that the Railway Company has to give daylight timings for all their trains carrying grain which pass through that part of the country. Who is it that commits these running train thefts which require so much organization and agility? Who is it that has compelled a big Railway Company to take account of his activities? The lazy and indolent Dharala, who according to Mr PATEL will not move with the times. I would ask the Honourable Mr PARBH and the Honourable Mr PATEL to shed some of their pessimism, which does not go well with their ardent desire for reform and to believe with me that if we can wean the Dharala from his pernicious habits, we shall make a man of him.

Apart from the rise in wages and demand for labour two other ways may be mentioned in which the economic condition of the Dharala has substantially improved in recent years. A great development in the establishment of creameries and in the manufacture of casein has taken place. This has stimulated the demand for milk and the Dharala has not been more backward than his neighbours in profiting by this demand. In the second place the seed yielded by the mhowra tree has now found a good market. The demand for mhowra seed began only in 1902 or thereabouts and what used to be thrown away as valueless

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now fetches a good price as a valuable oil seed. This must add quite a substantial sum to the Dharalas's purse.

Turning to the use of mhowra flowers as an article of diet the papers placed on the table show that the flowers cannot be used as the main article of diet, that many of the Dharalas never eat it, and that when it is eaten it serves as an inferior substitute for sugar. From the reports of Dr. MANN, Agricultural Chemist, which have been put on the table, who analysed some samples, it will be seen that the flowers have a considerable nutritive value and are easily digestible but in the rains they deteriorate rapidly and lose much of their nutritive value. It must be remembered that the Dharalas are not a jungle tribe, living apart from the main stream of the world's life and eking out a scanty living in the forests and hills. They live in one of the richest and best cultivated districts in the Presidency, a district of big and busy villages, well supplied with railways. They are not a down trodden race, but a large community, men of good physique, perfectly well able to look after themselves. They are no worse off than the small cultivator or labourer in non-mhowra growing districts who never think of eating mhowra. They could as easily do without mhowra as the Bhils, Kolis and Talavias in Broach and I submit to this Council that in the face of a great evil we should be justified in requiring them to give up an article of diet which is not indispensable. Actually no such sacrifice on their part is proposed. They will be free to deal with their mhowra flowers as they please up to 30th June. During July they may hold a quantity sufficient for their domestic needs and they may carry over a smaller quantity into August. What will be required of them is that they sell their surplus and not keep a store for the distillation of liquor.

The Honourable Messrs GOKULDAS and PATEL suggest various alternative methods of remedying the evil which undoubtedly exists. The suggestion that the taxation on liquor should be reduced is not one which will commend itself to any one who has the interests of temperance really at heart, and I need say no more about it. The other suggestions are that special attention should be devoted to the education of the Dharalas, that civilizing influences should be brought to bear upon them and that they should be helped with their agriculture. These no doubt are sound in themselves and Government will always be ready to work on the lines indicated, but, unless you go to the root of the matter and remove the temptation to transgress the law by taking away the facilities for illicit distillation, no real advance will be made. For success you must have the moral sense of the people attuned to improvement. This you will never have so long as the deadening and corrupting influence of this pernicious practice continues.

The Honourable Messrs GOKULDAS and PATEL say they are unable to attach much weight to the evidence obtained as a result of the enquiries made by the Collector. To my mind the evidence is very convincing. Read Mr. Ghosal's reports and notes. These are not the reports of a man who in the words of the Honourable Mr. PATEL wishes to get rid of the Dharalas. Mr. Ghosal has had long experience of backward tribes and those who saw his famine work in the Panch Mahals know that he is filled with abounding sympathy towards them. He has made a special study of the present question, has examined every aspect of the case with the greatest care and attention, and he has stated very fully the facts on which he bases his recommendations and the reasons why he holds that the measure will not operate harshly. I submit that this Council may safely rely on his appreciation of the evidence.

The Honourable Mr. LALUBHAI holds that there is evidence that mhowra flowers are an article of diet till the beginning or middle of August and that the vacation period should therefore extend to 15th August as originally suggested by the Collector. He says the date is supported by the almost unanimous opinion of the Mamlatdars and Excise Inspectors and by the state-

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ments recorded by the Mamlatdar of Nadiad after the Bill was introduced. The Collector did at first suggest that the vacation should extend to 15th August, but on further consideration of the facts of the case, particularly of evidence pointing to a great rush of illicit distillation in July, he came to the conclusion that it was imperative that the vacation period should end with June, and that the needs of the case would be met by raising the permissible maximum of possession during July. The reports of his subordinates were based on the assumption that the vacation was to extend to 15th August and naturally did not deal with the point whether a shorter vacation was a fair or reasonable measure. An impartial person reading the statements recorded by the Mamlatdars of Nadiad and Anand to which Mr. LALUBHAI refers will, I am sure, come to the conclusion that the provisions of clause 2 of the Bill will not operate harshly. These statements, which were recorded about the beginning of August, are those of Dharalas who happened to come to the kachen. Many say they do not use mhowra flowers either for cattle or in their own diet. The majority say the flowers are of no use as an article of diet after June, and those who say they keep it longer evidently do not use more for legitimate purposes than the amount of the free quantity with the possession of which the law will not interfere at all. With these remarks, Sir, I beg to move the second reading of Bill No. III of 1916.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency,—In opposing the motion for the second reading of this Bill I beg to submit that the decision of this Council on this question should depend upon consideration of several questions of fact and policy. I propose to make my own position quite clear in reference to some of the important questions which are involved in this Bill. I am quite prepared to concede that in the district of Kaira recently a considerable amount of offences of illicit distillation has grown up. I also concede that the free and unrestricted possession and traffic of mhowras may help such people as are inclined to break the law in doing so. I am not behind any officers of Government in my dislike of the habit of drink that prevails among the Dharalas and I am as anxious as any of them that the Dharala may be reclaimed. I am not opposed to this Bill because I am indifferent on the question of drink. Your Excellency will note that the Honourable Mover of the Bill as well as several other administrative officers of Government attribute the criminal propensities, the lawlessness and the turbulence of the Dharalas to their habit of drink. I for my part do not think that their conclusions are right in this matter. When we look to the old records of Government we find the Dharalas of Kaira described as people of criminal habits, prone to gang robberies and highway robberies, and they are regarded as an extremely dangerous lot of people and this was at a time when it was hardly suspected that the Dharalas were addicted to drink. Therefore I think the present habit of drunkenness that has arisen is a mere symptom of the lawlessness that exists among them and is not the cause of the violent crimes or of their turbulent habits or lawless temperament. The main grounds upon which I oppose this Bill are—In the first place, I believe that the measure for restricting the mhowra traffic in the Kaira District is an exceedingly drastic one and it must cause a considerable amount of dissatisfaction amongst the Dharala population, which comes to nearly one-third of the population of the district. I can very well understand that the hand of Government is very strong and very long and that Government would not mind any disaffection amongst the Dharalas, but I ask Government whether it is desirable under any circumstances that a large mass of people of the country should be allowed to feel that their supply of food is stopped by Government, and Government will try to realise what would be the feelings of these poor people if they are deprived of the cheapest food which they can obtain. I am afraid the enforcement of this measure, if it passes into law, would cause considerable dissatisfaction in the Dharala community and that would be, I think, an element which ought not to be below the consideration of Government.

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The other reason upon which I submit that Government ought not to pass this measure is that there is an easier way of getting rid of the evil of illicit distillation of liquor. When offences of smuggling or illicit distillation prevail the surest way of stopping them is, I should submit, to reduce the difference between the selling price of liquor and the price to the vendor to such an extent that it would not pay any wrong doer to break the law. It may be that in some cases the low selling rates may encourage drinking, but they are the best and most effective remedies to check the traffic of illicit distillation. I do not at all mean that this reduction should be continued for ever, but so long as abnormal condition of things remains I should consider that this is the most desirable course, and I submit that this measure should be tried before restrictions are put upon the mhowra traffic.

Against this suggestion it is argued that our Government has bound itself by an agreement with the Baroda Government to maintain uniform rates of selling liquor in places where Baroda and British territory adjoin. I believe that in the administration of the Abkari laws the same difficulties which trouble the British officer must have their corresponding difficulties among Baroda officials, and if Government accept the view that the cheapening of selling prices of liquor is one of the ways by which illicit distillation can be stopped, and if the Baroda Government is asked to co-operate by the cheapening of the rates, there is not the slightest doubt in my mind that the Baroda Government will be able and ready to co-operate with Your Excellency's Government, and I therefore think that so long as this measure has not been tried, it is not proper to put any restriction on the mhowra traffic. The other circumstances to which I wish to draw Your Lordship's attention is to consider whether this measure is likely to prove successful, I mean, fairly successful. The conditions of the parts of the country where the mhowra provisions have been applied up to now are altogether different from the conditions that exist in the Kaira District, and therefore it is not at all fair to argue that if such measures have succeeded elsewhere, the present measure will succeed in Kaira. The special conditions of Kaira and its people are so peculiar that even if this Bill became law, it would fail to check the evil which it is its object to prevent. The district of Kaira is interlaced and is surrounded on all sides, except on a small part of its northern boundary, by foreign territory. On one side a large portion of the Baroda territory interlaces with and surrounds the Kaira District. Then we have the territories of the Nawab of Cambay and territories of the Nawab of Balasinor, and we have a portion of the Mahi Kantha Agency which also adjoins Kaira. In all these places, mhowra trees grow to the same extent as in British territory. The people in British territory have friends and relations in the Baroda territory and the foreign territories, people have relations and friends in the British territory. Now looking to the class of people who would be affected by the measures when enacted, they are lawless and of turbulent habits, and they are now defying the authority of Government. The circumstances that a Dharala is not ashamed to go to gaol, that when armed he is a dangerous opponent of the police, that he has the sympathy of some of his co-villagers, and others feel afraid to give information against him, that the ravines, the higher hedged fields where illegal distillation can be practised without fear of detection, are not likely to be left unavailed of by the lawless Dharala and the man who now distils illicitly may do the same with mhowras brought from foreign territory or distil illicitly in foreign territory and smuggle illicit liquor into British territory. The form of crime may be altered, but, I submit, the difficulties which the Abkari Department have to encounter will remain the same and the loss to the revenues of Government will also remain the same. This being the position, I submit, it is not at all proper to have a drastic measure which is likely to prove a source of considerable hardship to the people for the purpose of obtaining this doubtful gain. The most important thing that is to be remembered is that mhowra is considerably cheaper to the poor people than the cereals. A large number of the labouring people collect mhowra, they have not to pay anything for them,

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and it is really advantageous to them to have the use of this mhowra during particular parts of the year. Therefore, I submit that considerable hardship would be caused to the poor people by a restriction being placed on the possession of mhowra in the mhowra-producing tracts. The propriety of this legislation, therefore, turns upon the question whether mhowra flowers are really used as food, and I submit that if mhowra flowers are really used as food during a large period of the year, then it would not be proper to place restrictions which must be a source of hardship to the poor people. Upon this point Mr Ghosal no doubt comes to the conclusion that mhowra flowers are merely used for seasoning and if they are used as food they are used in that way before the rains. Mr. Ghosal's enquiry may appear to Government to be very careful and Government have not thought it proper to order an enquiry in connection with the use of mhowra flowers as food and therefore one is left to offer his criticism upon the conclusions of Mr. Ghosal by the light of such material as has been placed before the Council by Government. In the first instance I wish to draw the attention of Government to the various reports which Mr. Ghosal obtained from his subordinates.

They are the servants of Government, they are officers whose duty it is to protect the interests of Government, and if these officers report that mhowras are used as food during a particular portion of the year, then I submit there is no reason why facts ought not to be accepted. Among the papers which have been circulated among the members of this Council by Government there are the reports of the Mamlatdars of various talukas of the Kaira District, and from these reports the Council will find that the period during which mhowra is used as food for men and cattle extends up to the end of the month of Aso, the end of Bhadarva, or up to the end of the first half of Shravan. On page 15 of the compilation will be found the report of the Mamlatdar of Borsad and this officer says that 19,000 maunds of mhowras were used as food in his taluka and he states that they are used during the months of July and August. On the same page begins the report of the Mamlatdar of Kapadvanj; the result of his enquiries is that mhowra flowers are used as food up to the end of the month from Aso. The Mamlatdar of Matar says that the use of the mhowra flowers as food continues up to the middle of August. The Mamlatdar of Thasra speaks of the use of large quantities of mhowra as food during the monsoon, and the Mamlatdar of Anand gives an exceedingly elaborate report in which he shows that the mhowras are used as food up to the end of the first half of Shravan. I submit that it would not be at all proper in the face of this evidence from the officers of Government to accept the conclusion that mhowra flowers are not used as food or that they become unfit for being used as food after the 31st of May. That being the case, I submit that it would not be proper to put any restriction on the possession or traffic of mhowra flowers up to Divali which would ordinarily fall about the end of October.

Then there is also another matter to be considered, namely, what should be done during a year of famine and scarcity? Some of the officers consider that the days of famine and scarcity are passed. I should certainly wish that these days are passed, but unfortunately in these matters it is very difficult to form any sort of calculations. Until the first famine of 1899-1900 came, famine was altogether unknown to the people for a great number of years and it took all of them by surprise. I submit that it is most hazardous to legislate on the assumption that no year of famine or scarcity will hereafter recur. Any measure of legislature which would force the people to part with cheap food and make them go to the bazar to purchase food at a time when there are no means for employment, when wages are low, when they have got no money and they have no means of earning money and when articles of food have become very dear must cause much hardship and distress. It is no use putting poor people in that condition of life, and I therefore submit that a restriction on the mhowra possession and traffic would result in making people considerably helpless in meeting years of famine and scarcity.

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With reference to Mr. Ghosal's reasons for holding that mhowra flowers are not used as food and that their use ceases after the first rains set in, I do not think they are such as would commend themselves to this Council. One of the reasons upon which Mr. Ghosal strongly relies is the changed condition of the wages and the altered standard of living. Now, the circumstance that wages have risen would not influence, I submit, the use of the mhowra flowers by the Dharala and the people of some other lower communities. It is not alleged that mhowra is a food which is harmful, that it is not tasteful or is not liked by the people, and therefore even if the standard of living is raised, it is no reason to suppose that people who have been using this food would cease to do so.

But then there is also another reason, namely, that the rise in wages does not at all affect the Dharala. Mr. Ghosal himself speaks of the complete laziness of the Dharala who would not work beyond what is necessary for the purpose of eking out the barest existence. This being the condition of things, they are not the people who profit by the general rise of wages and their condition is not so altered as to give up the use of mhowra as food.

The other ground that has been urged by Mr. Ghosal is that Abkari officers have not been able to find mhowras in any appreciable quantities in the search of the Dharala houses. A very simple answer to this appears in the report of the Mamlatdar of Anand, namely, that raids by Abkari officers of Dharala houses have considerably increased and the Dharalas are afraid that if they are found to be in possession of mhowras they would be charged or connected with offences that are being committed and therefore they use every endeavour to conceal their possession of the mhowras and therefore they conceal them before the Abkari authorities come.

In the same way, then, there is another reason which has been put forward for the purpose of showing that mhowras are not used as food. It is said that one of the Abkari officers in a number of searches was unable to find any cooked mhowra in any Dharala house. Now the question of the use of mhowra as food has arisen within the last two years. It did not arise before the end of 1914. It was brought to notice after 1914, and towards the end of 1914 the raids commenced in which the Dharalas have been taking care not to be caught. These are the main reasons upon which Mr. Ghosal tries to show to Government that mhowras are not used as food and I would submit that his reasons cannot be accepted by this Council as sound and therefore I submit there is no reason whatever not to give credence to the reports of the Mamlatdars which show that mhowras are being used as food during the greater portion of the rainy season.

Then, another ground has been put forward, namely, that mhowras get spoiled during the rains. In connection with this question, Mr. Ghosal supposes that there was something like a special storage of mhowras and that that storage was not a thing which the Dharalas could afford to have in their houses. But we have throughout the whole of the evidence and the whole of the record nowhere heard of any special storage being required for mhowras. The method of preserving mhowras is very easy, namely, to take up an earthen pot, to place one layer of mhowra in it, then place over it a layer of leaves and then place another layer of mhowra and so on to fill in the whole pot and to make it air-tight by putting a cover over it. This is the thing which they have been doing for generations. They have been using mhowras for the greater portion of the rainy season, and I do not understand why people who have been used to these things for generations would not be able to do the same now. There is nothing whatever to show that mhowra necessarily gets spoiled during the rainy season. Large quantities of mhowras are exported from the Kaira district between the months of July and February and this is a complete answer to the theory that mhowra flowers become useless, rancid or unfit for food after the first rains.

Therefore the conclusions arrived at are that mhowras are used as food both for men and cattle, that they can be used as food during the monsoon and

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that it would be a great hardship if the poor people are deprived of this cheap article of food by placing restrictions on its possession and traffic. I therefore submit that this Bill ought not to be read the second time.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency,—There seems to be a great divergence of opinion as to Clause 2 of this Bill. The Honourable Mr. PAREKH has opposed the second reading of the Bill on two grounds. One is that if this Bill is passed into law it will deprive a very large number of poor people of their food, and, secondly, that if this Bill is passed into law it would take away from the poor people a useful relief in times of distress and scarcity. Your Excellency, it seems certain that mhowra flower could be used as an article of food, but there is a difference of opinion as to the extent to which it is used. The Honourable Mr. PAREKH and the Honourable Mr. PATEL in their minute of dissent admit that it is only sweet mhowra that could be used and that sweet mhowra forms only one-tenth of the total produce. That is a very small quantity and it is used by a very large number of people of the Kaira district, as we have just heard, as food. Now the present Bill imposes no restriction about the free use of the mhowra flowers up to the 30th of June, and, if I have rightly understood the recommendation of the Select Committee, it allows 10 sers for the month of July. Now I learn from the Honourable Mr. PAREKH that a large quantity of mhowra is exported after the monsoon. Now we know that a very small quantity of the mhowra flowers is used as food and by a very large number of people and that a very large quantity is exported after the monsoon, and from Mr. Ghosal's report we see that mhowra flowers after the monsoon cannot be used as an article of food. In the light of these circumstances, I think that if this Bill is passed into law, it will not cause any distress to the people of Kaira.

Another objection, as I have already mentioned, that has been raised by the Honourable Mr. PAREKH against this Bill was that it would take away a useful relief of the people of Kaira if this Bill is passed into law. Now I have already shown to this Council that only sweet mhowra is used as food and that sweet mhowra forms a very small quantity. Mr. PAREKH has admitted that a large quantity is exported after the monsoon. Then there remains a very negligible quantity. I really cannot understand why my Honourable friend opposes this Bill. How will the people suffer when they are actually using a very small quantity? Again I see in the minute of dissent of the Honourable Messrs PAREKH and PATEL a suggestion that sweet mhowra should be exempted because it forms a small quantity. I submit that because it forms a small quantity therefore that small quantity will be hardly sufficient up to the end of July. Therefore there is no necessity of exempting sweet mhowra. Besides if sweet mhowra is exempted, it will open a loophole for the evasion of the law.

The Honourable Mr. PAREKH says that the report of a Mamlatdar shows that mhowra flowers are used as food by people up to August. Now to the 30th of June this Bill imposes no restriction on the use of mhowra. Ten sers are allowed in the month of July and 4 sers afterwards. Now the official report of Mr. Gandhi shows that mhowra flowers possess highly sustaining powers and that is relied upon by the Honourable Mr. PAREKH and the Honourable Mr. PATEL. That report is to this effect. Mr. Gandhi, the Mamlatdar of Anand, in his report addressed to the Collector in 1915 testifies to the fact that a preparation of 1 lb. of mhowra in the form of Sukhdi contained about three-eighths of bajri flour and a little of sesamum and the rest of ordinary flour. In other words, if we mix half a pound of mhowra with half a pound of bajri, it would be sufficient for a family of four persons. That is the official report and that is relied upon by my two Honourable friends. Ordinarily we know that a family consists of three or four members. Under the present bill 10 sers are allowed in July, and I am sure if half a pound can maintain a family of four adults, 10 sers

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will keep the family very comfortable until the end of July. Therefore there is absolutely no necessity for extending the period to the end of August. I am surprised at my Honourable friends who rely on the official reports that mhowra was used as food up to 1905 and they accept these reports unreservedly, but when we come to Mr Ghosal's report, who is an official, they doubt or discredit it without assigning any reasons. I really cannot understand why they should accept unreservedly one official report and reject the other. We see that only one-tenth is sweet mhowra which can be used as food and nine-tenth is utilised for the purpose of illicit distillation. Lawlessness is connected with drunkenness. Those who are addicted to drink are naturally averse to work. Crimes are the natural results of drunkenness. If this Bill is passed into law, I am sure it will have a controlling influence over the deplorable habits of the people of Kara and improve their general morale. They have a rich soil and a good field for labour, but the habit of industry is wanting in them. The necessity of maintaining themselves will I am sure foster that habit in them. Compelling necessity is the best cure for improvidence and idleness, and this Bill, which is a measure of reform and regeneration, I am sure if passed into law will do an immense good to the people of Kara, and the experience of other districts warrants that belief. With these remarks I support the second reading of the Bill.

The Honourable Lieut.-Colonel JAMES JACKSON:—Your Excellency, it is admitted that there is a crying evil in the Kaira District. Drink and crime, or as the Honourable Mr PAREKH would prefer to put it "crime and drink". We are here offered a carefully-thought-out Bill to remedy the evils of illicit distillation, destructive amendments which would render it useless and a constructive policy in lieu of the Bill put forward in the first minute of dissent to the report of the Select Committee. I cannot agree with those fanatics who see only evil in drink, nor do I admit that alcohol necessarily connotes crime or that smug abstinence in itself makes a man virtuous. But I heartily assent to the axiom, to which all believers in temperance adhere, that there is one form of drink that is detrimental to the last degree, and that is illicit spirit. It is dangerous to the consumer's bodily welfare. The illicit brew is a risk to the possessor. Prudence dictates that the stomach of the owner is the safest place of storage. The temptation is to speedy consumption and consumption in large quantities. The very gathering for illicit distillation is always an excuse for a drinking bout. The liquor consumed is raw immature spirit full of the poisonous bye-products of a crude distillation. We have probably all heard of the two monkeys who were made drunk on good matured spirit. They got amiably and happily drunk and ate their breakfast with relish the next morning. They were then made drunk with new raw spirit, they got fighting drunk, like a Dharala, and spent the next morning in a state of dejection.

The enhanced danger to health of illicit as contrasted with good licit liquor is perfectly well-known in every country. I can vouch for its truth as regards my own country.

Incidentally I may remark that mhowra appears to be a particularly dangerous flower. Though Dr Mann has stated that he has not heard of any evil effects there is, in the papers before us, a considerable amount of evidence that the flowers eaten oftener than every third day give the consumers sore eyes. The consumption in any quantity gives bullocks sore necks and asthma, and it is not denied that the illicit spirit gives man a sore head.

In the next place there is, it is equally well known, moral contamination. Habitual breach of the lesser law inevitably leads to infringement of the greater law. The illicit distiller has small regard for Abkari law or the Abkari police. This can hardly tend towards respect for ordinary law or for the ordinary police. If one's constant sentiment is "The devil fly away with the Excise man," the magistrates and police are soon added to the prayer. The assembly in lone and unfrequented places, the excitement of evading the law, the bond of secret illegality, only

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require the stimulus of fiery spirit to culminate in graver crime. I do not see eye to eye with the out and out teetotaler. Such advocates of temperance are in many cases more distinguished for enthusiasm than reason. But it is as clear as noon day that if anyone holds that ordinary drink is detrimental to the individual welfare and dangerous to the public weal, then that man must believe that illicit drink is death to the individual and damnation to the public.

The evil of illicit distillation is so universally recognized that it is astounding to find gentlemen who profess strong temperance views endeavouring to prevent the passage of this Bill or to emasculate it in any way. A distinguished advocate of temperance, the Honourable Mr. PAREKH, has pointed out that "drink is the cause of a considerable amount of crime, of falsehood and immorality, and lowers the moral tone of society." Licit liquor is thus a direct cause of crime according to the Honourable Mr. PAREKH. How much more true must this be of illicit liquor? Yet at the last meeting of this Council, the Honourable Mr. PATEL said, "Now turning to the statement of objects and reasons I find it stated 'that there are good reasons for believing that the habitual contravention of the Excise law is closely connected with the persistence of crimes of violence for which the district has a bad reputation.'" I am surprised at this statement. I hear it for the first time. He also said—"Cases of violence such as murders, grievous hurt, highway robberies do occur in the district. But what have these offences to do with facilities for cheap liquor?" The veriest novice in sociology or criminology could tell the Honourable Mr. PATEL that the one crime which is admitted to have some direct connection with alcoholism is the crime of violence. I can assure the Council that, though the Honourable Mr. PATEL is not aware of it, it is a very old story. Years ago Lombroso pointed out that it is especially in regard to bodily injuries that the influence of alcohol makes itself more decidedly felt. Baer, Marambat, Marro, and Devon all concur in this, the latter saying "Nearly all crimes against the person are committed by or upon people who were intoxicated at the time."

It has been rightly pointed out that in civilized countries the risk of violent crimes or other crimes from alcoholism diminishes in proportion to the grade of civilization, independent of all so-called temperance measures. The danger also is less in cold climates. But it is not, I think, claimed that Kaira is cold or that the Dharala is civilized. So this is no new explanation of crimes of violence or murder, but so old and so trite that the Police and Excise authorities may well have taken it for granted. Again, the Honourable Mr. PAREKH has said before another audience that drink is the cause of "serious injurious effects on all the vital organs of the body; insanity, general degeneration of the system, premature old age, disease; a considerable amount of conjugal unhappiness, neglect and inattention to children, their health and education; the production of degenerate children of low vitality; and contributes in various ways to make numerous homes wretched, miserable and unhappy; by its effects on the brain, nervous system and on health generally, it retards educational, intellectual and social advance".

I regard this as a grossly exaggerated statement, but if true how much more destructive must illicit drinking be? If the picture drawn of the evils resulting from drink by the Honourable Mr. PAREKH is true, is it not better to risk a little hardship on the individual to save a community from this ghastly category of ills? Drink is, according to the Honourable Mr. PAREKH, not only the direct cause of crime, but an indirect one also, for the criminal is largely derived from the degenerate, the physically unfit and the neglected child. But the Honourable Mr. PATEL said at the last meeting of the Council:—

"It appears to me that the theory that the criminality of the district is more or less due to facilities for illicit distillation is of recent origin. I for my part am not prepared to accept it in the absence of any proof to support it."

He will perhaps now accept the Honourable Mr. PAREKH'S opinion as to the evils of illicit drink and its relation to crime—it at least is not tainted with

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officialism—and apply it to illicit liquor. I am afraid there is a dilemma here that would puzzle even Mr. FACING-BOTH-WAYS. You cannot condemn cheap liquor in general as an abomination and pronounce illicit drink in Kaira innocuous. The Honourable Mr. PAREKH'S explanation of the Kaira problem is that a population half starved, overburdened with taxation and deprived of ordinary liberty has taken to drink to drown its sorrows! He also hints that this measure is taken merely in the interest of revenue. Most members of this Council will probably think that want of proportion vitiates the statement. So far as I am aware some provisions of the Criminal Tribes Amendment Act have been made applicable to Waghris and to certain individual Dharalas of bad reputation. Let us see what a man, not hard hearted and not an official, says of this Act and its application. Mr. Commissioner Booth-Tucker says.—

“Our experience with the criminal all over the world goes to show that a strong policy is a wise policy and that a weak one is unkind to the criminal himself. The provisions of the Criminal Tribes Act provide the ruler in India with all the special powers that he requires in dealing with the growing evil of their lawlessness, but while the sword rests in the scabbard it cannot be a terror to evil-doers.”

There has been a good deal of hesitation and delay about enforcing the provisions of this law, and even when it has been set in motion, it has been often worked along permissive and voluntary lines, rather than along the mandatory lines which the law itself contemplates and the gravity of the situation requires. This is to be regretted. If one class more than another needs to feel that inside the velvet glove there is an iron hand, it is the hardened or hereditary criminal. The Hurs are under far stricter surveillance than the Dharalas and I will appeal to the Honourable members from Sind if they ever heard of a Hur taking to drink. The Honourable Mr. PAREKH has no word of condemnation for the Honourable Mr. PATEL'S extenuation of illicit liquor in Kaira. Nay, rather he blesses him. At the last Council meeting the Honourable Mr. PAREKH said:—

“So far as the crimes are concerned, my Honourable friend Mr. PATEL has already pointed out these crimes cannot have any connection with drunkenness, and it has never.” (Mark, Your Excellency, the word *never*) “been shown that any unusual number of crimes or any number of violent crimes were the result of the use of drink.”

This statement is in flat contradiction to the opinions enunciated elsewhere by the Honourable member as to the dangers of drink and so completely destroys the main plank of the temperance platform that I admit I am curious to see whether temperance advocates will, by supporting opposition based on such arguments, accept this theory as true.

In the Sabarmati Central Prison on the 31st August 1916 there were 320 male prisoners from the Kaira District. Of these 186 were Dharalas. The male Dharalas form 38·1 per cent of the male population of the Kaira District, and they furnish 58 per cent of the crime. Of these 320 prisoners 72 were in for crimes of violence; of these 38 were Dharalas or 52 per cent. Of the 72, 19 were murderers; 13 of these were Dharalas or 68·4 per cent. I now turn, Your Excellency, from the arguments minimizing the bad effects of illicit liquor in Kaira and the inconsistencies of the two protagonists against this bill to the constructive policy they offer for consideration. It is as follows. Work congenial to their habits should be brought nearer to the home of the Dharalas and they should be enabled to earn reasonable wages. Now what are these habits? It is admitted they drink, smoke freely and are not averse to opium. The Honourable Mr. PAREKH and the Honourable Mr. PATEL concur with Mr. Ghosal's opinion that the Dharalas are lazy and indolent. The Honourable members also describe them as turbulent, excitable, very irascible, improvident, reckless, restive and obstinate, notorious for lawlessness and criminal propensities, prone to commit offences of a grave character, unashamed and unafraid of going to jail and with a

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great spirit of combination. Will any Honourable Member suggest work congenial to these habits? I can only think of free drink and a riot. In the next place Dharalas should be put in charge of people who can inspire the Dharalas' confidence in their sympathies and good intentions; these people should advise the Dharalas about the manner in which this work is to be done and persuade and coax them, so that each person would do a full day's work. I admit I do not know what work the Honourable Mr. PATEL and the Honourable Mr. PAREKH have in their mind's eye; but if it is any ordinary agricultural work, the Dharalas must be mentally defective or chronically drunk to require such treatment.

Thirdly, the Dharalas should be made to feel that Government and the public have much sympathy with them, desire to ameliorate their condition, like to make them happier and more comfortable, and prove to them that they are not regarded as nuisances. The Salvation Army or the Servants of India Society are to plant colonies with the help of Government and exercise gentle and civilizing influences. What a happy dream! And vague and nebulous as dreams always are, let us see what one of the constituent parts of the dream—the Salvation Army—say on the matter. This body has very sincere sympathy with the wrong-doer tempered with a practical common sense to which they owe much of their success in the reformation of criminals. Mr. Commissioner Booth-Tucker says:—

“Persuasion has its advantages, but has also its limitations, and in dealing with criminals”—he is talking of criminal tribes—“it cannot be too clearly and emphatically insisted that it is inefficient and insufficient. The very nature of the case makes it such.”

Again.

“If a ‘Mitha-Saheb’—(I will translate it ‘softly sympathetic Saheb’) occupies the chair of District Magistrate or District Superintendent of Police, it is quickly known and marked, and full advantage taken of the fact”

Finally, he says.—

“It cannot be too strongly insisted that a weak vacillating goody goody-policy in dealing with the criminal, especially the dangerous classes, can only invite failure. He will misinterpret and take advantage of it every time.” I will now turn Your Excellency from the “goody, goody” part of the proposals put forward by the Honourable Mr. PATEL and the Honourable Mr. PAREKH to one which I can only describe as wicked. I will ask the Council to particularly note how the Dharala is to be made happy and respectable, how he is to be humanised, refined and weaned from illicit distillation. The selling price of Government liquor is to be fixed at so cheap a rate that there can be neither temptation nor inducement to resort to illicit distillation. Necessarily with this, new liquor shops must be freely opened. I am surprised the panacea of an earlier reformer has not been advocated, that a pint measure should hold a quart. I wonder how the Salvation Army or the Servants of India Society will relish the proposal that they should reform a community living in a land flowing with cheap liquor and cheaper sympathy. I asked a Salvation Army officer his opinion on this method of stopping illicit liquor. He said “I have had a long experience of illicit distillation in the west of Ireland I never had any trouble save in illicit distillation districts. If whisky were sold at as cheap a rate as poteen can be distilled, illicit manufacture would of course stop but the country would be demoralised.” That this would be the result is clear and wholly condemns the proposal. Then as soon as illicit distillation has stopped—which it will do if you make Government liquor cheap enough—the price of Government liquor is to be raised. You first introduce cheap liquor and breed a taste for liquor over all Kara—or is it only to be sold to Dharalas! Having done this the price is raised. One would think that the Dharala distils liquor merely as an exciting form of sport. But the Council may be very sure that it is liquor and not amusement the Dharala wants and that he will resort to illicit distillation again as soon as cheap

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Government liquor is cut off. As the Honourable members themselves point out, this scheme has not even the merit of originality. It forms part of proposals originally put forward by the District Magistrate, Kaira. It was associated with the other measures, very different from those put forward concomitantly by the Honourable Mr PAREKH and the Honourable Mr PATEL. The District Magistrate was not enthusiastic, indeed he called it a "retrograde measure", and he rightly says "After considering various measures it" (the extension of section 18B to the Kaira district) "is of all the measures suggested the one calculated to have the greatest moral effect, and moral effect is most desired in dealing with a class of people of the type of the Dharalas." Common sense supports the District Magistrate and the experience of the Salvation Army. Had Government brought forward in lieu of this Bill the proposals of the Honourable Mr. PATEL and the Honourable Mr PAREKH, what a shreek of horror would have arisen from temperance advocates!

The suggestion as to a distinction between sweet and bitter mhowra flower hinges entirely on whether they can be distinguished from each other when rotten and full of worms. There is a difficulty straight away in the fact that shopkeepers frequently sell them mixed and it is only owners of trees who carefully separate them. Your Excellency, the constructive proposals offered us in alternative to this Bill are so little elaborated, so vague, and so fraught with danger that no one desiring the welfare of the Kaira District could accept them. No hair of the dog that bit them, no cheap, nor even free liquor, though advocated by temperance leaders, will solve the question or save the Dharala.

Sincerely believing that the best hope for the Dharala and the best provision for his future lie in this Bill, and the whole Bill, I heartily support it.

His Excellency the PRESIDENT:—Order, order. I think perhaps it will be to the convenience of the Council if we adjourn now till 2-45.

The Council adjourned for lunch at 1-45 p.m.

(After lunch)

The Council reassembled after lunch at 2-45 p.m.

His Excellency the PRESIDENT:—Order, order. Further consideration of the Bill further to amend the Bombay Abkari Act, 1878 (Bill No. III of 1916), second reading.

The Honourable Mr. PURSHOTAMDAS THAKURDAS:—Your Excellency,—In rising to support the 2nd reading of this Bill I am fully conscious of the strong views held on both sides by persons intimate with and interested in the Kaira District. I would not at all claim that it is either easy or simple to sift the mass of papers put before Honourable Members of this Council in connection with this Bill. As a member of the Select Committee I have gone through all these papers carefully and have consulted leading men of the Kaira District and have also read the interesting discussion that took place in this Council at the time of the application of the Mhowra Act to Kolaba and Thana Districts.

To begin with, I would like to have it made clear to this Council that mhowra flower is not used as fodder for cattle but only as a stimulant in small quantities for cattle in Kaira District, and, that, too, in certain seasons, as, for instance, the commencement of the monsoon. This prevents it from being called fodder for cattle, and I think that to call it such is an exaggeration, absolutely unwarranted by reports from any quarter at all.

The next virtue of the mhowra flower is that it is used as food for men. Even here, it has to be borne in mind that mhowra flower or its product is rarely eaten by itself, but only if mixed with other articles of food, such as bajri or jowari. I have found this more or less unanimously accepted in the papers before the Council and by both sides also. (Paragraph 4 of the Note of the dissent.)

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The abovementioned use of mhowra flower shows that it is not being used as a staple-food of the District and hence the only consideration is whether the Bill, if passed, will interfere with an article that is capable of being used for food and, if so, whether it is advisable to so expose the people of the District to this hardship. The other uses of mhowra flower need not be considered here as they are not said to be interfered with by the Bill as it stands.

Now, my Lord, I should like to point out that the only cause why the Bill has been conceived by Government is that mhowra flowers are liable to be used for illicit distillation of liquor. There is absolutely no doubt about this misuse of the mhowra flower in the Kaira District and a perusal of Mr Ghosal's letters to Government of 21st August 1914 and 12th February 1915 clearly shows what measures have till now been adopted by Government to put a stop to this illicit distillation without recourse to this Bill.

My own humble impression after a perusal of these letters has been that the Collector has till now tried to bring illicit distillation under control by various means suggested by him, and accepted by the Government, but none of these means has so far succeeded in the desired effect and this Legislation has been resorted to as a last measure which will give a comparatively easy but fairly sure check to the misuse of the mhowra flower.

The position therefore appears to be that we have to select between two evils. On the one hand, is the evil of illicit distillation to which mhowra flower is subjected, an evil not denied at all by the strongest opponents of this Bill. On the other hand, the fear that any restriction on use of the mhowra flower will cause some hardship to the poorest classes inasmuch as that mhowra flower is used as food, even though by no means as a staple food in the District.

In paragraph 3 of their minute of dissent the Honourable Mr. PAREKH and the Honourable Mr. PATEL refer to Mr. Lorimer's report to the Commissioner of Abkari in February 1905 and quote one sentence from paragraph 7 thereof. My Lord, I submit that it is an incomplete quotation from Mr. Lorimer's report. I therefore beg to dwell on Mr. Lorimer's said letter for a while. In paragraph 3 of his letter Mr. Lorimer speaks at length regarding his full and clear impression with the fact that illicit distillation of liquor is rife to such an alarming extent in the Borsad, Anand and Nadiad Talukas and in a modified degree in the Mehmadaabad, Kapadvanj, Thasra and Matar talukas in the order named as to demoralize the Dharalas. Mr. Lorimer is of the opinion "that it is impolitic to allow the existing state of affairs to continue any longer. It encourages the people to resist authority and it demoralizes the Abkari staff making it impossible for the officers and men to act with promptitude and confidence, and it results in important cases being left undetected to the detriment of the Abkari Revenue."

As a remedy for this he suggested in paragraph 7 as follows —

"It would be from what I have seen in this District highly impolitic to extend the provisions of the Mhowra Flowers Act for example at the present time to the Kaira District * * * What is really required at present is strong and adequate Abkari staff, properly officered to cope with the illicit practices."

In Mr. Ghosal's letter of 21st August 1914, paragraph 3, we find the remedies named by Mr. Lorimer adopted in 1906-07. But these remedies have not proved effective. In paragraph 4 on page 11 of his same letter Mr. Ghosal quotes from his review of the Excise Administration Report of 1912-13 and that quotation of his mentions how the primitive instincts and impulses of the people, to say nothing of the nature of the country, have prevented successive Collectors from reaching anywhere near the goal in view. The Collector therefore suggests the extension of the provisions of the Mhowra Flower Act to the Kaira District after having given full trial to what Mr. Lorimer suggested in 1905 and after being convinced that

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this somewhat drastic measure is the only remedy left to be applied to check an evil which Mr. Lorimer had found to be rife to an alarming extent in 1905 and which is no less rife to-day if it is not on the increase.

Sir F. Lely writing in 1903 said that in his opinion any interference with the use of mhowra flowers in parts of the Northern Division other than Ankleshwar would greatly harass the people and that nothing in his opinion would justify it (paragraph 7). But paragraph 5 and the last few lines of paragraph 2 of his frank and outspoken letter suffice to explain the reason of his objection to the extension of the Mhowra Act to the Kaira District.

Sir F. Lely would not extend the Mhowra Act to the Kaira District for a saving in revenue, but would favour it if there was somewhat of a moral crisis as in Thana in 1892. He would also not favour it till the ordinary law had done what it could to put down illicit distillation by detecting and punishing offences. These are the two exceptions Sir F. Lely named under which the present Bill would be approved of by him. From Mr. Lorimer's report on the condition of the Kaira District in 1905 and Mr. Ghosal's reports before this Council I have no hesitation in concluding that the ordinary law has done all it could to put down illicit distillation by detection and punishment of offences. Without being an alarmist, I would say that I have little doubt that matters appear to be coming to a stage where we could according to the Collectors' successive reports infer that somewhat of a moral crisis may not be very distant in the Kaira District unless illicit distillation could be brought under control.

A good deal of stress is laid upon the use of mhowra flower as food by men in the Kaira District. This is no doubt a difficulty worth all the fullest consideration and I do not in the least wish to belittle it. The question, however, is, which of the two is the greater evil?

Is it not better to bring under control the raw materials of illicit distillation and thereby check excessive, hard and strong drink, rather than leave all this exposed to the tender mercy and temptation of a class of people whose addiction to liquor is undisputed and whose reputation for turbulence and lawlessness, for inclination towards committing crimes of violence, and predatory habits are admitted even by my Honourable Colleagues in their Note of Dissent.

Mr. G. F. Sheppard writing to the Bombay Government in 1883 says in para. 12 "mhowra fruit is not so extensively used as an article of food in the Konkan as in Gujarat and Rajputana, but at the same time it would be difficult to exaggerate the importance of this product to the poorer classes in the Hills, who are frequently entirely dependent upon this for the few little articles of luxury they obtain in exchange. Not infrequently a supply of grain for monsoon consumption is obtained by barter for the mhowra collected by the family, and any restriction which would lower the exchange value of this product would tell very hardly on the poorest of the population."

It is to be noted that all along he talks of barter and exchange of mhowra flowers for grain and little articles of luxury. It is to be inferred that mhowra flower then had little market value which is quite different from now when mhowra flower commands a market value which is sure to be appreciated as soon as the new factory at Nasik is put up for the manufacture of acetone.

The late Honourable RAO BAHADUR RANCHODLAL CHHOTALAL, speaking in this Council in 1892, said "Wherever intoxicating drink is cheap and easily procurable consumption would increase, and as excessive drink is one of the principal causes of poverty, crime and disease, it is the duty of Government to arrest and diminish the total consumption of liquor, both licit and clandestine."

At the same time the late Honourable Mr. R. B. NAVALKAR justified the Mhowra Bill for Thana and Kolaba on similar grounds saying "So long as the

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selling price of excise liquor is considerably higher than the cost price of free mhowra liquor, or in other words, so long as the liquor is taxed in any shape, illicit distillation from mhowra will continue, and the only means of checking it is to bring the raw materials under executive control."

I am very pleased to find that my esteemed colleague the Honourable Mr. PAREKH has only a few months ago condemned even the use of licit liquor in much stronger terms. Speaking as the President of the Seventh Bombay Provincial Temperance Conference at Ahmedabad in October last, the Honourable Mr. PAREKH deplored that such large sums of money as Rs. 2,20,00,000 and more should be spent by the people of India annually upon liquor. He pertinently asked the question what the people got for this colossal sum and rightly answered by saying nothing "that is of the slightest use to them"; he added "It would be something if the money were thrown in the deep sea. It would be then mere waste; but it is much worse—the return of this money comes in the forms of premature deaths, crimes, diseases, distress and unhappiness. But even these colossal sums represent only a small portion of the economical loss the country suffers from the prevalence of the habits of drinking." The heavy economic loss that the country, in the Honourable Mr. PAREKH'S opinion, sustains is comprised in several heads which have been referred to by the Honourable Colonel JACKSON in his speech.

My Lord, what stands good for the evil effects of licit liquor stands equally good for the worse effect of illicit liquor, for, in the latter case, the liquor is likely to be stronger in strength, and hence more injurious, and, being available for next to nothing, is drunk in immeasurably larger quantities. I am quite aware that whilst speaking as he did at Ahmedabad, the Honourable Mr. PAREKH was appealing to the Government and the educated people to give to the people at large less facilities for temptation to drink. May I not ask him to support a measure that at the worst selects the lesser of the two evils between drink and hardship at times to people regarding what is after all not a staple food of people of the Kaira District?

My Lord, I am afraid that the worst handicap to this Bill is the fact that it will result in an increase in the Abkari Revenue of the Kaira District. The average man, at once, connects this with the motive of the Government and the Collector in bringing forward this Bill. I am not at all sure that cheapening of liquor would be a boon to make people more temperate. I should be very ready to oppose anything in the present Abkari policy that tempts or unnecessarily exposes people to intoxication for the sake of increased revenue. Perhaps a total bar to distillation would raise a justifiable protest from those using liquor in moderate quantities and unable to give it up owing to reasons of health or continued habits. However, I do not see how illicit distillation can be tolerated or continuance of it advocated.

My Lord, a reference has been made in the Honourable Members' dissenting note to the difficulty of several Native States having their villages on the border of the Kaira District. The Baroda Durbar, we know, has applied this Mhowra Act to Gundevi, Padra and Karjan, and I have not any misgivings that such a progressive ruler as His Highness the Gaekwar will do the needful for his territories on the borders of the Kaira Districts too, as soon as necessary and feasible. As a matter of fact, I am not in a position to say that the Baroda Durbar may not have considered this same legislation for their villages ere now. Perhaps absence of the Mhowra Act in Kaira District may have kept them from applying it to their villages there.

In paragraph 9 of their Note the Honourable Mr. PAREKH and the Honourable Mr. PATEL enumerate the evil consequence they fear from this legislation. Item No. 5 therein deserves consideration and I hope Government may be able to give an assurance that if traders in mhowra flowers in Kaira are found to be combining as indicated there they would be prepared to step in and buy the mhowra

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flowers say about 15th May to avoid any undue harassment to the people collecting mhowra flowers.

It would also be well if Government assures this Council that in the event of a famine or severe scarcity in the Kaira District Government would relax the restriction the following season so that people may be able to use the mhowra flower till the following harvest time if circumstances justified it.

The next point is a question of the extent of the vacation period. Whilst suggesting to Government the extension of the Mhowra Act to the Kaira District, Mr. Ghosal says on page 21 of his letter of 21st August 1914 that he would even be prepared to extend the usual mhowra vacation by a few months "If, for instance, the mhowra vacation for Kaira were to be fixed from February 16th to August 15th, there would be no ground for any reasonable complaint on the part of the people." In paragraphs 15, 16 and 17 of his letter No. 1057 Mr. Ghosal modifies the period of vacation and gives his reasons for the same. These reasons appear to me to be sound although, as I have said already, I approve of this Bill on the main principle that it aims at and will more effectively than hitherto bring under control the raw material for illicit distillation.

My Lord, my conclusion is that this somewhat drastic measure is not being rushed by Government. In 1905, when Government first suspected illicit distillation in the Kaira District, the very officer reporting on the condition of the District to Government recommended certain departmental measures to be given a full trial, and emphasised his opinion that the Mhowra Act should not be extended to the Kaira District *then*, owing to the fact that it will interfere with an article of food. These measures have been tried for full ten years, but without any appreciable success, according to the Collectors' reports. Even the Honourable Members in their Minute of Dissent do not endeavour to gainsay the fact that there is a large amount of illicit distillation in the district even now (paragraph 6 of the Note of Dissent).

It is therefore after mature experience of the results of the various recommendations that Government, as a last resource, suggest this Bill under discussion. It is now for this Council to weigh the two necessary evils and decide which of them they would expose the people of Kaira to. My Lord, I have no hesitation in saying that I would much rather accept the lesser of the two evils, in the light of what I have said already. I beg therefore to support the second reading of Bill No. III of 1916.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD.—Your Excellency, —This is a piece of legislation which may gradually be extended to other parts of the Presidency—particularly to some talukas of Khandesh—and it is therefore necessary that it should receive careful consideration. I have no personal knowledge of the Kaira District, but I know what happens in certain talukas of Khandesh where mhowra is grown. The two principal questions before us are whether the mhowra flower is or can be used as fodder for cattle and food for human beings, and whether this legislation will affect the profits which the poorer classes make by selling the mhowra flowers. On the first question, Sir, I think that this can not only be used as food for men and cattle, but I know that in Khandesh even the distillery mhowra refuse is used as food for cattle. It is regarded as a sort of concentrated food and is bought by the gavis for feeding their cattle. The fresh flower is valued as food by human beings, and when it dries up it is given to the cattle. With regard to the second question whether it will affect the profits which the poorer classes make, I am afraid that the contractors who buy will hold out almost to the last day when the possession of these flowers becomes criminal. In that case these poor people will have to sell out the produce they have collected almost for nothing. This to the poorer classes will certainly mean a serious reduction in their earnings and I submit that it may in some cases look like undue interference with their legitimate profits. For illicit distillation I submit, Sir, any

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commodity is as good as mhowra flowers, if a man will only take the risks of illicit distillation. The best remedy to check illicit distillation of liquor is the vigilance of the Abkari police. This prevention of the possession of mhowra flowers strikes me as something like preventing the possession of wealth because the keeping of it may lead to trouble. I submit, Sir, that the Abkari police now are sufficiently vigilant and they have made illicit distillation sufficiently risky. If, then, as some of my honourable friends maintain, we would be interfering with the food and earnings of the poorer classes, a lenient view might be taken and I submit that the clause which makes the possession of mhowra flowers criminal at least might be taken away from the Bill. I personally would oppose the second reading of the whole Bill.

The Honourable Mr. G. F. KEATINGE.—Your Excellency,—There is one point in connection with this Bill on which I have to make some remarks. I understand that the main reason which induces the Honourable Mr PAREKH to oppose the Bill is that mhowra flowers are used as food for men and cattle. I expected that at the second reading he would come forward with some figures to show to what extent they are used as food, but in the absence of any such figures we have to be content with his statement that a large number of mhowra trees grow in the Kara district, and that their flowers are extensively used as food. Now as against that, we have the report made by the Collector of the district, Mr. Ghosal, and he estimates that out of the total crop of mhowra flowers which is grown, after the ordinary use has been made for preparing tobacco for smoking and after the ordinary export has taken place, the total amount which remains to be used for food and for illicit distillation is only 55,000 maunds and I had myself made some enquiries with gentlemen in the Kara district who are well acquainted with the facts with regard to the mhowra flowers and I may state that the figures which they gave are substantially the same as those given by Mr Ghosal. Now the population of Dheds, Waghris and Kols in the Kara district who use these flowers is about 3 lakhs and the number of plough cattle about 1 lakh, that is to say, 4 lakhs in all. Now 55,000 maunds is equal to 44 lakhs lbs and this has to be divided amongst 4 lakhs units, that is to say, the amount available is 11 lbs per head. Well, to consume this 11 lbs. per head $4\frac{1}{2}$ months are allowed. I would submit, Sir, that even ignoring the amount which is used for illicit distillation the population of the district could easily consume the whole amount available in one or two months, and if they wish to spread it over and beyond $4\frac{1}{2}$ months, there must be some special reason why they should do so because they have ample time to eat the flowers when they are fresh. We know from the analysis made by the Agricultural Chemist that it is a food somewhat less valuable than bajra in its earlier stages, and we know that when the rains set in it deteriorates in quantity owing to worms, and also that its value as a food rapidly decreases. Acidity sets in, fermentation commences, and sugar is converted into alcohol.

Well, I dare say that the flowers in this condition are not really very harmful to persons accustomed to alcohol if eaten in small quantities. The fermenting mhowra flowers are said to keep out the cold during the rains, and are valued for this purpose. If the matter ended there, no harm would be done. But the matter does not end there, for these mhowra flowers are to a large extent kept through the monsoon, instead of being consumed when they are fresh and wholesome, in order that they may be used for illicit distillation, and we know that they are extensively used for this purpose. My only object in speaking is to submit that this Bill does not in any way take away the staple food of the people even at certain times. It is not the staple food of the people. The Honourable Mr. PURSHOTAMDAS expressed the view that in accepting this Bill we are accepting the lesser evil or to some extent sacrificing useful food in order to get rid of a greater evil which consists of illicit distillation; but

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I would contend that we are not sacrificing any food supply, since ample time is given for the people and cattle to eat the mhowra flowers available while they are still a wholesome food.

I confess, Sir, I do not understand the attitude of the Honourable Mr. PAREKH towards the Kolis, Bhils and wild tribes. In June last at the time of the debate on the budget he informed this Council that these wild tribes made no use of their lands and he suggested that the Government should introduce legislation which would enable them to alienate their lands and let them pass into the hands of other people who could use them to better effect. This view was quite intelligible. I do not agree with it myself and it is not a view that I should expect to hear expressed by a man who champions the cause of these wild tribes; but I can imagine a strict economist expressing it. Now, however, he asks Government to allow these people to retain their facilities for illicit distillation and at the same time to greatly reduce the price of licit liquor. This proposal appears to me to be disgraceful, and, if accepted, would be contrary to the interest of the industrious cultivators amongst whom these wild tribes live, would check the progress of the district, and would be fatal to the welfare of these wild tribes who are already addicted to alcoholic vice, and to the crimes which result therefrom. I therefore support the second reading of the Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—May it please Your Excellency, before we proceed further to consider this Bill, I would read out the section which it proposes to now extend to the district of Kaira. The section runs thus:—

“18-B (1) Save as is provided in sub-section (3), no person shall export from or import into any prescribed area or collect, transport, sell or have in his possession within any such area any quantity of mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the terms and conditions of a license, permit or pass granted by the Collector or other officer duly empowered in this behalf.”

This is the section which is now proposed to be extended to the district and its extension will seriously interfere with the right of sale, possession, transport, and export of produce that is required, as has been admitted by Government officers, partly for human consumption and partly for cattle and for export for commercial use. The district has a population consisting nearly of 7 lakhs of people and the Bill proposes to deprive these people of the right to possess their own property as regards these mhowra flowers. It is to be done not in the case of the Dharālas alone but of all other classes of people who may own these flowers or have them in their possession. It is admitted on all hands that the greater part of this produce is exported and a considerable portion is used for Gudakhu and other preparations (nearly one-fourth), and that only a small proportion remains to be used for human food and for cattle. That being the case, I ask whether a case is really made out to justify interference with the free right of possessing their own property which these people at present enjoy. This is a legislation which would interfere with the exercise of the primary rights of the people in their own property. Kaira is one of the most forward districts in Gujarāt. It is populated by the best educated and most intelligent cultivators in the Province. So far as education is concerned it stands first in the Presidency. That being the case, it is a question whether all the restrictions which are proposed to be introduced by this measure are really necessary and whether the needful check against illicit distillation could not be effected by proper efforts on the part of the Abkari Department and the Police. We have got a number of reports among the papers circulated, to show the extent of this produce but as to the extent of illicit distillation no definite figures

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have been given. It is all very well to say that illicit distillation exists to a large extent in the Kaira district, but then, if we turn to the Administration Report of the Abkari Department we find that the actual cases of drunkenness far from being in excess in the Kaira district are, on the contrary, much less than in several other districts in the Presidency. In Appendices Q and R of the last Report of the Administration of the Excise Department for 1914-15, we have the figures for the various districts and if we compare them, we find that Kara shows a much smaller number in comparison with the other districts. In fact there are several districts which show a much larger number of offences in this respect than Kara. That being the case, I think it would be better to adopt less stringent measures than those which are proposed by this Bill. Now it is said that the restrictions which the Bill proposes to impose would not cause serious hardship to the people. As to this I may point out that even in the absence of the proposed restrictions the people are at present living in a condition of extreme nervousness as regards the Abkari subordinates and that they find it difficult to keep their produce within their own doors. That being the case it is a question whether if this measure is passed the people will not be in constant dread of the raids of subordinate officers. Will this improve their condition and their morals or only expose them to unnecessary harassment and further demoralise them? We all no doubt wish to improve the people but we have to see if the measures now proposed will secure the desired object or cause undue hardship to them and harm their interest. Of course, so far as the Abkari Department is concerned, I would admit that, in the interests of revenue, it may be necessary to introduce this legislation. But if that be not the only object in view I think it will be better to adopt gentler measures than those proposed in the Bill to improve the condition of the people and at the same time to check illicit distillation. We have got the report of Dr. Mann as to the value of these flowers as food and I think it may be taken from that report that these flowers are used as food by the people who are poor. Then it would be desirable in the best interests of these poor people to train them to preserve these flowers for use during rains or in case of scarcity rather than compel them to sell them to the Banias before the rains for whatever price they may offer. If the people are allowed to preserve these flowers they might be exported to Europe and command higher prices than they do at present. Under these circumstances I think it would be much better to allow these people to preserve these flowers and to dispose of them at their convenience so that they may be a more valuable source of income for them. Now, as regards the extent of consumption, the Honourable Mr. KEATINGE referred to the figures quoted in Mr Ghosal's report that the amount required for consumption was only 55,000 maunds, but there are several reports of Mamlatdars which are also among the papers which show that the quantity used is much larger. I find in these papers that in the Matar taluka alone 15,000 maunds are consumed, in Borsad 19,000, in Kapadvanj not less than 160,000, in Anand 37,800, besides 13,000 maunds for cattle. I need not now go into the details of other talukas, but this will show the extent to which mhowra is used as food. It is in the rainy season and especially when these poor people have to expose themselves to rain and to work in wet weather that they want something as stimulant, and it is then that mhowras are used by them for themselves and their cattle. Our monsoon, it must be remembered, is very precarious. It sometimes holds off until July and there are breaks at uncertain intervals. Even at the end of September, we are not sure of the position as to how the result of the whole season will be. That being the case, would it be just and in the interests of these people to deprive them of this produce on which they would ultimately have to depend upon in case of need? That is the point of view from which, I think, we ought to look at this matter and not entirely from the point of view of the Abkari Department. The figures given in the papers that are circulated to honourable members will show that there is more illicit

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distillation in villages where there are no mhowra trees than where there are two or three thousand trees. If only we go through the figures on pages 95 to 105, Schedule H, it will be found that in several of the villages where there are no mhowra trees there is more illicit distillation than in villages where there are mhowra trees. Moreover, mhowra flowers may be in the possession of the better classes, who do not touch drink and in their case there need be no fear of their being used for illicit distillation purposes. In their case the restrictions proposed would be unnecessary and unjustified. Illicit distillation depends more upon the hereditary habits of the people than on the mere possession of the flowers. Even in the case of licit liquor, we find that in spite of the measures that Government have taken to reduce the consumption of liquor, the consumption, far from going down, has been increasing. So far as the Kara district is concerned, it has nearly trebled. It was 8,313 gallons in 1903-04, it doubled to 16,225 in 1907-08, and in 1913-14 it came to 24,869 gallons. This last figure is not far below that shown for several of the other districts. If the consumption of licit liquor has so far increased, I do not know why we should assume that there is still such extensive illicit distillation as would justify the measures now proposed. If our figures show that the use of liquor is now on the increase, where is the justification for the adoption of this drastic measure? Under these circumstances, I submit that it would be in the best interests of the people not to have recourse to these but to adopt those suggested by the Honourable Messrs. PAREKH and PATEL in their minute of dissent. Their suggestions are not merely sentimental. The Honourable Mr. PAREKH has worked all his life in the cause of temperance and the suggestions he has made are conceived in the best interests of temperance and in the light of his personal knowledge of the people of the district and their habits and modes of living. He has also suggested needful measures to check illicit distillation. As suggested by him, let us strengthen the Abkari staff for the district and have better paid officers to supervise that staff. Other measures might also be adopted to improve the condition of the poorer classes, for instance, the Honourable Mr. KEATINGE would be able to do a great deal through his department to train these people to improve their agriculture and to show them better means of doing it. The Honourable Mr. ARTHUR could also join hands with him and if all these attempts fail after 10 or 12 years, then will be the time for us to deprive the people of their essential rights to hold their own property.

With these few remarks, I beg to say, Sir, that I cannot give my support to this Bill.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—Although not connected with the district to which the measure is proposed to be applied, I rise to speak a few words in support of it. In the first place, I feel it my duty to respond to the query that has been formulated by Lieut.-Colonel Jackson as to whether in Sind the Hurs, who are criminal tribes and who are interned in a kind of settlement in Ahmednagar district, and who receive perhaps harsher treatment if I may say so than the Dharalas and Waghris of the Kaira district, take to drink in order to drown their sorrow. I can say truly that they do not take to drink for that purpose. The Honourable Mr. PAREKH has said that so far from drink being the motive cause of these criminal tribes in itself it is rather a thing that they resort to as a result of the hardships to which they are subjected. Well, if they are criminals, do they deserve any kind of consideration of the nature which my Honourable friend Mr. PAREKH is going to advocate for them? I think the issue before the Council is very simple. Has the Honourable Mr. PAREKH and other honourable members who are opposing this measure got the good of the people at heart or not? Now I think it resolves itself purely into a question of fact as to whether mhowra flower lends itself to illicit distillation or

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not, and if it does, whether that illicit distillation is productive of crime. I do not think that the opponents of the Bill have tried to make out a case sufficiently strong to meet the case put forward by Mr. Ghosal with all the number of years which he and other government officers have spent in collecting evidence, giving us the result of experience. I say that the Honourable Mr PAREKH and those other members who oppose this measure have not been able to meet these facts. It is no good to merely make a statement "Oh, we do not admit that crime can be connected with mhowra flowers". It is not enough. That being so, and if it is fully conceded that the case of Mr. Ghosal and those who follow him is strong that crime is connected with mhowra flowers, then I think our friends would be better serving the moral and material interests of the people of the Kaira District if they support this Bill, otherwise it merely becomes a case of giving unrestricted license to the people. It is like giving liberty to a mad man merely for the sake of liberty. The question is whether it is good for society, whether it is good for mankind. Here I think the Honourable Mr PAREKH, and those who agree with him say "these are poor people, why put restrictions upon them"? The reason is obvious. The restrictions are proposed not for them but for the good of the society in which they move. Your Excellency, I think every one here—the Honourable Mr PAREKH included and those who side with him—has the good of the people at heart, but they are looking at this question from the wrong angle of vision. If the advocacy of the Honourable Mr. PAREKH and of those who support him were calculated to serve the moral and material interests of the people, I should most gladly support them. For these reasons, Your Excellency, as I said at the outset, although I am not connected with the part which is going to be affected by this measure, I think it my duty to point out that we ought to look to the good of the people for whom the Bill is intended.

The Honourable Mr S. R. ARTHUR.—Your Excellency,—All the points arising in reference to this Bill have been so ably dealt with by previous speakers that I desire to make a few remarks only.

In the first place I wish to draw the attention of the Council to the statistics of serious crime given in Schedule H on page 96, etc., of the papers recently circulated which print an appalling picture. To quote a few figures only Anand, which has 2,101 mhowra trees produced 101 serious offences in 5 years, Umreth produced 88, Kaira 68, Dakor 80 and Mahudha 74. Taking the total figures by talukas in 5 years Anand Taluka shows 731 cases of serious crime.

Mehmadabad	...	...	...	...	235
Thasra	...	...	...	...	292
Matar	...	...	...	...	183
Kapadvanj	...	...	...	...	218
Borsad	...	...	...	...	717
Nadiad	...	...	...	...	570

that is a total of 2,946 for the district. I would ask whether this is a state of affairs which this Council contemplates with equanimity. Will the Council accept responsibility for the continuance for another five years of this orgy of crime? Will they allow the demoralization of the district to proceed further unchecked? Illicit distillation is responsible for the present state of affairs in Kaira. Illicit distillation can be stopped by restricting the possession of mhowra in the season in which illicit distillation is rife and by no other means. Other means have been tried and have failed.

I would now like to say a few words about the Agricultural Chemist's report on certain samples of mhowra sent to him. He says that even in the deteriorated condition (which supervenes on the commencement of the rains) which most of the samples show he considers that for people who are willing to eat them they form a valuable food.—Well, *chacun à son goût*—He had said above that though.

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the samples were taken very soon after the commencement of the rainy season all of them contain maggots and beetles which were living in luxuriance in the material and would probably very rapidly increase, that many of the samples were mouldy, that in many fermentation had taken place and that all had become considerably acid. Is *such food* food for the preservation of which it is desirable to suspend legislation urgently called for on other grounds? But I submit that in any case the legislation proposed will allow to each family as much sweet mhowra as it can possibly have when the period of restriction begins in July. It is only sweet mhowra that people eat. Mr Ghosal has estimated the number of sweet mhowra trees at 28,000 or about 1/10th of the mhowra trees in the district. The birds eat about half the flowers of these and a produce of a maund of mhowra per tree is a liberal estimate. Thus he estimates the sweet mhowra at 28,000 maunds or 30 lbs per family for the whole season which begins in March. The allowance given by Government of 20 lbs. per family in July will then, I submit, amply cover the edible mhowra which a family is likely to possess at that time. On this calculation no one will be deprived by this legislation of any eatable mhowra which he can possibly possess.

I would like to add a few words about famine conditions. The Honourable Mr. PAREKH has said that this legislation will press hardly on the people in famine time. Now should the rains of this year fail the effects will be felt next spring and rains, when the new mhowra crop will be available. Men can sell mhowra for 2/3rds of its weight in good wholesome jowari and I venture to say that in a famine they will do much better to sell the mhowra they collect and buy grain than eat the mhowra and I feel sure that the people of Kaira generally would in a famine season utilize their mhowra in this way.

The Honourable Mr. PATEL.—Your Excellency, several honourable members have spoken in a somewhat loose manner though with a good deal of emphasis about the criminality of the Kaira District, and it is my duty that I should try to remove any wrong impression that might have been created in the minds of some of us owing to those speeches. For this purpose I invite the attention of this Council to the annual administration report of criminal and civil justice for the year 1915. I read the table showing the comparative criminality for the several districts in the Presidency (reads the table). This makes it perfectly clear that after all said and done the District of Kaira does not appear to be so bad in criminality as it is represented here. Again with regard to cases of drunkenness, it is sufficient for me to observe that as pointed out by me at the first reading of this bill, the district according to the statistics compares much more favourably than a good many other districts of the Presidency.

Your Excellency, at the first reading of the bill, I moved that clause 2 should be deleted. Discussion on my amendment centred round the question whether mhowras were used in the Kaira District as food or not. Several members expressed a desire to have evidence on the question before they could make up their mind one way or the other. Government promised to furnish the members of this Council with copies of evidence before the second reading. Under the circumstances, I withdrew my amendment then and the bill was referred to the Select Committee. After the first reading and before the meeting of the Select Committee several witnesses were examined by the Kaira authorities and their evidence was placed before the Select Committee for their consideration. The evidence on the question is overwhelming and the Select Committee without expressing any definite opinion on that question has by majority virtually accepted the Bill as it stood. The question, therefore, remains open for the decision of this Council. I cannot make out what exactly is the view of Government on this question. There has been an amount of quibbling on the part of Government officers on this question. But the Collector himself has to admit that the people of the district are using mhowras as food, though he adds that the habit is decreasing and should not be encouraged. The official evidence proves conclusively that used mhowra flowers as food till 1905.

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I know my Honourable friend Mr. PURSHOTAMDAS just told us that so far as cattle were concerned it was not used as food. On the other hand, my Honourable friend Mr. GARUD just told us that even distillery refuse is being used as food for cattle in East Khandesh. However, these statements apart, I want to draw the attention of this Council to the reports of several Mamlatdars which are now before us. On page 16 of the note by the Collector of Kara, Mr. Ghosal, there is the report from the Mamlatdar of Matar, one of the Talukas of the Kara District. He says "mhowras are used by the poor as food for men and cattle as well as for making tobacco mixture known as kakab." On the same page you have a report of the Mamlatdar of Kapadvanj, Mr. Kathavate. He says: "Bullocks are given mhowra during the wet season for a couple of months and mhowra is also given to what are called "cold" buffaloes. To buffaloes it is given throughout the year, but not more than 20,000 maunds is given in this way. The bullocks are given about 2 lbs. per day, and the buffaloes about 1 lb. per day." Then on page 15 your Excellency will find a report of the same Mamlatdar observing "bullocks are given mhowra during the season that they have to work in the fields in the rains. It is not restricted to the month of July. The mhowra is supposed to counteract the effect of the cold season."

The burden now lies on Government very heavily to show that people have ceased to use mhowra as food or at any rate its use has materially decreased. Non-official witnesses examined are clear on this point. Most of them say that mhowras are used as food. The point of difference, however, is as to the particular periods of the year during which they are so used. Kara District consists of seven Talukas and witnesses examined belong to two of them, namely, Anand and Nadiad. Anand witnesses state that mhowra flowers are used as food till some time after the break of the monsoon. Nadiad witnesses, on the other hand, maintain that they are used till the end of monsoon, *i. e.*, till Diwali. It is unfortunate that witnesses from other five Talukas for which the bill is also intended have not been examined; and I am sure the honourable members will have no hesitation in refusing their consent to the application of this legislation to those Talukas. On this ground alone, therefore, the Bill as it stands must go.

Mhowra eating population in the Kara District numbers 300,000. They are mostly Dharalas, Waghris and Dheds, the poorest of the poor. It is difficult to give the number of people resorting to illicit distillation. They may be 500, or 5,000, I cannot say, and we are asked to give our consent to this legislation which will have the effect of affecting the food supply of nearly half the population of the district. To describe it in the language of law, I say, the principle of the bill offends against justice, equity and good conscience. Is it proper, is it just for us to enact a law which would have the effect of punishing a large number of people for the fault of a few? Lord Ripon's government recognised the mischief involved in such legislation and pointed out in their letter to this Government dated 23rd October 1882 that if the flower was not used as an article of food and that if it were clearly proved that no remedy for the existing state of things could be found in a relaxation of the present Abkari laws it might then be considered whether legislation could not be undertaken for the purpose of placing some restriction on the collection, sale or possession of mhowra flowers. A year after that Mr. G. F. Sheppard the then Commissioner, N. D., in his letter to this Government submitted that any restriction on mhowra flowers would tell very hardly on the poorest of the population and that mhowra export trade was rapidly increasing and should not be stopped. In 1903 Sir Frederick Lely, the then Commissioner, N. D., in his letter to this Government expresses as follows—"In view of possible proposals to still further extend the law, I desire to record that in most other parts of the Northern Division, mhowra flowers are eaten by the people and stored by them for that purpose. Any interference would harass them greatly and nothing in my opinion would justify it." In 1905 Mr. Lorimer was specially deputed to make inquiries in relation to the extent of the prevalence of illicit distillation in the Kara District and to suggest remedies to prevent it.

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In paragraph 7 of his report he puts his case which is also mine that "the people are poor, and the mhowra is a food for them and it would be great hardship to them to suddenly deprive them of the means of their existence. A number of innocent people would suffer."

Apart from this question of food supply, there is another consideration why there should be no restriction on the sale or possession of mhowra flowers. Large quantities of mhowra flowers are exported from the district during almost all months of the year. A perusal of Schedule B attached to the note by the Collector of Kaira will give this Council some idea of the volume of trade carried on in mhowra flowers in this district. Statements in that schedule prove that large quantities are exported not only till June 30th, but throughout the year. This fact gives a direct lie to a somewhat loose statement made in some quarters that mhowra flowers get rotten and become useless soon after monsoon breaks. If that were true, how is it that large quantities of these flowers are exported during monsoon months and after?

The Select Committee in their report say that the result of the legislation proposed will be to compel the Dharalas to sell their gathered stores before deterioration has set in with the advent of the rains and to realise the proceeds in cash or in grain and therefore the measure will benefit them. As I have just pointed out, deterioration does not set in with the commencement of the rains. If it does, how is it that the distilleries in the Presidency are kept going in rainy months and how is it that large quantities of mhowra are exported in those months? With regard to the second argument that the measure will compel the Dharalas to sell off mhowra flowers and realise proceeds in cash or grain and thus benefit them, I beg to observe that the view propounded by the Select Committee is not correct. Mhowra is the cheapest food inasmuch as it merely costs the labour of collecting and storing. No payment has to be made for it and any limit of time for the sale of mhowra is the most certain way of depreciating its market value, for the simple reason that the licensee who alone can keep mhowra flowers in his possession after the vacation period will insist on his own terms and the Dharala will have no alternative left to him but to accept the price offered to him or to be punished by the Criminal Court for illegal possession of mhowra.

Another question that this Council should consider is that in pursuance of the instructions of Government of India referred to by me neither our Government nor I take, it, any other Government in India, has ever made any attempt to extend this legislation to any district or place where mhowra flower is used as food, and where these trees grow in abundance. Hitherto the section has been applied to places where either no mhowra trees exist or exist in small number or where mhowra is not used as food for men or cattle. In the district of Kaira, on the other hand, mhowra trees grow in great abundance and the poor people use mhowra flower in considerable quantity both for themselves and for their cattle.

One word more. I quite appreciate and sympathise with the desire of Government to check illicit distillation in the district of Kaira. I may point out, however, that all the remedies necessary to check the evil have not been given a trial. The Collector of Kaira recently recommended certain remedies some only of which are being tried since a year. I, therefore, submit that the Bill is premature. In conclusion, I respectfully ask the honourable member in charge of this Bill to tell this Council whether your Excellency's Government accepts the view of Lord Ripon's Government that mhowra legislation should, under no circumstances; be resorted to in places where mhowra flowers are used as food. It has been established beyond doubt, by the report of Dr. Mann, that mhowra flowers are equal to about 86 of the food value of the grain usually consumed by the people, that the food materials which they contain are considerably more digestive than those in the grain and that they form an excellent food material which is at the same time exceedingly cheap. Under the circumstances, I have no alternative but to oppose the second reading of the Bill so far as clause 2 is concerned.

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[*Mr. G. Carmichael ; Mr. Upasani.*]

The Honourable Mr. G. CARMICHAEL.—Your Excellency,—I should like first of all to deal with the Honourable Mr UPASANI'S reference to the Excise Administration Report of 1914-15. He says that there is no evidence, that the amount of excise crime in Kaira is not high, as compared with the other districts. The report, however, shows that the number of cases of illicit distillation is 280 for Kaira District alone and 903 for the whole Presidency. Thus, practically, Kaira accounts for one-third of the crime.

The Honourable Mr UPASANI.—I referred to the figures of drunkenness.

The Honourable Mr CARMICHAEL.—I think the figures to be taken into account are the figures for illicit distillation. Cases of drunkenness are mainly reported from large towns and not from rural areas like Kaira.

Again the Honourable Mr. PATEL said that as far as the number of reported crimes per population is concerned, Kaira takes a comparatively low place. He was dealing with the total amount of crime and not serious crime. But the point about Kaira District is that for robberies, murders and dacoities the Kaira record is very high indeed. The Honourable Mr. UPASANI approached the subject from the point of view of pure reason, but I do not think that he had all the facts before him. He was not present at the time of the First Reading of this Bill and possibly he has not had the time to study the question fully. I should like to draw attention to the fact, which I attempted to bring out, on the occasion of the First Reading, that the district of Kaira contains only 2 per cent of the area of the Presidency and 4 per cent. of population, and, yet, for the ten years, 1904 to 1915, it has been responsible for one-fourth of the total number of cases of illicit distillation that have been reported during these years. The Honourable Mr PATEL referred to the pronouncement of Lord Ripon's Government at the time when this particular provision of the law was first under discussion. But it should be understood that before this Bill could have been introduced into this Council the Government of India of the day must have sanctioned it. He also referred to a report submitted by Mr G F Sheppard, who was Commissioner of the Northern Division in 1892. Mr Sheppard was for ten years Collector of Kaira District, and afterwards, was Commissioner of the Northern Division. He had an intimate knowledge of the district of Kaira, and, I believe, he knew practically every person in the district, but the value of his remarks in his report is somewhat discounted owing to the fact that, though he was appointed a member of the committee, which was appointed to enquire into the mhowra question in the Konkan districts, he did not attend the discussions of that Committee and did not hear the evidence then produced. Again he made a certain prophecy. He said that in the Hill districts of Thana and Kolaba it would be quite impossible to put a stop to illicit traffic. But, as we know, by the application of section 18-B of the Abkari Act, illicit distillation has been suppressed in those districts. The Honourable Mr. PATEL also referred to the report submitted to Government by Sir Frederick Lely. Sir Frederick Lely was an officer of great experience whose opinion was very much valued, he had a very intimate knowledge of some parts of Gujarat, and was an authority on any matters connected with that Province. He was also an officer who expressed his opinions very strongly. But I think that he had not a very intimate knowledge of the Panch Mahals and the statement he makes that the Bhils and Kolis in Panch Mahals eat mhowra alone must be regarded as an exaggeration. I have not the slightest doubt that if the Bhils or Kolis of the Panch Mahals attempted to eat mhowra alone they would suffer from the same stomachic troubles as any one of us. So also, I think it is somewhat of an exaggeration to say that nothing would justify the application of this section to Northern Gujarat. Sir Frederick Lely was a staunch advocate of temperance, and, I am sure that if the facts which have been brought out in these papers had been brought to his notice as prominently as they have been to the members of this Council, if he had realized the extent to which the

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illicit distillation is going on and the demoralization and economic loss, which it causes, and, particularly, if he had had time to see the effects of the application of this section in the neighbouring district of Broach, I think, very likely, he would have been the first to admit that the question was one for consideration, and very possibly, he would have been as dogmatic in the other direction. The Honourable Mr. PURSHOTAMDAS THAKURDAS referred to the question whether the restrictions that would be imposed with reference to mhowra would be a hardship in the case of serious famine occurring in the Kaira District. Now, as was pointed out by the Honourable Mr. ARTHUR, the great stress comes in the hot weather succeeding the failure of the rains, it comes after the mhowra crop has been reaped, that is from about the middle of April till June or July, and I am prepared to give on behalf of Government an assurance that in a famine year Government will extend the vacation period, not so long as the Honourable Mr. PURSHOTAMDAS proposes till the next mhowra crop is ready, but till good rain has fallen.

The Honourable Mr. PATEL.—Government would have no power under the Act to do that. The vacation period under the Bill would be from the 16th February to the 30th June in each year, and Government would not be able to judge whether it is a famine year or not until October. Under the circumstances, I do not understand, how Government would be able to extend the period from the 30th of June.

The Honourable Mr. CARMICHAEL.—I was referring to the vacation period which comes after the failure of the monsoon. The monsoon fails say in 1916, then Government would be prepared to extend the vacation period of 1917, I think this would sufficiently meet the case.

The Honourable Mr. PURSHOTAMDAS also asked for an assurance that if necessary Government should come into the market if it were found that people were not getting a fair price for their mhowra. I do not myself anticipate that there would be the slightest danger of anything of the kind occurring. There is at present a great demand for mhowra and it is increasing. In Ahmedabad and Baroda there have been established recently new industries for the manufacture of commercial spirit and the demand will still further improve when the Government acetone factory matures and comes into operation as it is expected to do very shortly. But if my anticipation is not correct and facts do warrant it, I can assure this Council, that Government will be prepared to consider the question and enter the market and offer the people fair prices, that will be in competition with other dealers in mhowra.

The Honourable Mr. PATEL has drawn attention to the fact that it is not merely the Dharala who is mainly concerned but that we have also to consider the position of the Dheds and the Vagris. Now the Dheds are an important class in the Kaira District but the fortunate thing about them is that by their own industry they are gradually improving their position. I asked Mr Ghosal to give me his opinion on this point, and he has informed me that the Dheds, since the famine of 1900, have now greatly improved their economic position. Their labour is in much greater demand than the labour of the Dharala because they are honest and hard workers. In the second place, they have begun to hold land and they are among the few agricultural labourers in this country who have cottage industry. They take to weaving as subsidiary work. Another point is that, as a matter of fact, Dheds very seldom have any collection of mhowra. It is the Dharala who is engaged for the collection of mhowra and not the Dhed. So the Dheds very seldom have a stock of mhowra. As regards the Vagri he is in very much the same position as the Dharala except that he is more addicted than the Dhed to crime. Your Excellency, I do not think, I need add very much to what has been said. The Honourable Lieut.-Colonel JACKSON has stated very clearly and forcibly the advantages which this measure will bring and he has painted in

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very graphic terms the evils which ensue from illicit distillation. It seems to me that the honourable members who are opposed to this particular measure never really approach the subject from the proper point of view. Their point is that mhowra is God's gift to the Dharala and mhowra the Dharala shall have, whether he uses it well or ill, at any time and at all times; but the real point is, as the Honourable Mr HARCHANDRAI said, what is for the good of the district. I think that, after reading the evidence and reports in the papers which have been placed before the Council, no impartial person would hold that the measure will cause any hardship or that a great advantage will not be obtained by its application. The Honourable Mr. UPASANI said that so far as figures go there is very little in it. But in these papers there is a great deal more than figures. I ask Your Excellency's permission to read one or two of the tragedies which are recorded in simple language but intensely dramatic phrase by the Mamlatdar of Anand. It is not merely the Dharala is suffering but also the upper classes, *vis*, the Brahmins, Patidars and Banias. This is the case of a Brahmin. (Reads) —

"A Khedawal Brahmin aged 40 was a very rich man and very influential. In 1904 he earned 20,000 rupees; he fell into the snare of drinking first licit and then illicit liquor. He was the fast friend of . . . for the purpose of illicit drinking. He is reported to have committed four murders and various other heinous offences. In one murder he was convicted but sentenced to four years only; he has been a jail bird since. Recently I have sent him for 12 months. His face which was pure innocence in 1882 is now dangerous even to view."

"The case of I.'s murder by J is not unknown. I, though a Bania, was equally fond of illicit first extract liquor as J. In open day the latter took him to his room, both drank hard, this made J.'s heart hard with the result that I was cut into pieces."

"The recent case of K.'s murder by the late Police Patel and three others was, I am informed, the result of hard drinking. All sat under a grove under the pretence of drinking liquor—illicit first extract, they drank liquor, became hard hearted and committed murder. They have been sentenced to transportation."

I think that if Honourable Members who are opposing this motion would try to realize the magnitude of the evil and the grave state of affairs which prevails in this district, they will agree that this measure will have a good effect on the district. They have not, as far as I have noticed, referred to the fact that in the Broach District, which is really similar to Kara, and in Thana, Kolaba and Surat Districts, a great improvement in the economic condition of the people has been achieved by the application of this Act. There is really very little difference between the Koli, Talavia or Bhil of Broach who before 1905 used to buy his mhowra from the shop and the Dharala of Kara who got it either from his own tree or from the Patidar.

I would ask Your Excellency's permission to read a note which was received, unsolicited and unofficial, from a merchant and land-owner in Broach with regard to the effect which the application of this section has had in that district. He says —

"The Machhis and Colis of Kukarwada Bet, the Ankleshwar taluka villages and Hansot who had been rooted in the vice of drunkenness, whose lands were mortgaged and who used to raise a precarious crop, in order to earn their livelihood, have now had their lands and fields redeemed, and now, not only are absolute proprietors of their lands but are buying lands in other villages and have become industrious and thrifty. I used to find them drunk from morning to night, they have now become sober and a healthy change is noticeable in their moral and material welfare. Before the introduction of the Act in the district, the evil had grown to such a proportion that even in the city of Broach under the nose of the Collectors, illicit manufacture of liquor was going on. This has all been changed and I attribute the transformation to this beneficent measure."

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Now Sir, these are the people for whom the Honourable Mr. PAREKH in 1905 pleaded just as eloquently as he is now pleading the case of the Dharala of the Kaira District. I have served, Sir, on various occasions in the Kaira District, and I have very pleasant recollections of it and of its kindly people and I should be the last person to propose a measure of this kind, if I did not feel confident that it would be for the ultimate good of every one in the district. Mr Ghosal who has taken a special interest in the people of the district is confident that the measure will bring a great improvement and I share his confidence. With these remarks, I propose that the second reading may be passed by this Council.

His Excellency the PRESIDENT :—Honourable Members will remember, that on the last occasion on which we discussed this Bill there was a great deal of interest shown and a great deal of information asked for by them on the subject. I hope you will agree that the Government have endeavoured to give the fullest and most comprehensive information to the Council to enable the Honourable Members to come to a final conclusion with regard to the second reading of this Bill. And I think we may say that we have had many interesting and admirable speeches which have fully set out the pros and cons of this important measure. It remains for me to sum up the general situation in a few sentences. Nobody has denied the fact that in bringing in this Bill the Government has at heart the benefit and welfare of the people. We have been aware that, for some time past, in the district of Kaira there has been increasing criminality and illicit distillation, and Honourable Members will agree that it is the duty of the Government, when such a situation is brought to our notice, to take every step possible to remedy the evil. We are determined to put an end to illicit distillation and to try to raise the people of the district in the social scale. By stopping illicit distillation and the pernicious habit of drunkenness which is responsible for their demoralized condition, we ask the Council to pass this measure which will most certainly tend to improve the condition of the people to a very great degree. We have, of course, to consider whether in passing this restrictive measure, we are to a certain extent not seriously interfering with their staple food. I have not heard one single Honourable Member, who has looked at this question from the opposition point of view, assert that it is a staple food. I concede that to a certain extent it is food, but it is not a staple food. This, so far as I can see, is the main criticism and, if it is the only criticism, I think that the evidence that we have before us is ample to show to the Honourable Members that the qualifications that are put in the Bill on this point will secure that no hardship is done to any of the community in this district.

The Honourable Mr. PAREKH has argued that we are absolutely taking away an article of food. This is an entirely incorrect observation. Let me urge upon the Honourable Members the true state of affairs. We are giving under this Bill a free period of picking till the end of June, 20 lbs. to the end of July, and 8 lbs up to the following February. Can this with any fairness be called taking entirely away the food of the particular people of the district?

I find a great difficulty in understanding my Honourable friend Mr. PAREKH'S position. He admits that illicit distillation goes on in the Kaira District, he deprecates the habit of drunkenness among the Dharalas, he admits that it is this drunkenness which helps them to break the law and that it furnishes a strong argument for their reclamation. Yet he comes here and suggests that the Government should not tackle the difficulty in the only manner in which it can be done. He suggests that we should reduce the rate on licit liquor, but I think, if that proposal were adopted, it would never find favour with his friends of the temperance movement.

We believe with the utmost sincerity that this Bill will very much improve the condition of the district to which it is to be applied. We see this from the previous experience obtained in Thana and Broach Districts. I am informed that the condition of the people in those districts before the Act was applied there, owing to their demoralisation through drunkenness was very serious: but since its

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application the people there have become much more self-reliant and self-respecting, many have acquired a considerable amount of land, and generally the locality shows far less crime than before the application of the Act.

The only argument, therefore, that we are taking away altogether an article of food—but not a staple food—of the people falls to the ground when it is realized that we have made provision in the Bill for the people's legitimate requirements. I, therefore, sincerely trust that this Council will accept the motion of my Honourable colleague for the second reading of this Bill.

The motion for the second reading was put to the vote, 37 members voting for it and 6 against it. The Council divided as follows.—

Ayes.	Noes.
His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E.	The Honourable Mr. Dattatraya Venkatesh Belvi
The Honourable Mr. M. B. Chaubal.	The Honourable Mr. Siddhanath Dhonddev Garud.
The Honourable Mr. G. Carmichael.	The Honourable Mr. Gokuldas Kahandas Parekh.
The Honourable Mr. G. S. Curtis.	The Honourable Mr. Vithabhai Jhaverbhai Patel.
The Honourable the Advocate General (Mr. T. J. Strangman)	The Honourable Mr. Abdul Kadir <i>alias</i> Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Mr. S. R. Arthur.	The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Salebhoy Karimji Barodawalla.	
The Honourable Mr. P. R. Cadell.	
The Honourable Mr. Sherriff Deyji Canji.	
The Honourable Sardar Syed Ali El-Edroos	
The Honourable Dr. C. Fernandes.	
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	
The Honourable Sheikh Ghulam Hussem Hidayatallah	
The Honourable Mr. Malcolm N. Hogg.	
The Honourable Lieut.-Colonel James Jackson.	
The Honourable Mr. Ebrahim Haroon Jaffer.	
The Honourable Mr. J. D. Jenkins	
The Honourable Mr. Balkrishna Sitaram Kamat	
The Honourable Mr. G. F. Keatinge.	
The Honourable Mr. H. S. Lawrence.	
The Honourable Surgeon General R. W. S. Lyons.	
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.	
The Honourable Mr. Chunilal Vijbhukhandas Mehta.	

[*Mr. G K Parekh*]

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- The Honourable Mr. Lalubhai Samaldas Mehta.
- The Honourable Sardar Shrinivas Cooposwami Mudliar.
- The Honourable Rao Bahadur Venkatesh Shrinivas Naik.
- The Honourable Mr. W. U. Nicholas.
- The Honourable Sir Prabhashankar D. Pattani.
- The Honourable Sir Dinshaw Manockjee Pett.
- The Honourable Rao Bahadur Ganesh Krishna Sathe.
- The Honourable Mr. Phiroze C. Sethna.
- The Honourable Mr. W. H. Sharp.
- The Honourable Mr. W. C. Shepherd.
- The Honourable Mr. Purshotamdas Thakurdas.
- The Honourable Mr. G. H. Thiselton-Dyer.
- The Honourable Rao Bahadur Teekchand Udhavdas.
- The Honourable Mr. Harchandrai Vishindas.

His Excellency the PRESIDENT.—The Council will now adjourn till 11-30 a. m. tomorrow

The Council then adjourned till 11-30 a. m. on Tuesday the 5th December 1916.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor
of Bombay, assembled under the provisions of the Government of
India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council re-assembled on Tuesday the 5th December 1916, at 11-30 a m.,
at the Council Hall, Secretariat, Bombay.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON OF RATTON,
G C.I.E., Governor of Bombay, *President*
The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President*.
The Honourable Mr. G. CARMICHAEL, C.S.I., I C. S.
The Honourable Mr. G. S. CURTIS, C.S.I., I C. S.
The Honourable the ADVOCATE GENERAL (Mr T. J. STRANGMAN,
Bar.-at-Law).
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.

ABKARĪ BILL.

[The President; Mr. Gokuldas
Kahandas Parekh.]

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The Honourable Sardar SYED ALI EL EDROQS.
 The Honourable Dr. C. FERNANDES, M D.
 The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
 The Honourable Dewán Bahádúr KASHINATH RAMCHANDRA GODBOLE.
 The Honourable SHEIKH GHULAM HUSSEIN Hidayatallah, LL B
 The Honourable Mr. MALCOLM N HOGG.
 The Honourable Lieut -Col JAMES JACKSON, C.I.E, M.B., I. M. S.
 The Honourable Mr. EBRAHIM HAROON JAFFER.
 The Honourable Mr. J. D JENKINS.
 The Honourable Mr. BALKRISHNA SITARAM KAMAT.
 The Honourable Mr. G F. KEATINGE, C.I.E., I C. S.
 The Honourable Sardar DULABAWA RAISINGJI Thakor of Kerwada.
 The Honourable Mr. H. S. LAWRENCE, I. C. S.
 The Honourable Surgeon-General R W S. LYONS, M D, I M S.
 The Honourable KHAN BAHADUR PIR BAKSH walad MIAN MAHMUD.
 The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL B
 The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C I E
 The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
 The Honourable Ráo Bahádúr VENKATESH SHRINIWAS NAIK.
 The Honourable Mr W. U. NICHOLAS.
 The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL B
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar^{at}-Law.
 The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM
 KHAN PATHAN.
 The Honourable Sir PRABHASHANKAR D. PATTANI, K C I E.
 The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart
 The Honourable Ráo Bahádúr GANESH KRISHNA SATHÉ, C.I.E.
 The Honourable Mr PHIROZE C SETHNA.
 The Honourable Mr. W. H. SHARP.
 The Honourable Mr. W. C. SHEPHERD, I. C. S.
 The Honourable Mr PURSHOTAMDAS THAKURDAS.
 The Honourable Mr. G. H THISELTON-DYER, A M I C E.
 The Honourable Ráo Bahádúr TEKCHAND UDHAVDAS.
 The Honourable Mr SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL B

His Excellency the PRESIDENT Order, order. Further consideration of a Bill further to amend the Bombay A'bkári Act, 1878 (Bill No. III of 1916)

Bill read clause by clause.

Clause 1 was put to the vote and carried.

His Excellency the PRESIDENT: Clause 2. The Honourable Mr PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH. Your Excellency, with reference to the first amendment that stands in my name, namely,

In clause 2 (a), instead of inserting "Kaira" after Broach, drop the word and after "Kolaba" add the words "and of the Taluka of Anand in the district of Kaira".

I do not propose to move the same and beg leave to withdraw it.

His Excellency the PRESIDENT: Amendment No. 1 by the Honourable Mr. PAREKH is by leave withdrawn Amendment No. 2.

In the proviso to Sub-Clause (b) of Clause 2 for the words "Four and a half months from the 16th February to the 30th June", substitute the words "Six months from the 16th February to the 15th August". The Honourable Mr. PATEL.

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[*Mr. Vithalbhai Jhaverbhai Patel;*
Mr. Gokuldas Kahandas Parekh;
The President]

The Honourable Mr. PAREKH Your Excellency, before the Honourable Mr. PATEL begins, may I draw Your Excellency's attention to an amendment of which I have given notice and which is the 8th amendment on the List of Business? There are a number of amendments standing in my name, but I propose to trouble the Council with one of those amendments only, and I beg Your Excellency's ruling as to whether this amendment of mine, *viz.*, Amendment No. 8, would not be, so far as the order is concerned, one which ought to be taken before the Amendment No. 2 which is now about to be moved by my Honourable friend Mr. PATEL.

His Excellency the PRESIDENT Do I understand from the Honourable Member that he has got the consent of his Honourable friend to withdraw his amendment?

The Honourable Mr. PATEL I notice, my Lord, that Amendment No. 8 of the Honourable Mr. PAREKH is the same as my Amendment No. 2. Now if I were to withdraw my amendment, the question arises whether my Honourable friend Mr. PAREKH will be allowed to move his amendment. If he is allowed to move his Amendment No. 8, I will not press my Amendment No. 2 at all, and I am prepared to withdraw it.

His Excellency the PRESIDENT—I had intended, when the moment arrived for the discussion of the Honourable member's amendments, to make a general statement to Honourable members with regard to notices of amendments—I think my Honourable friend, Mr. PAREKH, has already realised that he has put down a great many amendments on the question of the free period of picking and cannot make up his mind as to which particular date he really wishes to recommend for the approval of the Council. I think it will therefore be well to state generally what I consider should be the governing principle for Honourable members to follow when they place amendments on the paper.

It should be clearly understood that when Honourable members move amendments, such amendments should give effect to their definite opinion with regard to a particular clause or part of a clause in a Bill under consideration and that they should have a definite idea of what they want and what they are anxious the Council should consider.

Now in the case of my Honourable friend Mr. PAREKH'S amendments, his first amendment is all right, but his next amendment is of a purely hypothetical character. He makes the remark "If my first amendment is not accepted, then I propose to move an alternative amendment." Let us follow that out to its logical conclusion in the case of this particular series of amendments. It may be, I hope it never will be, that in this Council there may be an Honourable member who is inclined to be obstructive. Well, it is conceivable, if you carry out the idea that is conveyed in the Honourable member's amendments to its logical conclusion, that an Honourable member may put down an amendment saying "If my amendment substituting 'the 1st of January' is not accepted, then I propose to substitute the '2nd of January'," and he could go on from that date to every day throughout the year, with the result that the work of the Council will be seriously impeded, and a ridiculous situation would arise.

I, therefore, want to lay down the general proposition that an Honourable member cannot be permitted to put down a hypothetical amendment on the paper with regard to any point in which he takes interest in a clause of a Bill.

The Honourable Mr. PAREKH:—I request Your Excellency's permission to move my amendment No. (5), and—

His Excellency the PRESIDENT—I am quite aware of what the Honourable member wishes to do. But what I must draw his attention to is, and it must

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[*The President; Mr. Vithalbhai
Shahverbhai Patel; Mr. Gokuldas
Kahandas Parekh.*]

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have appeared to the minds of all Honourable members in this Council, that the Honourable gentleman's opinion as to when the time of free picking of mhowra should cease was in a fluid condition; for he had about eight or nine different ideas with regard to that. But he now wishes, and I am glad that he has made up his mind, to adhere to one particular date. It is for this reason that I want to lay down for Honourable members' information that in future amendments of this sort cannot possibly be accepted by Government, because it is possible that they might delay the work of this Council to an almost interminable extent. All amendments must give effect to the definite views of Honourable members on any particular clause or part of a clause and they should not be hypothetical in any form or degree.

Referring to what my Honourable friend, Mr. PATEL, said, I understand he is anxious to know, if amendment No (5) proposed by the Honourable Mr. PAREKH is not passed, whether he will be allowed to move amendment No. (8). Is that so?

The Honourable Mr. PATEL.—What I am anxious to know, Your Excellency, is, if I were to withdraw amendment No (2) of mine, whether my Honourable friend Mr. PAREKH will be allowed to move his amendment No (8).

His Excellency the PRESIDENT.—Yes, the Honourable member will be allowed to do so. I have accepted notice of these amendments to-day, but in future such form of amendments will not be accepted.

The Honourable Mr. PATEL :—Then I beg to withdraw amendment No. (2) to clause 2 (b).

His Excellency the PRESIDENT —Clause 2 (b), amendment by the Honourable Mr. PATEL, namely, "In the proviso to sub-clause (b) of clause 2 for the words 'four and a half months from the 16th February to the 30th June', substitute the words 'six months from the 16th February to the 15th August'", is by leave withdrawn.

Amendment No. (3). In clause 2 (b), for the words "four and a half months from the 16th of February to the 30th June" substitute the words "eight and a half months from the 16th of February to the 31st of October." The Honourable Mr. Parekh

The Honourable Mr. PAREKH.—I do not propose to press amendments Nos. (3) and (4)

His Excellency the PRESIDENT.—Amendments Nos. (3) and (4) by leave withdrawn

His Excellency the President Amendment No. (5). In clause 2 (b), for the words "four and a half months from the 16th of February to the 30th June" substitute the words "seven and a half months from 16th February to 30th September". The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency, in moving this amendment I beg to draw the Council's attention to the fact that under the Bill as it is, the open season would last up to the 30th of June, that is the vacation would end on the 30th of June so far as Kara is concerned. This is only the commencement of the rainy season, and it is very difficult at that part of the year for anyone to predict whether the monsoon would prove a good one or a bad one; and therefore the result will be that those people who have got mhowras in their possession, who have collected

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mhowras and kept them, will be obliged to dispose of them on or before the 30th of June. If the season afterwards proves to be a bad one, then I understand Government is disposed to give some concession for the period when the rain fails and when there is either famine or scarcity. Therefore in the case of such people as have been obliged to dispose of their mhowra, they would either have to repurchase them or purchase grain instead of the mhowra. This, I submit, would cause great hardship to the people on two grounds. One is that about the end of the open season the amount that would be realised by the sale would be exceedingly small. On the other hand, if the season is found to be bad and if there are unfavourable conditions, the market would rapidly go up, and the people who will be obliged to sell their mhowra at a time when the price realised would be very small would have to re-purchase it or to purchase in its stead grain in an exceedingly high market.

There is also another difficulty which the Council has to consider, namely, that when there is a year of scarcity or famine, there is almost no agricultural labour and therefore wages could not be earned or are exceedingly low, and most of the poorer people would be without means and unable to purchase the necessities of life, therefore I submit that the open season ought to extend up to the time when it may be possible to ascertain whether the season would prove a good one or not.

In answer to this argument it is said that the people who collect mhowra and keep it, if they sell the same, they would have money with them to buy necessaries for a bad season or that they can purchase grain or other unobjectionable articles and preserve the same and thereby protect themselves against such a season. If the Dharalas and the other poor people, like ordinary people, were able to provide for the future carefully and cautiously, that may perhaps be a fairly good argument. But in the case of these poor ignorant people they are, like all the rest of their class elsewhere, improvident, they do not care for to-morrow, and if they get anything they would spend it for the day without caring what happens in the future. This being the condition of things, we have to consider not what an ideal Dharala or an ideal man ought to do. We have to consider what these people are likely to do, and in the condition of these people I submit that it is not at all likely that they would either keep their money or the grain. The money that they may acquire at the time is likely to be frittered away, and therefore I submit that it would be most desirable that the open season should be kept up to the time when it is ascertainable whether the season would be a good one or bad, so that the people may not have to dispose of the means of their livelihood at a time which is in every way inconvenient for their disposal and be obliged to purchase them at a time which is also inconvenient for that purpose. Therefore I submit that it would be most desirable that the open season should be extended up to the 30th of September.

Another reason why I submit that this would be a proper course is that the Mamlatdars' reports show that mhowra is used as food for a considerable period after the rains commence and it is particularly required both as food for cattle as well as men when rain is heaviest. This is altogether inconsistent with the theory that mhowra became uneatable after the first shower of rains. I submit that it is a matter of the greatest hardship to the poor people that restrictions be placed to the possession of mhowra flowers during the part of the year when they require it most as food for themselves and their cattle. I therefore submit that the vacation period ought to extend up to 30th September.

The Honourable Mr. S. R. ARTHUR.—Your Excellency,—The Honourable Mr. PAREKH has raised the question of the possibility of a bad season and has requested the extension of vacation time to the end of September on this ground. I think we must bear in mind exactly what a deficient rainfall means. As I pointed out yesterday, if the rainfall fails this year, we all know distress begins

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to be felt at the beginning of next year, in January or February, not before. By that time this year's mhowra crop is unquestionably unfit for human consumption. Therefore I cannot see how a failure of this monsoon can affect the mhowra crop of this year, because we have no distress from the effects of deficient rainfall this year, they won't have any distress this season.

Then the Honourable Mr PAREKH has said that mhowra is much used in the rains for people and for cattle. We have shown that only a certain amount of mhowra can be kept of that kind which is eatable, namely, sweet mhowra, and I do not think that there can be any use extending the period of time for this season. About cattle we have seen from the evidence which Mr. Ghosal has collected that it is only used for bullocks in any case, and that the Dharalas are gradually giving up the use of this article because they find that although mhowra flowers are given to a certain kind of cattle they do not benefit thereby and that generally they show themselves to be weaker the next day. As regards other kinds of cattle, there seems to be a consensus of opinion that mhowra is not good for them.

Then, Your Excellency, I come to my main objection to this extension. The period at which illicit distillation is the easiest is from the time after the first heavy rain has fallen when the jungles become thick and the foliage becomes unmanageable. If you give a free run during that time to the illicit distiller, if you give him 2 or 3 months in which to distil, he will distil as much as he can in that time and it would be exceedingly hard for anyone to prevent it. He will hide the mhowra in different places and it would be exceedingly hard for the Excise officers to catch the illicit distillers, just as it is at present. Therefore I say that if this extension is given, it will do away with half the value of this legislation.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to support the amendment of my Honourable friend Mr PAREKH. In doing so I trust that this Council will realise that the object of providing vacation—whether it be up to 30th June or 30th September or for any period—is to minimise the hardships that will be caused to the people as a result of this legislation. Though from the Government's point of view if the vacation period is extended to the 30th June these hardships are likely to be minimised, from the point of view of the mover of this amendment they would not be minimised unless the vacation period is extended to the 30th of September. There is no difference of opinion whatsoever as to the question whether the legislation will cause hardship or not. What should be the period of vacation so as to minimise the hardship so caused is the only question. This amendment as well as the amendments that will follow are intended to provide against such hardship. I do not want to take up the time of the Council and therefore merely invite the attention of the Council to the opinion of one of the Mamlatdars as given on page 15 of the printed papers. He says—"If the open season or vacation is extended from 15th February to 15th September, the people in ordinary years will not suffer any hardship. If mhowra is required during that period, it can be obtained from persons holding licenses who will be mostly village Banias. In years of scanty rainfall the vacation period may be extended so that the ryots will not be compelled to sell away their stocks. The character of the rainfall can ordinarily be determined by the middle of September, and it would not then be difficult to ascertain whether the circumstances are such as to require the extension of the vacation period. To err on the safe side the extension may first be given till the middle of October, and if there is no sufficient rainfall till then, the period may be extended to February, *i. e.*, practically throughout the year."

This is the opinion of one of the Mamlatdars in the Kara district, and I hope this Council will accept it and accept the amendment also.

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The Honourable Lieutenant-Colonel JAMES JACKSON —Your Excellency,— It is perfectly obvious that any increase in the time permitted for the free storage of mhowra, and therefore in the opportunities for illicit distillation, must seriously prejudice this Bill and render it ineffective. It is during the months of August and September, when the luxuriant growth of Gujarat is at its highest, that it is the easiest and simplest to have resort to illicit distillation just as was the case in the old days in the west of Ireland in an island by the sea coast during the autumnal gales. It is not denied that mhowra is a very difficult thing to keep. Though the Honourable Mr PAREKH explains that it is not very difficult really, he still gives a long explanation of how it is to be done and he explains that it should be kept in earthen receptacles made a "little air-tight". I confess I do not understand what he means by a "little air-tight." I have always understood that a receptacle of any kind is either air-tight or not air-tight. Everybody knows that if you wish to keep any jams or preserves or pickles, it is better to leave them open to the air than to imperfectly close them to the atmosphere.

Now I admit that Dharala has interested me more or less in the jails, but the Dharala as described by the Honourable Mr. PAREKH seems to be even a more extraordinary bird. The Dharala is described as so utterly careless and improvident that you cannot rely on him to sell the mhowra and to keep a little cash, or store a little gram, for the purpose of his ordinary household needs. That is beyond the Dharala. He has not even got the human instinct of foresight to put by a few rupees for the purchase of grain. But the same Dharala has apparently the antlike or apeline instinct of picking the mhowra flower off the ground, and taking it away and keeping it most carefully and having it perfectly ready and in a fit condition for consumption long after the rains have broken, though the vast bulk of the evidence goes to show that it is extremely difficult to keep it in a good condition. The bulk of the samples that were sent to Dr Mann were found to be in an advanced stage of deterioration. It may be, of course, that the Dharala knows that if he keeps the mhowra long enough to ferment he will get the taste of his favourite articles of diet—alcohol.

The Honourable Mr SHRIDHAR BALKRISHNA UPASANI —My Lord,—I shall not take up the time of the Council in re-urging what has been said by previous speakers. I will only refer to a petition which is among the papers laid on the table. It is a petition from one Hirabhai Ramdas and 46 others of the Kara district, and the facts given therein will, I think, answer all the arguments that have been put forward on behalf of Government. They say —

"We are all agniculturists belonging . . . (Reads from the petition)"

The Honourable Mr CARMICHAEL —Your Excellency,—I rise to a point of order. The petition is already on the table.

His Excellency the PRESIDENT —I cannot stop the Honourable member. It is hardly a point of order, but I think it is hardly necessary to read through the petition to Honourable members who have already got it and who have probably read it.

The Honourable Mr. UPASANI —I will read only the portions which have reference to the objections put forward —

(Reads) "It shows that mhowras . . . preventing illicit distillation"

My Lord, I think it will be quite apparent to the Council that vegetation does not grow luxuriantly with the first fall of rain. If the vacation period is fixed to the end of September as proposed by my Honourable friends I do not see any reason why there should be any difficulty in detecting illicit distillation. It will be after September that luxuriant vegetation may make detection

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difficult. Sometimes our monsoon comes at the end of June and by the end of July hardly grass begins to grow. Sometimes there is failure even in August. I think my honourable friend has sufficiently shown the necessity of extending the period until the end of October. If we limit it to the end of June, I think it will cause great hardship. It is particularly during the heavy rains in July and August that the mhowra flowers are wanted as food for the people themselves and for their cattle. It should be remembered that the Bill is not meant to affect the Dharalas only but all people in the Kaira district including even the other better classes of people who are as careful and as expert in keeping their stores of these flowers as the Banias. It must be remembered that if the flowers are to be used at all for illicit distillation they may be used even before June. That being the case there is no reason why we should compel the people to sell them before the end of June at a low price. It will be remembered that the mhowra flowers will be purchased either by Government or by private distillery owners. It will be hardly fair to harass the poor people for the benefit of Government or the liquor farmers who have already become millionaires by the sale of liquor to these poor people. It will not, therefore, be proper to sacrifice the interests of these people for the benefit of Government or the liquor farmers. The speakers who preceded me have referred to the reports submitted by an experienced officer like Sir Frederick Lely. He insisted that we should take great care not to subject the people unnecessarily to harassment at the hands of subordinate officers. There is already good deal of harassment which requires to be stopped and we should not certainly add to it. With these remarks, my Lord, I beg to support the amendment.

The Honourable Mr. G. CARMICHAEL—Your Excellency,—I will first of all refer to the petition, which has been placed on the table, from the people of Katphal from which the Honourable Mr. UPASANI has read a considerable portion. I am of opinion that here again the Honourable Mr. UPASANI has devoted a very superficial attention to the papers because, if he looks at the record of the Katphal village, he will find that it is a bad village for illicit distillation and for serious crime, and I should like to know why the people who have submitted this petition say nothing at all as to the illicit distillation going on in their village.

The Honourable Mr. PATEL referred to two points of view: the point of view of Government and the point of view of the Honourable mover, but there is a third point of view of very great importance and that is the point of view of the people of the Kaira District. I think I am right in saying that the people of the Kaira District do not regard this Bill as likely to cause them great hardship.

This is the only application we have received, and there has been, I am told, very little anxiety in the Kaira District with regard to this particular measure. If there had been any real fear, any real grievance, we should have heard of it long before, because the people in the district have been made aware as to what is going to happen for many months past. The Honourable Mr. GOKULDAS and the Honourable Mr. PATEL represent this district, but they have not been able to say, at least they have not said so far, that there is any strong feeling in the Kaira District against this particular measure.

The Honourable Mr. GOKULDAS referred to the difficulty of providing for the case of a year in which the rain fails if the vacation period ended in June. As the Honourable Mr. ARTHUR has pointed out distress really comes in the succeeding year after the failure of the rains and that it comes during the hot weather after the monsoon has failed, and, as I said yesterday, I am perfectly willing to give an assurance on behalf of Government that if the rain fails then Government will exercise the power to extend the vacation period until good rains have fallen in the district. That has been done in the past in the districts to which the section applies.

The Honourable Mr. PAREKH refers again to the fact that the Dharalas are not like ordinary people and that they are very improvident. The Honourable

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Lieut.-Colonel JACKSON has replied to this argument very effectively, and I simply wish to draw the attention of this Council to the case of still poorer and as improvident people, such as the Kolis and the Talavias of Broach. The Honourable Mr GOKULDAS said they used to eat mhowra. The Act was applied to the Broach District and instead of it having caused any hardship to them it has greatly improved their economic condition.

The Honourable Mr PATEL referred to the first report of the Mamlatdar of Kapadwanj who said that it might be quite safe to extend the vacation period up to October. That was a report, as I said yesterday, which was drawn up on the assumption that the vacation period would, as suggested by the Collector, extend to 15th August. But I do not think that undue weight should be attached to that report, because, since it was written, very full investigation has been made by the Collector and his subordinate officers and it has been shown that there would be no hardship if the restriction were imposed very much earlier than either towards the end of September or the end of October.

The Honourable Mr. UPASANI said, again I think without very careful attention to the papers, that illicit distillation takes place in September. Well, as a matter of fact, Sir, the three months of the year when most illicit distillation does take place (and a large number of cases have occurred in the course of those three months) are the months of July, August and September.

The Honourable Mr UPASANI:—What I said was that during these three months, *viz.*, July to September, the jungles do not grow so thickly and luxuriantly as to prevent detection.

The Honourable Mr CARMICHAEL (continuing).—It is during the months of July and August that the greatest number of recorded cases of illicit distillation have occurred. I do not think the Honourable Mr. UPASANI has been in the Kaira District after June and July. If he had then he would agree that the district is capable of producing luxuriant vegetation affording cover for illicit distillation. With these remarks, I submit, Sir, that this Council should oppose this amendment.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency.—As regards the feeling of the district, I am exceedingly sorry if from what I said it was not understood that the feeling on this point in the district of Kaira was very strong. The views that I have expressed are not my own personal views alone, but they were the views which have been entertained by the people of the Kaira District on the Bill, and I would blame myself if I did not express myself sufficiently to show that the feeling in this matter in Kaira was exceedingly strong.

Then as regards the question whether mhowras can be preserved in good condition after the rains set in there were certain good samples sent to the Agricultural Chemist and we have also before us the fact of the mhowra traffic by rail being conducted between the months of July and January which shows that mhowras do remain in eatable condition long after the rains have set in. Then the question is whether mhowras really become uneatable? If it be so, how can you account for the large amount of evidence or opinion that they are used as food up to the middle of Shraavan or up to Divali? The Mamlatdars' reports taken together lead to the conclusion that the mhowras do not become uneatable till after the monsoon season is over, and I cannot understand why it should be otherwise. The process of mhowra preservation is simple, and one cannot conceive why the Dharala should be unable to utilize it with success. Then the fact of instances which have been quoted of no mhowra being found or a large portion of such mhowras as were found being in uneatable condition can easily be explained by the manner in which the enquiries were made. The Mamlatdars and Abkari Officers approached people asking whether they had mhowras for sale. It was natural that those who had taken bad mhowras would sell them readily and keep the good for their own use. Therefore the number

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of samples of bad mhowra which have been collected cannot be regarded as evidence of the fact that mhowras cannot be kept in eatable condition by Dharalas in the monsoon. I therefore submit that a sufficient case is not made out for not keeping the season open till the 30th of September.

His Excellency the PRESIDENT :—I have just one word to say with regard to what has fallen from my Honourable friend Mr. PAREKH. Towards the end of his remarks he referred, in strong terms, to the fact that he, as representing the particular part of the country whose interests we are discussing through this amendment of the Act, felt it his bounden duty to strongly oppose this Bill, because from conversations he had had with the people and from his knowledge of the district his confirmed opinion was that there was a very strong feeling against the measure. Well, all I can say to my honourable friend is this that, if their feeling was so strong, it would surely have been probable that Government would have received many petitions from various parts of this district to express the feelings of the people. I think I can fairly say, in justice to my honourable friend and to the Honourable Mr. PATEL, that they would not have been backward in exhorting these people to express their feelings and views. What are the facts of the case? We have had only one petition and this petition has been sent up by 47 inhabitants only out of the whole district to object to this terrible measure which the Government is suggesting for the acceptance of this Council! I must own to honourable members that it appears to me that the more my two honourable friends try to defend their case the worse it becomes for them, and I do urge very strongly on this Council that they should not accept this amendment which has been proposed by my honourable friend.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT :—I understand that my Honourable friend wishes to withdraw amendment No. (6).

The Honourable Mr. PAREKH :—Yes, Your Excellency; and also No. (7).

His Excellency the PRESIDENT :—Amendments Nos. (6) and (7) by leave withdrawn.

Amendment No. 6 was as follows :—“If amendment No. (5) is not accepted, substitute for the same ‘seven months from 16th February to 15th September.’”

Amendment No. 7 was as follows :—“If amendment No. (6) is not accepted, substitute for the same ‘six and a half months from 16th February to 31st August.’”

His Excellency the PRESIDENT :—Amendment No. (8). “If amendment No. (7) is not accepted, substitute for the same ‘six months from 16th February to 15th August.’” The Honourable Mr. PAREKH.

The Honourable Mr. G. K. PAREKH :—Your Excellency, as regards amendment No. (8), I submit that the result of all enquiries and official reports up to the time that the matter came before the Council was that mhowras were used as food up to 15th August and therefore Mr. Ghosal in his first report proposed that the vacation period should last up to 15th August. In his report of February 1915, Mr. Ghosal changed his views. There is nothing upon the papers to show what was the cause of this change. The change appears to be altogether unjustified. I submit that the general view that appears from all the reports is that the 15th of August is the period up to which the flower is most used. Mr. Gandhi, the Mamlatdar of Anand, has, in his report, made a division of the periods, one up to the 15th of August and the other subsequent to the 15th of August. I therefore submit that to some extent hardship would be appreciably obviated if the Council can see its way to extend the open period up to the 15th of August.

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The Honourable Mr. DATTATRAYA VENKATESH BELVI :—Your Excellency.—This is a piece of legislation in which the Southern Division, luckily, is not concerned. But I have watched the trend of the discussion in this Council about this Bill with considerable interest, and I find that many of us have been placed here in the position of jurors or assessors, gentlemen who have to keep an open mind, and decide the issues upon the merits of the case in view of the evidence that is placed before us. Now it seems to me, coming to the documentary evidence that has been placed before us, that assessing it at its fullest value, there is only one conclusion which any impartial man will draw from it.

His Excellency the PRESIDENT :—Order, order. I cannot allow the Honourable member to make a second reading speech. He must confine himself to the amendment.

The Honourable Mr. BELVI.—On page 5 of the papers we find :—

“That mhowras are practically never eaten after the 15th August.”

Here is evidence that up to the 15th of August, at any rate, mhowra flowers are used as food. And then on page 15 of the same batch of papers I find this :—

“The Huka preparation is done in the months of May and June, men and cattle eat flowers during the wet season, *viz.*, in the months of July and August which are the wettest months and during which poor people have to work in mud and water.”

Here is an extract from the report of the Mamlatdar of Kapadvanj. On page 16 my Honourable friends will find :—(reads).

“I consulted Dharalas in all the villages I visited from November and they agree that if the prohibition against possession of mhowra commences from the middle of Bhadarwa (beginning of October), they will not be put to any inconvenience if a few persons get licenses for their sale during the close season (October to February). But as said above, the prohibition should commence at the latest from 15th September, and non-drinking Dharalas agree to such prohibition.”

Then on the same page, namely 16, we find :—

“Mhowras are used by the poor as food for men and cattle as well as for making tobacco mixture known as kakub from the middle of February to the middle of August and not afterwards.”

Then on page 20, we have an extract from the report of the Excise Inspector of Matar. He says :—

“Even making an allowance for the fact that the required needs of the people will be greatly hampered if the Act is applied, there remains a ready remedy in the extension of the mhowra vacation up to the 15th of August—a sufficiently long period—during which all the fair and legitimate uses of mhowra flower find an outlet and no room for any contention will be left.”

On page 22 we find :—

“It would appear from the above that all handling of mhowra flowers for all legitimate purposes commences from the time they fall and terminates by the end of July. What quantity then remains is used for illicit distillation and for that alone.”

On page 24 we find another Mamlatdar saying :—

“Generally people get necessary kakub out of mhowra flowers early in June. Only in a few cases when kakub is exhausted or more is wanted that people take kakub in the proposed close season. Only those that have mhowra flowers

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available in their houses occasionally eat them after the 15th August. In ordinary years consumption of mhowra flowers by men in the proposed close season is now very small."

On page 26 we find :—

"If some allowance is made and facilities are given, the Act could be applied safely and without any hindrance from 15th August to 15th February during which period mhowra flowers are not used at all for human consumption or for being given to cattle or for preparing kakub. From 16th February to 14th August the people can well gather the yield and can make any best use of it." This is a quotation from the report of an Excise Inspector.

Then the last remark which I wish to place before the Council is on page 27 (reads) :—

"Out of the population of 35,000 men, 3,000 must be the flower eaters who consume nearly 2,500 maunds. They eat mhowra only between 15th August and 15th February, during which period they can easily do without mhowra as the labour charges are very high and this is the season when poor people go for labour and earn much."

So, on the evidence laid before the Council there can possibly be no room whatever for any reasonable doubt that the period to which the vacation period ought to be extended should be till the 15th of August and I have already said that I am prepared to give this evidence its fullest probative value, notwithstanding the fact that this is evidence recorded by the subordinates of Mr. Ghosal; it is evidence which is one-sided but still it shows that the date must be not earlier than the 15th of August. With these few words I beg to support the amendment of my Honourable friend Mr. PAREKH.

The Honourable Mr. PANDURANG ANANT DESAI.—Your Excellency.—I rise to accord my support to the amendment of the Honourable Mr. PAREKH. As the Honourable Mr. BELVI said, we people residing in the southern parts of the Presidency are not particularly interested in the northern. But from the discussion we have had one thing is quite plain, and that is, that mhowra is used as food for certain times of the year by 3 classes of people residing in the Kara district, *viz*, Vaghris, Dharalas and Dheds. Now, it has been said by the Honourable member in charge of the Bill that the Dharalas are a turbulent class of people, they are thieves and they are committing lots of mischief, and therefore, this enactment is necessary. But in respect of the two other classes nothing has been said, and if mhowra is used as food not only by the Dharalas but by the Vaghris and Dheds also, their interests must be considered. Now, we have been told, as a matter of fact, no objections are forthcoming from the people who are immediately concerned with this measure. It is quite true, but we must remember one thing. The people who are concerned are inarticulate and are people who have no mouth to speak, and therefore, their ideas are expressed to Government by persons like us who are the representatives of the people. I say Dr. Mann's analysis clearly shows that even after the wet season has set in mhowra can be used as human food without any injury being caused. He says this can be used as human food. Therefore, I say in the interest at least of these people who are innocent, whose food is being taken away by this legislation, we must have this golden mean of 15th August. It is also in evidence that this food is given to bullocks when they have got hard work, and bullocks have got hard work in the beginning of the rainy season in July till the 15th of August. Therefore, I say that 15th August is the necessary limit. Of course it might be asked on what I am basing my conclusions. I think it is a waste of time to read passages which have been already read by the Honourable Mr. BELVI. If we see all the reports from the Mamlatdars the substance of that will be that there is nothing against the extension to 15th of August. So, I think, taking the evidence as a whole, we have made a strong case that this vacation period should be extended to the 15th of August. With these remarks I beg to support the amendment.

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[*Mr. S. R. Arthur; Sheikh Ghulam
Hussein Hidayatallah*]

The Honourable Mr. S. R. ARTHUR:—Your Excellency.—I request permission to read a few words as to what Mr. Ghosal said on this subject. Some allusion has been made to the fact that Mr. Ghosal did not recommend so early a date, earlier in the day, as he recommends now. I think the Council will understand that Mr. Ghosal has now devoted several years to the careful consideration of this matter. He has made enquiries both himself, and through his Revenue Police and Excise subordinates, and I think no matter could have been hammered out better than the way in which this question had been. I beg to repudiate entirely both on behalf of the Excise subordinates and on behalf of Revenue subordinates of the district, the allegation that the Honourable Mr. BELVI made, that this has been a partial enquiry.

The Honourable Mr. BELVI.—I never said partial, but one-sided.

The Honourable Mr. ARTHUR.—I object to the word one-sided.

Well, I submit that the one thing that Mr. Ghosal and the Excise and the Revenue officers have at heart is the welfare of the district, nothing more nor nothing less, and their immediate point is to stop this illicit distillation which is ruining the district. I shall just read a passage as to what Mr. Ghosal said on the subject after most careful consideration. This is from Mr. Ghosal's letter dated 12th February 1915 on page 5, appended to Government memorandum No. 1906-L., dated 3rd August 1916 (reads):—

“It is with the greatest reluctance that I have recommended even a partial extension to beyond 30th June. Full extension, to any date beyond, will certainly frustrate our endeavours to check illicit distillation.

The real rush for illicit distillation begins in July. In the hot weather when the fields are bare, it is not so easy to carry on operations secretly. So in that season most of the stills are worked either in the village or else in inaccessible ravines by the Mahi River, or in wooded places like babul jungles. But after the first week of July when the tremendous spontaneous vegetation and weeds make Gujarat a veritable jungle, or when the boggy soil and roads make it difficult for the detective staff to travel about so freely, illicit distillation is practised on a large scale, and so the mhowra vacation must end before this season begins.”

Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH.—Your Excellency.—The Bill imposes no restrictions on the free use of the mhowra flower as food for a certain period.

Those Honourable members who have supported the amendment only complain that the people of the Kaira District will be deprived of their food for the month of July and some days of August.

The present Bill allows 10 seers for the month of July. I find in the note of dissent of the Honourable Mr. PATEL and the Honourable Mr. PAREKH that they have relied on the report of Mr. Gandhi, Mamlatdar of Anand, who says that mhowra flowers possess highly sustaining powers and that a preparation of one pound of mhowra flowers and bajri or other gram is able to sustain four adults for whom otherwise eight pounds are necessary. In other words, half pound of mhowra mixed with half pound of bajri can maintain an ordinary family consisting of three or four members, and generally we know, families consist of two or three or four persons. Therefore these 10 seers will keep them comfortable throughout the month of July. I do not think the present Bill deprives the Dharalas of their food for the month of July. But I would submit that it is only the sweet mhowra that is used as food and it forms one-tenth of the total produce.

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[*Shaikh Ghulam Hussain Hidayatallah ;
Lieut.-Colonel James Jackson ;
Mr. Vithalbai Fhaveerbai Patel.*]

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I have heard it said here that this Bill would deprive three lakhs of people of this mhowra-food, and if these three lakhs of people were to use the mhowra as their food, they will consume the total produce in a month or two and that there will remain absolutely nothing for the month of August. How then my friends are saying that the present legislation is depriving the poorer people of their food?

With these remarks I oppose the amendment.

The Honourable Lieut.-Colonel JAMES JACKSON :—Your Excellency.—I rise to correct a most extraordinary mistake that the Honourable Mr. DESAI has made. I quite admit he has got some excuse—which the Honourable Mr. PATEL who comes from Gujarat has not—in thinking that the Vaghris are not a criminal tribe. They are even more criminal than the Dharalas and are under at present stricter regulations. One of his main arguments was that innocent people Dheds or Vaghns would suffer, but as the Vaghris are a criminal tribe one-half of his arguments falls to the ground. Now the Honourable Mr. BELVI, and the Honourable Mr. DESAI both said that it is one-sided evidence of the Government officials. The Honourable Mr. DESAI demurs, I apologise, it was the Honourable Mr. BELVI who spoke of one-sided evidence. I prefer myself to go to the evidence of the people—the evidence collected by the Mamlatdars. I would suggest that my Honourable friends should visit the district soon after the commencement of the rainy season to see the jungle growth for themselves. It was also said that there is no evidence of evil effects from mhowra as food, even though fermenting and rotten, and that no evil effects would follow its consumption. I say I go to the evidence collected from people in the district. If you read over the individual evidence of these hundreds of Dharalas, you will find that mhowra eaten when it is not fresh but stale and decaying is unfit for human food, that it does the consumer harm, and that even when it is fresh it is eaten with great moderation. If freely eaten several witnesses state that it gives them sore eyes, and so on. The Honourable Mr. DESAI refers to the feeding of bullocks, but the bulk of the evidence of the Dharalas and the poor class of cultivators goes to prove that if you want your bullocks to go wrong you give them mhowra. Several ryots say it gives bullocks strength for a day and then that like the consumption of alcohol, it enfeebles them the next day.

The Honourable Mr. V. J. PATEL.—Your Excellency.—With regard to this amendment, I should like to invite the attention of this Council to page 21 of the papers. Paragraph 3 on that page reads thus.—

“ Illicit distillation is reported to be practised on a larger scale in the winter months than at any other period of the year. Probably in the cold weather the Dharalas require a larger quantity of liquor to drink and the crops standing in the fields afford most satisfactory cover at that time of the year for illicit distillation. If the mhowra vacation be fixed from February 16th to August 15th, the section will remain in operation at the best period of the year for illicit distillation, which will receive a considerable check without interfering with the legitimate use of the mhowra by the people. Surely there is no question in this of any people being deprived of their means of subsistence.” This is the recommendation of the Collector dated the 21st of August 1914

I ask the Council now to refer to page 7, which appears at the beginning of the report. The Collector says :—

“ I have the honour to submit the following report on illicit distillation in this district—a subject which has constantly engaged my attention since I took over charge in November last. In fact I may mention that the subject had attracted my attention when I was Acting Collector here about four years ago and has again been prominently before me since I came here recently.

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[*Mr. Vithalbhai Jhaverbhai Patel.*]

" Illicit distillation in this district has for years past been a fruitful source of anxiety. In connection with the remedies to be adopted for its suppression, I have consulted Revenue, Police and Excise officers of all grades and have talked to the people while on tour. I have discussed this subject in conference with the District and Taluka Officers, and some of the Mamlatdars on whom I could rely have obtained for me some useful information from persons who were recently convicted of Abkari offences. The need for drastic measures has been made clear to me, and I am submitting this report only after mature deliberation on the subject in all its aspects."

It was after full and mature deliberation, Your Excellency will see, that the Collector of Kaira, Mr. Ghosal, submitted his report on the 21st of August 1914 recommending that the vacation period should extend from the 16th of February to the 15th of August. What happens next? He holds a conference of his Revenue and Abkari officers on the 20th of December 1914, or 4 months after this report was submitted, and directs them to submit their views to him in the form of reports. All the Abkari officers and the Mamlatdars in pursuance of that direction make their reports wherein they all unanimously say that the vacation period must begin from the 16th of February and end on the 15th of August. Under these circumstances I would ask the honourable member in charge of the Bill to tell this Council what further evidence has the Collector of Kaira since recorded, to justify him to come to Government and say that his first report was imperfect, was not full, was not based upon all available materials and that the recommendation he made therein should not be accepted. Is there anything in the voluminous record now before this Council to show or suggest that Mr. GHOSAL'S first report was not made after full and mature consideration? What is there on record to justify us to accept his second report? He was in the district for a time in 1909, he came there again in 1914 and made full enquiries and said that this period must extend up to the 15th of August. After that he has not examined a single soul. He has not the support of his subordinates, Revenue or Abkari, and yet he says "No, the period should extend up to the 30th of June only and no further," and the honourable member in charge of the Bill tells us to support the Collector because Government chooses to support him. This is the view which my honourable friend Mr. LALLUBHAI took when this question was mooted before the Select Committee. You will find his minute of dissent is very clear, is very emphatic, and is very well considered. You will find it on page 7 of the printed papers. He says:—

" In his report of 12th February 1915 the Collector says that though in his previous report he had said that he was prepared to recommend the extension of the vacation to 15th August, he was convinced after 'further inquiry and mature consideration' that it was unnecessary and undesirable to give so much extension. The inquiry referred to herein must be the one which the various Mamlatdars and Excise Inspectors were asked to conduct in accordance with instructions given to them at a conference held on the 20th December 1914 of all Revenue, Abkari and Police officers. Almost all the reports of these officers say that the Dharalas and Dheds use mhowra flower as an article of diet till the middle of August and that there will be no hardship to the people if at the time of extending the section 18 B of the Abkari Act to Kaira District the period of vacation were extended to 15th August."

Surely, Your Excellency, this Council is entitled to ask the honourable member in charge of the Bill to say what that further enquiry is, what that further consideration means. To quote the Honourable Mr. LALLUBHAI further, he says:—

" After the Bill was introduced in the Council further enquiries were made by the Mamlatdar of Anand and the Mamlatdar of Nadiad and written statements of various parties examined by these officers have been supplied to the members of the Select Committee. While persons appearing before the Mamlatdar of

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Anand, say that the mhowra flower gets spoilt after the end of June, those appearing before the Mamlatdar of Nadiad and styling themselves as Ajavans of Dharalas say, that people eat mhowra flower till Shrawan and some of them said that the flowers were edible on the day on which they gave evidence, *i. e.*, the first week of August. Taking all the facts into consideration and weighing all the evidence submitted to us, I come to the conclusion that in most of the places of the Kaira District mhowra flower is used as an article of diet till the beginning or the middle of August as suggested in the first report of the Collector and supported by the almost unanimous opinion of the Mamlatdars and Excise Inspectors."

My lord, is there anything before this Council now to justify us to oppose this modest and this most reasonable amendment of my Honourable friend Mr. Parekh? If we were to accept the view so forcibly put by my Honourable friend Lieutenant-Colonel Jackson, there is absolutely no reason why there should be any vacation at all. But Government has very wisely accepted the necessity of providing some vacation, and the only question for the consideration of this Council is what that vacation period should be—whether it should be up to the 15th of August or some other date. I am sure the people of Kaira district will be grateful to Your Excellency and to this Council if this amendment is accepted.

The Honourable Rao Bahadur GANESH KRISHNA SATHE :—Your Excellency.—I think I ought to give my support to the amendment proposed by my Honourable friend Mr. PAREKH. My grounds are these. In addition to the passages which were read out by the Honourable Mr. BELVI I crave indulgence to refer to page 8 of the printed papers, paragraph 8. It reads :—"The various uses to which the mhowras are put in this taluka (Anand) are as under :—The year is for this purpose divided into two parts—

"A—One from 15th February to 15th August, and the other

"B—From 16th August to 14th February."

The other reference which I want to make is on page 24, exactly one or two sentences below the portion which was read out by the Honourable Mr. BELVI : "Illicit distillation is rife in winter when crops are standing. A much greater part of illicit distillation prevails after 15th August."

Of course I must confess that I do not claim to have any first-hand information as to the conditions prevailing in Kaira, but we have been seeing from yesterday that this piece of legislation owes its origin to the report of Mr. Ghosal and the reports of his subordinate officers, and we can therefore make use of these reports and of the evidence given by the several Dharalas in these proceedings. I think we may avail ourselves of the remarks of Mr. Ghosal on this point and I refer to page 5 of Mr. Ghosal's letter of 12th February 1915. Before I read some part of that letter I must make it quite clear to the Honourable Members of this Council that even Mr. Ghosal seems inclined to give partial vacation for the month of July. We have already provided for the vacation period until the end of June. So the only question which is really at issue by this amendment is whether the period of vacation should be extended by six weeks. Mr. Ghosal says in the concluding portion at page 5 "Ordinarily I would have been inclined to suggest that the vacation should entirely cease from 1st July, that it was not necessary to give any special concessions during the month of July for cattle purposes only, as any Dharala could apparently always buy in the bazaar 8 pounds, which is sufficient for 15 days' supply of food for his cattle. Nothing more would seem to be required." The important portion follows—"But as this is the first introduction of any restrictions on the possession of mhowra in this district, and as the Dharalas in their ignorance might be imposed upon and have to pay heavily to the merchants for purchasing the mhowra, I have proposed this system of partial vacation for one month. Later on perhaps this system may be further modified for the sake of simplicity and better check on illicit

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distillation. I am saying better check on illicit distillation, for I feel almost sure that though a few perhaps will make *bonâ fide* use of this concession, the majority of Dharalas will club together and use most of the mhowra flowers privileged to be kept free for distillation and not as food for themselves or their cattle.

So this statement of Mr. Ghosal distinctly shows that he wants Government to proceed rather slowly and, as this is a measure which is being introduced for the first time in the district of Kaira, it would be in the interests of Government and in the interests of the public that it should be made as little harsh as possible and if the evidence which has been recorded and the reports of the officials of Government and even the opinion of Mr. Ghosal at one time go to show that we should extend the vacation period up to the 15th of August, I think that taking into consideration this aspect of the case and that this is the first occasion that we apply the Act to the district of Kaira it would not be too large a demand upon Government if Mr. Parekh were to insist upon his amendment and request Government to accept it. With these remarks, Sir, I support the amendment moved by my honourable friend.

The Honourable Mr. G. F. KEATINGE :—Your Excellency—I think there is a very clear issue before us. Yesterday this Council expressed its strong opinion that it was necessary to put down drunkenness in the Kaira district which was due to illicit distillation. The only question now before us is to determine at what stage it is necessary that the vacation period of mhowra flowers should end in order that the opinion expressed by the Council may be given effect to. The Collector of the district, Mr. Ghosal, has told us that the 30th of June is the latest date at which he is prepared to fix the vacation period. The Honourable Member in charge of the Abkari Department has expressed his opinion that if the period is extended as now proposed until the middle of August, the object for which the Council voted yesterday will not be attained. A good deal of importance has been attached by the Honourable Mr. BELVI and the Honourable Mr. PATEL to the fact that there is a certain amount of evidence to show that people do eat mhowras. That, of course, is admitted, there is evidence of it in the papers, and everybody knows that a quantity of mhowra is consumed as food. The question is not : Shall the limit be fixed so as not to interfere with the desire of the people to eat these flowers, but shall the limit be fixed so as to give effect to the intention of stopping illicit distillation? I submit that too much has been made of the quantity and the quality of the food. The quantity available for food, as I stated yesterday, is extremely small with reference to the number of people and animals which consume it. The quality of the food is not so marvellously good at any time, even before the rains, and after the rains set in it rapidly deteriorates, and I think that the figures which are put forward as regards transmuting 1 lb. of bajra—

His Excellency the PRESIDENT :—I must suggest to the Honourable Member that he is not discussing the amendment.

The Honourable Mr. KEATINGE :—I merely wish to suggest, Sir, that the vacation period fixed is ample to allow the people to consume the mhowras as food.

The Honourable Mr. MALCOLM N. HOGG :—Your Excellency—I wish to call attention to one point which appears to me to be a very important one. I have listened with close attention to the speeches of Honourable Members who have spoken in support of this amendment and I have not heard one of them deal with the point raised by the Honourable Mr. GHULAM HUSSEIN, which was that this Bill as it stands allows 14 seers of mhowra to each family during the period 30th June to 15th August. Not one of them has tackled the point whether that quantity of 14 seers is not sufficient for all legitimate requirements of a family during those six weeks.

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[*Mr. Chunilal Vijbhukandas Mehta ; Sardar Dulabawa Raisingji ; The President.*]

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The Honourable Mr. CHUNILAL VIJBHUKANDAS MEHTA:—Your Excellency.—I rise to support the amendment. I don't do so merely because the mhowra flower is a form of food for the people which is required particularly during those seasons, when they have to work in the open in the cold and in the wet, but I do so principally on account of this that mhowra is admitted by all to be gradually becoming a more valuable produce for export. Now if the vacation is only limited to 30th June, then I have not heard a single argument here which says that the people will not be deprived of their valuable product for export for something which is next to nothing. I think it has been mentioned, time and again, that the people will have to part with the mhowra for merely a nominal sum. It is true that the Honourable Member in charge of the Bill yesterday said that in an emergency Government would come forward to buy mhowra flower, but Government necessarily moves slowly in these matters and I am afraid that the helping hand which they would extend would not meet the difficulties of the case. I would like to point out, Sir, a statement made by the Collector of Kaira,—I am sorry I cannot give the date, it is not in the papers—but I would like to point out that it is after mature consideration that Mr. Ghosal came to suggest the 15th of August. I think the extracts are somewhat important. (Reads.)

He says "I had served in this district in 1909". "When I returned to this district in November 1913 I was surprised to see that illicit distillation was just as bad as ever, and I started making enquiries at once as to the conditions which made this possible. This enquiry was made along with that into the Criminal Tribes question. In fact most of my enquiries were directed that touring season to these two matters only. After 9 months' further experience, and constant personal enquiries in the villages when on tour, and frequent discussions with officers of all grades of the Revenue, Abkari and Police Departments, I submitted my detailed report in August 1914."

It seems to me that the conclusion arrived at as result of the enquiries which have been so carefully made by the Collector have been set aside except for clear and satisfactory reasons and considering the hardships that may possibly be caused to the people of the district it seems to me that it would be a graceful act on the part of Government to agree to the extension of this date to the 15th of August. Now, one important point to be considered as regards this extension is whether it would defeat the object to which the Council gave its sanction yesterday. I hardly think, Sir, that the object would be defeated. It has been pointed out in the various reports before the Council, that illicit distillation really takes place in a very large measure when the growth in the jungles prevents detection. I hardly think that by 15th August there will be such a growth as to prevent detection. I would like to have heard quoted figures which show when the largest amount of crimes of illicit distillation was detected. If it is shown that the illicit distillation crime detected was largest in the months of July and August, then probably there might have been justification for an earlier date, but in the absence of these figures it seems to me that the 15th August should be the time up to which the vacation period should be extended.

The Honourable Sardar DULABAWA RAISINGJI, Thakore of Kerwada:—Your Excellency.—I rise to support the amendment. I have some experience and I have often come in contact with people who would be affected by this piece of legislation and I venture to submit, Your Excellency, that mhowra flowers are used as food not only by the Dharalas but patdars and other classes of people living in the district.

His Excellency the PRESIDENT —Order, order. The Honourable Member is making a second reading speech. The question before the Council is what the date is to be on which the free picking is to cease, and he must confine himself to that.

The Honourable Sardar DULABAWA RAISINGJI:—Your Excellency, the object of the Bill is to check illicit distillation, and, I think, that object will not be

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defeated if the vacation period is extended to the 15th of August as suggested by this amendment. Even if people are able to store mhowra flowers during the vacation, they will be at very great disadvantage for the simple reason that buyers of mhowra will know it very well that the possession of mhowra will become illegal after a certain period, and thus the collectors of mhowra will not be able to realise the proper value. I therefore very strongly support the amendment.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA.—May it please Your Excellency—My honourable friend Mr. PATEL has done me the honour of reading the whole of my note on the Select Committee's Report. As all that I have to say on the question is said in that note, I have nothing more to say thereon. I rise merely to refer to one point mentioned by the Honourable Mr. HOGG, who said that 14 sers of mhowra flower could be kept by the people up to the 15th August for the use of each family under the Bill as it stands.

The Honourable Mr. HOGG.—May I offer an explanation, Sir? I said 10 sers before August and 4 afterwards.

The Honourable Mr. LALUBHAI.—The 10 sers limit is up to the end of the month of July. The majority of Mamlatdars and Excise sub-inspectors was in favour of extending the vacation period up to the 15th August. The Collector Mr. Ghosal later on changed his opinion, as he put it, after further inquiry and mature consideration. The Honourable Member in charge of the Bill will, I hope, in his reply give us some idea as to what this further inquiry was. In his own report Mr. Ghosal says that a special inquiry has been made. In the papers Honourable Members will find the statements before the Mamlatdars of Anand and Nadiad. People appearing before one Mamlatdar say that mhowra is not used as food after the 30th June. On the other hand almost all the people who appeared before the Mamlatdar of Nadiad say that it is eaten up to the 15th of August. Personally, I wish Your Excellency's Government will see some way to meet the honourable member who has moved the amendment, and extend the period either to 15th of August or to 30th July giving 10 sers up to the 15th August. In that case some compromise will be arrived at which will be perfectly agreeable to my honourable friend Mr. PAREKH. I believe even those who oppose this clause in the Bill want to support Government in the adoption of this legislation for checking the illicit distillation of liquor. The only matter of difference between Government and the mover of this amendment is a matter of few days. If this amendment is accepted by Government in a modified form and adopted by the Council, I think it will strengthen the hands of the executive, as it will have the unanimous support of the Council.

The Honourable Mr. PURSHOTAMDAS THAKURDAS.—Your Excellency—With reference to the question raised by the Honourable Mr. PAREKH, I do not believe the vacation period regarding the ten seers is for persons possessing bullocks only.

The undertaking given by Government and referred to in the Select Committee's Report runs as follows:—“A free period of four and a half months from the middle of February, followed by the raising of the prescribed limit to a minimum of ten seers in July, in accordance with the undertaking announced on behalf of Government, is sufficient to meet legitimate needs”.

The Honourable Mr. CARMICHAEL.—The Honourable Member must have seen that the undertaking referred to as given by Government in the Select Committee's report has no reference to bullocks. The undertaking was that during the month of July the minimum limit of mhowra which would not be interfered with would be ten seers. The ordinary prescribed amount, that is to say, the amount which any person may have to deal with or sell or hold at any time during the year or throughout the year will be ten seers during the month of July and 4 seers throughout all other seasons.

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The Honourable Mr. PURSHOTAMDAS :—Is that to be irrespective of whether he is an agriculturist or not ?

The Honourable Mr. CARMICHAEL —Yes, anyone.

The Honourable Mr. P. R. CADELL :—Your Excellency.—One of the arguments for the opposition to the Bill is that this provision is new to the district, and there are therefore some members who propose that an extra concession should be given. But perhaps it has escaped the notice of some Honourable Members that a considerable concession is already being given. If they would look up the proceedings which took place when the Act was introduced in the first place in other districts they would find that very much the same opposition was made then. For these districts the free period allowed was only two months, that is, the middle of February to the middle of April. But in the Kara District the concession made is $4\frac{1}{2}$ months. And, as the Honourable Mr. CARMICHAEL has just announced, there is a concession of 10 sers per day during the whole of July. Now that is an absolutely unrestricted concession. Any one man can keep this quantity and he can get it every day if he likes, so long as he does not exceed the 10 sers on one day, for his family or for his cattle. That is a very large concession, larger than is given in any other district, and there is no word in the evidence that has been brought forward to show that there has been any hardship in any other district. As against that there is evidence that the condition of the other districts has been materially improved by the Act. The Honourable Mr. CHUNILAL MEHTA made a point that it would be a hardship to cultivators because they would be obliged, if this restriction was to be enforced, that is to say, if after the 1st of July only 10 sers were to be allowed, to get rid of their stock of mhowra beforehand. Surely the Honourable Mr. CHUNILAL is rather forgetting the local conditions. The cultivator wants to sell the mhowra and he collects it for that purpose ; and he must get rid of it. He would not run the risk of keeping it till the rains with the certainty of deterioration and its thus becoming worthless, and he would therefore in any case dispose of it as soon as possible. It is difficult to understand where the hardship would come in.

The Honourable Mr. CHUNILAL MEHTA :—May I point out that a very large quantity of mhowra is exported after the rains ?

The Honourable Mr. CADELL :—There are no figures showing the export in July, but such export as takes place during the rains is for the most part of mhowra stocked in central places, not in the huts of the Dharalas. The Honourable Mr. BELVI has said that he has come here in the character of a judge or an assessor, and he made a great show of impartiality in being prepared to give full probative value to the evidence of Government servants ; but apparently that applies only to such evidence of Government servants as is in favour of the views which he himself holds. He has entirely disregarded the effect of the great mass of evidence of Government servants which was against him and to that evidence I gather that he gives no probative value whatsoever.

The Honourable Mr. BELVI :—Where is it ? Show it.

The Honourable Mr. CADELL :—The evidence of the greatest value is the evidence of the Collector himself. There is also the evidence collected from cultivators and from the patidars and from Dharalas, which you will find in these papers. Another Honourable Member has said that the Dheds would suffer and they were a voiceless community. So far as my own experience goes there is no community now which is voiceless. But suppose they are voiceless, it was perfectly open to the people who thought that this Bill was unjust and repressive to go round and get evidence and record evidence. What evidence have we got of hardship ?

The Honourable Mr. PATEL :—May I rise to a point of order, my Lord ? The Honourable Member is talking about the whole Bill.

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His Excellency the PRESIDENT :—Yes, I think the Honourable member must confine himself to the amendment

The Honourable Mr. CADELL :—Your Excellency, my point is that the only question is whether the restriction in the bill would cause any hardship, and the evidence goes to show that the hardship, if caused at all, would be extremely small, while the benefit would be very great. The use of mhowra in its fresh condition is over by the end of June and the concession that Government has made of allowing 10 sers to be kept for use up to the end of July would meet every legitimate need.

The Honourable Sir PRABHASHANKER DALPATRAM PATTANI —Your Excellency—Before I begin to support the proposition, I should like to know whether Government is prepared to say that the evidence on record is not in favour of 15th of August being fixed as the date of the limit. As against the evidence of the majority of Mamlatdars and Abkari officers, the only plea quoted is that of the Collector. I am very sorry that the Collector has been brought in. From the mass of evidence that he has collected, one can very well see what an amount of time and energy he must have spent in collecting that evidence. For that labour he is to be congratulated and I should therefore have deprecated his name being dragged in, but it has been put forward as meaning that his later enquiries have conclusively proved that his former opinion was not well based, I would request that it may be made known that his later enquiry was based on such material as was responsible for the change of his former opinion. I am very sorry to say this. When I came here, I came convinced that I would vote in favour of the Bill, but having heard the arguments of the Honourable Mr PAREKH and the Honourable Mr. PATEL.....

His Excellency the PRESIDENT —I would ask the Honourable member to restrict his remarks to the amendment.

The Honourable Mr PATTANI.—I bow to Your Excellency's decision. But the Collector has been mentioned by almost every Honourable member present including members of Government as relevant to the point that it is on his recommendation that the date is being changed. I submit that the fact is not denied that mhowra is used, to some extent at any rate, as food. Yesterday one Honourable member while enumerating uses of mhowra read "Kansar" as "Cancer" The Dharala no doubt is a cancer in the life of Gujarat and rightly have we dealt with him under this Bill, but having done so let no one go away from here without showing a corresponding sympathy for those who have not put their hand to this illicit distillation, for even the families of the culprits—their women and children—not to mention those who may not be Dharalas themselves. The point of view just mentioned by the Honourable Mr. CHUNILAL also must have some weight. The men who are the owners of these trees and their flowers are required to sell their produce within a certain period, and if they want it again, they are asked to re-purchase it. I request that some concession should be given. It has been proposed here that some compromise should be arrived at. I should only be too glad if that were possible and would urge that in arriving at a compromise a week or so more should not be grudged. I would plead that now that the Bill is being passed this question of the vacation period be considered from the point of view of sympathy for these lower classes who use mhowra as food and who are not criminals. Mhowra is the sugar of these poor people. They cannot afford to purchase sugar or jaggery. It is the only sweetening substance of the food of these men, and knowing that the prices of sugar and jaggery have gone up very high I would request that the Council and the Government might see their way to extend the period of vacation to the 15th of August.

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The Honourable Mr. G. CARMICHAEL :—Your Excellency.—I think some of the Honourable members have not realised the actual arrangement with regard to this particular Bill. During the vacation period the people will be perfectly free to deal with their mhowra as it pleases them, and Government have given an assurance that for one month after the vacation period the people may have up to 10 seers without any interference and during the other months of the year they may have at least 4 seers of mhowra. The Honourable Rao Bahadur SATHE quoted Mr. Ghosal as having suggested some modified vacation for the month of July. What he actually recommended the proposal to which he referred was that the limit of possession should be raised from 4 to 10 seers during the month of July.

I do not know whether it is necessary to go again into a further discussion of the evidence on which this measure was proposed by Government, but as some Honourable members seem to think that the Collector had no sufficient ground on which to make a subsequent recommendation—in fact the Honourable Mr. PATEL seemed to me to suggest that the Collector was merely a report receiving officer and that he made no personal enquiry himself—I should like to refer to the papers on the table. It will be seen that the Collector himself went to the people and ascertained the facts for himself, not only so but when he was making these enquiries, he had as Personal Assistant a very competent Deputy Collector, Mr. Namjoshi, who went round the Dharala houses to make enquiries personally. I refer to paragraph 4 of the Mamlatdar of Matar's report on page 17 of schedule A to the Collector. It reads —“ On the 3rd July last I was with Mr. Namjoshi, Personal Assistant to the Collector Saheb, when he searched the houses of the Dharalas in the village of Rupapura in the Anand Taluka ” In connection with this particular quotation, any one who reads it will see that in this Anand Taluka, the case of every Dharala whose house was examined, would have been covered by the vacation period and by the limit for free possession which Government are to allow for the month of July.

The Honourable Mr. DESAI referred to the Dheds and Vagris but I think he must have been in the comfortable lobby outside yesterday when the particular position of the Dheds and Vagris was discussed. Really speaking the Dheds are in a much better position economically than the Dharalas, because the Dheds are more honest workers, they work hard, they have begun to hold lands and they have also cottage industries on which they can depend.

The Honourable Mr. DESAI said that from Dr. Mann's analysis it was clear that mhowra can be used as human food in August. I would call attention to the actual words used by Dr. Mann. He says “ I do not think that these evidences of deterioration would make the samples of mhowra flowers injurious as food, and if the people wish to use them there would be little objection from a food point of view to their doing so. But they do show that rapid deterioration takes place in these materials when they are stored during the months of June and July.”

There is one point with regard to the evidence which I wish to bring out and that is that the evidence referred to in the Honourable Mr. LALLUBHAI'S note is of large number of Dharalas who came to the kacheri as casual visitors and who must have known exactly why an inquiry was being made. If you will read their evidence it will be found that almost all of those who say that they keep mhowra up to August do not do it themselves. For instance, No. 23 said, “ I do not preserve mhowra flowers after the great famine of 1899-1900.” No. 24 said, “ We have never used mhowra as food in our family,” and so forth, the statements of these Dharalas do show that mhowra is eaten up to the 31st of August. But there is no evidence at all that with the provision which has been made of raising the limit of free possession; there will be any hardship.

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The Honourable Mr. CADELL referred to the fact that, when this section was originally incorporated in the Abkari Act and applied to the districts of Thana and Kolaba, the vacation period was actually two months. In spite of the fact that the people in the hilly talukas of the Thana District were the owners of mhowra trees that they did collect a great deal of mhowra and stored it, in spite of the fact that they were living not near large centres of population but in the jungles and had very little to depend on, still in their case the vacation was put at two months and no hardship resulted. It was a minimum period which Government might extend, and Government have extended it, by an executive order to meet the necessities of any particular year or on general considerations. When illicit distillation had been very largely suppressed, then the longer vacation period of three months was allowed as has been the usual thing for some years past. In famine years the vacation was extended by an order of Government.

Now I think it is very desirable that in connection with the Kaira District, the period of vacation fixed by law should be a minimum period, so that the action of Government may not be unduly limited in dealing with a very serious state of affairs. If a longer period is required, Government, as they have done in the other districts, will extend the period, provided the illicit distillation has been suppressed. The danger of prescribing a longer period by law is that when we come to apply the section to the Kaira District we may find that it is not efficient and we may have taken all this trouble for nothing.

The Honourable Mr. LALUBHAI refers to the question of a possible compromise. He has stated that this Council has supported the main measure. Government appreciate their support in the matter.

With your Excellency's permission I would suggest a compromise, namely to extend the period of vacation (minimum vacation period) upto the middle of July, that is, fifteen days more than proposed in the Bill and to give an assurance that for the month following that the limit of free possession would not be fixed at less than ten seers.

The Honourable Mr. CHUNILAL MEHTA asked what the figures were of illicit distillation in the various months of the year. I have the figures of recorded cases which the Abkari staff had been able to detect and it appears that there are not very many cases in the hot weather. I give the totals of five years: 74 cases in April, 74 in May and 50 in June, and the number goes to 78 in July, 107 in August, 119 in September, 122 in October and 121 in November. Mr. Ghosal's note has been quoted to the Council by Mr. ARTHUR and I do not think I need say anything more on the point. But I wish to bring out the fact that the figures of recorded cases do not represent the total number of cases which occur but merely serves as a guide as to the extent to which illicit distillation goes on in the district. The rains begin in the Kaira District, usually, in the third week of June, and in an ordinary year about three-quarters of the rainfall comes in the month of July and in the beginning of August. It is at this time when the crops are beginning to come up that the Dharala really begins to give his attention to illicit distillation.

Your Excellency, if the compromise I have suggested would commend itself to the Council we may arrive at a unanimous finding on this rather important matter.

The Honourable Mr. PAREKH :—If the Honourable Mover of the Bill can accept 31st July, I would agree to it.

His Excellency the PRESIDENT :—Does the Honourable Member wish to reply on the debate ?

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency, I differ from the view which Mr. Ghosal says he has arrived at after mature consideration.

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If we look into the papers for ascertaining what passed at the conference which took place after the report, we find that during all the time the reports that came to Mr. Ghosal were to the effect that the vacation period should last at least up to 15th August. The Mamlatdar of Anand on whose report Mr. Ghosal places great reliance was of opinion that the vacation should last up to the 15th of August, and your Excellency will see that there is nothing whatever to justify the change which took place in Mr. Ghosal's view. All the evidence points in that direction, and I submit that the first proposal which Mr. Ghosal made was the one which Government ought to see their way to accept.

The Council has further to consider that no great change is called for by this resolution. As regards the month of July it has been treated all along as an exceedingly exceptional month. Though it is not treated like June, it is considered as a month in which mhowra flowers are used as food and therefore a higher quantity is permitted to be kept in it than during other close months and thus it stands upon exceptional grounds, and I submit that it would be very proper that this month be included in the period of the vacation. Then the question that remains is one of 15 days, and I submit that this is the period during which both cattle and people require the mhowra for food more than any other part of the year. Ordinarily it is the rainiest fortnight.

As regards the evil effects of the mhowra flowers either as fodder for cattle or as human food, they are much exaggerated, the evil effects may perhaps result from excessive use, but poorer people cannot do without it; they cannot use the more costly fodder or human food, and I submit that it is almost an essential thing with them, and therefore, I submit that the period of the vacation which I have proposed ought to be accepted.

His Excellency the PRESIDENT:—I am glad to think, and I am sure that Honourable members will agree, that it is a very satisfactory thing that on general grounds the Council is almost entirely unanimous with regard to the main principles of this Bill. But it must be admitted that, as far as one can see from this discussion, that there is a considerable difference of opinion with regard to the particular date for the close of the vacation period. Now I want in a very few words to place before the Council what appear to me to be the main and important reasons why Government has adopted the position they have taken up in regard to this question. Before stating my reasons, I want to point out, and I think it is important that the Council should remember, that in the two districts of Thana and Kolaba, and also in Broach, the minimum vacation period prescribed in the Act is from February to April. Now my Honourable friend Mr. PATEL is, I think, closely associated with, and knows a good deal of, the Thana district, being a member from the northern division. Has he ever heard of any difficulties raised by anybody with regard to the vacation period being from February to April? Agam in regard to Kolaba, my Honourable friend over there—(the Honourable Dewan Bahadur GODBOLE)—knows something about Kolaba, that district is also under this Act—has there ever been any sort of objection raised to the shortness of the vacation period? Here in the Kara district we are giving a months' vacation period more than in those particular districts where the Act has already been applied. Now what are the reasons for our doing this? I own I was rather surprised to hear certain Honourable members say that the evidence of the Collector was perfectly valueless, because in the year 1914 he had suggested a certain date for the vacation period and in the year 1916 he has changed his mind and thought that the vacation period should have been shorter. Now the Government's position is that they have trust and confidence in their officials, and they requested the Collector of Kara to take every possible step to enquire thoroughly into this question and to inform the Government as fully as he could with regard to all the circumstances of the case. What I think must be perfectly evident to the mind of every member of this Council is that Mr. Ghosal

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went there six months before making that report from which my Honourable friend Mr. PATEL has quoted. He then made a statement of the opinion he had formed, but after two or three years it became perfectly clear to him that matters were very much more serious than he at first thought and he considered that, for the good of the district, it was necessary to shorten the vacation period. That is the position of Government. After the various considerations that the Collector has gone into he has come to the confirmed view that the 30th of June is a proper period, both having regard to the good of the people and having regard to the necessity for stopping illicit distillation. Now my Honourable colleague has told the Council that Government are prepared to extend that period by a fortnight in order, as far as possible, to meet the wishes of a certain number of members of this Council. I regret exceedingly that my Honourable friend (Mr. PAREKH) cannot meet us with regard to that and I am afraid that Government cannot be open to bargain in the matter. I sincerely hope that Honourable members will realise that in this matter Government has taken every possible evidence that it could and it is on the confirmed judgment of the Collector, with which Government fully agree that we have taken this position at the present time.

The Honourable Mr. LALUBHAI SAMALDAS MEHTA:—May I ask your Excellency whether, if the Honourable Mr. PAREKH'S amendment is lost, the Honourable Member in charge of the Bill will be allowed to move an amendment for extending the vacation period up to 15th July?

His Excellency the PRESIDENT:—Yes.

The amendment was then put to the vote, 16 members voting for it and 29 against it. The Council divided as follows:—

Ayes.	Noes.
The Honourable Mr. D. V. Belvi.	His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E.
The Honourable Mr. Sherriff Deyji Canji.	The Honourable Mr. M. B. Chaulal.
The Honourable Mr. P. A. Desai.	The Honourable Mr. G. Carmichael.
The Honourable Mr. S. D. Garud.	The Honourable Mr. G. S. Curtis.
The Honourable Dewan Bahadur K. R. Godbole.	The Honourable the Advocate General.
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.	The Honourable Mr. S. R. Arthur.
The Honourable Mr. C. V. Mehta.	The Honourable Mr. S. K. Barodawala.
The Honourable Sardar Shrinivas Cooposwami Mudliar.	The Honourable Mr. P. R. Cadell.
The Honourable Mr. G. K. Parekh.	The Honourable Sardar Syed Ali El Edroos.
The Honourable Mr. V. J. Patel.	The Honourable Dr. C. Fernandes.
The Honourable Mr. Abdul Kadir alias Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Shaikh Ghulam Hussein Hidayatallah.
The Honourable Sir P. D. Pattani.	The Honourable Mr. M. N. Hogg.
The Honourable Sir D. M. Petit.	The Honourable Lt.-Col. J. Jackson.
The Honourable Rao Bahadur G. K. Sathe.	The Honourable Mr. Ebrahim Haroos Jaffer.
The Honourable Mr. S. B. Upasani.	The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Harchandrai Vishindas.	The Honourable Mr. B. S. Kamat.
	The Honourable Mr. G. F. Keatinge.

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Mr. G. K. Parekh; Mr. S. R.
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Ayes.

Noes.

The Honourable Mr. H. S. Lawrence.
 The Honourable Surgeon-General R.
 W. S. Lyons.
 The Honourable Khan Bahadur Pir
 Baksh walad Mian Mahmud.
 The Honourable Mr. Lalubhai Samal-
 das Mehta.
 The Honourable Rao Bahadur V. S.
 Naik.
 The Honourable Mr. W. U. Nicholas.
 The Honourable Mr. P. C. Sethna.
 The Honourable Mr. W. H. Sharp.
 The Honourable Mr. W. C. Shepherd.
 The Honourable Mr. Purshotamdas
 Thakurdas.
 The Honourable Mr. G. H. Thiselton-
 Dyer.
 The Honourable Rao Bahadur Teck-
 chand Udhavdas.

The Honourable Mr. G. CARMICHAEL :—Your Excellency, I rise to move an amendment that the date of free period be extended up to the 15th July.

The Honourable Mr. PATEL :—Your Excellency, amendment No. 9 has not been moved by my Honourable friend Mr. PAREKH and unless that amendment is withdrawn, my Honourable friend Mr. CARMICHAEL cannot move his amendment for a shorter period.

The Honourable Mr. PAREKH :—Your Excellency, amendment No. 9 which stands in my name runs as follows :—

“ If amendment No. (8) is not accepted, substitute for the same “ five and a half months from 16th February to 31st July.”

All that should be said with reference to this amendment has already been said previously and I do not want to take the time of the Council any more.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, I rise to support the amendment moved by the Honourable Mr. PAREKH and in rising to support that amendment, I hope the Council will consider it very carefully.

The only difference between the opinion of my Honourable friend Mr. PAREKH and that of Government is this that Government is prepared to extend the period up to the 15th July, but my Honourable friend wants it to be extended up to the 31st July.

The Honourable Mr. S. R. ARTHUR :—Your Excellency, I beg to oppose this motion on the ground that I am not prepared, in view of what the Collector wishes, to give illicit distillation a free run in the month of July. I think the passing of this amendment will negative greatly the value of the present legislation.

The amendment was then put to the vote and lost.

The Honourable Mr. G. CARMICHAEL :—Your Excellency, I beg to propose with reference to the Honourable Mr. LALUBHAI's suggestion that in clause 2 (b), or the words “ four and a half months from the 16th February to the 30th June ”,

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Mr Vithalbhai Javerbhai Patel.*]

the words "five months from the 16th February to the 15th July," be substituted; and for the words "four and a half months" where they occur a second time the words "five months" be substituted.

The amendment was then put to the vote and carried.

His Excellency the PRESIDENT —I think perhaps it will be to the convenience of Honourable Members if we adjourn now till three o'clock.

(The Council adjourned for lunch.)

After Lunch.

The Council re-assembled at 3 p. m.

His Excellency the PRESIDENT —Order, order. Further consideration of a Bill further to amend the Bombay Abkari Act, 1878 (Bill No. III of 1916), Amendment No. (10). The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—I beg your Excellency's permission to withdraw it.

The amendment No. (10) was then by leave withdrawn.

His Excellency the PRESIDENT :—Amendment No. (11). The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, the amendment that stands in my name reads thus :—

"In the proviso to sub-clause (b) of clause 2, omit the words 'which are the produce of that year'."

Your Excellency, it is intended by the addition of these words in the clause which we are now considering to prevent the Dharala, Vaghri or Dhed from keeping in his possession mhowra even during the period of vacation if such mhowra is not the produce of that very year. Now the reason why I have given notice of this amendment is because there will arise practical difficulties when a case of that kind goes before a Court of law. Suppose an Excise Inspector goes to a Dharala's house during the period of vacation, makes a search and gets hold of mhowra and alleges that it is the produce of the previous year. Some witnesses will say it is the produce of that very year, others will say that it is the produce of the previous year. My Lord, it will be very difficult to prove in a Court of law whether mhowra is the produce of any particular year. The second reason why I gave notice of this amendment is this. It is the case of Government that after the rainy season mhowra gets spoilt and becomes unfit for use as food. If that is so, then there is absolutely no reason why this provision limiting the use of the mhowra flower to the produce of a particular year be introduced. Because, mhowra will not remain in good condition after the monsoon and the vacation period begins in February and ends in August. So between February and August there will be no mhowras in good condition which a man can have in his house for use as food. I do not admit, for a moment, that mhowras do not keep in good condition in monsoon. If you go into any distillery you will find not only mhowras of this year, not only of last year, but of the year before last also. Such being the case, I do not see any reason why a person should be prevented from making use of mhowra which is the produce of any year. The point, my Lord, is this. When you allow people to eat mhowra during vacation period there seems to be no valid reason

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why we should try to distinguish between mhowras of this year and other years. If people find that mhowras of last year are as good as mhowras of this year, why prevent them from making use of them during the period of the vacation? Another point is in regard to the peculiar geographical position of the Kaira district. The district has got very near it Baroda and Cambay territories and the Panch Mahals district and if a person during the period of vacation gets hold of previous year's mhowra, for the purpose of eating, say, from the district of Panch Mahals, I do not see any reason why this Council should prevent him. With these few words I beg to move my amendment.

The Honourable Mr. G. CARMICHAEL;—Your Excellency,—I submit that the practical difficulties to which the Honourable Mr. PATEL, refers are non-existent. The object of this Bill is to induce the Dharalas to dispose of the stock of mhowra which they gather during the course of the mhowra harvest before a certain period, and it seems to me that it is quite a reasonable proposal; then the exemption should apply only to mhowra which is the produce of the year. I do not think there is any chance of the Excise staff worrying the people with regard to mhowra about which there was any doubt at all whether it belonged to the year. During the vacation period the Excise staff are not likely to trouble the people at all. But it is very essential to teach the people that they should dispose of any large quantities of mhowra which they hold during the vacation period. The mhowra which is used for eating must be the produce of the same year because, as the Honourable Mr. PATEL has said, it does not keep fit for eating for more than a few months. It keeps sufficiently well for distillation uses for longer periods but the people do not eat it except it is of the same year. There is also the fact, to which I referred in moving the second reading of the Bill, that the same provision has been applied in the districts of Thana, Kolaba, Broach and Surat without any trouble at all and this has caused no hardship. The select committee considered the point and decided that it was sufficient to make a provision exempting the mhowra which was the produce of other talukas rather than the talukas where the people holding mhowra resided. I submit that it is quite unnecessary to take out the words which the Honourable Mr. PATEL suggests should be deleted.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—In reply I take leave to give another practical illustration. Suppose a license holder has in his possession, under license, this year's mhowra flowers in the month of February next and he sells it to a Dharala, who takes it home and an Excise Inspector goes next day and gets hold of the mhowra. I would ask the Council to consider that position.

The amendment was then put to the vote and lost.

His Excellency the PRESIDENT:—Amendment No. 12. The Honourable Mr. PAREKH.

“In the proviso to clause 2 (b) for the words ‘which are the produce of that year’ substitute the words ‘which are lawfully collected, transported, sold and held in possession.’”

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—The amendment that stands in my name reads as follows:—“In the proviso to clause 2 (b) for the words ‘which are the produce of that year’ substitute the words ‘which are lawfully collected, transported, sold and held in possession.’” This amendment is proposed to meet cases like this. During the period of vacation mhowras are held without any license. They may not be the produce of that year. If all the mhowras are free, I fail to see any reason, even if they be old mhowras which up to date are possessed according to law, why the period of vacation ought not to extend to them. There is also another class of cases

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Mr. G. Carmichael; the President.]

which also would be affected by leaving the clause as it is. There are some places in the Panch Mahals to which the talukas of Kaira adjoin. There is also the fact that the Panch Mahals mhowras have the power of lasting much greater than of those of the Kara district. As a matter of fact the Panch Mahals mhowras do come into Kaira district villages. That being the case, if mhowras which are good and proper and have been properly brought into the district and possessed in the district, it would be exceedingly hard if at a certain period the men who hold the mhowra cannot have the benefit of the open period that Government have granted. I therefore submit that the amendment that I propose is a very proper and necessary one and ought to be accepted.

The Honourable Mr. G. CARMICHAEL.—Your Excellency,—I had some difficulty in following exactly what the Honourable Mr. PAREKH'S amendment is aimed at. I understand him to say that the first part is practically the same as the amendment which is moved by the Honourable Mr. PATEL which this Council have just now rejected, and that the object of his amendment is to provide that any one may bring any mhowra from the Panch Mahals or from Baroda territory to any extent he pleases. If that is so, then it would defeat entirely the object of this Act. It would be quite unnecessary to provide any vacation period at all, because, if we accept the amendment which the Honourable Mr. PAREKH proposes, the whole year would be a free season. He practically asks us to make it a provision of the Bill that any quantity of mhowra may be held at any time throughout the year. It seems to me, Sir, that this is a direct negation of the Bill.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—With reference to the amendment proposed, I submit, Your Excellency, that I do not see the slightest objection or any harm occurring to any person or the Government Revenue by extending the privilege to mhowras which are legitimately possessed and held in the Kara district, but it would seriously affect people who have mhowras which are held legitimately. If mhowra under proper licenses is held in the district, it would affect trade injuriously and I submit that a provision of this kind would prove harmful.

His Excellency the PRESIDENT.—I am not quite clear on the point. Does the Honourable member mean to suggest that we should accept it that there should be free purchase and keeping of mhowra right throughout the year?

The Honourable Mr. PAREKH.—No. All that I ask by the amendment is that mhowra legitimately held even if it be the produce of the previous year should have the same benefit of the vacation as the mhowra of the same year. There should be no differentiation between them.

The amendment was put to the vote and lost.

His Excellency the PRESIDENT.—Amendment No. (13). The Honourable Mr. PAREKH.

"If the previous amendments are not accepted, add to clause 2 (b) a second proviso as under:—

"Provided further that during the period of two months from the 1st of July to the 31st of August in each year no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere within the limits of the district of Kaira of any quantity of mhowra flowers not exceeding 60 pounds in weight."

The Honourable Mr. GOKULDAS KAHANDAS PAREKH.—Your Excellency, I ask permission for withdrawing amendment No. (13).

His Excellency the PRESIDENT.—Amendment No. (13) by leave withdrawn.

ABKARI BILL.

[*The President ; Mr. Gokuldas Kahandas Parekh ; Mr. Vithalbhai Jhaverbhai Patel.*]

[5TH DECEMBER 1916.]

His Excellency the PRESIDENT.—Amendment No. (14). To clause 2 (b) add a third proviso as under.—

“ Provided further that if between the 1st of June and the 30th of September of any year the rainfall of the whole or any specified part of the district of Kaira is less by 40 per cent. or more than the average rainfall of the said district during the preceding five years, no license, permit or pass shall be necessary for the collection, transport, sale or possession, in the whole of the said district or in such part thereof, of any quantity of mhowra flowers during the period from the 1st of October of that year to the 30th of September of the following year.”

The Honourable Mr. PAREKH.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—Your Excellency,—In reference to amendment No. (14) which stands in my name Your Excellency's Government do recognise the reasonableness of giving some concession during periods of scarcity and famine. I do not care in what form the language of the concession is put, but I do submit that instead of the concession being given by administrative orders, it should be conferred by the statute. I think it would be desirable to make clear that during bad years the people would get the concession not for such time as Government thinks proper, but during the whole of the period when mhowras would be necessary for food owing to the badness of the season.

If the provision about the concession do not appear upon the statute-book, it may be some time before an administrative order is issued after due consideration. Meanwhile the people would suffer much hardship. Again the discussions in this Council may be forgotten. If the provision is put on the statute-book, people would feel confidence and would meet the adversity without any feeling of despair and Government will have before it an obligation laid down by law and will always be alive to it. I therefore submit that such concession as Government may be willing to give during the periods of famine and scarcity ought to appear in this Bill. I submit that the words I suggest would cover the concession and if Government wish that the concession may not be given to the fullest extent I advocate Government may make a reduction in concession, but in reference to the concession itself I submit that it is a very reasonable request that such a concession may be provided for by statute.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL:—Your Excellency,—I rise to support this amendment. It is a very important amendment. It seeks to provide for special circumstances that might arise in a year of famine or scarcity. My Honourable friend Mr. PAREKH seems to construe the assurance given by the Honourable Mr. CARMICHAEL to mean that Government can and will extend vacation period to any year of famine. That is not so. The assurance given by my Honourable friend refers to the year after the famine, if I have understood him rightly. It does not and could not at all include the year of famine. Supposing it is found—and I hope it is not found—that in September this year, in the Kaira district there is not sufficient rainfall, there is scarcity and famine. Then, under the assurance given by my Honourable friend Mr. CARMICHAEL, Government under the provisions of the Act which we have just passed would not be entitled to extend the period of vacation, because extension if given at all must begin on and from 1st July.

It may be argued on behalf of Government that there would be no mhowras in the possession of the Dharalas or Dheds after September or October, because by the 30th of June all their stock would have been disposed of, and therefore there is no necessity to give the vacation during that year and that the only necessity would be in the next year. But we forget one important factor in that.

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[5TH DECEMBER 1916.]

[*Mr. Vithalbai Jhaveronar Patel;*
Mr. G. Carmichael; Mr. Gokuldas
Kahandas Parekh.]

It is this : that we give the concession to Kaira to minimise the hardships that would be caused as far as possible. In the event of a year of famine or scarcity, I humbly submit to Your Excellency's Government to consider the question of allowing the Dharalas, Dheds and Waghris to go and get mhowras and make use of them as food in September and October.

Another difficulty, my Lord, is this : it is not the question of Dheds and Dharalas alone, but it is the question of other classes of people in the Kaira district, namely, the Banias, Patidars, Brahmans and others. If in a year of famine or scarcity Dharalas were not to be allowed to use mhowras as food, you will let loose, as my Honourable friend Mr. PAREKH has put it and as Government has admitted, a very turbulent class of people over the whole respectable population of the Kaira District.

The Honourable Mr. G. CARMICHAEL :—Your Excellency,—I wish to remark, in the first place, that it seems to me, that the amendment calls on us to suspend the operation of the Act every year between the 15th July up to 30th September before taking any step to restrict the possession of mhowra flowers. The Honourable mover of the amendment did not make it clear, but I understand that this is the Honourable Mr. PATEL'S interpretation of it. Now, the Honourable Mr. ARTHUR made it clear earlier in the debate that in the case of a famine year when the rain fails, the great stress comes in the following hot weather, after the next mhowra crop comes to fruition and has been gathered in and lasts until good rains come again. Now, Sir, I think the Honourable Mr. PAREKH is wrong in his distrust of Government. He says he cannot trust Government to exercise its discretion in a matter of this kind and he says that when the discussions in this Council have been forgotten possibly Government will take no action at all when a very urgent necessity arises. But I submit that there is very little likelihood of the discussion in this Council being forgotten when Kaira continues to be represented by such two careful and very able members as the Honourable Mr. PATEL and the Honourable Mr. PAREKH. Government have in the past shown that they have exercised discretion in the matter of the application of this clause in other districts with great liberality. In the famine of 1899-1900 they relaxed the restriction in the Thana and Kolaba districts, and I am perfectly sure that Government will do so in the case of the Kaira district, if that district were faced with a calamity like what occurred in 1899-1900. With these words, Sir, I submit, that this is not an amendment which should be accepted by this Council.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency,—I wish to say that any fear of the distrust of Government is altogether absent from my mind. I do believe that Government, when things are brought to their notice, will do their duty. But what ordinarily happens in the case of intentions which are not translated into the Bill is that after a short time, the discussions that take place in the Council are forgotten. No man cares to read what the discussions in the Council were and Government measure their obligation according to a strict interpretation of the statute. What a man does is to take the Act and look into its provisions and see whether it is necessary that Government should do so and so. The intention of Government is forgotten and this attitude is not very unfrequently taken. It is to guard against occurrences of this kind that it is necessary to have a provision of this kind on the statute book. I therefore submit that it is right and very proper that this provision should be put on the statute book. Now, as regards the period of suspension, I submit that the whole question is to get over a year of difficulty and distress. Government would not like people to starve because a few people would make a bad use of the concession. I think there is no appreciable danger in allowing the restriction to be relaxed during a year of scarcity and famine.

ABKARI BILL AND PORT TRUST BILL.

[Mr. G. Carmichael, the President,
Mr. G. S. Curtis]

[5TH DECEMBER 1916.]

Amendment No. (14) was then put to the vote and lost.

Clauses 2 and 3 and the preamble were then put to the vote and carried.

The Honourable Mr. Carmichael moves the third reading of the Bill

Bill read a third time

The Honourable Mr. G. CARMICHAEL:—Your Excellency,—I rise to move the third reading of Bill No. III of 1916 and beg that it may be read a third time.

The motion was put to the vote and carried.

BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879 (BILL No. V OF 1916).

His Excellency the PRESIDENT.—Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. V of 1916), first reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—May it please Your Excellency, I rise to move the first reading of Bill No. V of 1916, a Bill further to amend the Bombay Port Trust Act, 1879.

Copies of the Bill and the Objects and Reasons are already on the Council table and Honourable members will have already familiarized themselves with its main points. There are altogether four or five very simple points.

Clause 2 deals with the question of temporary employés. The position with regard to the amendment proposed by this clause is that, under section 21 of the Act, Government auditors require a full schedule or proposition statement for every addition to the establishment of the Trust. This was in the past dispensed with, but in recent years the auditors have insisted on full compliance with it. The result has been that the practice which the Heads of Departments of the Port Trust have followed in the past of appointing temporary hands when the traffic and the business of the Trust require has been declared irregular. It has consequently become necessary in order that the business of the Trust may be properly executed and in order that the rush of work may be coped with satisfactorily, to take power by legislation in order that Heads of Departments may appoint persons on the temporary list without reference to the Chairman of the Trust or the Board. Hence the provision in the clause 2 of the Bill. It will be noticed that it follows the provision in the original section 21 with this difference that the words "persons in temporary employment" have been added. Those words follow the similar provision of the Karachi Port Trust Act, 1886, where the power to appoint temporary hands has been in force for the last thirty years and has worked satisfactorily.

From papers which have reached me I gather that the proposal to legislate on these lines has aroused a certain amount of comment. In a sheet which has, I understand, been placed on the Honourable Members' tables, I find that it is stated that the provisions have an injurious effect on the interests of the Port Trust employés. I do not propose to go any further except to say that the points brought to notice in this sheet, that is to say, the absence of any limit to the salary of the persons in temporary employment who may be appointed under the provision can, if necessary, be corrected when the Bill goes to the Select Committee. When the point originally arose, it arose, I understand, entirely with reference to persons who have been in quite a subordinate sphere of office, and the possibility of the new provision affecting persons on Rs. 500 a month was not considered. Indeed as the Chairman has power to appoint only up to Rs. 300, it was not likely he would consent to the transfer of the power to appoint on higher salary to his own subordinates. However, that point can be discussed in the Select Committee.

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[5TH DECEMBER 1916.]

[*Mr. G. S. Curtis; Dewan Bahadur
Kashinath Ramchandra Godbole.*]

A further question has arisen in connection with the proviso to this clause with reference to the class of people known as tally-clerks who are on the temporary list. They also have circularised the members of this Council. As far as I can ascertain this clause does not affect this class of persons in any way. The only possible way it might affect them would be that they would be henceforward under section 23 liable to dismissal by the Head of the Department instead of by the Chairman of the Board. As, however, their petition shows that they seem to regard both the Chairman and the Heads of Departments as most unmerciful tyrants, I cannot see that they have any specific grievance. But in that case also the grievance, if any, can be considered in the Select Committee.

Clause 3 of the Bill adds a sub-clause to section 22 for providing with the previous sanction of Government for the preparation of rules, under which gratuities may be given to the widows and children of such officers as may die in the service of the Trust. Members of this Council will notice that sub-clause (7) of section 22 provides for the allowances to the widows and children of the Port Trust employes who may be killed in the execution of their duties. The new clause enables the Board to make provision for officers who may die of diseases such as plague or cholera, while in active service. It is specially desirable, as a number of employes have been transferred from the State Railways to the Port Trust railway, whose widows and children are already entitled to gratuities under the rules of the railway companies.

Clauses 4 and 5 relate to the financial arrangements of the Trust and the principal feature of these clauses is that they ratify the decision of the Government of India by which, with effect from the 1st of April 1913, the interest on the capital debt of the Trust to Government has been reduced from four and a half per cent to four per cent. The promise was given in September 1914 and is now to be carried into effect by legislation. The acknowledgments of the Trust are due to the Government of India for the liberality which they have shown in this respect.

Clauses 6 and 7 relate also to the question of gratuities for widows and children of the various employes of the Trust.

With these remarks, Sir, I beg to move the first reading of this Bill.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.—Your Excellency,—Before I proceed to make any remarks with reference to the Bill before the Council, I should like to disown any connection with the scurrilous leaflet that has been placed on the tables of the Honourable members as regards the amendment of the Port Trust Act. I read it for the first time this afternoon and the contents of it have no connection with the remarks I am going to make. The Bill that is before the Council deals with three points as the Honourable mover has pointed out. The first is that he wants to give power to the Heads of Departments to make appointments on the temporary establishments without reference to the Port Trustees. I submit, Sir, that it is not desirable to transfer powers which belong to the Board to its officers when practically there are no difficulties likely to arise on this account. The Board under the Act have to meet at least once a fortnight, and as a matter of fact they meet once a week. I ask this Council to consider whether there will be any real difficulty in getting temporary appointments sanctioned from a Board which meets once a week and oftener in cases of urgency. Section 16 of the Act, sub-clause (a), states:—

“ that a meeting of the Board shall be held once at least every fortnight ” ;

“ that the Chairman may, whenever he thinks fit, and shall upon the written request of not less than three trustees, call a special meeting ”.

Now all the Trustees of the Port of Bombay are residents of Bombay. They are not outsiders. They are available for meetings at any time. The Chairman

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*Dewan Bahadur Kashinath Ramchandra
Godbole.*

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has got the power of calling a meeting of the Trustees at any time he wishes. In cases of emergency there ought to be no difficulty at all in getting temporary appointments sanctioned by the Board. It will be a retrograde step, I think, to transfer the powers of the Board to its officers when the Board can exercise their powers as at present without any inconvenience to the public. I think therefore that the provision in clause 2 is unnecessary and objectionable in principle, and should not find a place in this Bill. The second provision deals with giving gratuities to the widows and children of officers and servants who die in the service of the Board. I have been making enquiries on this head and at first my impression was that this concession was proposed to be given to officers and servants that are on the pensionable establishment of the Board. I find on inquiry, however, that at present there are no pensions to the officers and servants of the Board, but they have a provident fund, and it is proposed to make its provisions similar to those that exist in the case of railways.

The conditions of this provident fund are very liberal. They are that every servant puts by one-twelfth of his pay, that the Board adds a similar amount to the pay at the end of the year, and that this fund is allowed to accumulate from year to year until the servant retires, and all the time the fund earns $3\frac{1}{2}$ per cent. interest on monthly and yearly contributions. The result is, I think, that at the end of his service the officer or servant gets a higher retiring emolument from the interest of the money that stands to his credit than what a Government servant would get in the shape of pension. Roughly speaking—I have not gone to the trouble of making an accurate calculation myself—it was stated to me that a person who starts on Rs. 30 a month under the present conditions will, at the end of his service, have at his credit between Rs. 6,000 and Rs. 7,000, an amount that will give him an interest of over Rs. 25 a month or nearly equal to the pay which he drew at the commencement of his service. When the officers and servants have such liberal concessions, I do not think any further concessions should be given, but as the Trustees are liberal I have no objection to raise to the present proposal. The only change that I would ask the Hon'ble member in charge of the Bill to make in clauses 3, 6 and 7 would be to put the word 'non-pensionable' before 'officers and servants' to guard against the concessions being given to servants now drawing pensions, or that may draw pensions in future, for whom they are apparently not intended.

The third provision is about the reduction of interest; this is a generosity that has been extended by the Government of India to the Port Trust and I think we ought to accept it gratefully. The only point that seems to have escaped the attention of the Honourable mover of this Bill is the words "having regard to the fall in the rate of interest since 1883." That is not true at present, because the rate of interest in 1883 was about $4\frac{1}{2}$ per cent., but now it is 5 per cent.

The Honourable Mr. CURTIS.—The statement of objects and reasons was framed some time back. The Government of India gave the concession in September 1914, whereas the statement of objects and reasons was pending in that year.

The Honourable Dewan Bahadur K. R. GODBOLE.—Yes; but when the Bill was brought before the Council this day these words ought to have been modified.

With these remarks, Sir, I propose that the first reading of the Bill should go on; but I am of opinion that clause 2 should be dropped. Your Excellency, I will accept your ruling on the question whether I should move an amendment at this stage or whether my amendment should come on during the second reading of the Bill after it has gone through the Select Committee.

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[*Dewan Bahadur Kashinath Ramchandra Godbole; Mr. Malcom N. Hogg; Mr. Purshotamdas Thakurdas; Mr. Balkrishna Sitaram Kamat.*]

His Excellency the President.—I would suggest that the Honourable member should wait until the Bill has gone into the Committee; possibly his suggestions will be considered and perhaps acted upon.

The Honourable Dewan Bahadur K. R. GODBOLE.—I have no further remarks to make.

The Honourable Mr. MALCOLM N. HOGG :—Your Excellency,—With reference to the remarks that the Honourable Mr. GODBOLE made about clause 2 of this Bill, I think that he is under some misapprehension as to the facts. The Honourable Mr. GODBOLE stated that no practical disadvantage arises from the fact that in every case the sanction of the Chairman of the Board has to be obtained under the Act as it stands to the appointment of any subordinate who is taken on temporary employment. But there is a very practical difficulty that arises, more particularly in the case of those employees known as temporary tally-clerks. These temporary tally-clerks are day to day labourers. The number of them varies, one day 140 are required, the next day 200, and so on. They come each morning and the required number of them is taken on. So they are engaged every day and theoretically dismissed every evening. It is just to deal with such cases as these that this clause has been brought in. The Dock Manager requires, say, 140 people; he has theoretically to get the sanction, as the Act stands at present of the Chairman and the Trustees to their employment and to their dismissal in the evening, and it is just to deal with these people and to regularise this situation that this amendment is proposed. It has of course been the practice for the Dock Manager to engage daily so many of these temporary clerks as he requires, and it is, I think, obvious that it must rest with him. It is quite impossible for the Chairman to deal with the employment of the tally-clerks every day. But I understand what has happened is that the Government Auditors have recently objected to this practice and stated that it is not strictly in accordance with the Act. And the object of this amendment is simply to regularise this and similar practices.

The Honourable Mr. PURSHOTAMDAS THAKURDAS —Your Excellency,—I rise to support the first reading of this Bill. I wish to point out a comparison has been made between the Bombay and the Karachi Port Trusts. There are already in Karachi people on the temporary staff in the Engineering Department, and I beg to submit that that comparison does not hold good in the case of the Bombay Port Trust. The Bombay Port Trust have a railway system to manage which is quite different from Karachi.

The Honourable Mr. HOGG has put before this Council the point of view of the Trustees in this connection and now that Your Excellency is satisfied that the solution of this question should be left to the Select Committee, I do not think it is necessary at this stage to go any further into the discussion. But I do wish to say this that this amendment has been submitted to this Council because in practice it has been found that it is not possible for either the Chairman or the Board to give sanction from day to day to Heads of the Departments to engage a temporary staff which includes not only artisans and labourers but also tally-clerks. Up till now it has been overlooked and this Bill has been brought in to ratify what has been done up to now without the sanction of legislation.

With these words I beg to support the first reading of the Bill.

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—Your Excellency,—I beg to endorse the view put before this Council by the Honourable Dewan Bahadur GODBOLE with regard to clause 2 of the Bill. I do not see why the powers of the Board should be given to the Heads of the Departments even in

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[*Mr. Balkrishna Sitaram Kamat,*
Mr. G. S. Curtis]

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the matter of making temporary appointments. Besides, I do not find according to the present measure that even the temporary appointments which are made by the Heads of the Departments are subject to any subsequent confirmation at the hands of the Board. I think even assuming that it is unnecessary to safeguard the power to make temporary appointments, it is, at any rate necessary that the exercise of that power should be subject to a veto or subject to subsequent confirmation by the Board.

Regarding what was said about a certain class of Port Trust employees, namely, the tally-clerks, I think the matter is coming for discussion in the Select Committee and the less we say about it here the better. But from what has appeared recently in the papers about these tally-clerks apart from a scurrilous leaflet found in this hall it seems that if a certain class of servants have been in the employment of the Trust for a long number of years, say 5 or 6 or 7 years (even though they be theoretically on the temporary list), and if they are given hopes that they would be taken on the permanent list vacancies permitting, I venture to think that the Select Committee would show every regard for such a class of servants, especially as the Bill is taking away the privilege from them of taking their appeals to the Chairman of the Board. I think it would be well if the Select Committee would go into the case of the tally-clerks from this point of view.

With these remarks I support the first reading of the Bill.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—With reference to the Honourable Dewan Bahadur GODBOLE'S remarks, I will only emphasise what has fallen from the Honourable Mr. HOGG and refer to the original proviso which runs as follows.—“Provided always that artisans, porters and labourers and mukadams of porters and labourers shall not be deemed to be officers or servants within the meaning of this section or of section 22 (except clauses (5), (6) and (7) thereof) or section 23” That is the proviso to section 21 as it exists at present; and “and persons in temporary employment” are the five words which are intended to be added by this Bill to the original proviso.

The effect of the proviso as it exists at present is that the Engineer or the Dock Manager can employ as many coolies or mukadams as he likes but he cannot employ any clerical labour whatsoever. He cannot engage a clerk on Rs. 15 a month. If he does, he has not only to get the sanction of the Board, but the Board has to submit a full proposition statement to Government. Dewan Bahadur Godbole was an Executive Engineer for many years, and he knows very well what a proposition statement means, and how great is the labour involved in preparing it. Therefore, I cannot think that he is serious in asking that the requirements of section 21 should be fully complied with in the case of every small clerk or employee who rises above coolie rank.

With reference to his remarks as regards clauses 3, 6 and 7, I think, he confuses pension with gratuity. It is obvious, I think, that if an officer is dead, he cannot receive a pension. When an officer dies, his pension stops with him and his widow of course is left to her own resources. All that the clauses 3, 6 and 7 propose to do is to empower the Board, subject to the previous sanction of Government, to sanction the grant of gratuity and a gratuity amounting to so many months' pay.

I do not think that there is any question of undue liberality under this Bill.

With these words I propose the first reading of the Bill.

The motion for the first reading of the Bill was then put to the vote and carried.

Bill read a first time.

PORT TRUST BILL AND MUNICIPAL BILL.

[5TH DECEMBER 1916]

[Mr. G. S. Curtis; The President.]

The Honourable Mr. G. S. CURTIS—Your Excellency,—I beg to propose that the Bill be referred to a Select Committee of the following* Honourable members:—The Honourable Mr. W. C. SHEPHERD, the Honourable Mr. MUNMOHUNDAS RAMJI, the Honourable Mr. P. C. SETHNA, the Honourable Dewan Bahadur GODBOLE, the Honourable Mr. PURSHOTAMDAS THAKURDAS and the Mover with instructions to report by the 15th February 1917.

The motion was put to the vote and carried.

BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901, AND THE BOMBAY LOCAL BOARDS ACT, 1884 (BILL NO. VI OF 1916).

His Excellency the PRESIDENT—Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916)—First reading The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to move the first reading of the Bill further to amend the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884 (Bill No. VI of 1916) It will be within the recollection of the Honourable members that in the Amendment Bill presented to the Council in 1914 there were two clauses, clauses 6 and 7, the object of which was to deal with corruption at municipal elections. Considerable discussion arose over those clauses at that time It will be especially within the recollection of Honourable members that clause 6 contained a provision by which the Collector was empowered to bring to the notice of the District Judge any case in which he had reason to believe that corrupt practices had taken place at any municipal election. After considerable discussion clauses 6 and 7 of that Bill were withdrawn and Government promised that the matter would be further dealt with in a separate Bill. In the interval the question of taking measures to stop corrupt practices in connection with Local Board elections and municipal elections in Bombay City has been also under discussion. The latter question is still under correspondence with the Municipal Corporation of Bombay For the present, therefore, it has not been touched on in the Bill which is now before the Council.

If the Hon'ble members of this Council study the Bill presented in 1914, they will notice that a provision existed empowering the Collector to take action with reference to corrupt practices That has disappeared from the Bill as is now presented before this Council The reasons for this are twofold In the first place it is doubtful whether it is really necessary, and in the second place, since that Bill was under consideration the system of voting by ballot has been very largely extended throughout this Presidency, and there are reasons to hope that corrupt practices at municipal elections will gradually become less frequent in the future than they have been in the past.

With these introductory remarks I will turn to the detailed provisions of the Bill.

Members will notice that clause (1) of the proposed section 22-A imposes a fine of Rs. 200 for a corrupt practice. The word 'corrupt practice' is defined in section 22 of the main Act Sub-clause (a) imposes a fine of Rs. 100 on any voter taking or attempting to take any gratification for giving his vote

Sub-clause (3) is the disqualification clause which disfranchises any voter who has been convicted of corrupt practice from giving any vote for a period of seven years.

* In the course of the third day's proceedings the Honourable Mr. Hoos's name was added to the list of members of the Select Committee on the Port Trust Amendment Bill.

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[*Mr. G. S. Curtis ; Mr. Pandurang Anant Desai.*]

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Sub-clause (4) makes the offence alluded to in clauses (1), (2) and (3) ~~triable~~ by a first class Magistrate only.

Sub-clause (5) imposes a preliminary condition that sanction shall be obtained from the District Judge, who has been appointed under sub-clause (2) of section 22 of the main Act.

Section 25-A of the Bombay Local Boards Act is on the same lines.

I venture to think, Sir, that this Council will find that these clauses are a simple and straightforward attempt to deal with what at one time threatened to be a very serious evil, and I hope, Sir, if and when these clauses receive the approval of this Council, they will prove a sufficient check on corrupt and illicit practices of every kind.

With these words, Sir, I beg to move the first reading of the Bill.

The Honourable Mr PANDURANG ANANT DESAI.—May it please Your Excellency, — I rise to oppose this Bill on principle. It is stated in the statement of objects and reasons that the object of this Bill is to impose penalties on persons committing corrupt practices or receiving gratification for their votes at elections of municipalities or local boards.

As far as the law of criminal liability of the voter or candidate goes, I have no objection, but if we read section 22, clause (4), of the District Municipal Act, Your Excellency will find that a person shall be committing a corrupt practice within the meaning of the last preceding sub-section who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat or injury to any person. This clause refers to the candidate who stands for election. Then sub-section (2) provides: "A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote and a corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election."

What I wish to point out is that the principle which is involved in these paragraphs is not acceptable to me. The ordinary law never imposes criminal liability upon the master for the criminal act of his servant, or of his agent, or of his friend. Now it is stated that this Act is based on the provisions of the Madras Act, section 10-B. I referred to the Madras Act and I did not find in that Act any clause imposing any criminal liability on the shoulders of a person for the criminal acts or the corrupt practices of his agent or of a person who works in the election proceedings for him. The ordinary law is that a person may be civilly responsible for the acts of his agent. But the ordinary law does not impose any responsibility criminally on the shoulders of a person for the act not done by him but done by his agent or by his friend who voluntarily acts for him. Section 22, clause (4), says that it is not even necessary that the act was done with the knowledge and concurrence of the person. The section says that it is enough if he is authorized to act on behalf of the candidate. Your Excellency will see the absurdity of this. The gravity of the situation will be understood by the Honourable members if I refer to another enactment. Suppose the principle of holding the master criminally responsible for the act of his servant were to be applied, suppose we were to assign that criminal responsibility on the shoulders of the master, suppose for the sake of argument that it is proposed that the owners of motor cars were to be held criminally responsible for the acts of rash driving of their servants, would the Honourable members of this

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Council consent to such a proposal? I say in that case a question was put by me and it has been answered by Government that there were about 800 or more motor car accidents in this City of Bombay. I say in such a case if it is proposed that the owners of motor cars are to be made responsible for the rash driving of their servants, then I think nobody's head is safe. I think the same principle has been involved in this case. If you say that a candidate is to be held criminally responsible for the act of his friend or servant, I submit no man would come forward to stand in an election. It would be very difficult because we here have to deal with the people in the mofussil. In the mofussil people are not advanced. Most of them are illiterate. For one candidate about 20 or 30 people work in the election proceedings, and suppose even instructions are given by the candidate to his friends that they are not to work for him, still in the heat of the moment if someone goes wrong, then according to this principle the master will be held responsible even though he gave instructions to his friends not to work for him. I say there is no safeguard in such a case where instructions are given to the persons when they are employed to work with the instructions given and are told that the rules are such and such and that there should be no contravention of such a rule, even in such a case the master is not free. Therefore I say that this Bill, as far as this provision is concerned, is against all principles of criminal law. Here we are not dealing with the civil law. The civil law says that the master is responsible for the acts of his servant. Here we are to deal with this question from the point of view of the criminal law, and I submit that, in bringing the criminal law in force, to say that the master is responsible for the act of his servant would be dangerous.

Then, Your Excellency will see that it is not stated in this section 22 that the candidate must be cognisant of the act which is objectionable and that the act must have been done with his concurrence. It is simply said that if there is general authority or other authority to work for the candidate that is enough to impose the liability on the shoulders of the candidate. In the mofussil there are generally in matters of election factions and if such an enactment is passed then the people will no doubt take the matter to the law courts and there will be much confusion and hardship. Suppose for the sake of argument that 10 persons who are the friends of a candidate are employed and if one of them commits any act which, under the definition, amounts to corrupt practices, then not only the person who commits the corrupt practice, namely, the person who has committed the bad act would be taken to law, but the person who asked him, as a favour, to work for him would also be taken, and as far as the native view is concerned, conviction in a criminal court is always looked upon as a blot upon one's character. Suppose for the act of one man who is simply a friend, who in the heat of the matter goes astray and if the candidate is taken to the criminal court and if he is sentenced to a fine of Rs. 100, in the estimation of the public he loses his character to a certain extent, and if such a man who has been once convicted is called as a witness in the law courts, the lawyer asks him "Is it not a fact that you have been convicted in a criminal case and fined Rs. 100?" I say we must take all these matters into consideration and therefore so far as the present Bill in its present form is concerned, I say it is objectionable on principle.

With these remarks I object to the first reading of this Bill.

The Honourable Mr VITHALBHAI JHAVERBHAI PATEL.—Your Excellency,—It is with pleasure that I rise to support the first reading of this Bill. Anyone who has got anything to do with municipal and local board elections must admit that the evil of corrupt practices is growing and the safeguards provided in the existing law are insufficient to check it satisfactorily. Interests of Local Self-Government demand that ways and means should be found to check or at any rate to mitigate this evil. Those of us who were members of this Council in 1914 will probably recollect that Your Excellency's Government had in that year

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brought in a Bill to amend the District Municipal Act, 1901. By one of the clauses of that Bill corrupt practices in connection with municipal elections were made penal and private persons had been given the option of instituting criminal proceedings against persons whom they believed to be guilty of corruption. If that clause had passed into law, it would have been left to a Magistrate of the Second Class to take cognizance of the charge of bribery on the complaint of a private person and to decide on the very difficult and I should say very technical questions of illegal gratification. Thanks to the efforts of the Honourable Mr. CURTIS, when the Bill went to the Select Committee on which I had also the honour to serve, he successfully persuaded the committee to so amend the clause as to empower no one lower than a Magistrate of the First Class to take cognizance of such an offence and what is still more important is that he got it provided in the amended clauses that the Magistrate could not take cognizance of the offence without the sanction or complaint of the District Judge or any other Judge appointed for the purposes of section 22 (A). I distinctly remember how he quoted chapter and verse from the laws of other countries in support of his contention.

My Lord, you will find from the statement of objects and reasons of this Bill, that the clause so amended was withdrawn by Government for reasons into which I need not enter. The clause with some slight modification now appears before us in the form of this separate Bill, which is set down on the agenda for the first reading. It is proposed by clause 2 to add a new section, section (22A) to the Municipal Act and by clause 3 to add section 25 A to the Local Boards Act. Each of these new sections consists of 5 sub-sections. I will discuss them one by one. Sub-section (1) of both the sections aims at punishing a candidate for election committing a corrupt practice as defined in section 22 (4) of the Municipal Act. Now according to the definition given in that section, a corrupt practice shall be deemed to have been committed by a candidate if it is committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election. If this Bill becomes law, a candidate who employs an agent to canvass votes will be criminally responsible for any corrupt practice committed by that agent with or without his knowledge or consent. My Lord, I respectfully submit that the clause should be so amended as to restrict the responsibility of candidates to cases in which *mens rea* is proved. The Court can, under section 22 of Act III of 1901, set aside an election in respect of which a corrupt practice is committed, by an agent without the knowledge of the candidate, but surely the legislature ought not to empower a Court to hold him criminally responsible in such cases. I now come to sub-section (2) which is meant to punish a voter committing a corrupt practice. On this sub-section I have to offer one observation. It appears on a perusal of the two sub-sections that a voter becomes guilty of corrupt practice if he accepts or obtains any gratification whatever other than legal remuneration for his vote, while a candidate is so guilty if he commits any of the acts mentioned in the definition of a corrupt practice given in section 22. I see no reason why the definition of a corrupt practice should differ in the two cases. The word "gratification" does not occur in the definition under section 22. I trust the Select Committee will consider this point.

Now take sub-section (3). It is proposed to empower Magistrates to pass an order disqualifying a person convicted of a corrupt practice from voting at any election or from being a councillor for a term not exceeding seven years. This, in my opinion, is a long period. You can reasonably say that such a person shall be disqualified for the rest of that term or at the most the term following it, but the proposed sub-section gives in effect powers to Magistrates to disqualify him for three terms. I shall make myself more clear. The term of a local body is ordinarily three years, and the Magistrate who passes an order disqualifying a person for seven years or even six, debars him from having anything to do with any

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fresh election for that term and also with the following two elections. Then again, it is further proposed that a person convicted of a corrupt practice at a municipal election may be disqualified, for a term of years, from voting not only at municipal elections but also at elections to local boards and from being a member not only of any municipality but also of any local board, and the same consequences are attached to corrupt practices at elections to local boards. On this point I have to observe that the Madras law on which this Bill is based does not go so far. I may also mention that the clauses of the Municipal Amendment Bill as amended by the Select Committee in 1914 disqualifies a person convicted of a corrupt practice at a municipal election from voting at a municipal election or being a member of a municipality. I have nothing to say with regard to sub-section (4) but I should like to say a few words on sub-section (5). That sub-section provides that no court shall take cognisance of any offence of a corrupt practice except with the previous sanction or on the complaint of the judge. I should like to know from the Honourable member in charge of the Bill, whether it is competent to the judge under the sub-section to entertain and dispose of petitions for sanction presented to him by a person who does not also seek to set aside the election under section 22 (4) of the Act. I am of opinion that the power of the judge to grant sanctions should be restricted to cases in which petitions for setting aside elections are presented to him.

One thing more and I have done. Under section 22 (b) of the District Municipal Act and under section 25 of the Local Boards Act, the decision or order of a judge in an inquiry into the validity of an election is conclusive. In England appeals lie to the High Court on a point of law in election petitions. By this Bill we are giving new powers to judges to sanction prosecution for corrupt practices, and I submit the opportunity should be taken to make suitable provision for appeal to the High Court from the decision or order of a judge. With these few observations I support the first reading of the Bill.

The Honourable RAO BAHADUR GANESH KRISHNA SATHE—Your Excellency,—I rise to support the first reading of this Bill. Of course, in some of my points the Honourable Mr DESAI and the Honourable Mr PATEL have anticipated me. But as one who had taken part in the discussion when this Bill was under consideration in 1914, I think it is but right that I should make a few observations on it. The main object that was put forward in 1914 and which is now put forward is to secure greater purity in elections, and that this is really necessary cannot be gainsaid. Every one in the Council would see the urgency of it, particularly, in view of the fact that elections are being more contested now-a-days than before since we have begun to appreciate the elective franchise and since more candidates are coming forward to compete for several seats. The origin of this part in the Bill which was introduced in 1914 is traceable to certain corrupt practices which were found to exist in municipal elections in certain big cities, and therefore it was then thought necessary to penalize these corrupt practices. Up to now the only disability which attached either to a candidate or to his agent was a civil disability and it was found that that was not enough, deterrent, and it was also found necessary to have recourse to criminal law to impose criminal liability. It will surprise many of my Honourable friends in this Council, when I say that the law does not go far enough. In fact, what I wish to emphasize is that when we are legislating on such an important question as corrupt practices in elections the law must be more strict but less ambiguous. The present section is, if we refer to sub-section (4) of section 22, wide no doubt, but if we look into the English Act on the subject we find that the definition there is not only more elaborate but is more definite, and I will throw out a suggestion that it is better to be more definite in our definition of corrupt practices rather than leave a large scope for several conflicting interpretations to be put on it by several District Judges. The second point I wish to lay before the council is that in these criminal liability sections, we have introduced two sections, one of them

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to penalize the candidate and another the voter. It is true, I think, that looking to the definition of these words "corrupt practice" in the civil law, I use the word as distinguishable from criminal law, certainly the phraseology used is rather too vague. The phraseology used in section 22 is—

"and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such a candidate with reference to the election."

I was first tempted to read the words "with his knowledge and consent" even in the case of his agent, but greater scrutiny of the section leads me to believe that it would be better to amend that section, so as not to depart from the ordinary canons of criminal law, namely, not to make a master responsible for the criminal acts of his servant. That is a point which is of some consequence and it really requires the very closest attention of the Select Committee. When I refer to the point, namely, that legislation should be stricter, I am alive to the opposite view which some people put forward that such a stringent provision would deter good men from coming and competing in municipal and local board elections, but to me it appears that if the law was quite clear on the point there could be no foundation for any such apprehension. To my mind it appears that if good and deserving candidates know that the law is quite clear on the point they need not be afraid of any maliciously false proceedings being taken against them either civil or criminal, and this would not deter any deserving candidates from coming in. The other point which I wanted to touch was the indiscriminate disabilities which were imposed upon the candidate for his own conduct and for that of his agent. If we look to the English Act, which sometimes we take as a precedent, we find that there is a difference observed between disability attaching to a candidate for his acts and for those of his agent. In fact, if a candidate personally engages himself in corrupt practices, I speak subject to correction, he is disqualified for life, but if he is found to have taken recourse to corrupt practices through his agent then the term is reduced to three years. I take it that it is in the fitness of things that a difference ought to be made between the direct act of the candidate and the act of his agent, if at all we are going to make the master responsible for the actions of his servant. In any case, the master is responsible in civil law. So, that is a point which I think is worth considering. Then, Sir, another point which has been already referred to by my Honourable friend Mr PATEL is one of allowing appeals to the High Court only on questions of law, and I was surprised to find how that escaped the attention of the Honourable Mover of this Bill, who was fortunately a member of the Select Committee which considered the Bill in 1914. I would refer him to clause 10 of the Select Committee's report, and on this, we were unanimous (Reads)—

"Under section 22 (2) of the Bombay District Municipal Act, 1901, the decision or order of a judge in an enquiry into the validity of an election is conclusive. Our attention has been drawn to the fact that in England appeals lie to the High Court on points of law involved in election petitions (*Vide* section 93 (7) and (8) of the Municipal Corporations Act, 1882) We recommend that section 22 of the Bombay District Municipal Act, 1901, be amended so as to admit of appeals on points of law to the High Court from the orders of judges in such enquiries. The period allowed for appeal may be a short one. As the proposal affects the jurisdiction of the High Court we have not dealt with it in the present Bill."

Sir, this is a point which really ought to have been incorporated in the new Bill. Latterly as people in the mofussil have begun to realise the importance of representative Government, we get many applications and petitions to set aside elections in the District Judges' Courts and questions of law, such as, questions of jurisdiction, and as to the interpretation of the words "corrupt practices" do arise often times, and, in order that there may be unanimity in the opinions of several

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District Judges, it is better that an appeal should lie to the High Court only on a question of law. In England a Commissioner who is usually a Barrister of not less than 15 years standing has discretion to recommend for the consideration of the High Court even a question of fact. But I do not make that demand here, because it is enough if we allow appeals on questions of law. Then one other point to which reference has been made by my honourable friend Mr Patel is whether it is right to disentitle a man for 7 years if he is found to have taken recourse to corrupt practices. The 7 years' period seems to be rather a long period, but that is the maximum provided in the Act. When I say in the Act, I mean, in the Act as it stands now. In the section of civil disability, the maximum period is 7 years and I do not think there is any reason to apprehend that the Magistrate would exercise his discretion so as to disentitle every one for the maximum period of 7 years. We must accept the principle that these sections are deterrent sections. Therefore we provide for greater penalty in the law. Then another small point that was raised was whether one who is disqualified for municipal elections should be disqualified or not to contest local board elections. This seems to be rather hard no doubt, at first sight, but why should we make any distinction? What is the offence which we say he has committed for which he is going to be disqualified? One of having resorted to a corrupt practice. Municipal elections and local board elections stand on an equal footing and I for one do not understand why we should allow one who is found guilty of corrupt practices in municipal election to stand as a candidate for local board elections and *vice versa*. As regards sub-clause (5) of clause 2 of the Bill my reading of the section is that it means that the District Judge cannot give sanction unless there is a regular application before him for hearing in civil jurisdiction. That is how I understood it then in 1914, and how I understand it now. Then there is one more point, and I have done, that is this, but it is a very minor point, and I give it out as a suggestion for the information of the Select Committee; whether it would be desirable to amend the whole section, in view of the fact that we are amending the principal portion of section 22, whether it would not be worth while to recast the whole section in view of the suggestions which have been made in this bill and in view of the discussion that took place in 1914. With these few observations I beg to support the first reading of this Bill.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency,—As one of those who had the honour of serving on the Select Committee in 1914, to which reference has been made at this meeting, I feel it my duty to say a few words as to what happened then, although that might appear to be a repetition of what was said by Honourable Members who spoke before me. The Honourable Mr. SATHE appealed to me yesterday to endorse or confirm what he just now said, that there was a distinct understanding at that meeting of the Select Committee that when any question of law arose in election petitions that should be made the subject matter of an appeal to the High Court. My distinct recollection is that it was so, that an understanding was arrived at, and Mr. SATHE himself has proved that by actually quoting the words of the Select Committee's report. So I do not think any further corroboration from me is necessary. But I presume that probably it is through inadvertence or oversight that in the present Bill that point has been omitted. Of course, before I proceed further I would premise that Honourable Members who are rising to support the first reading of the Bill are not in any way debarred from making observations which appear to militate against the provisions of this Bill. As I have observed before, the object of my supporting the first reading of the Bill and of making certain observations is simply to draw the attention of the Select Committee to be appointed to take a note of this point for its consideration, and I presume that this particular clause, to which attention has been directed by the Honourable Mr. SATHE and the Honourable Mr. PATEL, as to the power of appeal to the High Court on questions of law, will be borne in mind by those Honourable Members who may be appointed to the Select

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Committee I might say in this regard, that in my experience questions have arisen which were purely questions of law, and in such cases it would be desirable that there should be the highest authority to give a pronouncement on a question of law, because on the English analogy those Honourable Members who are connected with the legal profession will bear me out when I say that in another sphere of law such a practice is permitted. In Civil law no appeal is allowed on a question of fact, but an appeal is allowed on a question of law. By parity of reasoning I say that a similar provision ought to be introduced in the present Bill. I might cite a very typical instance which had arisen on a question of law and which was observed by me in my experience. On one occasion an important question arose whether the rules framed were *ultra vires* of the Act. The District Court held that the rules that were actually framed by Government were *ultra vires* of the Act and the election on that ground was set aside. Now it can be very easily understood that such a decision is very hard on the candidate. So far as the candidate himself is concerned, he was not in the least to blame, the municipality was not in the least to blame, they had to observe and carry out to the strict letter the rules laid down; and yet the candidate had to suffer the consequences of the election being set aside and all the botheration that such a proceeding involved. It is very difficult to discuss the question of law which arises in the case of election petitions. I think Your Excellency as well as Honourable Members of this Council will quite agree with me that in a case of that nature it would be more satisfactory and more desirable and more in the interests of local self-government that the highest court should be allowed to have an opportunity of making a pronouncement rather than that a District Court should be allowed to give the final decision. So far as regards the merits of this particular point

Then, as I said, although I also rise to support the first reading of this Bill, I think I am not debarred from endorsing the principles that have been enunciated by the Honourable Mr. DESAI, the Honourable Mr. PATEL and the Honourable Mr. SATHE with regard to this Bill. Under the law as it has been proposed to be administered it may happen that whilst a candidate is entirely above corruption and has really proved himself to be so and it comes to the notice of the Court that so far from having given sanction to any corrupt practice being resorted to that he actually issued instructions to the agent to the contrary, still he may be made criminally liable. It would be entirely unjust and hard and against all principles of justice that he should be made criminally liable. Of course, he should be made civilly liable as Honourable Members have already pointed out.

So also as regards the other provision on which we find conflicting views expressed by the Honourable Mr. PATEL and the Honourable Mr. SATHE, I would express my concurrence with the views of the Honourable Mr. SATHE for this reason, that if you are going to penalise corruption and if you sincerely and genuinely express your sympathy with the principles of purity of election and with the legislation which is intended to produce that purity, then I do not think it is desirable to take half measures. And yet there is another reason why I agree with the Honourable Mr. SATHE, and that is that the disqualification or disability arising from a corrupt practice at a municipal election should also attach to election to the District Local Board, for this reason. If a candidate is convicted of a corrupt practice at a municipal election and he is not disqualified from standing for election as a candidate for the District Local Board, would it not be anomalous that whilst he is debarred from holding one post of honour he should be able to get another post of honour, that he can be a member of the District Local Board and through that body a member of the Legislative Council? Now we know that the franchise for election to the Legislative Council is given to municipalities simultaneously with local boards. The result of adopting the suggestion of the Honourable Mr. PATEL would be that whilst the doors of municipal election would be shut to the candidate who is found to have resorted to corrupt practice, the doors of election to the District Local Board would be open, and *vice versa*, which I think would be most undesirable.

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As regards the third point that arises, I express my personal accord with the views that have been expressed by the speakers before me. It has, I think, struck Honourable Members that if you want to make the period of disqualification as long as possible, why not make it 9 years? If it is contended that 9 years is too long a period, then it should be made 6 years. That is more logical.

With these few remarks, your Excellency, I heartily support this Bill in so far as its object is to secure purity of elections. At the same time I would recommend the members of the Select Committee to take into consideration all the points that have been just now formulated.

The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK.—May it please Your Excellency, I have very great pleasure in supporting the first reading of the Bill. The Bill is a welcome piece of legislature and as explained in the statement of objects and reasons is the realisation of the promise made by the Government in this Council about two years before. The draft Bill was circulated to almost all the Municipalities and Local Boards through the Collectors and I believe that the general chorus of these bodies is in favour of the amendments. Though there are provisions in the Municipal and Local Boards Acts for setting aside the election of a particular member if it is proved to the competent court that corrupt practice was committed by him during the elections and further provision in the District Municipal Act to disqualify such a person up to a period of seven years if the judge who inquires into the validity of the elections so directs the carrying on of the corrupt practice has not been checked to the extent to which it was expected. According to the existing enactments there is no bar to a person declared on inquiry to have practised corrupt practice to exercise his right of voting and of taking part indirectly in the same and subsequent elections. Corrupt practice is sure to exist and it is not at all possible to get purity in our elections unless provisions imposing penalties on persons committing corrupt practices by giving or receiving gratifications for votes at our elections are provided in the Act. It cannot be denied that unless we have healthy constitution of our Local Bodies their administration will not be successful. It is therefore essentially necessary that as drastic measures as possible should be taken to check corrupt practice and secure purity of our elections. The present Bill aims to provide for these measures. At the outset it seems to introduce two new principles, namely, of providing penalty on both the giver and receiver of the gratifications and of disqualifying a person who will have recourse to corrupt practice at a Municipal election from becoming a member or taking part at the election of any other Municipality or Local Board and *vice versa* for a term of seven years if the judge who hears the validity of the election or the Magistrate who tries him for committing such a corrupt practice so directs. Now as to the first new principle of giving or receiving illegal gratification to do a certain act in a particular way is in other words giving or receiving bribes. In all bribery cases both the receiver and the giver are punished, the one as principal offender and the other as the abettor, and in my humble opinion by this provision of punishing both we are not in any way departing from the laid down principles. As to the second principle, it looks at the outset to throw great personal stigma on the character of the person practising corrupt practice but in the interests of the healthy constitution of these Bodies I think that the principle of disqualifying such a person from becoming a member or taking part in the constitution of other sister Bodies is a welcome one and should be introduced though new in principle and this measure is more particularly wanted in election matters. Now, my Lord, sub-section 2 of sections 2 and 3 of the Bill deal only with persons who have right to vote or claim to have the right of voting. But instances have been brought to the notice of the public or can be conceived in which persons who have no vote or voice in the elections can receive illegal gratifications for inducing the voters in a particular way. Such persons are as dangerous and demoralising to

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the constitution of these Bodies as the voters and candidates who commit corrupt practices and I submit that the Select Committee to whom this Bill will probably be referred will amend the sections further so as to bring these persons also into the category of persons committing corrupt practice. I do not quite understand how a period of seven years has been hit upon for disqualification from becoming a member or taking part in the elections in the case of candidates and voters who commit corrupt practices. The constitutions of Municipal and Local Bodies are triennial ones and cases of displacements of seats or disqualifications to take part in the elections for a period of years will mostly be decided by the Judges or Magistrates within a few months after the elections and seven years practically mean nine years. Elections cannot take place unless the terms of office of the Municipal Councillors or the Local Board members terminate or casual vacancies amongst them occur. In fixing these periods I think we should not take into account the cases of casual vacancies. I submit therefore that either six or nine years or two or three terms would be more appropriate than seven years. Now, Sir, as to the abuse of these provisions in unnecessarily humiliating a gentleman by questioning the validity of his election and putting him to the risk of being declared by the Magistrate as disqualified to hold seats on the Local and Municipal Boards and to take part in the elections of these Bodies. I submit that there are sufficient safeguards in the Bill and as the decisions in these matters rest with the experienced officers of mature judgment like the District Judges and the First Class Magistrates, I do not think that there are any grounds for any such misapprehensions.

With these remarks I support the first reading of the Bill.

The Honourable Sardar SHRINIVAS COOPOOSWAMI MUDLIAR—Your Excellency,—It is with great pleasure that I rise to support the first reading of this Bill and heartily recommend the provisions contained therein. This amendment in the District Municipal Act was a sore need and one that should have been attended to long before this. It was taken up for the first time in the sessions of 1914 of this Council. After a long and interesting debate, these sections in the Act were withdrawn as Government proposed taking them up later on, as a separate Bill, and so it has now come before us.

After going through the Bill and the statement of objects and reasons and taking into serious consideration the present corrupt practices followed in recent municipal elections at certain places, I have no doubt all my colleagues will agree with me in thinking that it is high time that Government took legal steps to put a stop to corrupt practices in elections. They are a shame to any civilised society. How far the proposed amendment would act as a check is an experiment, but the probability is that the amendment would prove a cure to this disease of recent growth. I am glad that this has come to the notice of Government and they have proposed this amendment in the Act, and I trust as necessary arises changes and additions will be made in the Act.

I am not going to propose any more additions in the proposed sections, as, so far as I can see, they are adequate for the present purpose. There is however one thing needed, and if it is approved by Government and my colleagues here, it might be considered in the Select Committee. In the proposed amendment the decision of the District Judge or that of any other Judge appointed by the Governor-in-Council is final. This is investing a Judge with too much arbitrary power. Not that I insinuate that Judges would abuse such power, but as this is a very serious affair I think the right to appeal to the High Court against the decision of the District Judge should be retained. Sometimes in these election cases, law questions, complicated and rather difficult of solution, are likely to crop up, and even if the District Judge should happen to be wrong in his views, one cannot get the decision of the District Judge altered by approaching through an appeal, unless there is a distinct provision in the Act about an appeal to the

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[5TH DECEMBER 1916.]

[Sardar Shrinivas Cooposwami Mudhar;
Mr. Balkrishna Sitaram Kamat;
Mr. Ebrahim Haroon Jaffer; Mr. Shri-
dhar Balkrishna Upasani.]

High Court being permitted. I am of opinion that this section requires to be amended. A clause should be inserted creating a right to appeal to the High Court against the decision of the District Judge.

There is another point which the Council may kindly consider. It is with regard to the sentence mentioned in 22 A (1). The fine mentioned is only Rs 200, which in my opinion is too low, taking into consideration, the sums some candidates spend for their election. Unless a heavy fine is inflicted, there will be no check, on such persons. At the last municipal elections some men were fined and sentenced to undergo imprisonment for having misbehaved themselves, yet these corrupt practices continued.

I only hope, after this Bill passes into law and comes in force, we shall have our elections carried on fairly and I hope there will be a chance for a better class of men to stand as candidates to do this honorary service, in a more efficient manner. It is therefore very desirable that every effort should be made to induce and help a better class of men to come forward and offer their services. With these few remarks I support this Bill.

The Honourable Mr. BALKRISHNA SITARAM KAMAT—Your Excellency,—At this time of day I will take up only one minute of the Council in alluding to a very small point which has not been touched upon by previous speakers, and it is with reference to the disqualification of a candidate. With regard to disqualification I wish this measure to be as stringent as possible if it is to be really effective. If a Magistrate convicts a man under sub-clause (1) or sub-clause (2), I do not see any reason why discretion should then be left to the Magistrate to disqualify that particular man. If he is convicted, the disqualification ought to follow, as a matter of course. Make the term either 3 or 5 or 6 years, but the disqualification ought to be for that time under the law and not under the discretion of the Magistrate. Unless the law provides this, the Magistrate may disqualify a man only, say, for 3 months or a period of 6 months. In that case the whole object of disqualification will practically be defeated. The Select Committee, I think, should give their consideration to this matter and I hope the Bill will emerge from the Select Committee much more stringent and thus serve the purpose for which it is intended.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My Lord;—I rise to accord my cordial support to the Bill now before the Council. Everyone will agree to the principle that in the interests of the healthy public life and of the development of Local Self-Government along sound lines it has become necessary to impose penalties on corrupt practices at elections to Municipalities and Local Boards. Honourable members are aware that instances of such practices have recently been brought to light and that I myself had to suffer owing to them under circumstances which are now familiar to the public. Having been put to a lot of trouble and anxiety myself in this connection and in having had to expose certain undesirable methods followed at elections, I can perhaps appreciate much better than others the urgent necessity of taking steps to put down the corruption that vitiates elections to Municipal and Local Bodies. In supporting the present Bill, however, I would urge that an appeal should be allowed to the High Court against the decision of the Magistrate. The reasonableness of such a safeguard of an appeal to a higher tribunal will, I trust, be conceded and the necessary provision, I submit, may be incorporated into the small Bill. With these words, my Lord, I support the Bill before the Council.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI—Your Excellency,—I do not think I should detain the Council at this late hour, but it is due of me as the representative of the Municipalities of the Central Division to say a few words on this Bill. From inquiries I made of the Secretary of the Council

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[*Mr. Shridhar, Balkrishna Upasani.*]

[5TH DECEMBER 1916.]

I am told that the Government has circulated the Bill to the Municipalities for their opinions and I would ask Government to place on the table the opinions of all the Municipalities on the Bill. As regards the necessity for the Bill, all Honourable members are unanimous as regards the desirability of having some legislation in the matter of corrupt practices at elections. This Bill affects the Municipalities and the Local Boards as well and we have to consider whether the provisions of the Bill would be far too stringent so as to deter men of knowledge and education from standing as candidates for election to do the honorary work.

As regards the remarks made by the Honourable Mr. DESAI, I fully agree with him in thinking that the Bill as it stands requires to be amended so as not to make the principal criminally liable for the acts of his agent as regards corrupt practices as defined in the Act unless he be a party to it. I think in all cases the liability should be limited only to cases where the principal is a party to the corrupt practice. Until now, your Excellency, the power of disqualifying is reserved to the District Judge and I do not think it would be desirable to delegate that power in any case to a Magistrate. In fact, the first class Magistrates who, it is proposed, are to deal with the cases are more or less connected with the Municipalities, they are either Presidents or Vice-Presidents or members of mofussil municipalities or of the Taluka and District Local Boards. There is also another difficulty if the District Judge is to only give sanction and that is that in that case the appeal, if it were allowed, will have to be to the very judge who sanctions the prosecution. For that reason, I should prefer that all these cases should be heard only by the District Judges who have no concern with municipal administration; and if that be not possible, they should be allowed to be taken up by subordinate judges of a grade not lower than that of the first class subordinate judge.

As regards the change that is proposed to be made by the use of the word 'gratification' in clause 2, I have to point out that the use of this very term was objected to in 1901, and I think we ought not to adopt it in the Bill without any qualification or limitation in view of the objections that were then urged with reference to it. It will not be desirable to disqualify a man or to punish him because his friends have treated the voter to a cup of tea or brought him in their own carriages. In fact, it is proposed to include all these smaller matters in "corruption". If that is the case, I think we ought to see that such acts by agents should not make the principal criminally liable.

Again, it is not clear in the Bill whether a candidate or voter who does not apply for setting aside an election should have a right to apply for sanction to prosecute the candidate or the voter and whether a person who is not a candidate or voter should have that right. I think this should be made clear and the right to prosecute or apply for sanction should be limited to only candidates and voters.

As regards appeal, I agree with my honourable friends in thinking that it is absolutely necessary and desirable that a first class Magistrate should not be allowed to give a final decision. As regards disqualification, I think that if the District Judge think that any disqualification is necessary he may order it in the case of the candidate himself, and it would therefore be better not to give that power to any other judge than the District Judge so far as the candidate himself is concerned.

As regards the term of disqualification, I join with the other honourable members in thinking that it should be reduced to 3 or 5 years at the outside considering that our elections are triennial.

I hope all these points will be considered in the Select Committee. Then there are other matters also to be considered with regard to the provisions of this Bill, but I think at this hour of the day it will not be right to take up more time of the Council.

With these remarks I welcome this Bill so far as it has in view the object of promoting the cause of local self-government.

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[5TH DECEMBER 1916]

[*Mr Siddhanath Dhonddev Garud*,
Mr. G. S. Curtis.]

The Honourable Mr. SIDDHANATH DHONDEV GARUD:—Your Excellency, —As an elected member of a Taluka Local Board and a member of a District Board and Municipality, I think I may claim to be fairly acquainted with the system of election as it obtains in the mofussil. I do not agree with the view put forward by some Honourable members that corruption is rampant in the mofussil or that it needs any exemplary punishment or any very drastic treatment. As a matter of fact very few cases of corruption come before the District Judge and cases where the elections are declared void or set aside on that ground are fewer still. I therefore submit that when any legislation is proposed for dealing with corrupt practices in the mofussil it should have all the safeguards which can be provided to prevent any unnecessary harassment. With that end in view I think that the clause which provides that all such cases must be tried by a first class Magistrate on the sanction of the District Judge should be allowed to stand.

Then the definition of corrupt practice that has been put down here, should be unambiguous and quite clear. It should certainly be much more clear than it is here. The penalty proposed is very severe and the definition should therefore be so clear as to leave no room for any harassing applications.

I agree with the view that has been put forward that a double punishment need not be provided. When a candidate has been disqualified for corrupt practices in an election to a municipality it need not necessarily disqualify him for an election to a District Local Board. If it is possible for him to become a member of the Legislative Council, it is, I submit, unnecessary to disqualify him from being a member of a District Local Board.

Finally, Sir, I agree with the view that a candidate should not be made criminally liable for the acts of his agent. The criminal liability should always rest with the man who takes upon himself the responsibility of transgressing the law.

With these remarks, Sir, I beg to support the first reading of the Bill.

The Honourable Mr. G. S. CURTIS.—Your Excellency,—I rise to thank the Council for the kind reception which they have accorded to this Bill. Having regard to the fact that several members have alluded to the strenuous fortnight that we spent together in Select Committee, on the Municipal Act Amendment Bill in 1914, I may remark that this Bill in its present form was ready in 1915, it was circulated in June or July of that year to the Municipalities and that it did not come into my hands until it had run the gauntlet of all the Municipalities and Local Boards and practically received their approval. In particular, I may mention with reference to my Honourable friend Mr. DESAI's remarks that the Bill was sent to the Municipality of Bijapur, of which he is a member, and that that Municipality approved of it without any remarks. Honourable members who have heard Mr. DESAI's speech and his ringing periods in denunciation of the definition of corrupt practice, may perhaps notice that all the Municipalities in the Presidency were already cognisant of that definition and there is not one of them, as far as I can see from the records, which has referred to the point which the Honourable member has raised to-day. At the same time, I am prepared to admit on behalf of Government that there is a good deal in what he says. I am not prepared to say how far it may be necessary to amend the definition in sub-clause (4) of section 22. But I will only say this that it is a matter which, it seems to me, ought to receive careful consideration in the Select Committee, and as far as my personal endeavours go I will arrange that this shall be done.

With regard to another point on which various members of this Council have laid stress, the question of an appeal to the High Court, I find from the records that for reasons which it is not desirable to go into here it was omitted. But perhaps on a future occasion it may be taken up again. Honourable members, I am sure, will not delay the passing of what they admit to be otherwise a useful measure, merely on this account.

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[Mr. G. S. Curtis; the President.]

[5TH DECEMBER 1916.]

With reference to the period of disqualification of 7 years, Honourable members have no doubt noticed that the 7 years' period has been given in the original Act and probably that is the reason why it has been adopted in this amending Bill. That is a point, however, which can well be considered in the Select Committee.

With reference to sub-clause (5) which provides that no court shall take cognizance of any offence under this section except with the previous sanction or on the complaint of the District Judge, or of such other judge as may be appointed by the Governor, in Council under sub-section (2) of section 22, Honourable members will have noticed that that is a sub-clause to section 22A which comes after section 22 of the original Act. Section 22 sub-clause (1) of the original Act says:—"If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time, within 10 days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held." My construction of sub-clause (5) of section 22A is that it is only an appendix to section 22 and that therefore a complaint to the District Judge would ordinarily be made by some person qualified either to be elected or to vote in the election. However, that again, is a matter which the Select Committee can consider.

All that remains for me now is to thank the Honourable members of this Council for the reception which they have accorded to this Bill and to move that this Bill be read a first time.

Bill read a first time.

The motion for the first reading of the Bill was then put to the vote and carried.

The Honourable Mr. CURTIS.—Your Excellency,—I now move that the Bill be referred to a Select Committee consisting of the following Honourable members:—

The Honourable Mr. F. G. PRATT, The Honourable Rao Bahadur G. K. SATHE, the Honourable Mr. P. A. DESAI, the Honourable Mr. V. J. PATEL, the Honourable Mr. CHUNILAL V. MEHTA, the Honourable Mr. HARCHANDRAI VISHINDAS and the Mover, with instructions to report by the 15th of February 1917.

The motion was then put to the vote and carried.

His Excellency the PRESIDENT:—I think it will be to the convenience of Honourable members if we adjourn till 11-30 to-morrow.

The Council then adjourned to Wednesday the 6th December 1916.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,
Secretary to the Legislative Council
of His Excellency the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915 (5 and 6 Geo. V, Ch. 61).

The Council re-assembled at 11-30 on Wednesday, the 6th December 1916, in the Council Hall, Secretariat, Bombay.

P R E S E N T :

- His Excellency the Right Honourable Lord WILLINGDON OF RATTON, G.C.I.E., Governor of Bombay, *President*.
 The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President*.
 The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
 The Honourable Mr. G. S. CURTIS, C.S.I., I. C. S.
 The Honourable the ADVOCATE GENERAL (Mr. T. J. STRANGMAN, Bar.-at-Law).
 The Honourable Mr. S. R. ARTHUR, I. C. S.
 The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA
 The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL. B.
 The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
 The Honourable Mr. SHERIFF DEVJI CANJI
 The Honourable Mr. PANDURANG ANANT DESAI, LL. B.
 The Honourable Sardár SYED ALI EL EDROOS.
 The Honourable Dr. C. FERNANDES, M. D.
 The Honourable Mr. SIDDHANATH DHONDDDEV GARUD.
 The Honourable Dewán Bahádúr KASHINATH RAMCHANDRA GODBOLE.
 The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL. B.
 The Honourable Mr. MALCOLM N. HOGG.
 The Honourable Lieut.-Col. JAMES JACKSON, C.I.E., M.B., I. M. S.
 The Honourable Mr. EBRAHIM HAROON JAFFER.
 The Honourable Mr. J. D. JENKINS.
 The Honourable Mr. BALKRISHNA SITARAM KAMAT.
 The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
 The Honourable Sardár DULABAWA RAISINGJI, Thákor of Kerwada.
 The Honourable Mr. H. S. LAWRENCE, I. C. S.
 The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
 The Honourable Khán Bahádúr PIR BAKSH walad MIAN MAHMUD.
 The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL. B.
 The Honourable Sardár SHRINIWAS COOPOOSWAMI MUDLIAR.
 The Honourable Ráo Bahádúr VENKATESH SHRINIWAS NAIK.
 The Honourable Mr. W. U. NICHOLAS.
 The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPYE.
 The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL. B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL KADIR *ahas* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
 The Honourable Sir PRABHASHANKAR D. PATTANI, K.C.I.E.
 The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
 The Honourable Ráo Bahádúr GANESH KRISHNA SATHE, C.I.E.
 The Honourable Mr. PHIROZE C. SETHNA.
 The Honourable Mr. W. H. SHARP.
 The Honourable Mr. W. C. SHEPHERD, I. C. S.
 The Honourable Mr. PURSHOTAMDAS THAKURDAS.
 The Honourable Mr. G. H. THISELTON-DYER, A.M.I.C.E.
 The Honourable Ráo Bahádúr TEKCHAND UDHAVDAS.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL. B.

TRAMWAYS BILL AND BOILERS BILL.

[The President; Mr. G. S. Curtis.]

[6TH DECEMBER 1916.]

BILL FURTHER TO AMEND THE BOMBAY TRAMWAYS ACT, 1874
(BILL No. VII OF 1916).

His Excellency the PRESIDENT:—Order, order. Bill further to amend the Bombay Tramways Act, 1874 (Bill No. VII of 1916), first reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency.—I rise to move the first reading of Bill further to amend the Bombay Tramways Act, 1874 (Bill No. VII of 1916).

The Bill has been before this Council and the Statement of Objects and Reasons are attached to it. It has been found necessary to take legislative power to substitute for the date "1st of January" an alternative date "1st of July" Honourable Members are aware that it is intended to move the Bombay Electric Supply and Tramways Company's workshops from Colaba eventually when the necessary workshops on their new site at Kingsway are ready. Owing, however, to circumstances over which the Company have no control the new workshops in that part of the town are not ready, and consequently it becomes necessary to extend the period for which the Company may use the Colaba premises for a further period of six months.

I may state that no complaints have been received from the residents of houses near Colaba as to any nuisance arising from the continued use of these workshops.

As the Bill does not appear to be of a contentious nature I propose to move that it should not be referred to a Select Committee but carried through all its stages at this meeting. It is necessary that all the three readings should be passed before December 31st, 1916.

With these observations I now beg to propose that this Bill be read a first time.

Bill read a first time The motion for the first reading of the Bill was put to the vote and carried.

The Honourable Mr. CURTIS:—Your Excellency,—I beg to propose that this Bill be read a second time

"The motion was put to the vote and carried.

Bill read clause by clause.

Clauses 1 and 2 and the preamble were put to the vote and carried.

The Honourable Mr. CURTIS —Your Excellency,—I now beg to propose

Bill read a third time that this Bill be read a third time and passed into law.

The motion was put to the vote and carried.

BILL FURTHER TO AMEND THE LAW FOR THE INSPECTION AND
MANAGEMENT OF BOILERS AND PRIME-MOVERS IN THE PRE-
SIDENCY OF BOMBAY (BILL No. VIII OF 1916).

His Excellency the PRESIDENT:—Bill further to amend the law for the inspection and management of boilers and prime-movers in the Presidency of Bombay (Bill No. VIII of 1916), first reading. The Honourable Mr. CURTIS.

The Honourable Mr. G. S. CURTIS:—Your Excellency.—I beg to propose

The Honourable Mr. Curtis
moves the first reading of the Bill

that the Bill further to amend the law for the inspection and management of boilers and prime-movers in the Presidency of Bombay (Bill No. VIII of 1916) be read a first time.

BOILERS BILL

[6TH DECEMBER 1916.]

[*Mr. G. S. Curtis; Sir Dinshaw Manockjee Petit.*]

The last Act regulating the inspection and management of boilers and prime-movers in this Presidency was passed in 1891. It was amended in 1897 and again in 1903. It is one of those Acts which affects an important section of the community and which requires overhauling and adjusting from time to time. Recently Government have had various defects in the law brought to their notice and they appointed a strong departmental committee to examine the working of the Act. As a result of the deliberations of that Committee, a draft Bill was prepared and referred to associations and other persons interested in the working of the Act. As a result of the replies received from those bodies the draft now before this Council has come up for first reading.

The object of the draft Bill is to introduce various improvements in the law as it stood at present. As a rule they are somewhat numerous but they are not connected together, and in order to understand their effect, it will be necessary to examine the Act section by section.

Honourable Members will notice that an attempt is made in the Bill now under discussion to exclude from the operation of the Act mechanical devices such as super-heaters, vulcanizers and other new inventions. Further powers are also taken to exclude agricultural boilers. Power is also taken to insist on owners of boilers furnishing a drawing when required and depositing a fee before the Inspector makes an inspection of the boiler. One, or two cases have come to notice in which owners have refused to pay their fees after the inspection has been carried out, because they said they did not intend to use the boilers.

Further amendments in the law are proposed in the matter of the examination of engineers. The Departmental Committee appointed by Government have proposed the appointment of a full-time examiner. Under the Bill as amended it will be possible for Government to appoint a full-time examiner with or without Assistants.

Another clause of the Bill lays down the manner in which the nominal horse-power is to be calculated. Further powers are given to Inspectors to withhold certificates to owners in cases where the boiler is unsafe, and also to examine boilers between the hours of sunset and sunrise, the reason being that in many cases now boilers are worked at night.

Power is also taken to furnish duplicate certificates and charge a fee for the same. Slight variation is also made in the fees to be charged for inspection.

Power is also taken in certain cases to extend the period of certificates given on boilers which are examined for the first time at the port of shipment and also in certain cases the temporary engineer's certificate when an engineer arrives from Europe in charge of a boiler.

From my remarks it will be gathered that the provisions of the Bill are somewhat of a disjointed nature and no doubt it will require careful consideration in the Select Committee. But there is no striking novelty about it, its effect is merely to make certain improvements in certain sections of the Act which were first not working satisfactorily.

With these remarks I beg to move that the Bill be read a first time.

The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.—Your Excellency.—As a representative in this Council of the Bombay Millowners' Association, a body which is to a considerable extent concerned with the working of the Boiler Inspection Act, it falls to my lot to give expression to the views of that Association. As is mentioned in the Statement of Objects and Reasons for the introduction of this Bill, these several amendments have been framed in consultation with the several interests chiefly affected. The Bombay Millowners' Association was also consulted. There were some conferences between the representatives of the Association and the representatives of Government on the

BOILERS BILL.

[*Sir Dinshaw Manockji Petit;*
the President.]

[6TH DECEMBER 1916.]

clauses that are contained in this Bill and several of the suggestions that were made by the Association have been embodied in this Bill, for which the Association is thankful to Government

On the other hand, Your Excellency, there are some suggestions of the Association which are not inserted in this Bill, and with your permission I will refer only to some of those which I consider rather important. In sub-section (3) of section 9 on page 5 it is stated "If such boiler is not situate in a place for which an inspector has been expressly appointed by the Governor in Council, the owner shall, before using or continuing the use of the same, give notice to the Chief Inspector and to the Collector of the district in which it is situate of his intention to use or to continue to use the same, and the Chief Inspector shall cause an examination as aforesaid to be made by an inspector with the least possible delay and within twenty days after the receipt of such notice, and shall inform the owner of the date on which the said examination will take place." Now in the Act the owner is required to give notice only to the Collector, whilst in this Bill he is required to give a double notice to the Collector and to the Inspector as well which is in the opinion of the Association rather a superfluous course to be enforced on the owner to pursue.

Clause 10, sub-section (b), says: "provide, in the case of a new boiler about to be registered, a dimensioned drawing, specification and certificate of tests of material for the boiler, duly signed by the makers and bearing a number corresponding with the makers' number of the boiler;" This is well and good in the case of a boiler ordered out from home and in the case of a new boiler bought by an owner these certificates are supplied by the makers, but when a second-hand boiler is bought, very often these papers are not forthcoming, and it would be almost impossible for the owner to get these papers locally unless he writes to the makers which would take at least 6 weeks to get these papers. In the meantime he would be subjected to considerable hardship by the certificate being withheld.

His Excellency the PRESIDENT.—I do not want to interrupt the Honourable members in his speech, but I would like to suggest to Honourable members that on the first reading of a Bill Honourable members are supposed only to go into the general principles of the Bill. It appears to me that the Honourable member is going into details which could very well be discussed in the Select Committee. The idea of the first reading is that Honourable members should generally express their views on the general principles of the Bill and should not go into details

The Honourable Sir D. M. PETIT, Bart.—I bow to your decision, my Lord. I wish to point out those clauses and explain whether they are objectionable or not.

His Excellency the PRESIDENT.—I can only express my view to the Honourable member and I hope that he will abide by it as far as he can. The Honourable member will understand that the details should be discussed in the Select Committee.

The Honourable Sir D. M. PETIT, Bart.—Then, Sir, there are other clauses in this Bill which are not acceptable to those possessing boilers, and as it is not possible to refer to these clauses under Your Excellency's ruling, I only hope that as the Honourable member in charge of the Bill has mentioned that this is a Bill which requires careful adjustment in the Select Committee, I will have ample opportunity at that time to express the views of the Association and of other bodies who are concerned with the working of this Bill and Government will give due weight to their views and will try and meet them as far as possible.

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[*Mr. Siddhanath Dhonddeo Garud; the President; Sardar Shrinwas Coopoo-swami Mudliar.*]

The Honourable Mr. SIDDHANATH DHONDDEV GARUD :—Your Excellency.—There are two points of view from which this Bill might be considered. The first is the point of view of the Bombay Mill owner and the second is the point of view of the ginning and pressing factory owner in the mofussil, and I hope your Excellency will permit me, as one of the directors of a ginning factory, to place my views before the Council. The first point to which I would draw attention is clause 5. This purports to give power to appoint a commission for hearing appeals preferred by factory owners. The constitution of the commission has not been clearly and distinctly laid down. We do not at present know what persons will be eligible to be members of this commission and what powers they will have generally for discharging their duties. The second point to which I would like to draw the attention of the Council and the Honourable Member in charge is the appointment of examiners for granting certificates to engineers. Clause 23 says that the Governor in Council shall from time to time appoint one or more examiners. I submit it would often not be desirable to appoint only one examiner to conduct these examinations. A board is always more safe than one individual to conduct these responsible duties.

Then with regard to clause 20.....

His Excellency the PRESIDENT —I must make exactly the same remarks as I made to the previous speaker (Sir DINSHAW PETIT). Honourable members must understand that it is the general principles of the Bill which they should discuss, if you want to go into details clause by clause, that must come later on. Your general objections to, or your general approval of, the Bill must be stated at the first reading.

The Honourable Mr. GARUD —I bow to your decision, Your Excellency, but I was merely referring to the principle that a board of examiners was much better than one examiner.

His Excellency the PRESIDENT —I can only say that my Honourable friend has referred to three particular points in three particular clauses.

The Honourable Mr. GARUD —Then with regard to the appointment of inspectors by the Collector, I submit that some definite rules might be laid down about the persons who would be eligible to be appointed inspectors. It often happens that in such cases a person of the adjoining ginning factory or a person who is a resident of the place and who is interested in the business of the factory is appointed an inspector or examiner of a boiler and this examination might sometimes lead him to discharge his duties in a manner not very satisfactory to the person whose boiler he is examining. I submit that these considerations should receive the attention of the Select Committee and with these observations I beg to support the first reading of the Bill.

The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.—Your Excellency, I rise to support this Bill and in doing so, I wish to make a few remarks. The Bill is amended taking into consideration the difficulties the Department had in the administration of the present Act, and the several amendments have been framed according to the requirements, taking into consideration also the interest of those concerned. I will now make a few remarks which, in my opinion, require special attention.

With regard to the appointment of Commissions, I understand that the Bombay Mill Owners' Association, the Ahmedabad Mill Owners' Association and the Bombay Chambers of Commerce, have strongly advocated the appointment of a permanent Boiler Commission, as exists in Calcutta and other provinces, such as Burma.

Both the Smoke Nuisance and Boiler Inspection Departments in Calcutta are administered by a permanent Boiler Commission representing both the

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interests of Government and the Industries. The Bombay Government have followed this just principle, as regards the Smoke Nuisance Department but have for some reason omitted it in the case of the Boiler Inspection Department.

So far as my information goes it has worked satisfactorily with the industries in the Bombay Smoke Nuisance Department. And as the interests of both parties are represented, amicable and efficient working has been the result. The Departmental Commission is composed of Government officers and leading technical experts and engineers, representing the industries. The Commission meets periodically to assist the Collector of Bombay, to administer the Department. The Collector not being a technical officer, this assistance is most valuable. Since the administration of the Boiler Inspection Department is also under the Collector of Bombay, the same Commission at their meetings could also assist the Collector to administer the Boiler Inspection Department, if so appointed. The Commissioners, I believe, are paid fees. This could also cover the work of the Boiler Department as well. And no doubt the members would not object, as the work could be disposed off at their sittings. Government would thus have the advantage of several experts' opinion to advise the Collector, and at no extra cost, and the Collector would have the advantage of disinterested, valuable technical assistance, to amicably administer the Boiler Inspection Department as well. Further, this will satisfy the request of the Bombay Mill Owners' Association and other public bodies interested in industries and trade. This sort of working would be both amicable and reciprocal. The First-Assistant Resident at Aden, who is in charge of this Department there, as the Collector here, should also have a similar Commission to help him in his work.

The powers under this Act given to the Chief Inspector should be restricted as far as possible, as the Commission will be able to transact all important works disinterestedly and much more satisfactorily.

In appointing the examiner, I may point out that it will always be safe to appoint more than one examiner, this was also the view, I believe, of the Mill Owners and other public bodies. If one examiner is appointed he is brought into direct communication with the candidates, and no doubt past experiences do not warrant that this is advisable. If several examiners constitute a board, as at present, there must necessarily be less opportunities for dishonesty.

The powers delegated to the Chief Inspector of Boilers in the last paragraph of this Act would best be given to the Commission.

With these few remarks I beg to support the first reading of this Bill.

The Honourable Mr. PURSHOTAMDAS THAKURDAS —Your Excellency.— In rising to support the first reading of this Bill I beg to concur with what the Honourable Mr. GARUD has suggested, that this Boiler Bill will have to be considered from two points of view, namely, one of the Bombay Mills and the other of the large number of cotton ginning and pressing factories that are spread over all parts of the Presidency. The Honourable Mover pointed out to the Council that those interested had been consulted before the Bill was drafted and presented to this Council. My Lord, I am not aware that the two local Cotton Associations which are most interested in the cotton trade of the Bombay Presidency have ever been consulted on this Bill. If the Bombay Chamber of Commerce was consulted I think it is not sufficiently representative of the cotton interests. I therefore submit that these two bodies might have a good deal to say on this Bill, especially as they have interests in factories spread over many parts in the Presidency. Without going into the details of the various clauses that may come up for discussion before the Select Committee later on, I think I will be right in saying that perhaps the most interesting provision of this Bill is clause 23

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regarding the appointment of examiners under the Bill. I dare say that the Select Committee will look at the question from the point of view of all concerned, and in view of Your Excellency's ruling given to the two previous Honourable Members, I do not want to dilate much upon the Bill. In regard to clause 5, I do not want to go into the details of the clause but I would only say that some additional clause on the lines of rule 17 of the United Provinces Act may be inserted in that clause. Perhaps I may also refer to clause 10. This clause gives certain powers to boiler inspectors for the purpose of ascertaining the horse-power. I do not propose to enter into the details of this clause and I only submit that in the interests of the cotton ginning factories spread all over the Presidency it is necessary that these rules should have the fullest consideration. With only one more suggestion I will resume my seat, and that is, that I would recommend the Select Committee to consider the insertion of a section on the lines of section 9 of the United Provinces Act. With these remarks I support the first reading of the Bill.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency.—I have only a few words to add to what the Honourable Mr PURSHOTAMDAS said. My attention has been drawn to clause 16 which provides for award of costs, up to Rs. 150, by the commission in a case where the appeal is unfounded or frivolous. But in a case where an appeal succeeds no provision for an award is made. There may be, my Lord, some cases, exceptional cases, where an appeal may not succeed but at the same time may not be frivolous, and I do not think that in these cases any costs should be awarded. Another matter to which I have to draw attention is that in Schedule B a second fee is provided to be charged. Your Excellency will be pleased to notice that the rates of fees are high especially in cases of boilers exceeding 20 horse-power. They are 30, 40 and 50 rupees. Well, an inspection fee of Rs. 20 will be leviable in the case of the first inspection but the second fee would amount to the payment of Rs. 50. Instead of Rs. 50, I submit, Your Excellency, that the second fee be reduced to Rs. 10. Further the last paragraph states—

“A double fee will be leviable for the inspection of a boiler that is not situate in a city or town for which an inspector has been expressly appointed by the Governor in Council, if the owner or person in charge, after due notification, fails to avail himself of the services of the inspector during the usual periods for visiting the district.”

My Lord, there may be several cases or instances which may not allow of arrangements being made in time to use the services of the inspector after notification and I submit that in a case like that instead of the double charge the fee ought to be reduced and should be the same as for ordinary inspection. With these remarks I beg to support the first reading.

The Honourable Mr. G. S. CURTIS.—May it please Your Excellency, I thank the Council for the way in which the Bill has been received. I think it is evident from the remarks which have fallen from various Honourable members that there is a large amount of detail in the Bill which can only be satisfactorily handled by persons having expert knowledge of the boilers or, at any rate, having some connection with them.

I am glad to notice that the Honourable Mr. GARUD and the Honourable Mr. PURSHOTAMDAS THAKURDAS have brought out a fact which I should have commented upon in my speech, namely, that there are two distinct classes of boilers. First of all there are the boilers used by big firms and wealthy mill-owners, and there is also a class of small boiler attached to the small and cheap upcountry ginning factory. Several of the changes of the Bill have been necessitated by the fact that the latter class—the small and cheap class of boilers in ginning factories—has become much more numerous of late years than it was when the original Boiler Act was passed.

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The clause which requires that owners of boilers should put down their fee when they send for the Inspector, and the clause to which the Honourable Mr. UPASANI just referred, namely, the clause imposing a double fee when the owner of the boiler does not give notice to the Inspector at the time of his visit to other boilers in the vicinity, and various other amendments of the law have been necessitated by the fact that these owners of small concerns are not as careful of the general convenience as the owners of a large and wealthy concern are.

Similarly also the provision as regards the withdrawal of the certificate, when a boiler is in an unsafe condition, almost wholly applies to small concerns. Engineers of big mills do not as a rule work their boilers up to the last pound. Owners of small factories on the other hand very frequently do so. As Collector of Khandesh I have myself on more than one occasion when visiting ginning mills found that the safety valve on the boiler had been overweighted by the heavy material in order to extract a few more pounds of steam out of the boiler.

The Honourable Mr. UPASANI.—There is no provision for differentiating the two kinds of boilers.

The Honourable Mr. CURTIS (continuing).—All I would repeat once more is that the Bill is one for examination by experts and I think I can guarantee that when it comes to the Select Committee the various detailed clauses shall receive a satisfactory and thorough treatment

With these remarks, Sir, I beg to move that the Bill be read a first time.

Bill read a first time.

The motion for the first reading of the Bill was put to the vote and carried.

His Excellency the PRESIDENT.—Before going on to our next business, in case there should be any doubt or misunderstanding with regard to my ruling just now, as to the scope of the general discussion of a Bill on the first reading, I should like to make the position perfectly clear from my point of view as President. The ordinary custom is, I think I can say from some experience, that the member in charge brings in a Bill for first reading. He then explains the general provisions and principles of that Bill. In very many instances that I know of there is no discussion on the first reading at all unless some Honourable member wishes to discuss those general principles which the Bill has raised. But there should be—and this is perfectly clear from our rules—no detailed discussion on individual clauses or individual sub-clauses on the first reading. That is the main point I wish to lay down and I hope Honourable members will accept that ruling as a correct and satisfactory one.

The Honourable Mr. G. S. CURTIS.—Your Excellency.—I now propose that this Bill be referred to a Select Committee consisting of the Honourable Mr. W. C. SHEPHERD, the Honourable Mr. G. H. THISLETON-DYER, the Honourable Sir DINSHAW MANOCKJEE PETIT, the Honourable Mr. MUNMOHUNDASS RAMJI, the Honourable Mr. PURSHOTAMDAS THAKURDAS, the Honourable Rao Bahadur TEKCHAND UDHAVDAS and the Mover with instructions to report by the 28th February 1917.

The Honourable Mr. BELVI.—Your Excellency.—I propose that the name of the Honourable Mr. GARUD be added to the Committee.

Bill referred to a Select Committee.

The motion was put to the vote and carried.

The Honourable Mr. CURTIS.—Your Excellency—I beg to propose that the name of the Honourable Mr. HOGG be added to the Select Committee on the Port Trust Bill which I proposed yesterday.

The motion was put to the vote and carried.

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[*The President; Mr. Harchandrai Vishindas.*]

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the PRESIDENT.—Discussion of matters of general public interest. Resolution No. 1. The Honourable Mr. HARCHANDRAI.

The Honourable Mr. HARCHANDRAI VISHINDAS.—Your Excellency—I think I may fairly assume that Honourable Members will agree with me that many words are not needed from me in moving this resolution. It runs thus—

“That it be recommended to the Government that no magisterial powers be conferred on Revenue Officers below the rank of Mamlatdars (in Sind called Mukhtiarkars) and Mahalkaris”.

The object that I have in view in moving this resolution I think will be very easily understood by Honourable Members. It is to secure greater purity in the administration of justice. I think it must be common knowledge to this Council that the officers aimed at in this resolution are called in Sind Head Munshis in their revenue capacity and their pay—of course, my resolution covers the whole Presidency, and, for the words “Head Munshi” we have to substitute the words “Aval Karkun” in the Presidency—ranges from Rs. 40 to Rs. 60, and they are invested, some of them, with third class powers and others with second class powers. Now, it will be a commonplace remark to say that it will be highly prejudicial to the public interests and the interests of justice that such low paid officers should be vested with the authority of sending people to imprisonment, and, in some cases, to imprisonment for 6 months. Instances may not be wanting of many important cases in which people of wealth and position are involved and appear before these magistrates, and it can be very easily imagined what great potentialities for evil the existence of these powers may give rise to. Your Excellency, I am of opinion that the reform which is suggested in this resolution is not only in the interests of the public, that public which resorts to courts of law, but also in the interests of these magistrates themselves. Because, I think, that whilst the public will be gladdened at the introduction of this reform and welcome it as a very wholesome reform, because, it will lead to greater impartiality and more satisfactory administration of criminal justice, these officers themselves will be removed from the path of temptation to advance which is before their eyes. Now, it might be very easily imagined, Your Excellency, that apart from civil justice, so far as the administration of criminal justice is concerned, both the accuser and the accused are very keen. The accuser is very keen on sending his adversary to jail and the accused is very keen on saving himself from the punishment of an impending imprisonment. Therefore, so far as these are concerned, they will not think of the money required to be spent to have their object served, and whilst, I might say, Your Excellency, that nobody will be bold enough to commit himself to the sweeping assertion that all public services in this country, or for the matter of that, in any other country, are absolutely incorruptible and are entirely free from corruption and of the evil consequences therefrom, it will be readily admitted that what is required is to secure the greatest purity and immunity from corruption in the administration of justice, and more especially in the administration of criminal justice, and it should be the endeavour of the powers that be to try their utmost to serve this end. Now, I sent this resolution long ago to the Council with the result that there has been an opportunity for various officers to offer their comments upon it, and so far as I can judge, so far as the comments that have come to my notice are concerned, I might be permitted to answer them in anticipation. In the first place, it might be urged that these Head Munshis have been invested with magisterial powers for a long time and that no complaints have been received hitherto. Well, I might in reply say that the length of an evil is no justification for continuing it. The longevity of an evil is no excuse for its perpetuation, and there will be found many a resolution that has been proposed in this Council, or interpellation that is put, or Bill that

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is introduced which is aimed at an evil which has been very longstanding, and that has never been urged as an excuse for not introducing reform. Well, another objection I have heard is of rather a practical nature, and I think that argument will also be satisfactorily answered and that is this that if you take away magisterial powers from these Head Munshis the result would be that all that work will fall upon Mukhtarkars, that is, on officers who hold the rank of Mamlatdars in the Presidency proper, with the result that the public will be greatly inconvenienced because some of those officers are touring officers. In the first place, I say that on principle such an objection is entirely untenable. The administration of justice is a thing of the highest importance and if better administration is likely to give rise to extra expenditure and inconvenience I think that must be borne. In the second place, I say that such a kind of inconvenience is entirely imaginary, for this reason I am not proposing any addition to the work as a whole. It is the same amount of work that is now existing and conducted, and all that I am urging is a kind of redistribution, reorganization and readjustment, and I think that could be very easily worked out whilst the work of the magistracy or magisterial work will be withdrawn from the Head Munshis, their revenue work will be light and there can be such an arrangement made with an extension of the present system of resident magistrates. At the same time it will remove the complaint of litigants that they experience great inconvenience on account of officers being on tour. I think that is the reform, although not directly stated in my resolution, which ought to come in sooner or later, namely, that in every taluka headquarters there may be a resident magistrate permanently located, so that the people who have to resort to courts may not be put to trouble and inconvenience and expense and time of going round after them when they are touring. Rather I think that is the reason which should induce Government to extend the system of resident magistrates. I am very glad that this system has been in vogue in some headquarters. Under my proposal, I submit that on the one hand the Head Munshis would be relieved of the magisterial work and therefore it will allow them to devote ample time to their revenue duties, which are also very important, and, on the other hand, the magistrates would specialize in the work of law and therefore give greater satisfaction to the public who have to appear before them, than those officers who are at the same time doing revenue duties also. I submit, Your Excellency, that there is no substance in either of the objections. Therefore, it is with great confidence that I move this resolution expecting the unanimous support of the members of this Council.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH.—Your Excellency—I support the resolution of my Honourable friend Mr. HARCHANDRAI in the interests of justice and purity of administration. My first objection to the powers of the Head Munshis and Mahalkaris is that their powers are quite disproportionate to their pay. I divide these officials below the rank of Mamlatdar into two divisions. First those who expect to rise in service and others who do not at all expect to rise. Those who do not expect to rise are those who have a bad record and who having passed the examination in vernacular cannot possibly be promoted to the rank of Mamlatdar. Then there is the class of those who have passed only the lower departmental examination and cannot pass the higher departmental examination. It is quite unsafe, Sir, to invest these people with judicial powers to sentence people to one month or six months' imprisonment. Those people who do not expect to rise try cases in a way which is convenient to them. Now those who expect to rise in service I submit, Sir, also follow the adage, "no promotion without conviction". They are very much afraid of the police. They are under the thumb of the police. Therefore there is a great likelihood of miscarriage of justice in their courts. It would be urged on the other side, that if really these magistrates do not decide their cases properly as other magistrates do, why are their decisions not interfered with? I reply to this

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that we have to see in the first place how many original cases that come before them are represented, and out of those cases how many people appeal, and in appeals again how many of those persons are represented. For instance, Sir, a second class magistrate or head munshi might try 10 cases a month. Nine out of these 10 would be unrepresented. As a matter of fact no magistrate would take the trouble of cross-examining the witnesses when the case is not represented. Now there remains only 1 case. That accused may appeal and may not be represented in the appeal. There are many cases in which the accused are unrepresented in the Appellate Courts. Thus there is great miscarriage of justice.

Now these magistrates again try two kinds of cases, police cases or private complaints, that is, some of these magistrates have power to receive complaints under section 190, clauses (a) and (b) of the Criminal Procedure Code. Now in private complaints, in a large number of them they decide the cases as seems to them best, and in some cases they try to bring about compromises for reasons best known to them.

My Honourable friend Mr HARCHANDRAI has already replied to the argument about the inconvenience that would be caused to the parties and witnesses if the powers are taken away from these magistrates and the cases are sent to the Mamlatdars. I submit that this trouble could be saved by the creation of new Resident Magistrates. In the first place by doing this we relieve the over-worked Mamlatdar of the judicial work when he now can hardly find sufficient time to do his revenue work. Moreover, these officers who are below the rank of a Mamlatdar will be required more to attend to their revenue work.

Then there will be the question of cost, but if Government is going to give us justice, it should be given at any cost. With these remarks I beg to support the resolution of my Honourable friend.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—May it please Your Excellency—I heartily support the resolution that has been moved by my Honourable friend Mr. HARCHANDRAI. There is in the public a very strong feeling that in the matter of the administration of criminal justice, in the smaller cases, there are not the same high safeguards for getting pure justice as in civil cases. In the matter of civil litigation involving a sum like Re. 1, or Rs. 2 or Rs. 3 the cases are heard and disposed of by officers of the civil judiciary who command the highest respect and confidence of the public. But when you come to cases which involve the loss of liberty and the infliction of fines, we find that the cases are left to be disposed of by officers in whose education impartiality, character and surroundings the public are not inclined to place much confidence. It is undesirable that a man's character very often would depend upon his associations, upon the society in which he moves, and the class of people by whom he is surrounded and with whom he is mostly in contact. Then in criminal cases there is a particular reason why people often feel considerable want of confidence in the second and third class magistrates. A considerable number of criminal prosecutions are instituted by the officers of land revenue, Police, Abkari, Salt, and Opium Departments, and many magistrates who suppose that their prospects of promotion and rise in office would be ruined if they incur the displeasure of these officers and they would be much advanced if they are able to secure their good will are frequently tempted to subordinate justice to what they understand to be their personal interest, and the public feel, and I think they have some ground for feeling that they cannot bring the same kind of independence to bear on the discharge of their duties as officers of higher position, salary and standing. I think it to be one of the most important considerations that the high confidence of the people in the British administration of justice should be maintained and that confidence should increase from day

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to day in the public mind. I therefore consider that in the matter of the administration of criminal justice in magisterial cases the power of trying them should be confined and restricted to magisterial officers of the highest grade. I do not deny that this step may perhaps cause increased expenditure, but I think in a matter of such importance the question of expenditure ought to yield in favour of the increased confidence of the people in British justice.

The Honourable KHAN BAHADUR PIR BAKSH walad MIAN MAHMUD.— May it please Your Excellency, the Honourable Mr. HARCHANDRAI has dwelt upon the fact that the Head Munshis are not good officers and the public have no confidence in them. Again the Honourable SHAIKH GHULAM HUSSEIN says that they do not write sound judgments or cross-examine witnesses in cases where no pleader is engaged by the accused and that in appeals the appellent authority often does not take interest in the case but, from what he says, I understand it, disposes of the appeals cursorily and without going into details or merits of the case. These remarks are I think surprising ones. We have administration reports of the police and magistrate's courts and there are no such remarks in them passed by District Magistrates or Sub-Divisional Magistrates or Commissioners that there has been failure of justice, because these Head Munshis are low paid officers, though there are so many appeals heard by those superior officers. This criticism is merely imaginary. It is said that the low paid Head Munshis are liable to corruption. Has the Honourable Mr. HARCHANDRAI made out his case and got evidence and facts before him to prove this allegation not only against the Head Munshis but that appeals are also decided off-handedly? Now before depriving the Head Munshi of the second or third class powers, at first it must be proved that not only some inconvenience is caused to the people but also that they are put to trouble, unnecessary hardship and expenses. On the other hand I do not think that this Council is prepared to create several appointments of Resident Magistrates in the Province of Sind or elsewhere, to do criminal work of the Head Munshis. There are over 70 talukas in the province and there are very few Resident Magistrates. If the Head Munshis are deprived of magisterial powers the result would be that Mukhtiar-kars again will be over-worked, and my Honourable friends are fully aware that Mukhtiar-kars are, under standing orders, bound to remain a certain number of days in a month on outdoor duty. It would be a great hardship and trouble for the people to attend the Mukhtiar-kar's Court while he is on tour and they will be put to unnecessary expenses, and unless they undergo a great deal of expenses they may not have justice and will have to rely on the mercy of God only. Now again, if they have no magisterial power then we must have so many more Resident Magistrates, and we are not I think prepared to add any to the existing number of Resident Magistrates in the Province. The Head Munshiship is a stepping stone to the Mukhtiar-karship. They exercise third class powers and in some cases second class powers. No sooner is there a vacancy a Head Munshi is appointed to a Mukhtiar-karship and if the Head Munshis have no magisterial power the administration would suffer a great deal and cause inconvenience to the public in general. All these difficulties will arise if Head Munshis are not at least third class magistrates. I very reluctantly have to add a remark to what I have just said and that is, it is said that these Head Munshis are not big officers and are low paid persons of Rs. 40 to Rs. 60. Perhaps the senior pleaders and barristers may consider it below their dignity to appear before these low paid officers but it must be understood that we have to respect the chair and not the person. Therefore, I am sorry I cannot support this resolution. But I submit that if this resolution is carried into effect great hardship will be experienced by the general public and there will be great difficulty to the local executive and administrative officers in coping with the administration of justice.

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[Rao Bahadur Ganesh Krishna Sathe]

The Honourable Rao Bahadur GANESH KRISHNA SATHE:—Your Excellency.—On the Resolution which has been moved by the Honourable Mr. HARCHANDRAI, I wish to make a few observations.

The object of moving this resolution seems to me to be to divest all the third class magistrates and head karkuns of their magisterial powers meaning thereby that these head karkuns ought not to exercise any powers whether third class or second class in any taluka. His principal ground for this resolution is that these head karkuns are low paid officers and show a tendency to deviate from the ordinary path of morality which we expect from all officers in Government service. I do not wish to refer to that delicate part of the argument because, I am afraid, I will be asked in my own turn, as the last speaker (the Honourable Khan Bahadur PIR BUKSH walad MIAN MAHMUD) asked the Honourable Mr. HARCHANDRAI, to produce the evidence for such an allegation. But one remark may be made that the apprehension of Mr. HARCHANDRAI is not groundless and cases do arise here and there where people have cause to complain on that account.

I put the case on another ground and that is this that even the officers of Government have in their administration reports remarked that the lower magistracy is not competent to discharge the duties assigned to them. When I make such a bold assertion, I think I am bound to give a reference to the remarks which I have found in the Administration Report. I refer to the Administration Report of Land Revenue, Part II, 1912-13, the remarks of the Commissioner, Northern Division. It is stated at the end of the first paragraph at page 35 of that Report that "the work of the second and third class magistrates in Ahmedabad and of the second class mamlatdar magistrates in Thana has been commented on unfavourably, lack of common sense and dilatoriness having been generally attributed to them." In the same year and in the same report at page 36 the Commissioner, Southern Division, remarks: "There is an unmistakable weakness about the lower class magistrates, which seems to indicate a lack of training for magisterial duties for which some remedy is needed. Two probationary mamlatdars were reverted during the year for bad work and one mahalkari was dismissed for misconduct." Then further on the Commissioner, Southern Division, says: "Taluka head karkuns as a class have been adversely commented upon." I leave the other portion because it is long and the wording of it is not very happy. Mr. E. Maconochie who was the Collector of Dharwar has described their work as lamentable and another Collector in the Southern Division says that the third class magistrates can hardly distinguish between civil and criminal complaints.

These are the two grounds, Sir, which at the outset lead one to believe that the resolution of the Honourable Mr. HARCHANDRAI ought to be accepted in its entirety. But I do not think that I would go to that length, because, in the first instance, the divesting of the powers of these third class magistrates or head karkuns in the Presidency proper would hamper to a very great extent the administration of justice, because there are certain ordinary powers which these third class magistrates exercise under the Criminal Procedure Code, which empower them not only to try a man and convict him, but which are of a preventive character, and when we all know that the mamlatdar of a taluka has to put in a certain number of days outside the headquarters, it is but quite fair that some one having preventive powers should be at the station. So from the administrative point of view I think the demand of the Honourable Mr. HARCHANDRAI is rather a large order. What is really wanted is to take steps to improve both the status and the training of these third class magistrates. If you think that there is much force in the argument that the lower the pay the greater the temptation, if we accept that sound principle, then it is for Government to see whether the raising of the status of these head karkuns by giving them substantial pay would secure greater purity in the administration of

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justice. There is one other point which I think I ought to emphasise during the discussion of this resolution and it is this. It may appear at the outset that what are after all the powers of a third class magistrate. There are only 40 sections in the Criminal Procedure Code under which he can exercise those powers. But if we cast a glance at those sections, there are certain sections where, if he is so minded, he can cause immense mischief. I only take as an illustration the cases of criminal trespass mischief and the like.

At present the general practice in the mofussil is that the mamlatdar who is generally a second class magistrate is almost unwilling to take the third class cases, though in law he is bound to take them. What usually happens (and I think those of my Honourable friends who have something to do with these magisterial courts will bear me out) is that the mamlatdar asks the party to go to the head karkun in cases falling within his jurisdiction. But a provision can be made under which a mamlatdar or a second class magistrate can transfer cases which are really of a very trivial nature and which do not involve considerable property and which would not be a source of temptation for a third class magistrate. If that safeguard is provided for, I think there would be no reason for not continuing to invest the aval karkuns and head karkuns with third class powers.

There is one more point upon which I want to touch in connection with this subject. If we accept the resolution of the Honourable Mr. HARCHANDRAI in its entirety the effect of it will be that we do not provide any training ground for our mamlatdars who are second class magistrates, because at least 50 per cent. of the mamlatdars are taken up from head karkuns' posts, and if this resolution is accepted, I think we will be left without any means of giving training to these second class magistrates who eventually have to be taken up as mamlatdars from head karkuns' grade.

Now, before resuming my seat, in fairness to the profession from which I come, I think I must show my resentment at the remarks of the previous speaker (the Honourable Khan Bahadur PIR BUKSH). When we move resolutions in this Council the personal element is out of question and it is only with a view to secure better administration and purity in criminal justice that my Honourable friend Mr. HARCHANDRAI has been prompted to move this resolution.

With these few words I beg to resume my seat.

The Honourable Mr. SIDDANATH DHONDEV GARUD.—Your Excellency.—I rise to support the resolution which has been placed before the Council by my Honourable friend Mr. HARCHANDRAI. In doing so I am reminded of the maxim which says that it is not only necessary to do justice, but that it is also necessary to show that justice has been done. I recognise that this service is now being recruited from a better class of people, but I think I must admit that they do not command the confidence of the people in their impartiality which they ought to command as magistrates exercising extensive powers. I submit, Sir, there are many temptations in their way and I think many of them perhaps are unwittingly led to fall into those temptations. The real remedy, I think, is not as is suggested by the Honourable Mr. SATHE to raise their pay or to improve their status to a considerable extent, but to look to another agency to take their place and that agency can very well be supplied in taluka places by the appointment of benches of magistrates. If these benches are invested with second class powers in the taluka headquarters, much of the trouble to witnesses who now have to move from place to place following the Mamlatdars' camp would be reduced. They will ensure better and speedier justice and also command popular confidence.

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Dewan Bahadur Kashinath
Ramchandra Godbole*]

The Honourable Mr. PADURANG ANANT DESAI—Your Excellency.—I support the resolution which has been moved by the Honourable Mr. HARCHANDRAI. The conditions of Sind may be somewhat different from the conditions which obtain in this part of the country. The principle that the purity of justice is above all things cannot be denied by any one, but in this case to make a sweeping assertion that the magisterial powers should not be vested in any head karkun is not acceptable to me. In the Presidency proper I say the head karkuns are divided into two classes; head karkuns who are attached to the taluka office, who are in charge of the treasury, and the other head karkuns who have got the duty of moving into the taluka and checking the work of the other officers, namely, the village officers and Circle Inspectors

Now, one great advantage of the powers given to these officers; namely, head karkuns who are attached to the taluka is that they are not moving from the taluka head station. They are always stationed there and one advantage derived by the client and by the witnesses is that they are not to move from place to place as they are to remain in the taluka town as long as the case goes on there. But I cannot deny that there is some ground for the allegations, namely, that the lower paid officers have these temptations and some of them at any rate are not free from corruption. One great obstacle in the way of adopting this resolution would be the administrative difficulty and the amount of cost. Of course if these officers are deprived of their criminal powers, then the question would be who is to exercise these powers under the present circumstances. The Mamlatdars have got work at present. Their hands are not free; they cannot exercise the third class powers. There are no other officers who are free to exercise these powers, and therefore if these head karkuns are deprived of these powers, then there ought to be other persons appointed to take up the charge of these duties and that means a great deal of expenditure to the administration. When we can find any number of honorary magistrates, the difficulty would be obviated to a certain extent, or when there would be established village panchayats in almost all the big villages of the Presidency much of this work would be taken up by the village panch, but as matters now stand it would be very difficult for the administration to accept this proposition in its entirety. I think if a choice is made—of course Government has divided the service into Upper Service and Lower Service—since men in the Upper Service have got chances of promotion and they have got chances of becoming Mamlatdars and Deputy Collectors, there is no reason why such officers should not be invested with criminal powers, but persons in the lower rank of service, I think, are subject to this temptation because their pay is not enough to make the two ends meet. Every one knows that in these days the cost of living is much increased and these low paid officers who get Rs. 50 or Rs 60 are to keep up all appearances of dignity, and therefore it sometimes becomes difficult for them to pull on with things in a fair and honest way. Therefore, my submission to your Excellency's Government is that distinction should be made and persons who are admitted in the upper class should be invested with these powers.

With these remarks I support the resolution, not in its entirety, but in a modified form.

The Honourable DEWAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.—Your Excellency—I wish to make a few remarks upon the proposition that is before the Council. I think in bringing forward this proposition it would have been a good thing if the proposer had suggested what the alternative arrangements should be in case the Aval Karkuns and the Head Munshis are deprived of their magisterial powers. What is the machinery that should be substituted in their place? In the interests of justice it is extremely desirable that

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these magistrates should be replaced by magistrates of a superior calibre, even by persons of the position of a District Judge. But is such a proposition practicable? What the Honourable Mr. HARCHANDRAI and his friends would propose would probably be the appointment of persons of the position of Mamlatdars to perform the magisterial duties that are at present performed by the Head Munshis. What would be the cost of this proposal? There are about 250 Head Munshis and Head Karkuns and the cost of replacing them by officers paid at the rate of Rs. 150 per month each would come to about Rs. 4,00,000. Where is this money to come from? Fortunately for myself I have not got much to do with courts of justice, but my information is that the present Head Karkuns attached to Mamlatdars' kacheris are a much better class of persons than they used to be years ago. They get from Rs. 60 to Rs. 80 a month. There are complaints now and then of their misbehaviour but generally they are a fairly decent class of public servants, and I think the remedy should be that in future Government should issue strict instructions to Collectors to put in this position persons whose honesty is above suspicion. I would also advocate the course that has been proposed by the Honourable Mr. GARUD that in taluka places there should be Benches of Magistrates invested with magisterial powers and these Benches should be asked to exercise the magisterial powers that are at present exercised by the Head Karkun and Head Munshi. If some of my pleader friends will serve on these benches they will render very valuable assistance to the cause of justice in this presidency. On the whole I think the present arrangement is working satisfactorily and with proper safeguards as regards future appointments the same may be continued. I do not say that any change is not desirable, but I do not think it is practicable. I therefore oppose the resolution.

The Honourable Sardar DULABAŴA RAISINGHJI, Thakor of Kerwada — Your Excellency.—It is difficult to decide whether to support this proposal or to oppose it. It must be remembered that the class of magistrates referred to in this resolution must be divided into two classes. I wish to refer to Gujarat, of which I have some experience. All these Aval Karkuns are those class of persons who are ultimately being invested with larger magisterial powers and they rise to the position of Mamlatdars, and so far as these Aval Karkuns are concerned I think these persons should be invested with magisterial powers, for the simple reason that they won't be able to exercise higher magisterial powers in future if they have had no previous training by exercising the lower magisterial powers. Therefore I venture to submit that a better system should be adopted for recruiting these officers, because if a man is to rise from a lower position of a karkun on Rs. 25 a month he naturally cannot be in a position to make his influence felt when he is raised to the higher position of Mamlatdar, and he starts with rather undesirable surroundings. This can be effected by adopting a better system of recruitment.

With these remarks I resumé my seat.

The Honourable Mr. H. S. LAWRENCE :—Your Excellency, this subject has been so fully debated on both sides that it is perhaps unnecessary for an official to say very much on the points.

I should like however to associate myself with the views which the Honourable DEWAN BAHADUR GODBOLE has given expression to. It is very natural that the Council should sympathise with the desire that the fount of justice should be pure and undefiled, and that the best possible persons should be appointed to give justice and a complete and thorough hearing to all persons whom misfortune brings to the Courts. But on the other hand, when an attack is made on the justice administered in our Courts, I think the Council will expect some proof of the incompetence or the iniquity of the present Courts.

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Has any such proof been adduced? I think few people will dispute the general proposition that the higher the pay and the better and more ample the status, the more competent persons will be obtained for the decision of important and difficult issues. But that case, I submit, is scarcely relevant to the question which this Council has to consider, namely, whether this particular class of Magistrates is fit to try the petty cases which are allotted to them, and whether they perform their duties to the satisfaction of the public at large and the officers who criticise and report on their work. Now on the latter point I have consulted several District Magistrates in Sind, and I find a general consensus of opinion that these Head Munshi Magistrates are competent to try those cases with, at any rate, as much efficiency and satisfaction as the Magistrates of higher powers decide cases that come before them. The reputation of a Magistrate is not a thing that can be held in doubt or secrecy or that can be concealed. The records are examined by superior officers and Courts and it is always possible to compare his actions with the record.

It is the fashion to impugn the value of statistics, but statistics do express certain tendencies, and I have had certain figures examined with regard to the Courts in Sind. In the last three years a total number of 42,000 cases were tried in the Courts. Of these, Resident Magistrates tried 19,000, Mukhtyarkars or Mamlatdars 10,000 and Head Munshis 13,000. I have inquired what proportion of the cases of each class of Magistrates were reversed or modified on appeal, and the result is somewhat surprising. Of Resident Magistrates 12 per thousand were reversed or modified. Of Mukhtyarkars 17·4 per thousand, and of Head Munshis 3½ per thousand. Now this state of things does not support the case put forward by the Honourable Mover.

I am astonished that the Honourable Mr. GHULAM HUSSEIN has said that Appellate Courts do not go carefully into cases which are unrepresented. From what source has he obtained that information? How does the Honourable Mr. GHULAM HUSSEIN know with what care the District Magistrate or the Sub-Divisional Magistrate deals with the record in the privacy of his office? It is absolutely impossible for any private person to make a general statement on that subject with accuracy or knowledge. Officers to my knowledge deal with unrepresented cases all the more carefully because they are unrepresented. I think the natural impulse of an officer is to be most careful where the accused in an Appellate Court is not represented. I repudiate most emphatically the allegation of the Honourable Mr. GHULAM HUSSEIN.

Well, Sir, another point which these figures throw light upon is the probable result of the Honourable Member's proposal if it were adopted. In Sind none of our Mukhtyarkars are men of leisure, and I do not think that the Mamlatdars in the Presidency proper are men of leisure either. Their duties are multifarious and occupy all their time. It would clearly be impossible to add to their burden of 3,000 cases per annum which they try in Sind, 4,000 more cases which come before the Head Munshis, and the necessary result would be that a great many more Resident Magistrates would have to be appointed.

Now, Resident Magistrates are excellent officers, but they are somewhat expensive as the Honourable Dewan Bahadur GODBOLE has explained. The expense of substituting Resident Magistrates for Head Munshis would be something over half a lakh of rupees. Well, that is a proposition which cannot be entertained by Government at the present time, and I think, would not be seriously supported by the Honourable Member himself in the present financial situation.

Although the financial argument, I submit, is convincing I should like to say to the Council that there are also important administrative reasons in favour of continuing the present procedure. The great majority of Mukhtyarkars are selected from the rank of Head Munshis or Aval Karkuns, and it is necessary to initiate

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them by degrees into the functions of Magistrates. It is impossible for a man to spring suddenly into the power of appreciating the value of evidence. A man may be a smart revenue officer and yet have an ill-balanced judgment to decide questions of law. His integrity also, when put to the proof may fail. It is certainly to the public advantage that these tests should be taken in cases of petty importance which form the great majority of the magisterial work of these Head Munshis. Then again, if a Head Munshi comes under suspicion, whether of incapacity or dishonesty, it is easy to deal with him. You can transfer him from that sphere of duties to clerical duties where his unfortunate failings can do less public damage, but when a man has reached the grade of Mukhtyarkar or Mamlatdar it is very difficult.

However, since the Honourable Mr. HARCHANDRAI is troubled with suspicions as to the character and integrity of these Head Munshi Magistrates, whatever little foundation he has been able to produce for his distrust, I should like to support the suggestion put forward by the Honourable Mr. GARUD as regards the value of Bench Magistrates. In fact, that is a course which Government have adopted in the Southern Division of the Presidency last year, and about which I have been consulting District Magistrates in Sind. It is obviously far more difficult to corrupt three or four men than one, and if we could introduce Benches of Magistrates to sit with the Head Munshi in a taluka, I think a great improvement would result. I am now making enquiries with regard to the finding of suitable panels of zamindars and merchants in various talukas in Sind. In that case the Head Munshi will impart his knowledge of official procedure and law, while the zamindars and merchants would contribute the prestige of their position and character. In this way I hope we shall get the local gentlemen to come forward and bring them to a recognition of their duties in the public service, and also promote the best interests of the great cause of local self-government in this Presidency.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—Your Excellency.—Nobody will venture to say that this whole class of Head Munshis, as a rule, is either corrupt or it is free from corruption. But we cannot remove the impression that there is a good deal of dissatisfaction about the work and personnel of this Munshi class of Magistrates. It is unjust to them that they should be invested with the responsibilities that they exercise and at the same time not to increase their pay. Many of them are not as educated as they should be, for they do not possess the necessary knowledge. It is not possible in the near future to entirely separate the judiciary from the executive, but I think the time has come when some action should be taken in the direction of improving the status of the lower class of Magistrates, both as regards their pay and efficiency. It cannot be made at once but some step in the direction ought to be taken. The Head Karkuns are now divided into two classes—the senior grade and the junior grade—and some of them are at present promoted or taken up from the lower grades of clerks. Men who are likely to exercise magisterial powers ought to be candidates for Mamlatdarships. Well, I think they might be taken only if they are graduates or men with some legal qualifications. A number of LL.B's are taken in the Police Department, and I do not know why a number of LL.B's may not be taken at Rs 100 in the Revenue Department also. They may be trained to do this sort of work also, and I think they would do better here also. There are many graduates who are attracted to this service, and I think the service in general will greatly improve. As it is at present, my Lord; the rules are very stiff, but I think if those rules are revised much of the complaints in this direction will be done away with. There are a good many places where the Mamlatdars cannot cope with the whole of their revenue work and it may be possible to give those Mamlatdars as much relief as possible. Lastly, some of the Magistrates may be limited strictly to third class powers. When we get

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better class of people, then the second class powers may be exercised. However, as suggested by the Honourable Mr SATHE I think any important offences may not be allowed to be tried by these local officers but by the Mamlatdars themselves. If these improvements are tried, I think the service of Head Karkuns will prove efficient and also I think they will be of assistance to the Deputy Collectors. With these remarks I beg to support the resolution

The Honourable Mr. MAHADEV BHASKAR CHAUBAL —Your Excellency.— The pros and cons of this resolution have been sufficiently discussed by Honourable Members and it remains for me only to sum up the position and state what attitude Government is likely to take or will take towards this resolution. I may at the outset say that Government can only deal with the actual resolution which has been submitted for consideration before the Council and I do not think we can or ought to give any opinion about any alternative suggestions such as the constitution of Benches of Magistrates or the appointment of Resident Magistrates. These are no part of the resolution moved and cannot be dealt with. I therefore take the resolution purely and simply as it stands and say what position Government is prepared to take as regards it.

Apparently the Honourable Member has confidence in the capacity of revenue officers of the rank of Mamlatdars or Mukhtyarkars and Mahalkaris to exercise magisterial powers efficiently and the recommendation implies equally clearly a diffidence in revenue officers below those ranks, that is, Aval Karkuns, as they are called in the Presidency proper, so far as efficiency in magisterial work is concerned. I am afraid Government cannot accept this recommendation. It is not prepared to condemn as a body the whole class of revenue officers called Aval Karkuns; on the contrary, from the figures at the disposal of Government it appears that their work is by no means unsatisfactory on the whole. For instance, from the figures available for 5 districts out of 6 in the Southern Division it appears that there were in 1915 48 Aval Karkuns who tried 1,519 cases under the Indian Penal Code, resulting in 321 convictions, out of which only 27 were modified or reversed, which means that only between 8 and 9 per cent. of the convictions were interfered with by higher tribunals. The figures for Sind as regards the work of Head Munshis are even more favourable, and my Honourable friend will probably agree with me in thinking that as these officers are now being recruited from graduates there is every reason to believe that the work of Aval Karkuns and Head Munshis will improve. As a matter of fact, Honourable Members are perhaps aware that we used to hear complaints about other services in the olden times very similar to the sort of complaint that is made by the Honourable Mr. HARCHANDRAI with reference to this class of service in Sind. Assuming for a moment that there is anything in it, as the service improves and as men of higher education are gradually being employed in it it is expected that officers will rise to a sense of the dignity of their position and the evil if any will be remedied in that way. It has been reported from Sind that although the work of Head Munshis is sometimes bad, equally bad work is sometimes turned out by Mukhtyarkar Magistrates. As a rule we all learn by experience and magisterial work is no exception to that rule. In that work every man must make a beginning and learn the work somewhere, and Aval Karkuns' appointments are very suitable places for beginners. The Honourable Member may perhaps recognize that the efficiency of the magisterial work done by Mamlatdars which he recognizes is probably due to their having previously gained experience as Aval Karkuns in doing magisterial work in lighter criminal cases.

While, therefore, much is not likely to be gained in efficiency the recommendation involves additional expense and administrative inconvenience to a degree which makes it difficult for Government to accept it. I think Honourable Members will see that the carrying out of this resolution means that wherever there are

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Aval Karkuns you have got to place two officers. A suggestion was made that Resident Magistrates should be appointed. Well, Resident Magistrates have no revenue duties, so that the magisterial part of the work which is now done by the Aval Karkuns will have to be done by an officer called a Resident Magistrate, who shall have to be paid on the scale on which Mamlatdars and Mukhtyarkars are paid, and for revenue work you will have to retain this officer—Aval Karkun—all the same as at present. All the officers consulted are agreed that it is absolutely impossible for Mamlatdars and Mukhtyarkars to perform the magisterial work at present performed by Aval Karkuns in addition to that performed by themselves. The Aval Karkuns try approximately as many cases as the Mamlatdars. If the Honourable Member's proposal is brought into force the Mamlatdar would necessarily require assistance in the disposal of his magisterial work, and it would be necessary to give the Mamlatdar a special Magistrate of the rank of Mamlatdar to assist him. This would be a very expensive machinery for dealing with 3rd class and a few 2nd class cases, the majority of which are very trivial. Government have no reserve of Mamlatdars to draw upon to fill these posts and if they were filled by the promotion of Aval Karkuns to the rank of Mamlatdars, there would be considerable expense without any improvement in efficiency.

Apart from this financial consideration, the duties of a Mamlatdar require him to be on tour in his taluka for a large part of each month. Unless, therefore, there is a Resident Magistrate in every taluka, which as I have already observed involves prohibitive cost, there would during a large part of the year be no Magistrate at the taluka head-quarters, and I am sure the Honourable Member would never propose that members of the public for every little trivial case should seek out the Mamlatdar in his camp in distant parts of the taluka.

Government, therefore, thinks that while the gain in efficiency of magisterial work is to say the least doubtful, the adoption of the recommendation involves such additional cost and such administrative inconvenience as to make it impossible for them to accept this resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS:—Your Excellency.—I will not take up much time of the Council in replying to the various objections that have been raised to my resolution. Well, I think a kind of *non possumus* attitude is taken up in the speech of the Honourable Member in charge of the portfolio when he says that Government will not accept this resolution. After all, the regulations themselves do not go further than allowing Honourable Members to move resolutions as recommendations to Government, so that even if the majority of this Council was in my favour, the attitude that Government have now taken up would amount to non-acceptance of this resolution. I know what the fate of my resolution in the long run will be, but at the same time I am determined to make a stand in spite of all the flood of opposition for and against it. Now, of course, the main ground of attack, the heavy artillery that has been discharged against the resolution, consists of increased expenditure and the non-forthcoming of evidence as to the unsatisfactory work now turned out by these Head Munshis. So far as the question of cost is concerned, Your Excellency, I consider that argument to be entirely out of court. The amount of good that will be done to the people, the amount of purity in the administration of justice are surely worth the cost that is now proposed to be added to the resources of the country in case my reform is adopted. I do not think the cost is heavy at all in spite of the threatening figures that are hurled at my head. That cost can be easily got from the revenues of the Bombay Presidency. As I said at the outset, I do not think there is any real substance in the plea of cost. I had already anticipated this objection and therefore I said that as I was not proposing any kind of additional work taken as a whole on the whole Presidency we could very easily devise some method of re-adjustment to have all the work that is done at present included in the same cost. But as regards that, the method is very simple. I remember—

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I can draw from analogy—in this very Bombay Presidency many years ago a proposal was made as to the separation of judicial and executive functions, and Sir PEROZESHAH MEHTA pointed out that a question of having extra services or extra staff required for the judicial work need not trouble our heads at all; the judicial work that is now being performed by the revenue officers may be transferred to the Subordinate Judges, thereby lightening that part of the work of the revenue officers, which will lessen the number of revenue appointments. The same system could be very easily adopted if my resolution were carried. I mean to say that so much magisterial work will be withdrawn from Head Munshis and then there will be a less number of Head Munshis necessary for the revenue work and thereby you will be saving a good deal of cost, and that cost can very easily be applied to the creation of Resident Magistrates who, as I say, have shown themselves to be most capable officers of the Judicial Department and about whom I have already said that so far as magisterial work is concerned they turn out better work certainly than those officers who have got revenue work saddled upon them. Well, so far as regards the question of cost, I am quite sure that the arm of Government is very strong and so is their resourcefulness, and if they do make up their mind that this reform is desirable, I dare say that the question of cost will not stand in the way, however, as I have said, I should certainly think that so much additional cost to the expenditure of the Presidency is not necessary.

Then as regards the question of efficiency. The Honourable Mr. LAWRENCE, the Commissioner in Sind, has shown us from figures that so far as the question of the efficiency of these Karkun-magistrates is concerned they show a better record than any other class of Magistrates, so that, so far from any powers being taken away from these Head Karkuns a strong case has been made out for higher powers being given to them. Practically they turn out better work than Mamlatdars and even Deputy Collectors. But I most respectfully submit to Your Excellency that these figures are not satisfactorily taken. The reason is very simple for this contention of mine. You have got a very large number of petty cases coming up before these Karkun-magistrates. Is there any guarantee that there are so many appeals in those cases that you can apply a proper test? I say not. Of course, I would not go the length of the Honourable Mr. GHULAM HUSSEIN in the proposition that has been put forward by him and so much resented by Mr. LAWRENCE as to say that the Appellate Courts do not pay enough attention to the appeals in those cases in which the accused persons are not represented. I think the Honourable Mr. LAWRENCE would have proved his case much better if the figures he supplied had been tacked on to the figures supplied by the Honourable Member in charge of the Judicial portfolio, but in the absence of that information I am justified in saying that this information is not quite conclusive. With due submission to the official view which is put forward with so much cogency, both by the Honourable Mr. LAWRENCE and the Honourable Mr. CHAUBAL, I think it would be entirely wrong to base your faith entirely on these official figures that appear on record. I wish, if Your Excellency will pardon me, to quote an example of a Judge 30 or 35 years ago in Sind—of course, I won't mention the name—who was considered to be a very corrupt Judge and still it was impossible to have his decrees set aside. It was common knowledge everywhere, but the record appeared to be so fair and square that the District Judges could not set aside his judgments on appeal. Therefore I submit to Your Excellency that it would not appear to be a sound criterion to say that such and such a Magistrate is not corrupt and therefore he should be depended upon.

Well, as regards the administration reports and the remarks of the District Magistrates, I think the proper persons to be relied upon are the public rather than District Magistrates who only examine their work on paper. Now, had it not been for the complaints that I have received, I should not have troubled the Council with this resolution. People who have to daily resort to these Magistrates'

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Courts—pleaders and parties—have always complained that it is a farce to have justice administered by these men. I say it is quite understandable that side by side with the opinion of the public there is the opinion of the District Magistrates that these are very good Magistrates, but I can only speak from the point of view of the public, and in this regard I can appeal to Your Excellency as a human being with all the experience of a man of the world that “all that glitters is not gold” and what appears on paper may not be really a fact. That is so far as the question of cost and efficiency of Magistrates is concerned. Then there are certain remarks made by several Honourable Members, for instance the Honourable Mr. PIR BAKSH. He said: what is the evidence I have produced in support of the proposal? I say that is not a fair argument at all. There would be no positive evidence of corruption forthcoming in such cases, because if it could be proved, the men would be sent to jail and there would have been no necessity to come to the Council with the resolution: Government would take action of their own accord. It comes practically to this, that unless you have got positive evidence of a man being actually corrupt everyone is honest in the eyes of the world. In that case we would be living in the best of all possible worlds. But that is not really the case. No man of experience or wisdom would commit himself to such a proposition. The Honourable Mr. PIR BAKSH said that it must give rise to administrative inconvenience. I must admit that I have not taken into consideration that part of the administrative inconvenience which I wanted to deal with in my speech and which was referred to by the Honourable Mr. LAWRENCE and the Honourable Mr. PIR BAKSH, namely, that these Head Karkuns' posts from a training ground for the Mamlatdars. That, with due submission to Your Excellency, is a question very easy to answer. The only point that arises there is where to draw the line. Does it not happen now that there are men of higher calibre who exercise powers of a second class Magistrate without previously exercising lower magisterial powers? Civilians, for instance—they are not in the position of Karkun-magistrates—when they come in they exercise higher magisterial powers with very great credit and honour to themselves and the service and to the satisfaction of the country. If you carry this proposition to its logical conclusion, it gives rise to another argument and that is this. Where does the Head Karkun get his training ground in order to qualify for his post? There is no necessity for any training ground. As a matter of fact, Head Karkuns have also first of all of necessity to be appointed to some places to obtain experience as Head Munshis, second Munshis have got no magisterial powers. I think that this can be very easily answered by the remark that the Mukhtyarkars in their initial stages being invested with third class powers will get their training ground and in the course of time as they show ability they can get second class powers and first class powers, as the case may be. Therefore I do not in the least appreciate the argument about a training ground.

Then, of course, I congratulate the Honourable Member in charge of the portfolio for having said that now-a-days we are employing graduates for Head Karkuns' posts and that therefore there will be less chance of corruption, and I entirely concur in that view. I know that wherever graduates have entered the work has been better done and there has been better improvement in spite of the fact that these graduates are on low pay, as their higher education and the intellectual and moral training that they have received preserves them from the ordinary run of men from whom the Magistrates are recruited. However, one swallow does not make a summer. It does not in the least improve the case. A few cases here and there of graduates in the service does not in the least improve the case so far as the question is concerned as a whole. Of course, I do respect the doubts and suspicions that have been thrown out by Honourable Members as to the administrative inconvenience and I do appreciate and give proper value to those remarks, because they all emanate from a motive of seeing that things are done in a practical way and no impracticable suggestion for Government to carry out is passed. However, as I said, if Government accept this resolution, I dare

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[*Mr. Harchandrai Vishindas ; the President.*]

say it would only be as a recommendation and they could very easily devise a method of improving this system so long as they recognize, as the Honourable Mr. LAWRENCE at the outset of his remarks recognized, that justice pure and undefiled is a primary and paramount consideration above all other considerations of convenience.

Then I also share the Honourable Mr. SATHE'S resentment at the remark that the Honourable Mr. PIR BAKSH made at the end of his speech, which I say is entirely unjustifiable. He seems to think that barristers and senior pleaders will think it below their dignity to appear before a Mukhtyarkar. I may tell him that it is very rare that a barrister or a senior pleader appears before a Mukhtyarkar, but when they do appear they do really regard not the person who is or may be much below them but the bench. Such cases do occur. I remember the Honourable Sir PHEROZESHAH MEHTA pleading before a Head Karkun, and as a matter of fact, when you come to compare the status of Magistrates and pleaders who appear before Magistrates, some pleaders have a better status than Deputy Collectors. I can assure the Honourable Mr. PIR BAKSH that it is far from either myself or from any other man who stands on the same footing as myself to think that he is in any way lowering his dignity in standing before a Magistrate, whether he draws a salary of Rs. 40 or Rs. 60 or more, but so far as the question of status and rank is concerned we are not—

His Excellency the PRESIDENT :—Order, order. I would inform the Honourable Member that I have given him very very full latitude and I must ask him to bring his remarks to a close.

The Honourable Mr. HARCHANDRAI VISHINDAS.—I have finished

His Excellency the PRESIDENT.—I do not think that Honourable Members will expect me to say more than one or two words, because this matter has been very fully discussed and we have had both points of view very fully put before us, but I cannot understand the extraordinary umbrage that the Honourable Mr. HARCHANDRAI seems to take because Government, through my Honourable Colleague, has stated quite clearly and definitely that they cannot accept his resolution. He seems to think that this is a very unfair thing to do, but I feel sure that my Honourable friend would prefer that Government should state its views perfectly clearly, as my Honourable Colleague did. As far as I have gathered from the general trend of the debate, it is not only the Government who have not approved of the terms of the resolution, but I have heard several other Honourable Members who also have not concealed their views that they did not approve of the resolution at all. There was only one point that the Honourable Mr. HARCHANDRAI laid great stress on in his concluding remarks. He rather suggested that it was quite ridiculous to suppose that if his resolution were passed that there would be no extra expense in the general administration. He held that the work of Head Karkuns or Head Munshis could be handed over to the Subordinate Judges who had ample time and opportunity to do it instead. I would draw his attention and the attention of this Council to this fact that my Honourable Colleague Mr. CARMICHAEL has already budgetted this year for Rs. 65,000 for extra help to the Subordinate Judges, who are already over-worked, and the High Court are continually applying to Government to appoint more Subordinate Judges. So I think that argument of the Honourable Member falls to the ground. The whole question is one to my mind very largely a matter of expense. I think it was the Honourable Mr. GODBOLE who said that it was clear that the alteration in the administrative arrangements proposed by this resolution would cost Government four or five lakhs of rupees. Well, I think Honourable Members are sufficiently well aware that under the present circumstances the financial stringency is great and it is impossible for Government to incur expenditure of this sort, and taking that into consideration and the various arguments put forward by my Honourable Colleague I sincerely hope that the Council will support Government in refusing to accept this resolution.

RESOLUTION No. 2.

[*Mr. Harchandrai Vishindas ; the President.*]

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The Honourable Mr. HARCHANDRAI VISHINDAS :—Your Excellency.—In view of the financial stringency referred to, and specially at this time of the war, I do not wish to impose any further burden on Government and therefore I beg to withdraw the resolution.

His Excellency the PRESIDENT :—I am very much obliged to my honourable friend and only wish he had done so before.

Resolution by leave withdrawn.

His Excellency the PRESIDENT.—Resolution No. 2. The Honourable Mr. HARCHANDRAI.

The Honourable Mr. HARCHANDRAI VISHINDAS.—Your Excellency.—Before I begin to move the resolution which reads as follows :—

“ That the City Magistrates of Hyderabad, Sukkur and Shikarpur be graded with Deputy Collectors and the vacancies among the City Magistrates in Sind be filled up from among the Resident Magistrates.”

I wish to ask your Excellency's permission to allow me to drop the second part of the resolution. In the first place, it has been rightly pointed out to me that the second part is entirely a new subject and need not be associated with the first part. I do realize that the second part should have been moved by me as a separate resolution altogether. Another objection which has been raised, although I could meet it, is that resident magistrates are interchangeable with Mukhtiarkars, and as one of the gentlemen here, the Honourable Mr GHULAM HUSSEIN pointed out, they are of the same grade and cadre, it is better to confine the recruitment of resident magistrates to, these Mukhtiarkars. Would Your Excellency permit me to move the first part of the resolution and drop the second part, that is to say to move—

“ That the City Magistrates of Hyderabad, Sukkur and Shikarpur be graded with Deputy Collectors.”

His Excellency the PRESIDENT.—Yes.

The Honourable Mr. HARCHANDRAI (continuing) :—Then, Your Excellency, I am quite sure this resolution will not occupy so much time or create such a heated debate as the former resolution did, because all that I say is this, that at present this resolution being confined to Sind alone, I daresay the members of the other parts of the Presidency would not feel as if it were an encroachment on the privileges of magistrates of their own part, and therefore they will place a proper value upon the opinion of those who come from Sind. Now with these remarks I proceed to say that there are five posts of City Magistrates in Sind, two in Karachi, the City Magistrate and the Additional City Magistrate, and one City Magistrate each at Hyderabad, Sukkur and Shikarpur. Now not only the City Magistrate of Karachi but often the Additional City Magistrate of Karachi is of the rank of a Deputy Collector whereas the other City Magistrates are not. They are of the rank of Mukhtiarkars and are not interchangeable with them. I think this is an anomaly, because one kind of treatment is accorded to officers in one part of the province which is different from that accorded in another part ; because it will in a great measure compromise the dignity of these posts ; and in these places the cases that are tried by the City Magistrates are of very great importance. Sometimes men of very high position are involved, who pay even Rs. 100 a day to pleaders, and they in the mofussil, as pointed out yesterday, are in a position of trust and honour, and it is but in the fitness of things that these officers should be invested with proper rank and status. I think, Your Excellency, this will not involve any kind of expenditure as in the case of the other resolution. It is only in the fitness of things and a question of improving the status and rank and dignity of these officers. You have also got as City Magistrate in Karachi

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[6TH DECEMBER 1916.]

[*The President; Mr. H. S. Lawrence;
Sheikh Ghulam Hussein Hidayatallah.*]

a Deputy Collector, then why should not the City Magistrates of Hyderabad, Sukkur and Shikarpur also be Deputy Collectors? I have no very lengthy reasons to offer on the subject and I commend the resolution to the Council.

The Honourable Mr. H. S. LAWRENCE—Your Excellency.—I think the Honourable Mover is mistaken in thinking that there is no question of expense concerned in this matter.

Perhaps Your Excellency will permit me to state the method of the creation of these City Magistrates and their previous history in a few words. Formerly these City Magistrates of Sukkur and Shikarpur received a salary of Rs. 200. They were created some 10 or 15 years ago, before in 1904 Resident Magistrates were appointed in all sub-divisional head-quarters in Sind. It was then found that these City Magistrates drew less pay than the Resident Magistrates and Mukhtarkars who rose to a salary of Rs. 250. Therefore it was to improve the position of the City Magistrates that they were graded with the Resident Magistrates and Mukhtarkars.

With regard to the whole question of Resident Magistrates, I think Sind has received somewhat favourable treatment as compared with the Presidency proper, because, whereas there are only 4 Resident Magistrates in the Presidency, Sind can boast of 17, and I do not think that considering the present needs of Sind we are justified in asking for an improvement of the status and position of these officers. It is not as if the three towns in which these Magistrates are stationed, *vis*, Shikarpur, Sukkur and Hyderabad, have any particular disabilities as regards climate or work; on the contrary, they are probably the most popular positions of any Resident Magistrates in Sind, and there is considerable competition among all Resident Magistrates to secure one of these three posts. If funds were plentiful I should be glad to see these Magistrates granted a better status, but we must consider the present financial situation and the fact that this proposal would actually mean an increase in cost of some Rs. 13,000 a year.

Well, it is a very attractive proposition, but I am afraid in the present circumstances it is not one that can be regarded as necessary or urgent. I must therefore oppose the proposal of the Honourable Member.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency.—The Honourable Mr. LAWRENCE has opposed this resolution on the ground that it will cost Rs. 13,000 a year. The City Magistrates of these three cities of Hyderabad, Sukkur and Shikarpur are of the rank of Mamlatdars. They are either Resident Magistrates or Mamlatdars and both these classes of officers can be conveniently made City Magistrates. That is the practice adopted. I know that there are places of Mamlatdars or Resident Magistrates with a salary of Rs. 250 a month. Those men could be conveniently graded as Deputy Collectors on Rs. 300, that is by a promotion of Rs. 50. I do not think, in these circumstances, the cost will be very great. Even if competent Mamlatdars or Resident Magistrates drawing Rs. 200 a month are appointed to these places the additional cost will be Rs. 300 a month. Besides, some years ago these 3 City Magistrates of Hyderabad, Sukkur and Shikarpur used to be on the cadre of Deputy Collectors. Agam, Sir, looking to the cost of living in large towns it is high, and they have to pay higher rents.

Now my Honourable friend Mr. HARCHANDRAI has referred to the City Magistrate of Karachi. He is not only in the grade of Deputy Collectors, but gets a special allowance also. Further, the City Magistrates of Hyderabad, Shikarpur and Sukkur do work of exactly the same nature. I really cannot understand why they should not be graded as Deputy Collectors.

With these remarks I support the resolution.

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[*Khan Bahadur Pir Baksh Walad
Mian Mahmud; Mr. P. R. Cadell;
Mr. Mahadev Bhasker Chaubal*]

[6TH DECEMBER 1916.]

The Honourable Khan Bahadur PIR BAKSH WALAD MIAN MAHMUD.—Your Excellency.—With regard to this resolution I submit that the pay must be taken as an average pay of all the Mamltdars, and I find that the increase shown by the Honourable Mr. LAWRENCE is correct. Now, we should not compare the position of the City Magistrate of Karachi with that of the City Magistrates of Shikarpur or Hyderabad as there is no extra work or more work ever thrown on their shoulders. At Hyderabad you have got Special City Magistrates, in Sukkur you have got Honorary Magistrates, and so also in Shikarpur there are Honorary Magistrates who help the City Magistrate. We cannot say that the City Magistrates are over-burdened or have more work than Mukhtiarkars and therefore they are entitled to be brought on to the grade of Deputy Collectors. On the other hand, I submit that if they are graded as Deputy Collectors, that would greatly interfere with the prospects of the Mukhtiarkars. I would only respectfully point out that the Mukhtiarkars have got multifarious duties to perform and they have to devote much more time than the City Magistrates do

Now you will find that there is another resolution put forward by the Honourable Mr. PATEL'S resolution No. 10. You will find he proposes that City Magistrates should be recruited from among the Resident Magistrates. I do not know why Mukhtiarkars who are drawing a salary of Rs 250 per month with some allowance, which amounts to more than Rs. 300 inclusive of their pay, should not be brought on the list of Deputy Collectors.

Therefore I oppose the resolution

The Honourable Mr. P. R. CADELL.—Your Excellency, I rise to support the remarks made by the Honourable Mr. LAWRENCE and the Honourable Mr. PIR BAKSH. I understood the Honourable Mr. GHULAM HUSSEIN to argue that if you wish to give these 3 City Magistrates of Shikarpur, Sukkur and Hyderabad rupees 300 you could do so by taking away 3 Mukhtiarkarships on Rs 250 and then the additional expense would be only Rs. 150 a month. That is perfectly true. But in doing so you are depriving the Mukhtiarkars of these 3 places, on their highest grade, which would be unfair and liable to cause discontent. If these City Magistrates were classed as Deputy Collectors, the expense would be very considerable, both directly and indirectly, because in all branches of Government work there must be some proportion as to pay. If in one Department it is found that a man getting higher pay is not doing so much hard work as a man in another Department drawing less pay, the man doing the hard work is very naturally discontented and agitates till he gets corresponding pay. Now, I do not profess to speak with any great knowledge of Hyderabad but I can speak from considerable experience of both Shikarpur and Sukkur, and I think any one who knows these places knows the hard work of the Mukhtiarkars of those places as compared with the work of the City Magistrates. The Mukhtiarkars of these places work on a pay of Rs 150 to Rs. 250 and if they found City Magistrates of the same places drawing Rs. 300, I think it would obviously create discontent and the only fair way of allaying that discontent would be to raise the Mukhtiarkar's pay. Then we would have to raise the pay of all Mukhtiarkars throughout Sind and not only these 3 places. Therefore, whenever there is an increase of pay given to 2 or 3 men it has a far more wide effect than at first sight would appear. It will cause general increase in expenditure and this would not be at the present time justified unless it could be proved to be absolutely necessary. I do not think under the circumstances such a course would be justified in the case of these City Magistrates.

The Honourable Mr. MAHADEV BHASKER CHAUBAL.—Your Excellency.—It is quite clear from the grounds given for moving this resolution that there is no question of any efficiency involved in the present recommendation because the Honourable Member moving the resolution has admitted in the resolution which

RESOLUTIONS Nos. 2, 3

[6TH DECEMBER 1916]

[*Mr. Mahadev Bhaskar Chaulal; Mr. Harchandrai Vishindas; The President; Mr. Vithalbhaji Jhaverbhaji Patel*]

he previously moved—the first resolution which stood in his name—that so far as the magisterial work of Mukhtiar-kars went it was very well done and he had no reason to complain in regard to the efficiency of the magisterial work performed by that class of revenue officers. At present these three places, namely, City Magistrates of Hyderabad, Sukkur and Shikarpur, are graded with Mukhtiar-kars, and the Honourable Member's proposal is that, instead of these places being graded with Mukhtiar-kars or Mamlatdars, they should be graded with Deputy Collectors because other City Magistrates are taken from the Deputy Collectors' grade. That is the argument on which the present recommendation is made. I think it has already been stated by the Honourable Mr. CADELL that there is difference in the importance of the other places which have City Magistrates and the places mentioned by the honourable mover in his resolution. If you take the Presidency Proper, there are at present City Magistrates at Poona, Ahmedabad, Surat and Karachi, as also the Additional City Magistrate at Karachi, who are taken from the Deputy Collectors' grade. Now, the Honourable Member ignores the fact that the places mentioned by him are not, at any rate in point of population, of the same importance with those mentioned by me, namely, Poona, Ahmedabad, Surat and Karachi. The smallest of these towns in the Presidency Proper is Surat and it has a population of 1,14,868. The largest of the cities mentioned in his resolution, Hyderabad, has a population (omitting the cantonment) of only 69,140 or more than 40,000 less than Surat. The City Magistrates of the places mentioned by him belong to the Mukhtiar-kars' grade to which Resident Magistrates also belong. As I have already stated, there is no question of efficiency involved, as the Honourable Member seems to concede in his first resolution that the magisterial work of Mukhtiar-kars generally is discharged satisfactorily. There is, I admit, something to be said in favour of the proposal, looked at from the point of view of the prospects of Resident Magistrates, as the creation of further magisterial appointments in the rank of Deputy Collectors for which they would be eligible would tend to remove the discontent which these officers are reported to be feeling at present. The towns mentioned are also places of some importance in that province, and therefore I can only say that when financial conditions have improved Government will consider sympathetically any proposal to raise the status of the Magistrates for the cities mentioned, but I am sorry that under present circumstances, at least, no sufficient grounds have been shown to justify incurring the additional expenditure that will be entailed in giving effect to the recommendation.

The Honourable Mr. HARCHANDRAI VISHINDAS.—In view of the assurance that is just now held out by the Honourable Member in charge, I think the best plan for me would be not to press this resolution, as I dare say when the proper time comes the recommendation will materialise and will receive due consideration.

His Excellency the PRESIDENT.—Resolution by leave withdrawn.

I think it will be to the convenience of the Council if we adjourn now till 3 o'clock.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 3 p m.

His Excellency the PRESIDENT.—Order, order. Resolution No. 3.—The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—My Lord,—I beg to place the following resolution before the Council for its consideration :—

“ That this Council recommends that an early beginning should be made in the direction of making Elementary Education free and compulsory throughout the Presidency by introducing it in the first

RESOLUTION No. 3.

[*Mr. Vithalbai Jhaverbhai Patel*]

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instance within the limits of its Municipal Districts and that a mixed Committee of officials and non-officials be appointed to frame and submit definite proposals in that behalf."

My Lord, at the outset I desire to express my profound gratitude to Your Excellency for having granted me permission to move this resolution, the importance of which, I feel sure, the Council will agree with me, it is impossible to exaggerate, and I devoutly hope that this Council will consider it in the same sympathetic spirit. My Lord, it is a matter of sincere satisfaction that the importance of promoting the cause of primary education has, during the last few years, received increasing attention both from the Government and the people. Ever since the late Honourable Mr. GOKHALE, whose name shall ever remain associated with the question, moved in the Imperial Legislative Council in 1910, his resolution on the subject of free and compulsory primary education, and later on introduced in the same Council his Elementary Education Bill, the question how to promote the diffusion of primary education among the masses has received more and more attention from the leaders of public opinion and has in fact become one of the most important and pressing questions of the day. We all remember the inspiring words of His Most Gracious Majesty the King-Emperor, who in reply to the address of the Calcutta University on the 6th of January 1912 said:—

"It is my wish that there may be spread over the land a net-work of schools and colleges from which will go forth manly and loyal and useful citizens able to hold their own in industries and agriculture and all other vocations in life. And it is my wish that the homes of my Indian subjects may be brightened and their labours sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and of health. It is through education that my wish will be fulfilled and the cause of education in India will ever be very close to my heart."

My Lord, the noble and statesmanlike spirit that marks this utterance has also, I note with sincere pleasure, characterised Your Excellency's own attitude towards this great and important question. Last December while presiding over the prize distribution ceremony of the schools of the Society for the Promotion of Education among the Masses, Your Excellency was pleased to say:—

"The question of the education of the working children of our country is one of the most serious and responsible questions that the Government can ever have."

You were, Sir, further pleased to say:—

"It is my sincere hope and wish that in future years there should not be one single child in the presidency who cannot secure ample education, full or sufficient, to allow him to be, if he has brains and ability, a useful citizen, a capable citizen, and, perhaps in many cases I hope it will be, a brilliant citizen of the State."

Again, a few months ago, while presiding over the annual meeting of the Bombay Scottish Education Society, Your Excellency observed —

"War or no war, it was needless to say the education of young children must go on."

In the same way, only a fortnight ago, while presiding over the annual prize-giving ceremony of the Anjuman-i-Islam Schools, Your Excellency said as follows:—

"By our joint efforts we must work together with the object of establishing a satisfactory system of primary education in all parts of the Presidency."

In the same speech Your Excellency said "there is no reason surely why we should not endeavour to prepare the way so that when the war is over we may be ready for a further advance without undue delay," and referring to the Honourable Mr. SETALWAD'S presidential address to the Educational Conference at Ahmedabad, Your Excellency further observed:—

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Mr. G. S. Curtis ; The President.*]

" I say to you to-day that we are ready and anxious to co-operate with you in your important educational work."

My Lord, it is this sympathetic spirit that has emboldened me to move this resolution, and I feel confident that Your Excellency's Government will give it its most sympathetic consideration.

My Lord, in the first place, I request the Council to note what exactly this resolution asks for. It will be noticed that it does not demand that elementary education should be made all at once free and compulsory throughout the presidency. It simply says that a beginning should be made within the limits of its municipal districts only. It leaves all villages and towns which have no municipalities untouched. My Lord, it is not necessary to deal just at present with the details of this question. These details may well be left to the consideration of the mixed committee of officials and non-officials for the appointment of which I ask in the second part of the resolution. I may, however, be allowed to state that, if it is deemed desirable, the principle of compulsion may be applied in the municipal towns to boys only, leaving all girls out of our consideration for the present. And even in the matter of the education of boys, I shall be satisfied if the City of Bombay Municipal Act and the District Municipal Act are so amended as to contain provisions authorising the municipalities to apply to the Government for making primary education free and compulsory within their limits if they choose to do so. In short, it may be regarded as sufficient to start with, if there is, what may be called, a permissive statutory provision for the introduction of free and compulsory education in municipal areas, and, further, the principle of compulsion may, for the present, be confined to the education of boys only. It will be noticed from this statement of the nature of my resolution that it is of an extremely modest and unpretentious character.

My Lord, I have prepared for the information of this Council a statement based on the annual report of the Director of Public Instruction for 1914-15 showing the state of primary education in important municipal areas. I trust the Council will bear with me while I read the statement. I have got that table circulated to Honourable Members. Now, according to that table—

The Honourable Mr G. S. CURTIS.—Will the Honourable Member kindly quote the exact section of the Municipal Act which requires amendment in order that a municipality may give primary education to the residents of its area— which particular section or sub-section of sections 54, 55 or 56 requires amendment in Bombay Act III of 1901 ?

The Honourable Mr. V. J. PATEL.—With regard to that I may say that there is nothing in the Act to prevent a municipality from introducing free education, but so far as compulsory education is concerned, there is no provision. I am very thankful to the Honourable Member, but that does not mean that I should amend my resolution which deals with compulsory education also. I want Government to appoint a committee to go into the whole question. Because there is already a provision in the District Municipal Act as regards free education, it does not follow that I need amend my resolution.

His Excellency the PRESIDENT.—I understand that the Honourable Member's wish is that in municipalities there should be a system of free and compulsory education and that a committee should be formed in order to go into the question. He admits, I think, that under the Municipal Act free education is quite permissible and the municipality can take such steps as they wish. So it is merely the question of compulsion that is required to be discussed.

The Honourable Mr V. J. PATEL.—With regard to what fell from my Honourable friend Mr. Curtis, I have one further observation to make. I want Government to encourage free education. I remember the other day I was told

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[Mr. V. J. Patel; Mr. G. S. Curtis.]

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that the Rander Municipality applied for introducing free education within its limits, but the authorities would not allow it, although there exists express provision in the Municipal Act in that behalf. Somehow or other the idea did not find favour with the authorities.

The Honourable Mr. G. S. CURTIS.—Will the Honourable Member please say which is the express provision in the Municipal Act for the introduction of free education in the municipal districts?

The Honourable Mr. V. J. PATEL.—Section 54, page 33.

The Honourable Mr. CURTIS.—Will the Honourable Member kindly read clause (p) of section 54?

The Honourable Mr. PATEL (continuing).—What I was pointing out to Your Excellency was this that there does exist a provision for introducing free education in municipal areas, but somehow or other the attitude of the authorities as regards free education in municipal areas is not what it ought to be. The other day the Rander Municipality applied for permission to introduce free education within its area, but the permission was not granted. If I am wrong, the Honourable Mr. SHARP will correct me. However, so far as the resolution is concerned, it is a question of compulsion, as the section is clear that free education can be introduced in municipal areas. There is no harm however if the question of both free and compulsory education is discussed together.

I now read the table I have placed before this Council.

1914-15

Table showing percentage of Children at Primary School to children of school-going age

No.	Name of Municipality.	Population.	Children of School going age @ 15 % of population	Children at primary School.	Percentage of 5 to 4.
1	2	3	4	5	6
1	Bombay	979,445	146,916	32,404	22
2	Ahmedabad	225,539	33,830	10,688	31
3	Karachi	148,394	23,259	9,248	39
4	Poona (City & Suburban) ...	117,256 9,963	19,082	13,236	69
5	Surat	1,14,868	17,229	7,989	46
6	Sholapur	89,424	13,414	4,594	34
7	Hyderabad	69,140	10,371	4,390	42
8	Hubli	61,440	9,216	4,656	50
9	Shikarpur	54,641	8,196	4,315	52
10	Broach	43,403	6,510	3,303	52
11	Sukkur	39,161	5,874	2,829	56
12	Ahmednagar	33,878	5,082	3,485	68
13	Belgaum	31,596	4,739	2,818	59
14	Dhula	30,341	4,551	2,025	44
15	Gadag-Bettigeri	30,429	4,564	2,397	52
16	Dharwar	30,289	4,543	2,249	49
17	Nasik	30,098	4,515	2,550	56
18	Pandharpur	28,550	4,282	1,560	36
19	Byjapur	27,615	4,442	2,276	54
20	Nadiad	27,145	4,072	2,832	69
21	Bandra	22,790	3,418	1,027	30
22	Godhra	22,144	3,322	1,172	35
23	Satara (City & Suburban) .	15,893 3,252	2,871	2,438	84

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It shows that in 4 out of 23 municipal areas, having a population of 19,000 and over, the percentage of children at primary schools to the children of school going age exceeds 60 per cent; that in 8 more municipal towns it exceeds 50, and that in 4 more towns it exceeds 40 and in the remaining 6 the percentage ranges between 30 and 40. In the City of Bombay, if we take it as in other towns that there are 15 children of school going age to every 100 of the population, the percentage no doubt works to 22 only, but as is well known, it is not correct to take the usual proportion, in an industrial city like Bombay, where there is a large preponderance of male population. As census statistics show, in Bombay the proper proportion of children of school going age to total population is about 10 and not 15 and therefore the correct proportion for the city of Bombay would be 33 instead of 22. So it will be noticed that the percentage of children at primary school to children of school going age in all the important municipal towns ranges between 33 and 84. This percentage, moreover, includes both boys and girls, so that the percentage of boys alone at primary schools to boys of school going age may safely be fixed at higher figures. Unfortunately I do not find separate figures of boys and girls learning in each municipal town in the report of the Director of Public Instruction, and I am therefore not in a position to give the exact percentage for boys and girls separately. But I am sure that, assuming that there are two boys to every one girl at primary schools—and I am here within the mark—the percentage of boys alone ranges between 42 and 100. Now, my Lord, what do these figures show? They clearly show that the municipal towns have become quite ripe for the introduction of compulsory primary education—I might even say that some have become over-ripe. In England when the first step towards compulsory education was taken in 1870, about 43 per cent. of children of school going age were at school, and Japan took up compulsion when even that percentage had not been reached, and when only about 28 per cent. of her school going population was at school. Now when England introduced compulsion, when the percentage was 43 and Japan introduced it when the percentage was 28, I fail to see any reason why at least a beginning should not be made here to introduce compulsion in the primary education of boys, when in a large majority of municipal towns the percentage exceeds 42, and is much higher in many of them.

My Lord, one of the arguments advanced against compulsion is that it should not be introduced until a certain percentage of children are already attending school under the voluntary system. Now I cannot say how far this argument is sound in itself, but apart from that it is perfectly clear that it has no application to the present case, since the percentage generally considered as necessary for the introduction of compulsion has already been reached in most of the municipal towns in this presidency.

Another argument that is advanced against the introduction of compulsion is that it will cause great hardship to the agricultural population who require the services of their children for field labour. This argument, however unsound it may be, does not apply in the case of the municipal towns. The population in larger municipal towns, as is well known, does not consist of agriculturists. And if it be urged that the introduction of compulsion would cause hardship to the labouring population, I would reply that the Government themselves are known to be in favour of making the education of children in factories compulsory. If compulsion is deemed good in the case of factory boys, why not in the case of boys doing other sorts of labour? My Lord, I have considered some of the arguments that have been advanced against compulsion and tried to show that those arguments do not apply, at least to the resolution, the character of which is so modest.

There is one more point that is sometimes urged to which I desire now to refer. It is this: "It is said that the British Government being alien, it is not wise for them to incur unpopularity by introducing a measure

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which may not be liked by the masses of the people." In the first place I beg to submit that it appears to me an extremely doubtful point that the introduction of a beneficial measure like this will make the Government unpopular. The educated people of India are themselves asking for the introduction of the principle of compulsion in primary education. The Indian National Congress and the various Provincial Conferences as well as educational conferences have been passing, year after year, resolutions in favour of compulsory primary education. Can it be then seriously maintained, even for a moment, that the adoption by the Government of a measure for which there has been such a demand from the Indian public for years past will ever bring unpopularity to the Government? And even as regards the masses, I feel confident that far from blaming the Government they will always bless them for providing them with increased facilities for education. The Indian masses are after all, as in all other countries, greatly influenced by the classes. And they are not at all likely to oppose a measure demanded so persistently by their natural leaders. Moreover, as compulsion is not to be introduced except when a municipality demands it, the odium for such compulsion, if any, will fall not on the Government but on the municipal boards themselves. A municipality would not go in for such compulsion if they thought that it would be an unpopular measure.

My Lord, compulsion has been adopted in some Native States, and the instance of Baroda is so familiar to us. Eight years have passed since primary education was made compulsory in all parts of that State and we find that it has been a complete success. I find from the report on public instruction of that state for the year 1913-14 that the percentage of boys to the male population of school going age was 93.2. And this percentage includes not only the urban population but also the rural population. This measure, far from having made the Baroda Government unpopular, has actually brought it the blessings of the people who have begun to appreciate the benefits of education more and more and children flock to schools in large numbers. My Lord, I cannot help saying that this argument of unpopularity is absolutely flimsy and I fail to see how it can be brought forward with any show of reason.

My Lord, I now come to the financial aspect of this question. No doubt, the introduction of compulsion will add to the expenditure on primary education in municipal areas incurred by the Government and the municipal bodies. But, in the first place, the addition will not be heavy as compulsion is proposed to be introduced only in a very limited area forming a small part of the whole province. The total population in municipal areas including Bombay is roughly 34 lakhs out of the total of 198 lakhs in the province. On the basis of 15 per cent. the school going population therein is a little over 5 lakhs, *i.e.*, about 2½ lakhs of boys and the same number of girls. The total number of children at school at the end of 1914-15 was 2 lakhs or say 1½ lakhs of boys and ½ lakh of girls, leaving 1.17 lakhs of boys to be dealt with.

The cost of schooling per boy per year to the Bombay Corporation, according to the annual administration report for 1914-15, stood at Rs. 23-2, while in 1915-16 it was Rs. 20-5-0, according to the report of the Schools Committee. The cost to the mofussil municipalities in this respect was, on an average, Rs. 9-6-0 (*vide* page 9 of the supplement to the Report of the Director of Public Instruction, 1914-15).

Taking both Bombay and mofussil figures together, the average comes to Rs. 11-3-0. Thus, on an average of Rs. 11-3-0, the total cost would amount to Rs. 13,09,000, when all the Municipalities in the Presidency adopt the system of compulsion. Add to this figure the amount of Rs. 1,25,000, received as fees at present, as this will have to be foregone. The total additional expenditure, under the proposed system, when it is adopted in all municipal areas would thus come to Rs. 14,34,000. If we, however, deduct the amount of additional expenditure for

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the Bombay Corporation the total additional cost would stand at a much lower figure. This amount is certainly not much in view of the growing resources of the Government and the municipalities, and therefore it will be seen that there will be no financial difficulties in the way of carrying out the proposal I have made. In this connection I wish to make it clear that the measures for the introduction of compulsion may be adopted after the war is over, so that no additional burden will be thrown upon Government while the war lasts. The committee I have proposed may find out what the approximate cost of the proposed scheme would be and suggest some workable basis for the apportionment of such additional expenditure between the Government and the municipalities. It may also make recommendations regarding the necessary amendment of municipal laws and advise Government generally as to the best method of enforcing the scheme.

My Lord, in your speech at the annual prize distribution of the Anjuman-i-Islam schools, to which I have already referred, Your Excellency expressed deep regret that, owing to the war, much of the advance and development in education and other matters had to be stopped. And Your Excellency added that your regret was especially keen owing to the fact that this stoppage had come at a time when the revenue had been such that substantial headway might have been made. My Lord, this Council will no doubt share the regret Your Excellency has expressed in such touching words. True, the war has arrested our development, and we cannot hope for much progress while it lasts, but if Your Excellency's Government cannot, owing to the exigencies of the war, introduce educational and other reforms, may we not hope that Your Excellency will at least sow the seeds of future reform, development and progress? If it is not possible to add just at present to the expenditure on education, is it too much to hope that Your Excellency's Government will accept this resolution and lay the foundation of the policy of compulsory primary education? If this resolution is accepted and the Government appoint a committee as suggested in the resolution, Your Excellency will have the supreme satisfaction, if not of actually introducing reforms in this Presidency, at least of giving an impetus to the cause of primary education for which the people of this Presidency will ever remain grateful. It is quite true, my Lord, that no reform can be introduced during the war, so as to add to the expenditure of the Government. We all recognise the necessity of submitting to the inevitable, but that is no reason, as Your Excellency has recently said, why we should not be ready with our proposals and schemes so that they may be introduced when the war is over. All that I want is that a committee should be appointed to inquire into this question and to consider what should be done in the matter of introducing compulsory education, at present for boys, in municipal areas. Certainly, this is an object to which we might well give our thought and attention and I trust the Council will accept this resolution.

The Honourable Lieutenant-Colonel JAMES JACKSON :—Your Excellency,-- I rise for the purpose of eliciting some information on one point from the Honourable Mover of the resolution. It touches more on the two points of expense and unpopularity. The State of Baroda has been adduced as an example of the successful experiment of the introduction of compulsory education. Can the Honourable Mover give me the details of the average number of convictions and fines yearly there and what is the number of truant schools which have been established. I believe that when the Honourable member says compulsion, he means compulsion. Now what proposals does he make as to the agency of carrying out the punitive part of the scheme? It must not I think be contended that all Indian children without exception will go to school willingly or that Indian parents will never be in fault or that compulsion will never have to be exercised. If so, I can only say, Heaven help the new generation that is coming. Now, does

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he propose that the Police shall do this? If so, it will certainly add to that unpopularity which has been attributed to that force by Honourable members. But, if not, how is this to be done? Still if this is the proposal, Honourable members will, in future, I hope, view police budgets with a lenient eye and taking into consideration this prospective increase in the work accord liberal support to better pay for the members and to the increase in the numbers of the force. If the Police are not to run in the people who disobey the education laws, to what agency does the Honourable Mover propose to commit this duty? That I am not dealing with any fancy point is shown by the fact that in 1870 the Education Act was introduced in England and in the years 1872 to 1876 the annual average number of prosecutions was 17,061, in 1877 to 1881,—47,417; 1882 to 1886 it was 82,000, and 1887 to 1891 it was 83,000. The annual average of 1909 to 1913 was 39,863. In 1913 the number actually was 44,013 and of that number 34,061 were convicted, in 3,062 the charge was proved but an order was made without conviction, and something over 1,200 were actually sent to prison. It is thus clear that compulsory education brings in its train a fresh addition to what has been called law-made crime. It is quite true that law-made crime is a concomitant of civilization but I want to know from the Honourable member who moved this resolution what agency is to undertake the prosecution of the parents and to see that the children are sent to school, and who will be responsible for the maintenance and support of the truant schools which will be absolutely necessary?

The Honourable Mr. RAGHUNATH PURSHOTAM PARANJPYE :—Your Excellency,—I wish to support the resolution which has been moved so ably, and in such detail by my Honourable friend Mr. PATEL. Unfortunately, I have not had sufficient time to prepare the necessary details but I cannot let this occasion pass without adding my voice to the great desirability of passing a resolution like this and taking early action in the matter. My Lord, the advance of any country is mainly judged by its educational system and by the extent to which its children are being educated. For, after all, it is the children to whom the future of the country belongs and if we take proper care of the children we might let the future take care of itself. All civilized countries are going in more and more, practically all of them have done so already, for a system of free and compulsory education. It was only during the last week that we heard that Russia, even in the course of a terrible war, had decided to go in for a system of compulsory education.

We should not, in a case like this, allow practical difficulties to come in our way. We know that the practical man is always bringing before us his difficulties. But if we keep our mind on the one definite object which we cherish as one of the most important objects in our national aspirations, we should not let these practical difficulties weigh too much with us. Everywhere people have been told that economy is alright in other directions, but economy in the matter of education is a short-sighted economy and likely to be more wasteful than the most wasteful expenditure can possibly be. We are, all the same, being told of practical difficulties and I shall consider some of these. First of all, the practical man tells us, why are you going to lose the fees that you are actually getting? When children are actually ready to pay fees, why are you telling them that you are going to educate them free? Now, I am afraid that as soon as we talk of compulsory education, the idea of free education is immediately inherent in it, because you cannot at the same time make education be paying as well as be compulsory. On the other hand, the amount of fees we get in many places is very negligible. In the City of Poona, for instance, all the fees collected from schools is about Rs. 2,300 per year. Now in the case of a municipality whose income is somewhere in the neighbourhood of 4 lakhs, a sacrifice of Rs. 2,300 in the form of fees would not be an enormous sacrifice and, I believe, the figures will be of a very similar nature in other municipalities. In Poona, for instance, girls' schools

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are actually free, all Muhammadan schools are already free, and there are only some 14 or 15 schools that are not free and I think the sacrifice in Poona would not be such a very great sacrifice.

Then we have to face the objection of the Honourable Colonel JACKSON about the unpopularity that we are likely to incur and the number of prosecutions we shall have to institute in order to compel parents to send their boys to school and to compel the boy also to go to school, and that possibly we shall have to establish a system of truant schools. The Honourable Mr. PATEL, in his resolution, does not lay down a cut and dried scheme. He asks you to appoint a committee for the purpose of formulating a scheme to be put into operation as soon as the war ends and as soon as the financial resources are better. Let me assure the Honourable Colonel JACKSON, on the question of the unpopularity of Government, that the demand for free and compulsory education is not a demand forced by Government—it is a demand made by the people. If, therefore, there is any unpopularity, let me assure Government that that unpopularity will be shared to the fullest extent by all educated people. The educated classes of the country will bear their share to the fullest extent and Government themselves can wash their hands of any unpopularity and throw the blame on the educated classes.

Then there is another difficulty of the practical man, which is the want of trained teachers. Well, that is a difficulty that has always been brought forward and I know that we cannot have our education perfectly given when we have no trained teachers. It is said that it is much better not to give imperfect education, as a little learning is a dangerous thing, and so on. All these usual stock arguments are thrown into our faces. Now, I am afraid, in this case the popular demand, which is on the whole a reasonable demand, is that we must have education of some kind. If it is not education of the best kind given by the best trained teachers, let us have some kind of education— even as it is, all the teachers in our schools at present are not trained—more than half the teachers in the various schools are not trained; they are merely qualified teachers who have passed the Vernacular Final. I do not say that they are doing their work in the best manner, but I do say that they are doing it fairly well. While we are making education free and compulsory, let us also try to increase the number of trained teachers by starting more training colleges, for as soon as we start the system we shall also have to go in for a large number of new training colleges and I believe, under a proper system of education, a training college will be required at the head-quarters of every district, if not a full-grade training college, at least a second-grade training college, will be required. I do not say, however, that it is proper to wait until we have got these colleges and the teachers trained therein. Let us take in the beginning as many qualified teachers as we have got and proceed with our work, at the same time trying our best to increase the number of trained teachers. Remember also that in these days teachers will have to be paid a little more than they are being paid at present. We must make the profession of a teacher, if not absolutely paying, still at least sufficiently respectable; at any rate we ought not to make the profession of a teacher less remunerative than that of an ordinary labourer. A day labourer in these days very often gets more than the salary of an ordinary teacher. Well, then we shall again be told that we have got no buildings, and buildings also will cost a lot; but still there again, we shall do our best to have as many new good buildings as possible and meanwhile for the time being use such buildings as we have. It is no good saying that because we have not got the best teachers or ideal buildings we must wait until some powers from heaven do bring us these trained teachers and buildings. We must do the best we can and try our best to get on with such buildings and such teachers as we have at present in our hand. What I say is that we must make an honest beginning and show that we are in earnest and then the means will almost come of themselves.

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The proposal at present is that compulsion should be applied only in municipal areas. But I would go further than that. I look to a time not very far distant when compulsion will be used everywhere even in rural areas and every boy of school-going age in the country will be found at school. At present the Honourable Mr. PATEL intends, and so do I, to apply this compulsion to boys only. But as soon as every boy is instructed in the 3 R's, we hope a demand for corresponding education for girls will automatically arise, and that women themselves will come forward and say "apply the principle of compulsion to our girls' schools also". But we do not anticipate that demand in the near future. We only ask that this principle of free and compulsory education should apply at present to boys and for the immediate future only to municipalities where there are already schools, and then, of course, after a short time it may be tried and applied to the bigger villages. But we must make a beginning. It is no good allowing, as it is said, the best that is impossible to be the enemy of the good that we may possibly get now.

While speaking of practical objections I am reminded of the story of an Emperor who wanted a railway of several hundred miles from one town, his capital, to another town. All the engineers at hand brought forward various difficulties. One said there were too many tunnels, and another said there were too many bridges and nasty gradients and so on, and all said that a railway like that was not possible, but the Emperor got the map of the country before him and ruled a line from one place to the other and said "that is the line of railway, and that the railway has to be built in that manner"; and the curious thing was that the railway was really so built. In the same manner, we must begin and make an honest beginning keeping the goal in view. Difficulties will be always there but it is the duty of statesmanship to remove all those difficulties and not sit with folded hands and be cowed down by those difficulties.

Your Excellency, the educated classes have always been told that they are always fighting for the loaves and fishes for themselves, that they are fighting for privileges that appeal to their own particular class, but let me point out that this question of free and compulsory education has no element of personal gain to the educated classes in it. The children of the educated classes are already being educated. They are looking forward by means of their advocacy of this principle to raise the lower classes, to bring the lower classes up to their own level, and you will find that in this advocacy of free and compulsory education there is no selfish element of caste at all. With these few words, I hope that the members of this Council will go courageously forward and give their sanction to this measure of free and compulsory education in this Presidency. Even if on account of the war we cannot make any actual beginning, let us have concrete proposals ready to our hand by means of a committee which my honourable friend proposes to constitute, so that as soon as the war ends we can begin our work in right earnest. May I say, that if Your Excellency's Government accepts this resolution and if in Your Excellency's time such a cut and dried scheme is made ready, then that will probably be the greatest memorial of Your Excellency's regime?

The Honourable Dewan Bahadr KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—It is generally a rule with me not to speak on a subject with which I am not intimately acquainted. But the proposal that has been brought forward by the Honourable Mr. PATEL is so important that I will make a departure in this case.

As an employer of labour, I have convinced myself that the effect of elementary education on labourers is very marked. I have found that the labourer who has had the benefits of elementary education conferred upon him gives less

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trouble and gives a better outturn of work. I am convinced that every man in this country must know the three R's and we cannot progress in any way and in any direction in India until the three R's are known in every house in every village.

The proposition that has been brought forward by the Honourable Mr. PATEL is very modest. It has been worked in the adjoining native territories of Baroda. It is being introduced, I believe, in Mysore, and in the small states of Jamkhandi and Mudhol it has been partially introduced already. I do not see why a powerful Government like the Bombay Government should be behind small Native States in this matter.

The scheme that the Honourable Mr. PATEL has placed before us does not commit us to any immediate expenditure. He proposes that we should do the spade work during the duration of the war and be ready to start operations as soon as the war is over and normal conditions are restored.

I therefore heartily support the proposal and hope that this Council will unanimously accept it.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency, I also strongly support the resolution that has been moved by my Honourable friend Mr. PATEL and I would like to say a few words in support of it.

There is not now any question that the progress of the country, in all directions, industrial, social or economical, must depend on the spread of education and the more education spreads the greater would be the advantage to the country. The figures that have been placed before the Council by my Honourable friend Mr. PATEL remove certain misconceptions which generally exist among ordinary people. One of the things which is shown by the figures is that it is not the villages, it is not the forest areas, it is not the agricultural areas, that show the greatest amount of illiteracy, but the illiteracy most appears in the centres of industry, trade and manufacture. Bombay stands at the top of illiteracy; the next place in illiteracy is held by Bandra, a suburb of Bombay; the next place in illiteracy is held by the great industrial centre of Ahmedabad; the next place is held by the great industrial city of Sholapur, and the great city of Karachi stands only 7th in illiteracy.

Where there are municipalities, where there are a large number of educated people to take interest in and help in, the spread of education, where there should be a considerable amount of public opinion in favour of education, these are the places in which compulsory education should be started. There was a time when, in this Presidency in any case, the British territory, *i.e.*, the territory under the direct control of Government, was much advanced in the matter of education and the Native States were far behind. But the result of not spending sufficient funds on education was that the Native States went in advance of us, and in the case of Baroda Your Excellency will observe that the State is considerably ahead of us in the matter of education. I submit it is really a matter of regret that in the British districts our advance should not be at the same rate as in Baroda or in other smaller Native States.

I cannot understand how a measure either for compulsory or free education will in any way prove unpopular among the people. If it were an unpopular measure, if it were a measure which the people did not like, is it likely that so many people who wish the good of their countrymen at heart would be praying for the spread of free and compulsory education? I submit that ordinary people even of the lowest stratum have commenced to appreciate education that the cry that it is likely to prove unpopular is not one which ought to be trusted, and I am sure the people at large will consider it the greatest boon to have free and compulsory education in the country.

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[*Mr. Harchandrai Vishindas;*
Mr. Siddhanath Dhonddev Garud.]

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The Honourable Mr. HARCHANDRAI VISHINDAS:—I rise to speak on this subject because I think it is of such vital importance, because it affects all ages, all sexes, and all communities of this country. It affects our future, in fact, as the previous speakers have pointed out, it appears to me that every scheme of reform lies in the womb of this scheme. I think it should be the duty of every one who feels very strongly on this point to get up and say a few words on this resolution. The few words that I would add to the remarks that have been already made are these: If you go to Europe and see the intelligence of the common people there, the labourer, the servant, and the cooks, and the lowest of menials and compare them with some of the people here who are by far in a higher position and status, you will see the contrast between the two, in the intelligence of those people and their capacity and many other qualifications that they possess as compared with our people. What is all that due to? Compulsory education. True, in whatever country this system has been introduced first there has been very great difficulty. I believe the first Education Act was introduced in England in 1874 and not in 1870, as the Honourable Lieut-Colonel JACKSON said, but he said it subject to correction, and I am also speaking from memory and am subject to correction. I have all along been thinking that in this country there is no necessity of introducing any law for enforcing education and that we should take up education voluntarily, as it was thought that some time after the war they would take to voluntary service. But now I think we must introduce some form of compulsion in the matter of education along the lines adopted by the Continental countries of Europe and America. Well, what does that remark signify? It signifies that in all civilized countries it is considered essential that those countries should come into line with other advanced countries. True, as in the present case, I am perfectly certain that such bogeys must have been raised in those countries also, and, as the Honourable Colonel JACKSON pointed out, Englishmen were not willing to go to school without force being actually employed. He seems to think, and he threw out a challenge, that we people will fight shy of that. He was mistaken. We are entirely prepared for that. He seems to think that the claim that has been frequently put forward that the system is working successfully in Baroda has no justification. Let him be of that opinion. Supposing we concede that in Baroda the system has not proved such an enormous success as it is sometimes alleged to be, then does it follow, therefore, that we people who are living in British territory and under British rule should not follow a system of compulsory education? Difficulties are sure to arise. It is not child's play. The Honourable MOVER has pointed out that he does not wish to rush. Of course, it could not be rushed, but I am strongly of opinion that some kind of beginning should be made. Well, of course, a critic will always say that you are all arm-chair men, you simply put forward a scheme and throw it at the head of Government, but you do not take any trouble. Well, the Honourable Mr. PATEL says, don't run, don't go faster, have a committee appointed to coolly and deliberately come to a definite conclusion for some practical measure to come into force after the war. Now, at first I was embarrassed and was rather sceptical as to the advisability of supporting this resolution brought forward by the Honourable Mr. PATEL, for the simple reason that it would involve more expenditure and that in this war time it would not be sufficiently patriotic to support anything that would involve more expenditure, but when he satisfied me in his speech that he did not mean any fresh expenditure to be incurred at all by the Government in war time, I thought his proposal deserved my support, and I heartily support the resolution.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD:—Your Excellency,—I beg to support the resolution of my Honourable friend Mr. PATEL for the introduction of free and compulsory education, but I only regret that

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[*Mr. Siddhanath Dhonddev Garud;
The President.*]

the proposal does not go far enough. If Your Excellency will permit me I would rather move an amendment to say that the words :

“ By introducing it in the first instance within the limits of its Municipal Districts.”

be deleted. If you lay down a limit—

His Excellency the PRESIDENT.—Order, order. If the Honourable Member wishes to move an amendment will he send it up to the Chair? (Mr Garud's amendment was then sent up to His Excellency the President.)

His Excellency the PRESIDENT.—Order, order. The amendment proposed to the resolution moved by my Honourable friend Mr. PATEL is that the words from “by introducing” to the word “districts” in the third line be deleted, so that the amended resolution will read as follows —

“ That this Council recommends that an early beginning should be made in the direction of making Elementary Education Free and Compulsory throughout this Presidency and that a Mixed Committee of Officials and Non-Officials be appointed to frame and submit definite proposals in that behalf.”

The Honourable Mr S. D. GARUD :—Your Excellency,—The resolution only asks for the appointment of a Committee and it will be the duty of that Committee to go into all the difficulties. Our greatest and main difficulty is the financial difficulty. Section 54 of the Municipal Act says that it shall be the duty of every municipality to make reasonable provision for establishing and maintaining primary schools. But education, Sir, from the point of view of political economy, has been defined as the training of labour for the necessities of the State and it should primarily be the duty of the State to provide the funds necessary for giving elementary and primary education to its subjects. I submit it would not be fair to restrict the enquiry of this Committee to municipal areas only and leave out the question of rural areas altogether. The question might go up to the Committee and they will have a chance of considering any of the suggestions with regard to its application to rural areas also.

His Excellency the PRESIDENT —I do not wish to interrupt the Honourable Member, but I should like to ask him if he has considered what the expense of this is likely to be.

The Honourable Mr. S. D. GARUD —I have not worked out the exact figures that this scheme would cost, but I take it that the cost of elementary education in the mofussil is Rs. 3 per head for the primary schools and Rs. 5 per head for the full schools. Half the cost should be borne by the municipalities and Local Boards and half by Government. The cost of compulsory primary education even for rural areas would not be prohibitive, but even if it is found to be prohibitive, primary education is a necessity for which we must provide.

The question as to who should be the authority to whom reference should be made in the case of truant boys or who should punish parents for their negligence would all come up before the Committee. I am not one of those who share the apprehensions of my Honourable friend Colonel JACKSON that the police may have to be employed. I do not think we need have to go quite so far for the present in the municipal areas. A municipality is invested with enough powers to carry on its administration, and I do not think it would be difficult for a municipality to give effect to this resolution.

With these words I beg to place this amendment before the Council.

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[*Mr. W. H. Sharp.*]

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The Honourable Mr. W. H. SHARP :—Your Excellency,—Some stress has been laid upon the figures in the printed statement which has been circulated, and from the enquiries which have been addressed to me by various Honourable Members I think there is some curiosity to know as to exactly what these figures mean. I venture, therefore, to try and explain to the Council that the percentages given in this statement must be received with a great deal of caution for the reason that—

The Honourable Mr. BALKRISHNA SITARAM KAMAT :—What is before the Council? The amendment moved by the Honourable Mr. GARUD or the main resolution?

His Excellency the PRESIDENT :—It is within our powers, and I think it will probably be to the convenience of this Council, to shorten the discussion, if we take both simultaneously and discuss either or both.

The Honourable Mr. SHARP (continuing) :—The percentages, as I say, must be received with some caution, because column 4 is purely an arbitrary calculation. Column 4 says that the children of school-going age are 15 per cent of the population. Now, Sir, this 15 per cent. has been laid down for many years by the Government of India as a number for framing statistics of this kind. I do not know where it originally came from. I suppose there must be some reason for taking the percentage at 15 per cent. But it has been evident for a long time that there is something wrong with this 15 per cent. and the results which are based upon it cannot be accepted literally.

In the first place, what is the meaning of school-going age itself? I contend that it has no real meaning at all in a country like this. It is an expression I believe borrowed from England where there is compulsory education. Suppose, for instance, there is also this that all children between the ages of 6 and 12 are obliged to go to school. Then the period of 6 years, namely, 6 to 12 is the "school-going age", and if 80 per cent. of the children of school-going age are at school, it is the business of the education officers to find out what has become of the other 20 per cent and bring them to school. But this expression "children of school-going age" has no real meaning at all in India where there is no period of compulsion. In our schools children may enter at 4 or 5 and in secondary schools you will find boys 18, 19 or 20 years old or even more. Therefore, the expression "school-going age" is not applicable in the case of this country.

As regards the limit of 15 per cent., that also leads to results which must be wrong. I do not suppose that anybody here really believes that 84 per cent. of the boys and girls in Satara are attending primary schools. At the time of the late Mr. Gokhale's Bill I had to prepare a statement like this for the whole presidency and the results of it were actually absurd. There were actually cases where there were more boys at school than there were boys in the place itself. It must be obvious, I think, that the percentages given in the last column cannot be taken literally. We can only infer from this, for instance, that many Municipalities in the mofussil have arrived at a fairly decent percentage, and Bombay falls behind a great many others. You can draw some general inferences, but you cannot lay any stress upon the particular figures of any particular place as 60 or 80 per cent. I, therefore, merely wish to warn Honourable Members of this Council that the figures in column 4 are arbitrary assumptions and that the results based upon it cannot be interpreted literally.

I do not propose, Sir, to enter upon the general principles of this subject, because I must confess that I received no notice that this discussion was coming on in the Council. I have not prepared myself by a study of the previous papers or facts and figures. Of course the Honourable Member in charge of the Bill will explain to the Council what the policy of Government in this matter should be. There is only one point about which I should like to say a word or two, and that is about finance.

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[*Mr. W. H. Sharp, Mr. Balkrishna Sitaram Kamat.*]

Of course, we all know that the chief point about all this is the expenditure. The Honourable Mover has told us that with his scheme the additional expenditure would be some 14 or 15 lacs of rupees. But I must remind Honourable Members that the Honourable Mr PARANJPYE has added a great deal to that in the course of his speech. The Honourable Mr PARANJPYE reminded us that at present teachers were badly paid and ought to be far better paid. The Honourable Mover's proposal involves great multiplication of schools and there will be a corresponding increase in the expenditure. He also told us that we must start training colleges; that again will cause a great deal of expenditure. He also alluded to the subject of buildings. All these things, not immediately perhaps, but before long would involve a vast amount of expenditure that will have to be added on to the 14 or 15 lakhs of rupees of the original estimate. I really think I need hardly stop to speak about the Honourable Mr GARUD'S amendment, because I imagine very few members of this Council will be so unreasonable as to press the idea of introducing compulsory education throughout the rural districts whilst municipal areas are being considered. If anything of the kind is contemplated the expenditure will be enormous.

I must confess that it is with feelings of dread that I visit these municipal towns. As soon as I get there the Honourable Mr. GARUD generally meets me on the platform and decorates me with garlands and that sort of thing, and immediately complains of the inadequacy of the miserable Government grant to the Dhulia municipal school; and so it is in all other places. Many of these municipalities are doing their duty very well, I freely admit, in the matter of primary education. They spend a great deal more than is required under the rules of the Government Grant-in-Aid Code. They are always worrying me to get these Government grants increased. If that is the case already, it is obvious that all this additional expenditure that would be involved would also be practically thrown upon the shoulders of Government. The provision of training colleges and the increase in the pay of teachers are all excellent things, but much of the expenditure in connection with these will certainly fall on Government, so that the whole proposal will cost a vast amount of money before very long, and this expenditure would fall, so far as I can see, almost entirely on provincial funds.

For the reasons I have given, I am not prepared to go into further details as to the statistics either of expenditure or of population, or attendance at school. But I do think that the expenditure involved in a proposal of this nature is such that it does not seem very reasonable to put it forward precisely at this moment.

The Honourable Mr. BALKRISHNA SITARAM KAMAT—Your Excellency,—In the first place, I must say I am against the amendment proposed by my Honourable friend Mr. GARUD. If this resolution comes within the bounds of practical politics at all, and if it is feasible at all, I think it is due to the insertion of the words "within the limits of the Municipal districts" which the Honourable Mr GARUD wants to delete. I am, therefore, in favour of the original resolution and against the amendment, on this ground, *viz.*, that the addition of the words proposed by the Honourable Mr. GARUD would make the scope of the enquiry unwieldy.

Now, coming to the main proposition, there are only two adverse critics so far about this resolution, one being my Honourable friend Colonel JACKSON, and the other, if I may take it, the Honourable Mr SHARP. The objection of Colonel JACKSON is that he wants to know the solution of one great difficulty, namely, the agency which will carry out the compulsion. From the manner in which he put forward the difficulty, probably he was afraid that there would be the necessity of punitive police, or something like that, to force parents to send their children to school. It is precisely because we do not know where we are and what agency we might require to solve this difficulty that we want a committee, and if this matter is referred to a committee, I think the solution of this

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problem may be arrived at. He has not told us what the state of things was in the first place in England. He quoted certain figures of the criminality following in the wake of the Compulsion Act. Well, probably if a similar Act is introduced in this presidency within the narrow limits that my Honourable friend Mr. PATEL wants, the criminality as it is at present might be reduced to a considerable extent, and if the people going to jail are reduced considerably, I believe there will be a lot of saving on the head of prisons and we could appropriate that to some other branch.

Now, coming to the objections of the Honourable Mr. SHARP, he has confessed to us that he has no facts or figures to disprove the feasibility of the Honourable Mr. PATEL'S proposals; in the absence of any definite figures therefore I can only say that that is the precise reason why we want this question to go to a committee. He has told us that the expenditure which would be entailed would be very enormous, that there would be expenditure on school buildings, training colleges for teachers, and so on. But we want to know precisely how much that expenditure would be and we want to know whether we can find out that expenditure from various other departments. It is no use saying that the expenditure would be very heavy and express a great horror and a great dread of the probable expenditure. We are prepared to say that if there is any reasonable extra expenditure, probably it may be justifiable on the ground that it would add to the civilization of the presidency. Therefore, there must be first a committee to thresh out these details. Unless he is prepared to show us that the extraordinary expenditure will be of such a nature that Government will not be able to pay it from its ordinary funds, I do not see any reason why this enquiry should not go to a committee.

The rest of his argument was about the school-going percentage. Well, the school-going age limit has been recognised now by the Government of India and all calculations respecting school-going age, or literacy or illiteracy of the Presidency, are based upon this basis laid down by the Government of India in this matter. He is therefore disputing the very root of the matter which I do not think is justifiable. If unfortunately in this country there are certain extraordinary circumstances, it is probably for him to say what should be reckoned the school-going age. But unless he himself has any definite idea as to the school-going age which ought to be the basis of enquiry, I do not think the mere argument that the present principle of 15 per cent. does not apply to this country is a valid one.

With these remarks I say that no valid ground has been brought forward either by the Honourable Colonel JACKSON or the Honourable Mr. W. H. SHARP to indicate that there is no necessity for sending this proposition to a committee, and I therefore think the best thing to do is to appoint the committee that Mr. Patel wants.

The Honourable Mr DATTATRAYA VENKATESH BELVI :—The resolution which has been moved so ably by my Honourable friend Mr. PATEL is one from which it is impossible for any sensible man to withhold either his sympathy or support. I do not think that it is necessary in these days to discuss the utility of primary education of the masses. That is a thing which must be taken for granted. The only question is whether it is practicable for us to introduce free and compulsory education if not in the whole of the Presidency all at once, at any rate, in municipal areas. That is the only question that we as practical men should solve. Now there can be no two opinions on this point that the general desire of the educated classes not only in the Presidency of Bombay but in the whole Continent of India is in favour of the spread of primary education among the masses. I shall be very glad if Government were prepared to accept the amendment of my Honourable friend Mr. GARUD, but it does not seem to me that it is likely that the

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[*Mr. Dattatraya Venkatesh Belvi ;
Mr. Siddhanath Dhonddev Garud.*]

proposition as amended by my honourable friend stands any reasonable chance of being accepted at this stage. I would advise him that he should, as a matter of discretion, withdraw it and leave the original resolution as it stands, as there is a good chance of the resolution as it stood being accepted not only by my honourable friends here but also by Your Excellency's Government. The Honourable Mr. PATEL and I request Your Excellency's Government to accede to my friend's request and appoint a committee for the consideration of this resolution and at the same time to kindly circulate this resolution and also copies of the Educational Act which now obtains in the Baroda State to all the municipalities of the Presidency. Each municipality may be asked to give careful consideration to the resolution moved in this Council by the Honourable Mr. PATEL and the municipalities may be further requested to take into consideration the provision of the law which is in force at present in the Baroda State so that we may be able to know what the views of the municipalities in the Presidency are

The Honourable Dewan Bahadur GODBOLE :—Will you add Mysore also ?

The Honourable Mr. BELVI :—YES,—Your Excellency, it is a matter of common knowledge that not only in Baroda but in Mysore, Jamkhandi and Mudhol primary education is now free. In Baroda education is compulsory and free, but I know it is free in Jamkhandi and even in the little state of Mudhol. The question now is whether education should not be made compulsory and free, at any rate, within the municipal area of this Presidency. We talk a good deal of the advance we have made since the advent of British rule. Now the spread of primary education is a thing by which our advancement in civilization will be judged by people living outside India. What is the percentage of people who know how to sign their name ? The percentage is ridiculously low. Is it not necessary that the mass of ignorance in this Presidency should be reduced at any rate to some extent ? I know that gentlemen like the Honourable Colonel JACKSON always raise imaginary difficulties. Now one of the difficulties is as to how criminal cases are to be dealt with—criminal cases which will inevitably arise if such a resolution is brought into practice. It seems to me that my honourable friend is unduly obsessed by notions of the criminal law. It is not necessary to have policemen employed. It seems to me that each municipality may be trusted to vindicate the law. Do we not take up municipal cases before the bench of magistrates which is generally appointed to work as magistrates within the limits of every municipal area and get our cases disposed of ? In the Baroda State we find that that State has provided for a small fine in the case of any parent who does not send his or her children to school. We may copy that provision of the law from Baroda and we may enforce that law easily in the municipal areas of this Presidency. It seems to me that it is rather absurd to raise spectres of imaginary difficulties and not to face them boldly. The question is whether there is a will. If there is a will there must be a way. The real question is whether Your Excellency's Government really desire that primary education should be spread to the fullest extent within the municipal areas of this Presidency. If Government agree with me and Government do introduce compulsion, I have no doubt that it is not beyond the power of Your Excellency's Government to enforce this resolution within the municipal areas of the Presidency. With these few words, I support the resolution as originally proposed by my honourable friend Mr. PATEL, and I again request my honourable friend Mr. GARUD to withdraw his amendment and not to jeopardise this resolution of the Honourable Mr. PATEL, for half a loaf is better than no bread and I shall be glad to have half a loaf instead of nothing.

The Honourable Mr. SIDDHANATH DHONDDEV GARUD :—Your Excellency,—I beg to withdraw my amendment to the resolution moved by the Honourable Mr. PATEL.

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[The President; Mr. Ebrahim
Haroon Jaffer; Mr. Pandurang
Anant Desai.]

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His Excellency the PRESIDENT.—The amendment to the resolution is now by leave withdrawn. Now, Honourable members will please understand that the original resolution is before the Council.

The Honourable Mr. EBRAHIM HAROON JAFFER:—My Lord,—I have only to say a few words on this resolution. I do not want to detain the Council for any length of time. Now so far as the principle of the resolution is concerned, it only seeks to gradually, introduce compulsion into the elementary educational system of the Presidency. So far as that part of the resolution is concerned—so far as that object is concerned—the Honourable mover has my entire support. I am convinced that it is high time to make a beginning in the direction of elementary education being made compulsory and free.

My Lord, I firmly believe that if the principles of this resolution commend themselves to the Council, the Mahomedans of this Presidency will derive greater benefit from it than other communities. To a great extent, it would equalize the educational qualifications of the different communities and bring them to an equal level in many other respects.

While I was Chairman of the School Board of the Poona Municipality we not only reduced the rate of fees by half but made two schools altogether free. The Poona Municipality can well afford to forego the remaining amount of about Rs 2,100 by remitting the fees altogether and can afford to spend about Rs 15,000 more on education provided Government will give them an equal amount of grant-in-aid in accordance with the provision in the Departmental Code.

I am afraid much capital will be made by those who are against the introduction of compulsion in education of certain difficulties likely to arise when the details will have to be considered. It is argued by these gentlemen that India is neither England nor Japan. In India we have not only one sect, not only one religion but a congregation of religions, sects and creeds. Assuming for the moment that elementary education is to be made free and compulsory, the first question therefore that arises is how will you improvise the system of education that will satisfy the needs of different creeds, religions and castes? I for one do not think much of these difficulties. When we talk of compulsory education we generally mean elementary education only. Religious education may be left to indigenous schools or private schools where special provision may be made for the purpose. There is another point to be considered, and to be seriously considered, and that is to make the education of girls compulsory. I am afraid, Sir, for some years to come at least the masses of the Mahomedans may not consent to the compulsory attendance of the girls. I am glad the Honourable mover has now made it clear that the girls are excluded. The third point to be considered is the provision of Mahomedan teachers for the schools in the absence of which any scheme for free and compulsory education will not prove successful. However, these are details which would be best considered by a mixed committee if appointed as recommended by the Honourable mover. I am sure such a committee in which Mahomedan interest will be properly represented will at least devise some means to start education on proper lines which may counteract the evil results of the present system. I, therefore, support the idea of a committee to report fully their proposals after a careful enquiry and after taking into consideration the *pros and cons* of this great problem.

The Honourable Mr. PANDURANG ANANT DESAI:—Your Excellency,—I rise to give my hearty support to the resolution which has been put forward by my Honourable friend Mr. PATEL. I think it is the duty of every educated man in India to support this resolution as far as there is power in him. Yesterday, we had seen that the Government was very keen about the betterment of the condi-

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Mr. M. B. Chaubal; Mr. Chunilal
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tion of the Dharalas of Kaira. To-day, both the Government and we members of the Council will admit that it is absolutely necessary for their improvement, material, intellectual, moral, social and political, that we should educate the masses. It is admitted, and will not be denied by anybody in this Council, and everybody knows the benefits of education. It will also not be denied that there is a duty imposed upon the State to impart education to the masses. If we have these admitted facts before us, then I submit we see that education is beneficial for the improvement of the condition of the people, and if we see that there is a duty cast upon the State in this connection, then, by all means, Government should try their best to make the education of the masses free and compulsory. No doubt there will be certain difficulties as have been shown by certain Members. Difficulties there will be if you want to introduce any measure of reform. But looking to the condition of the masses I think that Government should try their best to make this measure a success. In this connection I want to bring to the notice of the Council the condition of other countries when compared with our India. In England the proportion of students receiving education out of the whole population is 15 per cent. In America, 21 per cent., Canada, Australia, Switzerland and Ireland, 17 to 20 per cent., Germany, Austria-Hungary, Norway and Haland, 15 to 17 per cent., France and Sweden, 14 per cent., Denmark, 13 per cent., Belgium, 12 per cent., Japan 11 per cent., Italy and Spain, 8 to 9 per cent., Portugal, 4 to 5 per cent., the Philipines 5 per cent., while in British India the proportion is not more than 2 per cent.

The Honourable Mr. CHAUBAL.—When the Honourable Member states the figure for India is it general or for municipal areas?

The Honourable Mr. DESAI.—I am stating them generally. These figures which I am quoting were collected about 10 years back. But at any rate one thing is quite clear from these figures that the percentage could not be lower. It must have been increased as education advances. In all civilized countries the proportion must have increased. So I say that if we take into consideration this percentage we see that India stands now in a deplorable condition as far as education is concerned. Now, important objections to this proposal are advanced by certain gentlemen. One of them was that there would be unpopularity because all strict measures would have to be taken in enforcing compulsion and therefore Government would be exposed to unpopularity. I do not see there is any substance in this argument at all because this compulsion is asked for by the people themselves and by representatives of the people. If the people are compelled to send their children to school there will be some inconvenience of course felt by them but as far as the second resolution is concerned the question is about municipal areas and your Excellency's Government will see that there are no agriculturists to a very large extent in municipal areas and therefore the suggestion that the agricultural classes would be put to inconvenience has not sufficient force as far as this resolution is concerned. Then it is suggested that there will be loss of fees. Of course there will be no doubt some loss of fees, but as regards compulsory education this loss must be shared half and half by local bodies and Government. Then, about the cost, I think if you take into consideration the importance of education Government no doubt must be liberal in spending on this subject. I have also found that in certain countries in Europe the cost of education is several pounds sterling, while in India it is not more than a penny or two per head. Under these circumstances, I submit, if you take into consideration the importance of the subject and the modest demand made by the Honourable Mover of this resolution, I think we must unanimously adopt this resolution. With these remarks, Your Excellency, I beg to support the resolution.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS.—Your Excellency,—I confess that when I read the resolution as it stands, it seemed to me that it was asking for a very large order indeed. For the resolution wants that an early

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beginning should be made in the direction of making elementary education free and compulsory throughout this presidency by introducing it, in the first instance, within the limits of the municipal districts, so that the resolution requires that all municipal districts shall be brought within its purview, and that the first beginning applies only to the municipal districts as contrasted with local boards and rural districts, and it goes on to say that a mixed committee of officials and non-officials be appointed to submit definite proposals in that behalf, that is to say, a cut and dried scheme should be brought forward which shall give effect to this resolution. But on hearing the speech of the Honourable mover it seemed to me that he gradually toned down the resolution that he moved and that his opinion is that not all municipal districts should be brought under compulsory education, but that future legislation which shall be undertaken shall only be permissive with regard to those municipalities that may be willing to ask for free and compulsory education. On that understanding I have pleasure in supporting the resolution.

The Honourable mover then asked for certain information with regard to Bombay City. I may point out in the first place that although Bombay carries the palm for illiteracy, as the figures referred to by the mover of the resolution show Bombay is really not so very bad as the figures might show, because the Honourable mover has taken the figures for the last year instead of the current year. The children in primary schools on 31st March 1916 in Bombay were 37,205 and not 32,404, which raises the percentage a little, but it still brings it to the figure of 25.4. You will see Sir, that even with these amended figures it is the Bombay Municipality that would be hit most if compulsory education were at once brought into existence and I would like to read here the conclusions at which the committee appointed by Government in 1908 arrived after very full consideration, and I submit that the conditions that obtain now, although they have improved since 1908, are in principle and in the main the same. The first conclusion that the Honourable Mr. SELBY arrived at at the time—the first resolution that he wanted to pass—was that the time had not come for the introduction of compulsory education. That proposition was not agreed to in its entirety by the committee and the committee consisted, I may point out, of such strong members as the Honourable Mr. SELBY, the Honourable Mr. SETALVAD, the Honourable Sir 'PHEROZESHAH MEHTA, the Honourable Sir N. G. CHANDAVARKER, the Honourable Mr. D. R. CHICHGAR, the Honourable Sir VITHALDAS THACKERSEY and Mr. SHEPPARD, the chairman. Their proposition was not agreed to by the committee and the committee wanted to limit it entirely to the city of Bombay, which shows that although the committee did not go into the question of compulsory education for the rest of the presidency, it still thought that it may be possible that compulsory education might be introduced in the other parts of the presidency.

The Honourable Mr. M. B. CHAUBAL:—If I am right, I think that committee was appointed only for enquiry as regards Bombay and nothing else; so there is no wonder in their not having gone into an enquiry about places outside Bombay.

The Honourable Mr. CHUNILAL MEHTA:—Yes, Sir. The conditions of Bombay, Your Excellency, are somewhat different from those of the rest of the presidency. In the first place, the cost of education in the city is very much larger than it is in the other parts of the presidency. The cost comes to over Rs. 20 per head of the school going children, whereas in the districts, as the Honourable Mr. GARUD pointed out, it comes to nearly Rs. 3 or Rs. 3-8-0.

Then again, the question is complicated by the large number of factory hands that are to be found in the city, and that applies also to the other industrial centres of the presidency, and it is on that account that both Ahmedabad and Sholapur very closely follow Bombay in the prize for illiteracy. In the city of Bombay the factory population is over a lakh of persons, and if we take the

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figure 15,000 for the children according to this table, there are only about 1,600 pupils both belonging to the factory class and to the depressed classes that attend schools. It is a little over 10 per cent and it therefore tends to bring down the total for the rest of the city.

I may point out here that the Schools Committee of the Bombay Corporation tried to open special schools for the factory children in the mill districts during those hours that the children were not attending to their work. That experiment, however, failed and the 3 or 4 schools that the Schools Committee then started had to be closed down. But at the instance of the Bombay Millowners' Association and of the Collector of Bombay who very recently approached the Schools Committee, we are again going to try a further experiment, and this time we are going to give a further inducement to the factory children that attend school in this that the Millowners' Association have undertaken to give a monthly bonus to the children that attend regularly the schools, varying with the regularity of the attendance, and I hope that with this inducement more children will go to school.

But if we take away the factory children which tends to bring down this percentage, there remains a large class of Muhammadan children who are averse to going to school and you will find, Sir, that in the figures the Muhammadans show the lowest percentage of school going children. However that may be, I would like to point out that very considerable progress in this direction has been made since the years 1909 to 1916. In 1909 only 11,559 children attended school, and in the year 1915-16, 21,669 children attended school, that is, nearly double the number attended school, and if the ratio will go on increasing, as it is bound to do, in the same proportion, I have no doubt that the question of free and compulsory education must come up very shortly before the Corporation and I also think the Corporation will give its most sympathetic consideration to the question, and if the majority passes it, they will certainly ask for the same advantages that may be granted to the rest of the district. I may point out to the Honourable Mover that at present the cost of education in the City of Bombay is being borne entirely by the municipality and it is not shared as it is in the case of the rest of the Presidency. There is a provision in the Act by which if Government want to make education compulsory within the City of Bombay then they shall pay one-third of the difference between the cost that the municipality entertained before it was made compulsory and in the year subsequent, but there is also a further provision that if education is made compulsory throughout the Presidency then the Bombay Municipality shall share the same advantage which may be extended throughout the Presidency. I now beg to point out here in connection with the difficulties that have been raised as to the cost which is likely to arise if this proposal is accepted that I do not share the views of certain members that the question of cost must not be considered. It seems to me that it is the most practical difficulty and that practical difficulty will have to be faced if we wish to give effect to this resolution. To my mind if we are seriously attempting to make education free and compulsory I should start with asking at least half a dozen municipalities to be prepared to entertain the cost of free and compulsory education. I understand that it is not all the municipalities that would be willing to take up this burden even if legislative permission is given. We would come with a much stronger case before the Council if we had at least a few who are ready to take up the burden. In connection with education I wish to refer to the recommendations which the Committee of 1908 has made with regard to the assistance that should be given to children. Because, it will be remembered, Your Excellency, that the matter of fees is a very small part of the expenditure that has got to be considered in relation to this question. The fees are in all instances very low. In the District Municipalities it comes to about one anna and in the case of the Bombay Municipality it does not exceed more than 4 annas per head and the whole amount of fees collected by the Bombay Municipality is Rs. 37,000 in a year. The practice of assisting the depressed classes by

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the grant of slates and books should be extended. This is a practice which will have to be applied to several of the municipalities if they decide to take up these children, and in that way the cost is bound to be increased. But in regard to Bombay the Committee wishes to make a general recommendation that more schools should be started, and more trained teachers entertained, and I submit, Sir, that the Bombay Municipality is trying to do its best in this connection.

The Honourable Mr. PHIROZE C. SETHNA :—Your Excellency,—the Honourable Mover of this resolution commenced his observations by quoting extracts from the speeches of His Majesty the King Emperor and of yourself on the importance of the spread of education in this country. Statesmen of Your Excellency's type in all parts of India for many years past and particularly within the last few years have laid great stress on the value of education as the best means for promoting the welfare of the country at large. The people are ready to concede that within the last few years much has been done in this direction as compared to what was the case before. The question, however, is if the progress has been at a rate which might be considered sufficiently satisfactory. There has been a cry for the spread of education from all sides and just at present if we carefully study the evidence of several witnesses who have appeared before the Industrial Commission within the last few weeks, we will find that the gist of that evidence is to the effect that if the labouring classes claimed some acquaintance with their pothooks and hangers they would be able to carry out their work more intelligently and thereby earn better wages. In short, they urge that the masses be educated.

As to the criticisms that have been advanced against this resolution there appear to be only two so far which call for reply. My Honourable friend Colonel JACKSON thinks that a measure such as is contemplated by this resolution would prove very unpopular and in support of his statement the Honourable Member quoted figures giving the number of prosecutions which followed the introduction of the Compulsory Education Act for some years in the United Kingdom. Perhaps my Honourable friend would have rendered a greater service to the Council if he had told us how far behind the United Kingdom would have been today as compared to other European countries if the Compulsory Education Act was delayed beyond 1874 and how much better would have been the position if it were introduced earlier. The other criticism was in regard to the financial aspect of the question and made by the Honourable Mr. SHARP. The mover of the resolution when dealing with the subject of the extra cost clearly told us that he did not expect the Government to incur its share of the same until after the war. The Honourable Mr. PATEL estimated the extra cost at 15 lakhs to which if we add the other items of expenditure enumerated by the Honourable Mr. PARANJPYE and estimate them at a like figure of, say, a further 15 lakhs, the total excess will amount to 30 lakhs. The Honourable Mover in his opening remarks informed the Council that he did not expect that the entire charge be borne by Government alone but said that it should be borne by Government and by the respective Municipalities. Until education is spread amongst the masses their earning capacity will remain as low as it is today. With greater intelligence brought about by education their position will improve materially, they will command better wages, and thereby be able to bear the burden of additional taxation should the same become necessary for the purposes of education.

I do not propose to deal with the question from the point of view of the Bombay Municipality as my friend the Honourable Mr. CHUNILAL MEHTA has already spoken on that subject. All things considered it seems to me that the resolution is a very modest one for all that it aims at is the appointment of a Committee of officials and non-officials to suggest ways and means for making elementary education free and compulsory and that only in municipal areas and I hope Government will see its way to accept the resolution.

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[6TH DECEMBER 1916.]

[*Khan Bahadur Pir Buksh walad Mian Mahmud ;
Mr. Belvi ; The President ; Mr. Paranjpye ;
Sardar Dulabawa Raisingji.*]

The Honourable Khan Bahadur PIR BUKSH WALAD MIAN MAHMUD :—Your Excellency,—I think the question of free education is admitted as necessary by most of the Honourable members. But the question is about compulsion to be used for education and in this connection the Honourable Colonel JACKSON has distinctly shown what trouble there would be if the resolution is carried into effect. I have some experience of boarding houses at Sukkur and it was about the time when the Honourable Mr. LAWRENCE was our Collector and also some time before, when the Honourable Mr CADELL was there. We tried our best to use compulsion upon the people to send their children to schools.

The Honourable Mr. BELVI :—Your Excellency,—I rise to a point of order. I should like to know if what the Honourable member is saying refers only to municipal areas in Sind. We are not here concerned with the whole province of Sind.

The Honourable Khan Bahadur PIR BUKSH (continuing) :—

I think this resolution applies to all municipal areas and therefore I gave one example.

His Excellency the PRESIDENT :—Does the Honourable Mr. BELVI consider that Sind is not in the Bombay Presidency ?

The Honourable Mr. BELVI :—Your Excellency,—I think, the Honourable Member is referring to parts of Sind other than Municipal areas and there is a point of order.

His Excellency the PRESIDENT :—The whole of Sind is part of the Presidency.

The Honourable Mr. PARANJPYE :—I wish to know whether the compulsion referred to by the Honourable Member just now was according to law or merely according to official persuasion.

The Honourable Khan Bahadur PIR BUKSH (continuing) :

What I want to lay stress on is that we must consider this question of compulsion seriously and as the Honourable Mover has proposed that a Committee should be appointed, I would only add or suggest that the Divisional Commissioners and the Commissioner in Sind should be requested to sound the sentiments and feelings of the people in connection with this question of compulsion.

The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.—Your Excellency,—I consider it to be the duty of every one to support a resolution of this nature.

There is no doubt that there will be some difficulty if Government were to enforce compulsion in the matter of education. There may be difficulties, but difficulties or no difficulties, it is the duty of the State to undertake the education of its subjects.

Besides, my Lord, the principal of compulsory and free education is believed to be a sound principle at present throughout the civilized world, and I think that it should be applied in a limited scope throughout this Presidency as suggested by the Honourable Mr PATEL.

Your Excellency, there are many Talukdars at present who do not educate their children and we want to compel these Talukdars to send their children to school.

It must be fresh within the memory of every member of Your Excellency's Council that although the Talukdari Bill as a whole was opposed by some people, there was a general agreement, both amongst the members of this Council and Talukdars so far as the compulsion of education was concerned.

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[*Sardar Dulabawa Raisingji; Sir Dinshaw Manekjee Petit; Mr. Purshotamdas Thakurdas; Honourable Sheikh Ghulam Hussein Hidayatallah.*]

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We were also prepared to arm the Talukdari Settlement Officer with powers to impose fine on defaulting parents to the extent of Rs. 200. I am therefore really surprised at the attitude of the Honourable Khán Bahádur PEERBUX when he opposes this resolution. With these few words I heartily support the Resolution.

The Honourable Sir DINSHAW MANOCKJEE PETIT :—Your Excellency,—I rise to give my wholehearted support to the resolution. I have no doubt that we are all unanimous in acknowledging the benefits and the blessings of education in all walks of life, and I do not think I need take up the time of this Council at this late hour by dilating on that question. The resolution before the Council appears to me of a nature that it should be accepted by the Council unless there is an insurmountable difficulty in the way; only then it should be rejected in this Council, and as far as I can see, there is no insurmountable difficulty of any sort upon which the resolution could be rejected. It only asks for the appointment of a committee to consider and lay down definite proposals for the commencement of free and compulsory elementary education in municipal areas. The committee in a businesslike manner could consider what would be the best method of adopting this system of compulsory and free education, and as far as I can see we should adopt this resolution and ask Government to appoint this committee which would, in due course, make a report as is required by the resolution. It does not tie down the Government or anybody to any financial expenditure whilst we are going through this war. We can take the working of it whenever we are in a position to do so, but we must fortify in this matter ourselves before the war ends, as we are fortifying ourselves in other matters commercial and industrial, to be in a position to adopt compulsory and free education when we can make a beginning.

The Honourable Mr. PURSHOTAMDAS THAKURDAS :—Your Excellency,—In rising to support the resolution that is before the Council, I do not wish to speak much. The resolution, as it stands, is permissive and I do not think that Government will in any way bind themselves if they appoint a committee to go into the various difficulties of the nature presented by the Honourable Col. JACKSON, and many others.

The Honourable Mr. BELVI has said that the question is whether Government wish to appoint a committee and that where there is a will there is a way. I hope that Your Excellency's Government will prove that they are willing to appoint such a committee, if it is practicable, to thresh out these questions.

With these words I support the resolution.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH :—Your Excellency,—The main ground of opposition to this resolution is the cost. I submit to Your Excellency that the paramount duty of every good Government is to educate its subjects. Before the local self-government scheme of Lord Ripon primary education used to be imparted at state expense, and it was after Lord Ripon's scheme of local self-government that the charge of elementary or primary education was transferred to the local bodies such as municipalities and District Local Boards. A long time has elapsed, and owing to the crippled resources of these bodies, we have not been able to make any great progress in elementary education.

The demand of my Honourable friend Mr. PATEL is a very modest one. All that he wants is some help from the Government to provide free and compulsory education within the municipal areas. I know that free education is imparted in most of the District Local Boards in Sind, but many do not take to it. But owing to the present condition of the population, I believe that no measure short of free

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[6TH DECEMBER 1916.] [*Honourable Shekh Ghulam Hussein Hydayatallah ; Sardar Shrinivas Coopooswami Mudliar , Ráo Bahádúr Ganesh Krishna Sathe ; The President ; Mr. Vithalbhai Jhaverbhai Patel.*]

and compulsory education will improve the condition of the Mussalmans in this country.

With these words, Sir, I support the resolution.

The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.—Your Excellency.—Before I make a few remarks in support of this resolution, I must admit to this Council that I am not an educationist or an authority who wishes to stand in this Council to speak on educational matters. But as this resolution is one for uplifting our countrymen, specially the backward classes, I think it is my duty, as a citizen of Poona which is the educational centre of this presidency, to give my warm support to this resolution in a few words

The Honourable mover of this resolution wants a committee to be appointed and in my opinion, it is a very modest proposal that is put before this Council. A great many objections have been put forward by some Honourable members which, they said, came in the way of the acceptance of this resolution, but may I assure Your Excellency that the advance in education instead of doing any harm will certainly do immense good.

If we carefully follow the speeches of those of my honourable friends who have supported this resolution and especially the speech of the Honourable Mr. PARANJPYE, it is not necessary for me to take up any more time of this Council in supporting this resolution.

The Honourable Ráo Bahádúr GANESH KRISHNA SATHE.—Your Excellency, I do not propose to go into the merits or demerits of the several side issues that have arisen on the discussion of this resolution.

When my Honourable friend Mr. CHUNILAL MEHTA brought to the notice of the members of this Council that there was an enabling section in the City of Bombay Municipal Act, I referred to the Act and I found that in 1909 Government was prepared to introduce free and compulsory education in the City of Bombay. In fact, the attitude of Government in 1909 was not against the principle of free and compulsory education, but the operation of that was restricted to the city of Bombay. The words are "If at any time by or at the instance of Government primary education shall be made free, or free and compulsory, in the city". That was the attitude of Government so far as the City of Bombay was concerned.

My submission is that large cities like Karachi, Ahmedabad, Poona and other places should not lag behind and it may not be too much to demand that the time has arrived when at least an enquiry should be made to inform Government whether compulsory education can be introduced and can be made free in such places. So the demand made in the resolution is only for the appointment of a committee to report as to the feasibility of introducing free and compulsory education in such of the municipal towns where it is possible, and for this reason I think every one here would see his way to supporting the resolution.

His Excellency the PRESIDENT.—I do not know whether any other Honourable member wishes to speak. I think the Council will agree with me that we have had a very full discussion of this matter, and under the rules I now propose to call on the Honourable mover to reply on the whole discussion.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency, I do not think, after all that has fallen from all the non-official members of this Council, it is right for me to add any word of mine. I need not say anything in reply.

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The Honourable Mr. CHAUBAL then rose to reply.

The Honourable Mr. V. J. PATEL.—Is Government going to reply on the debate after me?

The Honourable Mr. M. B. CHAUBAL.—Yes, under rule 18 of the resolution rules.

His Excellency the PRESIDENT.—Would the Honourable members like me to read out the rules? Rule 18 reads thus:—

“When, in the opinion of the President, a resolution and any amendment thereto have been sufficiently discussed he may close the discussion by calling upon the mover to reply, and the member in charge to submit any final observations which he may wish to make.

“Provided that the President may in all cases address the Council before putting the question to the vote.”

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—Your Excellency, I remember the late Mr. Gokhale having observed during the debate on his Bill, in 1912 that he always deprecated the expression of any sort of official sympathy with a measure because he thought that when Government were going to resist a motion they always started with expressions of sympathy. Without, therefore, taking up any time in professions of the genuine sympathy of Government in any measures calculated to promote universal primary education, I will state frankly that I am not only going to resist this proposal, but hope to satisfy this Council that there is no other position open to this Government as regards the resolution which has been moved, because the relations of this Government with the Government of India are such that even if this resolution is passed by the whole Council this Government as a Government will not be able to accept it. We must deal with this resolution consistently with the constitutional limitations which are imposed upon this Government on account of its relations with the Government of India. As a matter of fact, it may be doubted in some quarters how far this Government was in order in allowing this resolution to be moved when identically a resolution almost in the same words and a Bill proposed for the object of carrying out the aim which this resolution has in view were negatived in the Viceroy's Council, but Your Excellency's Government thought that on a question of such general public importance as is involved in this resolution it would not be proper to stifle all discussion at the very threshold, and that if a free discussion of this question were permitted in this Council members might have an occasion to understand clearly the position which this Government and the Government of India have taken in connection with this subject, and that that discussion might possibly lead to a more hearty co-operation on the part of public bodies and the general public with Government as regards any measures which Government might propose to promote elementary education in the country. It was with that object that Your Excellency allowed the discussion of this resolution, which otherwise might not have been allowed according to our limited powers. Members of this Council are probably aware that an Imperial Department of Education has been now constituted and after its constitution, in the year 1913, there is a definite pronouncement of policy on this subject by the Government of India. I think I had better start with reading that part of the Government of India's resolution which will show to the Council the limitations under which we must discuss the present proposition or propose any measure for practical action. Paragraph 10 of that resolution runs in this way. The pamphlet I have in hand is:—“INDIAN EDUCATIONAL POLICY”, being a resolution of the Government of India, dated the 21st February 1913. Well, the heading of that paragraph is “Primary Education. Compulsory and free education not practicable”, and the body of the resolution says:—“The propositions that

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illiteracy must be broken down and that primary education has, in the present circumstances of India, a predominant claim upon the public funds, represent accepted policy no longer open to discussion. For financial and administrative reasons of decisive weight the Government of India have refused to recognise the principle of compulsory education; but they desire the widest possible extension of primary education on a voluntary basis. As regards free elementary education the time has not yet arrived when it is practicable to dispense wholly with fees without injustice to the many villages, which are waiting for the provision of schools. The fees derived from those pupils who can pay them are now devoted to the maintenance and expansion of primary education, and a total remission of fees would involve to a certain extent a more prolonged postponement of the provision of schools in villages without them. "In some provinces elementary education is already free and in the majority of provinces liberal provision is already made for giving free elementary instruction to those boys whose parents cannot afford to pay fees. Local Governments have been requested to extend the application of the principle of free elementary education amongst the poorer and more backward sections of the population. Further than this it is not possible at present to go."

Well, that is the pronouncement of the Government of India, and under the constitutional relations subsisting between this Government and the Government of India, I think it would not be open, although we might discuss and although we might consider things, for this Government to accept a resolution directly contrary to the pronouncement which has been made by the Government of India. Indeed as I have already observed strictly this resolution might well have been disallowed under Rule 7 on the ground that the proper place where it should be moved is the Viceroy's Council and not here. That is one of the grounds expressly recognised under Rule 7 and seeing that this resolution not only was discussed as a resolution, but that a substantive and formal Bill on the subject was negatived by the Government of India, I think it was properly a case in which the resolution proposed by the Honourable mover could have been disallowed and negatived, but, for the reasons which I have stated, His Excellency was indulgent enough to allow this resolution, with the view and in the hope that the discussion which this resolution will elicit will induce the public at large and local bodies to co-operate with greater fervour and greater zeal towards any measure that Government might propose to introduce for promoting the interests of universal education.

With these remarks I proceed to consider the resolution itself on its merits. As it is late, I do not propose to take up for very long the time of this Council, but there are a few considerations which I think must appeal to all the members here. We must consider the question coolly and dispassionately and not be carried away by the glamour which generally the expression "free and compulsory education" has for every one. You go and ask anybody whether he would not like to have his boy given free education. He will say "by all means let us have it". But is it practicable? Is it financially possible? I am afraid it is overagain the story of the Oriental king whose kingdom was afflicted with famine.

When he was informed that his subjects were starving and could not get any bread to eat, with an overflowing and generous heart he observed "why starve: if they cannot get bread why don't they feed upon jilabees"? I was reminded of this story when the Honourable Mr. PARANJPYE got up and said: "practical men will always bring forward difficulties, we must not mind them, we must work and keep our eye steadily on the end in view." I hope very few in this Council will agree to this condemnation of practical men. "Work for the end" of course work and work whole-heartedly but work for it recognising the practical difficulties which are in your way

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The first part of the resolution asks that primary and elementary education should be free in municipal areas. Now, I venture to put one question to the Honourable Mover of this resolution. In so far as he seeks to make education free in municipal areas, in whose interest is he moving that the education which is imparted at present with low and nominal fees should be imparted absolutely gratuitously? The question relates to "municipal areas." Confining yourselves to municipal areas, and not travelling out to rural ones, in whose interest, I ask, is it solemnly proposed that education should be free? Does this Council propose that my children or the children of any one of us in this Council, the children of merchants, traders, pleaders, well-to-do Government servants, etc., in towns like Bombay, Poona and Ahmedabad should be educated free without their parents being charged the small fees they are paying at present? Will the Honourable Members who have spoken so eloquently in favour of the resolution bring forward any instances of boys in a municipal area who could not find entrance into a primary and elementary school because they could not pay the fees? Members of this Council can take this fact from me that so far as municipal areas are concerned, at present under the system of voluntary education and the fee-charging system, we allow 15 per cent. free studentships in all primary and elementary schools, and Members of this Council who wish to vote on this question will please note carefully what I say that in municipal areas this 15 per cent. free studentship is not absorbed yet, and that the Government of India, as I have just read out to you, is perfectly willing that local Governments should increase this limit wherever it may be required in the interests of the backward classes who are likely to be prevented from taking advantage of primary and elementary education on account of their circumstances. After the year 1913 we had in 1914 an enquiry as regards this question of fees in municipal areas, and I think it will be instructive to many Members of this Council to clearly understand what the state of things is in the mofussil when they speak about the necessity of free education. I believe that the Honourable Mover and everyone who has spoken in support of his resolution must be labouring under the impression that a large body of children in municipal areas are keeping away from schools and have no opportunity of taking any primary and elementary education because of their inability to pay fees. That, I suppose, must be the argument when free education is pressed for. Well, confining ourselves then to municipal areas, this was what the Director of Public Instruction reported as regards municipal areas, in the three divisions of the Presidency on the 18th February 1914.—

"I have the honour to invite a reference to paragraph 8 of my memorandum on the three years' programme recently submitted to the Government of India. This paragraph deals with the 'extension of the principle of free education.' At present poor boys may be admitted free up to 15 per cent. of the total number (this limit may be raised for backward classes by special permission) and all pupils of the depressed classes and all girls may be exempted from fees. It is reported that in the Central and Southern Divisions *the maximum limit is seldom reached* and it is unnecessary to raise it. But in the Northern Division the percentage tends to be exceeded regularly in local board, *though not in municipal or aided schools*; and the Educational Inspector has proposed to raise the limit to 25 per cent. in local board schools."

They would have very willingly done it in municipal areas if as a matter of fact it had been shown that there was occasion or necessity for increasing the percentage of free admissions to schools there. Therefore we must take this practical consideration into account: we cannot ignore it. When we are speaking of making education free, as I have already observed, it means necessarily free for everybody. In municipal areas in towns like Ahmedabad, Surat, Poona and Bombay, more than 75 per cent. I think, are children of people who are quite willing to pay, able to pay, and have been paying, fees.

Another fact which the Council will permit me to mention is that at the time of the late Mr. GOKHALE'S Bill we had collected some figures. From the

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year 1900-01 to the year 1909-10 the increase in the school-going population generally was 34 per cent. In ten years there was this rise to 34 per cent. in the school-going population. If in ten years you get that progress and if, as mentioned by the Honourable Mr CHUNILAL MEHTA, you find in the figures for 1915 and 1916 for the City of Bombay that there is a difference of 5,000—(he mentioned that while last year the figure was 32,000 this year the figure was 37,000)—and where under the present voluntary system, without compulsion, with very small fees, exemption from which would not be a relief to anybody, as the fees are apparently paid quite willingly by the people, and where there is particularly an elastic system of allowing exemption of fees in the case of backward classes who can be educated free, I really fail to understand how it is proposed solemnly that all the children of all classes of people—millionaires and others of varying degrees in wealth studying in municipal areas in towns like Bombay, Poona, Ahmedabad and Surat—should not be charged fees. Is that resolution proposed solemnly in the interests of those who cannot pay? I say distinctly not, because if that were so, we should have expected a constant demand for the increase of percentage of free studentships in primary schools in municipal areas.

Then this free education has a history in the past. I may mention to this Council that the principle of it is based upon a pronouncement of the Court of Directors in the year 1854. In that despatch the Court of Directors observed—

“It has been found by experience in this and in other countries, that not only is an entirely gratuitous education valued far less by those who receive it than one for which some payment, however small, is made, but that the payment induces a more regular attendance, and greater exertion, on the part of the pupils, and, for this reason, as well as because school fees themselves, insignificant as they may be in each individual instance, will, in the aggregate, when applied to the support of a better class of masters, become of very considerable importance, we desire that grants-in-aid shall, as a general principle, be made to such schools only (with the exception of normal schools) as require some fee; however small, from their scholars.”

That was the pronouncement in the year 1854 made in the despatch of the Court of Directors.

Well then, after that in 1882 there was the Education Commission appointed, on which there were several Indian members of experience and experts in education, men like the late Mr. TELANG and others, and they discussed after taking a deal of evidence this question of free education and they recommended that pupils in municipal or local board schools should not be exempted from fees merely on the ground that they are the children of rate-payers. To meet the cases of poor or exceptionally backward races and tracts this general rule was limited by the following recommendations, namely, that in all board schools a certain proportion of pupils should be admissible as free students on the ground of poverty and that in the case of special schools established for the benefit of special classes a general or larger exemption from payment of fees be allowed under proper authority for special reasons. The Commission also recommended that, subject to the exemption of a certain proportion of free students, fees should also be levied in all aided primary schools. Well, the recommendations of the Commission were adopted by the Government of India, and the Government of India in October 1884 observed.—

“A question is raised by some local Governments with reference to recommendation 17 (which deprecates the entire exemption of the children of rate-payers from fees in municipal and local board schools). The weight of authority is in favour of the soundness of the principle of charging some fees to all scholars not specially exempted on the ground of poverty, and the Government

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of India is itself in favour of this course, though there may be cases where local circumstances may render advisable the more favourable treatment of the children of cess-payers in respect of the amount of fee. So, again, the Governor-General in Council considers correct the principle laid down in recommendation 19 that fees should be levied in all aided schools, the proceeds being left at the entire disposal of the managers. This is strictly in accordance with the rule embodied in paragraph 54 of the despatch of 1854. If any exception is allowed, it should, in the opinion of the Government of India, be confined to the lowest classes of aided indigenous schools."

Well, the recommendation of the Commission was made in 1882 and it was supported by the Government of India in 1884.

Then in 1892 this Government had to consider a petition or memorial sent by the Satya Dharma Samaj of Poona on behalf of the backward classes of Hindus. The memorial was addressed to the Government of India, which we had to forward. That memorial suggested that up to the 4th vernacular standard for all boys from 7 to 12 years old in the rural districts of British India education should be made free and compulsory. Then in forwarding that memorial to the Government of India this Government observed in 1892 as follows:—

"In the present state of society it is believed that a system of compulsory education is neither desired by the people, nor practicable without throwing a burden on the rate-payer which he would be unable to bear. At the same time the Government of India will have learnt from the Annual Reviews of the reports on education that the Governor in Council regrets the indifference of municipalities in extending their educational accommodation. But this very indifference on the part of local and municipal boards indicates that no effective recognition of the need for free education has yet been evinced by those bodies from whom the first demand for a system of compulsory education should be received."

I shall state later on that, if this Government be unable to accept this proposition in the face of this pronouncement so far as it is desired that education should be free and gratuitous, if any municipality is prepared to do it without asking Government to contribute, I do not think there is anything under the present Act to prevent the municipality from doing so. It is very well to say that we want free education, but if we do not want to compel even rich people to pay for the education of their boys and want Government to pay for it, it looks on the face of it an absurd proposal to make.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—May I submit, Your Excellency, that I have cited the instance of the Rander Municipality? That municipality was refused permission to introduce free education.

The Honourable Mr. CHAUBAL:—I was going to announce as a line of policy which this Government is prepared to take, notwithstanding previous proposals, in favour of the tendency of the resolution which has been moved that if any municipality is prepared to raise money of its own and make education free within its own area, Government will consider as to what steps they should take. I am not sure how far municipalities are prepared to undertake the additional burden proposed, for I think more than half a dozen speakers got up and said it was a part of their support to the resolution that Government should contribute half; but so far as Government are concerned, I am prepared to say that if a municipality proposes to make education gratuitous in its own area by meeting the necessary cost from their own resources, Government will sympathetically consider any such proposal, and I do not think it likely that Government will come in the way of any municipality making that experiment. But I think the Honourable Mover himself and the Members who have supported him had better try it in their own municipality before they advance any proposition of this kind. From what the Honourable Mr SHARP has stated to us with reference to his experience in the Honourable Mr. GARUD'S district and other districts, the

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constant wail and cry is for Government assistance. On that point I may mention this as something in advance of the previous policy of Government that if any municipality is prepared to undertake the responsibility on its own shoulders without asking us to contribute, Government will not come in the way, because you must realise that if you ask us to contribute, you cripple us in other directions. At present the fees that are raised and the moneys that are spent in rural areas are spent by Government, and if you ask us to contribute more towards municipalities, you *pro tanto* deprive us of the means of assisting primary and elementary education in rural areas. That is an aspect of the question which has to be considered in discussing free and compulsory education in municipal areas. And it is a very material consideration that if you cannot do it without Government assistance, then to ask Government to do it is to ask Government to sacrifice *pro tanto* the interests of rural areas to the interests of the municipalities.

It is all very well to speak of the masses. The Honourable Mr DESAI spoke about the masses. Where are these masses? Are they in municipal areas or in rural areas? I distinctly say that the masses, in common parlance, are not in big towns like Bombay, Ahmedabad and Poona, but they are in the rural districts, and *pro tanto*, as I have said, if you ask Government to contribute, then you deprive Government of the means of adopting any useful measures, which always will cost something, for spreading elementary education in rural areas.

Then after 1894—I do not think I need take up the time of the Council by going into all the details—but this question has been for consideration later on from time to time, in 1910, 1911, 1912 and 1913. The last pronouncement of the Government of India was in 1913, and in 1914 as I have previously observed the percentage of free studentships in the Northern Division as regards the three districts of Surat, Ahmedabad and Thana was raised from 15 to 25 per cent.

Therefore, so far as the question of free education goes, I think I shall summarise the points which should be steadily borne in mind in making up your minds on this question.

First, that the existing system of free admission to schools, which was originally designed to aid the poor and backward classes in most areas, is very elastic in its operation and can be freely utilized by the Educational Department in all parts of the Presidency. You will permit me to repeat that the Director of Public Instruction has got the power to increase the existing percentage of free studentship to any extent that local conditions may justify.

Secondly, that it has not yet been shown that the fullest advantage is taken of it by the people. Well, I have already told you that in municipal areas the 15 per cent. has not been reached anywhere in the Central and the Southern Divisions, and in the Northern Division there were only three places in local board areas—not municipal areas—in which the percentage was absorbed and therefore Government raised the percentage in these local board schools from 15 to 25 per cent.

Thirdly, that for this reason there is nothing to warrant the conviction that much advantage would be taken of any general introduction of *free* primary education.

Fourthly, that the disinclination of parents to send their children to primary schools arises not from the obligation to pay a fee for them but from a variety of causes, chief among which is the value of child-labour to the parent.

Fifthly, that the fees at present charged in primary schools are so low that they are easily paid by almost everyone.

Sixthly, that, while their general remission would be not the smallest attraction to people who do not at present send their children to school, the result of freeing primary education would, by the withdrawal of the income derived from

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[*Mr. Vithalbhai Jhaverbhai Patel*]

[6TH DECEMBER 1916.]

fees, be only to retard *pro tanto* the extension (and improvement) of primary education

Seventhly, that the analogy, of the abolition of fees in primary schools in Western countries cited in this connection is not a correct one, inasmuch as free education in those countries is a natural concomitant of compulsory education.

Well now, when we come to compulsory education, I think I am perfectly correct and on sure ground when I say that compulsion may be justified in those cases only where the means of education have been widely diffused so as to be within the reach of all classes and where a minority of persons refuse to avail themselves of the teaching which the large majority regard as essential; that compulsion has never been applied in any country which has not advanced educationally far beyond the present position of India; and that in this country the entire odium of the enforcement of compulsion would ultimately be directed against Government and not the local bodies concerned.

I think one of the Honourable Members said what does Col JACKSON mean by starting this difficulty about administering the measure? Who is going to work out the compulsion? Some Honourable Member remarked that this was an imaginative objection to take I don't agree and I say the difficulty of enforcing compulsion is one of the most practical difficulties which has to be faced. Well, you can't consider this resolution without taking into account the practical difficulties with which the whole question is bristling. There is no other way to work compulsion out except, through School Committees or through the police, and ultimately the magistrates. If you believe in compulsion, and advocate compulsion, you assume that a large number of children who ought to be in primary schools at a certain age and that it was necessary to resort to compulsion to make them attend. Therefore, if they are to be compelled, there will naturally be a number of prosecutions to be undertaken. Whether the prosecutions are undertaken at the instance of the School Committees or of the police or at the instance of anybody, it is the magistrate who, in the end, is going to fine or punish these people. In this connection so much has been said about Baroda and other Native States. I think, there again, we are carried away by the glamour of the expression "free and compulsory education." Few care to see for themselves how these experiments are worked, with what success, in what limited areas. It is enough for their purpose if they read an announcement in the papers that such and such a State had adopted free and compulsory education. Take, for instance, Baroda. Are Honourable Members aware that in the matter of fines that are levied on account of non-attendance Rs. 60,000 a year are raised by Baroda out of fines which people have got to pay on account of compulsion? If you work out this Rs. 60,000 per head of the population in Baroda, it will be seen that per head they pay twice the amount of fees charged in British India in primary schools. Well, are we going to have the same kind of fines levied and income derived from penalties for non-attendance? I would like to know the value of a compulsory system to work which the parents of children compelled to attend have to pay per head twice the amount of fees that you ordinarily now charge in primary and elementary schools. Therefore, it is no use simply saying that a State here and there has done this thing. Perhaps it will be agreed that the smaller the State the greater the facility for introducing free and compulsory education. But when you speak of starting compulsion and enforcing compulsion by penalties and fines, which must be worked through magistrates, there must be prosecutions, and who is going to incur the odium of these prosecutions? I do not think the public at large will recognize anybody as responsible for these prosecutions except Government, and that is what Government mean by saying that in the end all the odium of the compulsion is going to be thrown at the head of Government.

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[Mr. V. J. Patel,
Mr. M. B. Chaubal.]

Then, you want to appoint a committee for the purpose of considering the ways and means. The Honourable Mr GOKHALE, in 1910, moved a resolution in general terms asking for the appointment of a committee. Well, that committee was not appointed, and his resolution was overruled. Then he thought out for himself and actually brought forward a concrete Bill. Of course, he thought a great deal about it. He never brought forward any measure which was not the result of the most mature deliberation and consultation with his friends, and you see what the result of that Bill was. When he in that Bill proposed compulsion, he as a practical man appreciated the difficulties in the way of enforcing it and he had therefore to start so many safeguards, that compulsion with all these safeguards became a mere name and no compulsion whatever. If you look at the three sub-clauses of the Bill in which compulsion should not be applied, you will find that practically the whole idea of compulsion, worked with these safeguards, comes to nothing. He had provided that education should be compulsory, but that any of the following circumstances was a reasonable excuse for non-attendance. Now, what are these reasonable excuses?

"(a) that there is no recognized school within a distance of 1 mile, measured along the nearest road, from the residence of the boy, which the boy can attend, and to which the parent has no objection, on religious grounds, to send the boy,

"(b) that the child is prevented from attending school by reason of sickness, infirmity, domestic necessity, the seasonal needs of agriculture, or other sufficient cause;

"(c) that the child is receiving instruction in some other satisfactory manner."

Well, if you want these precautions (a), (b) and (c), and if with these safeguards you are going to introduce compulsion, do you fancy that it is going to be compulsion in any form whatsoever? To apply these safeguards to the resolution before us a parent has only to shift his residence outside the municipal area. (b) and (c) between them would cover more than 75 per cent. of the cases of non-attendance. It is idle to suppose that with those safeguards you are going to introduce any compulsion at all.

Well then again, when he tried to work out what the penalty should be for not attending school, he says "The parent shall be liable, on conviction, to a fine not exceeding Rs. 2." Take the cases which the Honourable Mr. CHUNILAL MEHTA has mentioned to us. If a parent can get Rs. 10 by letting a child work in a factory or a mill, do you suppose he is going to mind a legislation which fines him Rs. 2?

The Honourable Mr. V. J. PATEL :—Your Excellency, I must rise to a point of order. The time is up and I have no right of reply; the half hour is over.

The Honourable Mr. M. B. CHAUBAL :—With Your Excellency's permission, I will close with a few words. I have mentioned the main objections to free and compulsory education, particularly to any proposal to that effect in municipal areas. I will only mention one feature of the resolution. It will be said that it is only a modest proposal for the appointment of a committee. What does anyone lose by the appointment of such a committee? As to this, I may be permitted to add that though Government will not appoint a committee itself, as they do not see clearly what the committee can do at present—I do not see the slightest objection to Honourable Members who believe in the good that this resolution is going to do—any half a dozen members of the Council forming themselves into a committee and come forward with definite proposals as a result of their mature deliberation about it, as to what measures can be taken by Government or should be taken by local bodies to spread and promote primary education—any practical suggestions that appear to them feasible, and I have no doubt that Your

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[*Mr M. B. Chauhal; the President.*]

[6TH DECEMBER 1916]

Excellency's Government will give such proposals the most sympathetic consideration it can. But with the pronouncement of policy which the Government of India has made, I do not think this Government can lend any countenance to a measure now proposed which is against the policy laid down for the whole of British India, and I think I am on safe ground in assuring this Council that if half a dozen members of this Council form themselves into a committee, Government is quite prepared to give them any assistance or information that they may want. They may make their enquiries and bring forward definitely formulated proposals for acceptance by Government. Then, and then only, will be the time to think about this question of free and compulsory education. It is idle to appoint a committee during war time, because any conclusion that we may come to as to what will happen after the war must be purely hypothetical. How are you going to say how much Government should contribute or how much provincial revenues should contribute? You will also note that we cannot accept this resolution, because in matters of education we have got partially to depend upon Imperial grants and Imperial grants are in the hands of the Government of India and they may well refuse to give any grant for the promotion of an object which is against their pronounced educational policy.

His Excellency the PRESIDENT —I shall not follow my Honourable Colleague in his very interesting speech in which he fully explained the various difficulties which will have to be overcome on this question from the point of view of the Educational Department. My object is rather to try to bring the Council back to the considerable difficulty which we find ourselves in with regard to one specific matter with reference to this resolution. But before doing so I must apologise to the Honourable Members for having kept them sitting in this Council for such an unconscionably long time this evening, and also for having, after much consultation and consideration, allowed this resolution to be put on the list of business and as a consequence perhaps brought the whole Council including Government into some difficulty.

From what Honourable Members have heard from my Honourable Colleague they will realise that the difficulty has risen in the way. When my Honourable friend Mr PATEL sent in his resolution, we felt that there was a good deal of doubt as to whether it was in order and should be put on the agenda. But on the whole, feeling very conscious that there should be no bar if possible to free discussion on this most important question, with the general principles of which, I may say, we are most of us in complete sympathy, we came to the conclusion that we should allow this resolution to go forward, and the result has been that we have had a very full and instructive discussion.

But as a result of our action we are now in this position. The Educational Department being an Imperial Department it is constitutionally improper for a Local Government to oppose any definite line of policy which the Imperial Government has laid down. My Honourable Colleague has stated to you very definitely what the confirmed decision of the Government of India is with regard to education being made compulsory. Therefore it must be obvious to every Honourable Member that it is quite impossible for Government to support a resolution which proposes the appointment of a Committee to consider whether compulsory education is to be brought into this Presidency when the Imperial Government have laid down that it is not a practical measure at the present time. Under the circumstances I can only suggest to my Honourable friend Mr. PATEL that, having had a very full and free discussion, and a very clear opinion expressed by many Honourable Members as to their general point of view with regard to free and compulsory education, a point of view which I feel quite certain will have its influence outside, it would be very unfortunate if we were to endeavour to pass a resolution which went straight in the face of the confirmed and decided opinion of the Government of India. Having made that remark I can only say that it must be clear to Honourable Members that

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[6TH DECEMBER, 1916]

[The President, Mr Vithalbhai Jhaverbhai Patel; Mr Chunilal Vijbhukhandas Mehta.]

Government cannot possibly give my Honourable friend their support. As my Honourable Colleague has said we shall be glad to help any private committee which my Honourable friend may choose to form and give that committee all the information we possibly can with regard to any point which they may wish carefully to consider. But I sincerely trust that this Council will see fit to oppose this resolution.

I should like to suggest to the Honourable MOVER that he should agree to withdraw the resolution, having had a discussion which I think I can fairly admit he must consider very favourable to his point of view; but if he is not disposed to agree to this suggestion, I trust that Honourable Members will support Government in rejecting it.

The Honourable Mr VITHALBHAI JHAVERBHAI PATEL.—Your Excellency, I am sorry I cannot see my way to withdraw this resolution.

I do not agree with the view of the Honourable Mr CHAUBAL as regards the position of the relations between this Government and the Government of India. Those relations have nothing to do with this resolution. This Government can very rightly exercise its discretion.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency—May I suggest to the Honourable MOVER that if he amended his resolution to say that a Committee be formed to go into the question of making elementary education free and compulsory throughout the PRESIDENCY, perhaps that resolution will not clash with the position of this Government as regards the Government of India. If your Excellency's opinion is that that would be so the Honourable MOVER might consider the amendment to his resolution.

I suggest that the amendment should be not "that this Council should recommend that a beginning should be made 'but' that a committee be formed to consider the question of making elementary education free and compulsory within the municipal districts of this Presidency".

His Excellency the PRESIDENT:—Who is to form the Committee?

The Honourable Mr. CHUNILAL V MEHTA:—The Committee is to be formed by the Members of this Council.

His Excellency the PRESIDENT —I am very much obliged to my Honourable friend for his effort to try and find a *via media*. But I must lay down this that it is not a wise thing and I do not think it would be possible or desirable for the Council to form a committee in the face of the confirmed opinion of the Government of India.

The resolution was put to the vote, 20 members voting for it and 25 against it. The Council divided as follows:—

Noes.	Ayes.
His Excellency the Right Honourable Lord Willingdon of Ratton, G.C.I.E.	The Honourable Mr Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr M. B Chaubaf, C.S.I.	The Honourable Mr. Sherriff Devji Canji,
The Honourable Mr. G. Carmichael, C.S.I., I.C.S.	The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.	The Honourable Sardar Syed Ali El Edroos.
The Honourable the Advocate General (Mr. T. J. Strangman).	The Honourable Mr. Siddhanath Dhonddev Garud.

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[The President.]

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Noes.	Ayes.
The Honourable Mr S. R. Arthur, I C S	The Honourable Dewan Bahadur Kashmath Ramchandra Godbole.
The Honourable Mr. Salebhoj Karimji Barodawalla	The Honourable Sheikh Ghulam Hussein Hidayatallah.
The Honourable Mr P. R. Cadell, C I E., I. C. S.	The Honourable Mr. Ebrahim Haroon Jaffer.
The Honourable Dr C. Fernandes, M D.	The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Malcolm N. Hogg	The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada
The Honourable Lieut.-Colonel James Jackson, C I E, M B., I M S.	The Honourable Mr. Chunilal Vajbhukhandas Mehta, LL.B.
The Honourable Mr J. D. Jenkins	The Honourable Sardar Shrinivas Coopoooswami Mudliar.
The Honourable Mr. G. F. Keatinge, C I E., I. C. S	The Honourable Rao Bahadur Venkatesh Shrinivas Naik.
The Honourable Mr. H S. Lawrence, I. C S	The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Surgeon General R. W. S Lyons, M D., I. M S.	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.	The Honourable Mr. Vithalbhai Jhaverbhai Patel.
The Honourable Mr. W U. Nicholas.	The Honourable Mr. Abdul Kadir alias Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sr Prabhashankar D. Pattani, K. C. I E.	The Honourable Sir Dinshaw Manockjee Petit, Bart
The Honourable Rao Bahadur Ganesh Krishna Sathe, C I E	The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr Phiroze C Sethna.	The Honourable Mr. Harchandrai Vishundas, LL.B.
The Honourable Mr. W H. Sharp.	
The Honourable Mr. W C Shepherd, I C. S.	
The Honourable Mr. Purshotamdas Thakurdas.	
The Honourable Mr G. H. Thielton-Dyer, A.M I. C. E.	
The Honourable Rao Bahadur Tekchand Udhavdas	

His Excellency the PRESIDENT — The Council will now adjourn till 11-30 a. m. to-morrow, Thursday the 7th December 1916

The Council then adjourned to Thursday the 7th December 1916.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of His Excellency

Journal of the Proceedings of the Legislative Council of the Governør
of Bombay, assembled under the provisions of the Government of
India Act, 1915 (5 and 6, Geo. V, Ch. 61).

The Council re-assembled on Thursday the 7th December 1916, at 11-30 a.m.,
at the Council Hall, Secretariat, Bombay.

P R E S E N T :

His Excellency the Right Honourable Lord WILLINGDON OF RATTON,
G.C.I.E., Governor of Bombay, *President.*
The Honourable Mr. M. B. CHAUBAL, C.S.I., *Vice-President.*
The Honourable Mr. G. CARMICHAEL, C.S.I., I. C. S.
The Honourable Mr. G. S. CURTIS, C.S.I.; I. C. S.
The Honourable Mr. S. R. ARTHUR, I. C. S.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. P. R. CADELL, C.I.E., I. C. S.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Sardar SYED ALI EL EDROOS.
The Honourable Dr. C. FERNANDES, M.D.
The Honourable Mr. SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Baháduq KASHINATH RAMCHANDRA GODBOLE.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

RESOLUTION No. 4.

[The President; Mr. Vithalbhai
Jhaverbhai Patel.]

[7TH DECEMBER 1916.]

The Honourable Mr. MALCOLM N. HOGG.
 The Honourable Lieut -Col. JAMES JACKSON, C.I.E., M.B., I. M. S.
 The Honourable Mr. EBRAHIM HAROON JAFFER.
 The Honourable Mr. J. D. JENKINS.
 The Honourable Mr. BALKRISHNA SITARAM KAMAT.
 The Honourable Mr. G. F. KEATINGE, C.I.E., I. C. S.
 The Honourable Sardar DULABAWA RAISINGJI Thakor of Kerwada.
 The Honourable Mr. H. S. LAWRENCE, I. C. S.
 The Honourable Surgeon-General R. W. S. LYONS, M.D., I. M. S.
 The Honourable KHAN BAHADUR PIR BAKSH walad MIAN MAHMUD.
 The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
 The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
 The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
 The Honourable Mr. W. U. NICHOLAS.
 The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
 The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
 The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL, Bar.-at-Law.
 The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
 The Honourable Sir PRABHASHANKAR D. PATTANI, K C.I.E
 The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
 The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
 The Honourable Mr. PHIROZE C SETHNA.
 The Honourable Mr. W. H SHARP.
 The Honourable Mr. W. C. SHEPHERD, I. C. S.
 The Honourable Mr. PURSHOTAMDAS THAKURDAS.
 The Honourable Mr G. H THISELTON-DYER, A M.I.C.E.
 The Honourable Ráo Bahádur TEKCHAND UDHAVDAS.
 The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
 The Honourable Mr. HARCHANDRAI VISHINDAS, LL B.

His Excellency the PRESIDENT.—Order, order. Discussion of matters of general public interest. Resolution No. 4.—The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—With regard to this resolution, Your Excellency, with your permission I should like to observe that it affects the whole class of Government servants in the Presidency, and if Your Excellency's Government have no objection, I would like to move it at the next sitting of this Council

His Excellency the PRESIDENT :—Of course, the Honourable Member may do as he pleases, but has he got any particular reason for postponing this resolution at the present moment? I only say this because it is only fair that I should tell the Honourable members that I have been having some discussion with my honourable friend with regard to this particular resolution, and I think that if he postpones it he does so rather in the hope that Government may come to some altered point of view with regard to the general question. But I am inclined to think that he had much better move the resolution and have done with it, and I should be glad to give the Council the Government's point of view with regard to it.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, —The resolution that I have the honour to move reads thus :—

“ This Council recommends that His Excellency the Governor in Council may be pleased to announce or issue general instructions to heads of Departments within the Presidency that Government have no objection to Government servants attending as visitors the meetings of the Indian National Congress and Provincial Conference.”

RESOLUTION No. 4

[17TH DECEMBER 1916.]

[*Mr. Vithalbai Jhaverbhai Patel.*]

My Lord, my object in moving this resolution is to make perfectly clear the position of all Government servants, Europeans or Indians, in connection with the meetings of Indian National Congress and Provincial Conference.

Your Excellency, it is a fact not unknown to those interested in the political development of this country that the origin of the Indian National Congress lies in a suggestion of Lord Dufferin and that the first Congress was attended by several Government servants, some of whom also took part in its deliberations. At subsequent meetings of the Congress Government servants were present, though only as visitors. Lord Dufferin and Lord Connemara invited the delegates to a garden party and thus by their open hospitality held out encouragement to the people of this country to carry on political work on constitutional lines.

My Lord, in 1890, the Indian National Congress held its sittings at Calcutta. The Secretary of the Reception Committee sent out several tickets of admission to the visitors' enclosure in the Congress pavilion to various Government officers residing in Calcutta. The Bengal Government thereupon issued a circular to all secretaries and heads of departments subordinate to it prohibiting Government officials from attending the meetings of the Congress, even as visitors. This resulted in some correspondence, first between the late Sir Pherozeshah Mehta, and, after Sir Pherozeshah's departure from Calcutta, between Mr. A. O. Hume, General Secretary of the Indian National Congress, and the Viceroy, in the course of which Colonel Ardagh, Private Secretary to the Viceroy, distinctly stated that the words "absolute prohibition" in the orders of the Government of India had reference only to the participation of Government officials in the proceedings of a political meeting and that the circular of the Bengal Government was issued under a misapprehension as to the purport of the orders of the Government of India and went beyond those orders. In the meantime, however, the Bengal Government recognized their mistake of its own and amended the circular accordingly. This settled the question once for all for Government servants in Bengal, and ought, I submit, to have settled it in the whole of British India.

In Bombay, however, the interpretation hitherto put by Government on Rule 21 of the Government Servants' Conduct Rules, the wording of which is substantially the same as the wording of the orders of the Government of India, requires that a Government servant wishing to attend any such meeting, even as a visitor must obtain the previous permission of the Head of his Department. I beg to point out to this Council that this interpretation is not consistent with and goes far beyond Colonel Ardagh's letter which interprets the orders of the Government of India. Last December, Your Excellency's Government, on the motion of the Honourable Mr WACHHA, Chairman, Reception Committee of the 30th Indian National Congress, accepted the interpretation put by Colonel Ardagh and issued orders to Heads of Departments informing them that Government had no objection to Government servants attending the then session of the Indian National Congress. These orders of Your Excellency's Government interpreting Rule 21 of the Rules for the Conduct of Government Servants framed by the Government of India enabled Government servants desirous of attending the meetings of the last Indian National Congress held at Bombay to attend them without obtaining the permission of their heads.

Unfortunately, however, the orders passed last year by Your Excellency's Government were restricted to the meetings of the 30th Indian National Congress only, probably through oversight. No such orders were passed by Your Excellency's Government in connection with the meetings of the last Provincial Conference recently held at Ahmedabad and consequently many a Government servant desirous of attending them could not do so. By this resolution, I ask Your Excellency's Government to declare that the presence as visitor of a Government servant at any meeting of the Indian National Congress or Provincial Conference is not likely to be misconstrued or to impair his usefulness as an official and to issue instruc-

RESOLUTION No. 4.

[*Mr. Vithalbai Shaverbhai Patel;*
The President.]

[7TH DECEMBER 1916.]

tions to Heads of Departments that Government have no objection to Government servants attending such a meeting

My Lord, in the resolution of which I gave notice I included "other legitimate organizations" also, but at the suggestion of Your Excellency's Government I have amended my resolution so as to restrict it to the meetings of the Indian National Congress and Provincial Conference only.

The Indian National Congress is, to put it in the words of the Government of India, "regarded as representing in India what in Europe would be called the more advanced Liberal party as distinguished from the great body of Conservative opinion which exists side by side with it." The objects of the Congress are, as Your Excellency's Government is well aware, the attainment by the people of India of a system of Government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. That the movement is perfectly legitimate in itself no man can deny. The Provincial Conference is organized under the constitution of the Congress and is, to all intents and purposes, a constitutional party of progress and reform.

His Excellency Lord Pentland attended the 29th Indian National Congress held at Madras, and Your Excellency very recently met the delegates assembled in a Provincial Conference held at Poona and expressed your sincere pleasure in doing so.

My Lord, I am asking nothing more than what the Honourable Mr. WACHHA asked last December. Your Excellency's Government then so interpreted the orders of the Government of India and Rule 21 of the Rules for the Conduct of Government Servants as to enable them to attend the meetings of the 30th Indian National Congress without obtaining in that behalf the previous permission of the Heads of their Departments. I trust, therefore, that Your Excellency's Government will accept this resolution and enable such Government servants as may desire to attend any future meeting of the Congress or Conference, to do so

His Excellency the PRESIDENT.—I think that it will perhaps be to the convenience of the Council if I state what Government's position is with regard to this particular question, and I do so the more readily because we must all have a vivid recollection that a rather difficult situation arose yesterday evening with regard to the last resolution before this Council. I must inform Honourable Members that almost exactly the same difficulty occurs to-day.

I allowed this resolution to be put on the paper because I was anxious to place before the Council what is the Government's position. I would ask Honourable Members to remember that the conduct of a Government servant is guided by what are known as the Government of India's "Government Servants' Conduct Rules", and it would be most undesirable—and I feel quite certain that Honourable Members will agree to this—if in this discussion we began or attempted to criticise those rules. That is the first point I would wish to make.

What I am not quite clear about in my Honourable friend's speech is this: I cannot quite gather what he really wants to get from Government. I have told him what the position of Government is, namely, that Government have no objection to a Government servant attending the National Congress or the Provincial Conference, or indeed other political meetings, but that the Government servant must always realise that he is subject to this particular Government Servants' Conduct Rule which has been laid down by the Government of India. For the benefit of Honourable Members I would like to read it out. (Rule 21 lays down —

"A Government servant may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs. Nor may he attend any political meeting his presence at which is likely to be misconstrued or to impair

RESOLUTIONS Nos. 4 & 5

[7TH DECEMBER 1916]

[The President; Mr. Vithalbhai
Jhaverbhai Patel] -

his public usefulness. When there is room for doubt whether any action which a Government servant proposes to take will contravene the provisions of this rule, he should refer the matter for orders to the local Government to which, or the Government servant to whom, he is immediately subordinate."

I cannot quite understand why this rule is not sufficiently clear to the Honourable Member. He wishes me on behalf of Government to say what I can read into the words of the rule. But the rule seems to me perfectly clear, namely, that a Government servant may not take part—by that I mean an active part—in any political meeting. If he wishes to go to a political meeting to which he is confident he may properly go, there is no reason under this rule why he should not go, but if he has any doubt he must go to the head of the department and ask his opinion as to whether it would be desirable for him to go to the meeting or not.

What I rather think my Honourable friend wants me to do is this, he wants me to lay down on behalf of Government as a general proposition that Government servants attending the National Congress or the Provincial Conference. Well, if I did that, first of all I say frankly it would be laying down a proposition much too general in its character, and, secondly, I should be overstepping the Government of India rules. I can only say that the rule seems to be perfectly clear. It is quite true that the rule places the responsibility on the Government servant, and that, I understand my Honourable friend thinks, is a very undesirable thing. Personally I think it is all to the good that each individual should have the responsibility of his own actions.

I wish to make our position as clear as I possibly can, and what I want to lay down distinctly is this, that Government has no objection to Government servants attending political gatherings but that each individual must, in the first place, exercise his own discretion as to the desirability of attending a particular gathering, and if he is not sure in his own mind he must go, as laid down in the rule, to the head of his department and must find out whether it is desirable for him to attend or not.

I sincerely trust that, having regard to the remarks I made in the beginning that these rules were rules prescribed by the Government of India, my Honourable friend will be disposed to withdraw his resolution.

The Honourable Mr. PATEL.—Let Government servants interpret the rule as best they can. In view of what has fallen from Your Excellency, I beg to withdraw the resolution.

Resolution by leave withdrawn.

His Excellency the PRESIDENT.—Resolution No. 5.—The Honourable Mr. PATEL.

The Honourable Mr VITHALBHAI JHAVERBHAI PATEL.—May it please Your Excellency,—The resolution reads thus—

"That this Council recommends that his Excellency the Governor in Council may be pleased to declare that no officer of Government shall be appointed President of a Municipality to which the privilege of recommending a councillor for nomination as president by a two-thirds majority has been granted by Government."

Your Excellency, the Bombay District Municipal Act, 1901, contemplates three kinds of Presidents. Ex-officio President, President elected by the municipality, and President appointed by name by the Governor in Council. With regard to ex-officio President, the Statute provides for a standing ex-officio

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President, in order to prevent the constant repetition of correspondence and notifications arising out of frequent changes in the personnel of Sub-Divisional Officers. For instance, a Sub-Divisional Officer by virtue of his office is always an ex-officio President. So, in this case, the Statute gives the power to the Governor in Council. With regard to the elected Presidents, Your Excellency will remember that some time ago, last year or year before last, that I moved a resolution in this Council that the City Municipalities should have the right of electing their own President, and Your Excellency's Government were pleased to extend the privilege of the right of electing their Presidents to most of the municipalities in this Presidency. The resolution that I have now the privilege and honour to move has reference to the third class of Presidents, namely, municipalities to which the Governor in Council may appoint a President by name. Now, these municipalities are of two kinds, municipalities to which the privilege of selecting a President is given by $\frac{2}{3}$ rds majority:—

His Excellency the PRESIDENT.—Will my Honourable friend please excuse me for one moment. It has been suggested to me by my Honourable colleague that if the Honourable mover has no objection, we may take numbers 5 and 7 together. Will that be convenient to my Honourable friend?

The Honourable Mr. PATEL.—Yes, I have no objection.

His Excellency the PRESIDENT.—Then, we will take them together and discuss them.

The Honourable Mr PATEL.—The 7th resolution, my Lord, reads thus:—

“This Council recommends that His Excellency the Governor in Council may be pleased to rule that where there are more candidates than one for the office of the President of a Municipality to which the privilege of recommending a councillor for nomination as President by a two-thirds' majority has been granted by Government, the one who secures the highest number of votes shall be appointed under Section 23 (2) (a) of the Bombay District Municipal Act, 1901.”

Now, proceeding further, Your Excellency, I was just pointing out to this Council that the third class of Presidents appointed by Government by name are in respect of two classes of municipalities. Municipalities to which the privilege of selection of a President is granted by Government by two-thirds' majority and municipalities to which such a privilege has not been granted. This concession of selection of President by a two-third majority was extended to certain municipalities by virtue of Government Resolution No 4601 of 16th July 1908 in the General Department, and my resolution No. 5 refers exclusively to these municipalities only, that is, municipalities in which the right of the privilege of selecting their President by two-third majority has been conceded. Now, Honourable Members will, I hope, agree that these municipalities to which this privilege has been extended have their own difficulty in selecting a President by two-third majority, particularly, when a Sub-Divisional Officer or Mamlatdar is a Councillor and at the same time stands as a candidate for the presidency. It may be argued, Your Excellency, that the right of vote is not restricted; every one is free to vote as he likes, that right is not taken away. But Your Excellency will see that the difficulty is in the hypothetical “if”. Quite right; the right of vote is not taken away; but Your Excellency's Government and this Council will remember that the Sub-Divisional Officer's or the Mamlatdars' power in the mofussil of doing good or doing harm, whatever he likes, is so enormous, that if a non-official stands as a candidate against him it is very difficult for him to carry the majority. In 1909, Your Excellency, the Bombay Government recognized that there were difficulties and there were objections to a Sub-Divisional Officer standing for municipal election, and, therefore, in that year they ruled that no

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Assistant or Deputy Collector ought to be nominated as a member of a local body in a subordinate position. That was the policy laid down by the Bombay Government by their Resolution No. 2436, dated the 11th May 1909.

The Honourable Mr. CURTIS.—May I suggest to the Honourable Member that there are two separate parts of the resolution. First of all, whether an official, assuming he is a member of the municipality, should be permitted or not permitted to stand for election, and, secondly, at a subsequent stage, assuming that he is not allowed to stand and that no non-official obtains the two-third majority, whether he should or should not be appointed afterwards. I think if you take the resolution in these two stages it will be made clear.

The Honourable Mr. PATEL.—Resolution No. 5 desires that Government shall not appoint an officer of Government as President of a municipality to which the privilege of selecting a President is granted. I am referring to that.

In 1909 this Government laid down emphatically that a Sub-Divisional Officer, a Deputy Collector or an Assistant Collector should not be nominated as a Councillor, and that the reasons underlying that resolution were, firstly, if he were nominated on the municipality, naturally, the municipal Councillors, non-officials, would not take advantage of the self-governing powers, and, secondly, supposing they elect a non-official President it would not be right that a Sub-Divisional Officer should sit there in a subordinate position. On these two main grounds, Government in 1909 ruled that a Sub-Divisional Officer shall not be appointed a member of the municipality. As a result of that ruling of the Bombay Government, Your Excellency, several non-official gentlemen in the mofussil municipalities were elected as Presidents of municipalities. I have in mind some cases in the Northern Division.

His Excellency the PRESIDENT.—Will the Honourable Member give me the exact date of that Government Resolution?

The Honourable Mr. PATEL.—No. 2346, dated 11th May 1909. This is quoted in the recent resolution of 1916.

Your Excellency, after that resolution several non-official gentlemen in the mofussil municipalities took advantage of this and stood as candidates because they had not to oppose the Sub-Divisional Officers or Mamlatdars, and, as a result, they were elected as Presidents, and, surely, Your Excellency, they conducted the administration in a very efficient manner. I may quote the instances of Borsad, Viramgaum and Anand Municipalities, and similar cases may be cited from other Divisions also. In all these cases the municipal administration was conducted very efficiently and Government had no opportunity to find any fault with the administration so conducted. But, Your Excellency, unfortunately or fortunately, the history of local self-government in this Presidency has its tides and ebbs and has to change with the views of the executive Government for the time being; and thus, Your Excellency, very recently, in 1916, Your Excellency's Government issued a Government Memorandum to Commissioner, C. D., No. 1931, dated 16th March 1916, and that is the order which is the subject matter of this complaint. It reads thus—

“In supersession of the orders contained in Government Memorandum No. 2436, dated 11th May 1909, the Commissioner in Sind and the Commissioners in Divisions should be informed that Government leave it to their discretion to nominate Assistant or Deputy Collectors as members of municipalities, where they are likely to give useful advice and assistance.”

Now, my Lord, this Resolution—

The Honourable Mr. CURTIS.—I do not want to interrupt the Honourable Member. I wish to make the position clear. Will he kindly define

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an "officer of Government". Does he include a Sub-Divisional Officer? So far we have only heard reference made to the Assistant and Deputy Collectors. In a definition of an officer of Government would he include an officer of Government such as an Assistant Surgeon or Educational Inspector?

The Honourable Mr. PATEL :—Your Excellency, in the mofussil we are not very much afraid of an Assistant Surgeon or Educational Inspector but only revenue officers, as Sub-Divisional Officer or Deputy Collector. A Sub-Divisional Officer on the municipality is an impediment in many cases to a free discussion and freedom of thought

His Excellency the PRESIDENT :—Would the Honourable Member clearly say what he means by Government officers? Does he mean every Government officer?

The Honourable Mr. PATEL :—I mean every revenue officer.

My Lord, it is a matter of great regret that when the Government of Bengal has only recently issued a circular that in future District and Sub-Divisional officers are not to be allowed to stand for election as Chairman, or are not to be appointed as Municipal Commissioners, we in this Presidency have been deliberately subverting the liberal policy laid down by the Government of 1909. Now, Your Excellency, with regard to this question of President I should like, with Your Excellency's permission, to quote the views of the Decentralization Commission. The Commissioners say —

"Lord Ripon's Local Self-Government Resolution of 18th May 1882 contemplated that municipal councils should usually elect their own President or Chairman who would generally be a non-official, but the only provinces in which there is as yet any large proportion of elected non-official Chairmen are Madras, the Central Provinces and the two Bengals."

They say again:—

'There is a considerable—

The Honourable Mr. CURTIS :—What is the date of that report?

The Honourable Mr. PATEL :—I do not know of any date, probably 1909. Paragraphs 851 and 852.

In paragraph 852 they again say "there is a considerable consensus of non-official opinion, especially in Madras and Bombay and the two Bengals, in favour of dissociating the Collector and his assistant from the chairmanship of municipal bodies whenever this is practicable, and we agree in thinking that the municipal Chairman should usually be an elected non-official. The circumstances of municipalities differ from those of rural boards in that they are much less connected with the general district administration, that political education has reached a higher level, and that the jurisdictional area is much smaller and more compact. The arguments which led us to recommend official Presidents for rural boards do not therefore apply here. Government officers should not be allowed to stand for election, since this would in many places imply virtually their return. But in towns in which the local Government considers that a nominated Chairman is still required the nominee should be an official."

One word more, my Lord, with regard to this resolution No. 5 and I have done. Your Excellency will find that in Madras out of a total number of 63 Presidents, 38 are elected non-officials and 25 are elected officials, 15 are nominated non-officials and 8 are nominated officials. In Bengal, Your Excellency, out of a total number of 111 Presidents, 74 are elected non-officials, 10 are elected officials, 8 are nominated non-officials and 19 are nominated officials, while in Bombay out

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of a total number of 153 Presidents, Your Excellency, in our Presidency, we have 53 elected non-officials, 37 elected officials, 3 nominated non-officials and 16 nominated officials. Your Excellency, working out the percentage, I find that in Madras the percentage of non-official Presidents is 84. In Bengal it is 74, while in this Presidency only 36 or 37

The Honourable Mr. CURTIS —Before the Honourable Member closes his speech I understand the resolution refers to the 12 or 14 municipalities only to which the right of 3rd majority is allowed. Will the Honourable Member kindly say in how many of these 12 municipalities officials are still Presidents

The Honourable Mr. PATEL —Your Excellency, I have not got the figures. However, I submit it is only right that this little concession should be granted. The Resolution may affect 12 or 14 municipalities as the Honourable Mr. CURTIS says, or it may affect many more. I do not know.

Now with regard to the resolution which is a necessary corollary to this resolution, that is, resolution No. 7,—of course, I shall have to request your Excellency's Government to put both of them to vote separately,—I understand, your Excellency, that in 1914 and 1915—I shall be glad to be corrected—the practice was that Government used to appoint as President a candidate who secured the highest number of votes. Supposing there were two or three candidates and none of them secured a two-thirds majority, then the one who secured the highest number of votes used to be appointed by Government. I trust the Honourable Sir Parbhashankar, who was in charge of the Portfolio, will bear me out on this point. But, as I just now remarked, the history of self-government is full of ebbs and tides. Recently instances have come to my notice in which your Excellency's Government have appointed candidates who could not secure the highest number of votes, in preference to those who could secure them. I cite the instance of Viramgam where a sub-divisional officer stood as a candidate against a local pleader. The local pleader could not get the two-thirds majority, nor could the sub-divisional officer, but the pleader got the greater number of votes in his favour. The matter went up to Government and your Excellency's Government did not appoint the pleader but appointed the sub-divisional officer. Your Excellency, a similar case occurred in Thana. If the wishes of municipalities are at all to be consulted, it is only fair that a candidate who secures the greater support from the municipality should be appointed by Government, the local municipality is the best judge as to who should preside on its deliberations. The appointment of President by Government of a Councillor in contradiction of the wishes of the majority of Councillors has the danger of bringing about factious spirit which is detrimental to local self-government. A Councillor who has been enthroned as President by Government irrespective of the wishes of the municipality naturally domineers over other Councillors in an arrogant spirit and feels that he has no responsibilities to the body corporate. I would prefer an ex-officio President or President appointed by name by Government to one who is installed as President by Government against the wishes of the majority of Councillors. The danger is magnified when the President appointed by Government is a sub-divisional officer or Mamlatdar who was not able to secure even ordinary majority over his rival non-official candidate

With these words I place my resolution before the Council for favourable consideration.

The Honourable Mr G. S CURTIS:—I want to be absolutely clear. Before the words " officer of Government " we are to read " sub-divisional officer " which in the alternative is to be interpreted as " Revenue officer," and the limitation on the appointment of president of a revenue officer is to apply only to the municipalities to whom the right of nominating a president by a two-thirds majority has been conceded and does not apply to other municipalities.

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[*Mr. Shridhar Balkrishna Upasani;*
Rao Bahadur Ganesh Krishna Sathe,
the President; Mr Curtis]

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The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.—I have very great pleasure in supporting the Honourable Mr. PATEL'S resolutions which he has so ably moved. My Lord, the first resolution, No. 5, relates to the appointment of non-official Presidents in the municipalities which have been given the right to elect their President by a majority of two-thirds. Your Excellency, our experience shows us that it is very difficult to secure that majority in the mofussil municipalities and in many cases it happens that neither candidate is able to obtain the required majority and the matter has to be referred to Government. To avoid such a contingency one of the two competing candidates prefers to withdraw and allow the other to be elected rather than let the matter be referred to Government. Your Excellency, it is well known that officials who are on the municipality exercise an amount of influence in the matter of elections when they stand as candidates and it is not desirable that they should be allowed to stand as candidates. The election in that case is not free, and if the officer candidate is not elected, matters are more unpleasant than if he is elected. All these things should, I think, be avoided. If we look to the constitution of the municipalities as a whole you will see that out of the total number of members in all the municipalities there are 379 ex-officio, 701 nominated and only 93 elected. The proportion of nominated officials at times exceeds that mentioned by me. Official members as a rule exercise greater influence than other ordinary members and it is in most cases not possible for a non-official candidate to get a 3rd majority; it would, therefore, be better to allow all municipalities the privilege of electing their Presidents by a mere majority, and to provide that an official member candidate shall not stand for election as President. Then as regards the other resolution, No. 7, I do not think Government's discretion need be taken away altogether, but it would be better if Government were to exercise that discretion by selecting the candidate who had obtained the larger number of votes, or if Government were not prepared to take up that candidate, then to select any of the members who had not stood as a candidate for the Presidentship. That, I think, would meet both ends. In fact it would be humiliating to a candidate who did not command the confidence of the majority of the municipality to be selected by Government to be its President. In any case, I think it is in every way desirable that Government's choice should not fall on a candidate who secures a minority of votes or who is himself a Government officer.

The Honourable Rao Bahadur GANESH KRISHNA SATHE :—Your Excellency,—I would make a few remarks first on resolution No. 7 and I wish to propose an amendment on the lines which my honourable friend Mr. UPASANI has indicated in his speech; and if that amendment is acceptable to the HONOURABLE MOVER of this resolution the seventh resolution may go without any further discussion.

The amendment which I propose is to add after "1901" at the end of the resolution No. 7 the words "unless Government appoints under section 23 (2) (a) of the Bombay District Municipal Act any one who was not a candidate for such office".

I will make clear the object of my amendment.

His Excellency the PRESIDENT :—The amendment proposed to the resolution No. 7 is: "At the end of resolution No. 7 add the words 'unless Government appoints under section 23 (2) (a) of the Bombay District Municipal Act any one who is not a candidate for such office'".

The Honourable Mr. CURTIS :—On behalf of Government I am prepared to say that Government are prepared to issue orders that no revenue officer who may be a nominated member of a municipality shall stand for election as a President of any municipality to whom this particular privilege referred to in the

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resolution No. 5 has been conceded. But of course Government must reserve—I want to make it very clear—the right, in case of there being two candidates for the office of Presidentship neither of whom obtained the two-thirds majority, of appointing a revenue officer to be President if that appears to be necessary. I am not aware of the Viramgam case, but in other cases which I have seen, as a rule Government have not done that in the past, but as a matter of policy, as I said, Government are prepared to rule that no revenue officer shall stand for election.

Government are unable to withdraw the orders already issued allowing the appointments of these gentlemen on the board for reasons which I shall give in my reply.

The Honourable Mr. SATHE (continuing) —Then the position becomes this, that in cases of municipalities who have got a right to elect their President by two-thirds' majority Government does not intend that their revenue officers should offer themselves for election. In that case the only contingency that would arise would be to appoint such officers in case no one of the candidates who offer themselves for this post obtain the requisite number of votes, and in order to meet such a case, I have suggested an amendment which means that in case Government wishes to make a selection out of the candidates who have offered themselves for election, Government should be bound to select one who gets the highest number of votes, and the reason for this amendment of mine is quite clear, and that is that if Government wants to secure a gentleman who commands the greatest confidence of that body, then there is no reason why this resolution should not be adopted by Government. The only latitude which Government should have is, as has been indicated by the amendment I propose, namely, that in case no one gets the requisite number of votes and if Government thinks that in the peculiar circumstances of a particular municipality it would not be safe to select one who has got the highest number of votes, then Government might reserve to themselves the right of nominating or appointing a President under section 23 (2) (a) any one they like, but not out of those who were candidates for the post.

Then I come to the question which affects resolution No. 5; that resolution demands that this Council recommends that His Excellency the Governor in Council may be pleased to declare that no officer of Government shall be appointed President of a municipality to which the privilege of recommending a Councillor for nomination as President by a two-thirds' majority has been granted by Government.

This resolution No. 5, as has been put forward by my honourable friend Mr. PATEL, refers only to revenue officers. He wants that no revenue officer of Government shall be appointed President of a municipality. It appears that it does not matter if any one other than a revenue officer comes in to preside over the administration of a municipality. He does not think that the interest of local self-government would be affected if a Government officer presides, but his main objection is to the appointment of a *revenue officer* at the head of a municipality.

Now I will only request my honourable friend to realize the conditions of a certain municipality where the situation makes it absolutely necessary to appoint an officer who is intimately connected with the city or with the division in which he works. I know of a case arising in the Central Division. I think it is a case from Karhad where on account of party feelings or on account of factious spirit they could not form a quorum necessary for electing a President. On three occasions the municipality failed to nominate or to select any one and then the district officers found that the situation was such as necessitated the appointment of some strong man on the body. In such a case, I think, Government ought to have power to appoint a revenue officer to put the things in right order. It does not mean that Government will always go in for the appointment of a revenue

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Hussein Hidayatallah*]

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officer, but what it only means is that this power should not be specifically taken away from the hands of Government. And if we look to the history as to how this franchise of electing its own President is given to the several municipalities, we find that before 1908 almost all of the municipalities were presided over by Government authorities, and it was in 1909 that this privilege was extended to certain municipalities, and subsequently it was extended to many more municipalities, and now there are very few cases in which Government will be obliged to have recourse to make appointments of revenue officers. Remembering this fact, I think it would be too much to tie down the hands of Government by asking this Council to adopt a resolution which has the effect of not giving power to Government to appoint any revenue officer, and my view of the matter is that Government should be free to appoint any one it likes according to the exigencies of the case and no distinction need be made between revenue officers and other officers

Now for instance on town municipalities the Mamlatdars and sometimes Head-karkuns are members. Why should there be certain disabilities attached to the office of the President because he happens to be a revenue officer? Government should have liberty to appoint any one out of the nominated or elected members. A revenue officer is as good a councillor as any one else, official or non-official, and in that case I do not really see the objection which my Honourable friend Mr. PATEL sees in having this power left in the hands of Government. I cannot understand what apprehensions my Honourable friend Mr. PATEL has on this point when he says that the presence of Government officers' on the municipal boards retards the progress of local self-government. The Honourable Mr. PATEL and myself have worked together on a certain committee and we have never seen eye to eye on the question as to how useful the presence of a Government officer is at times on local bodies. It is a matter of personal equation. It depends upon what sort of officer you get on the body. If you get a sympathetic officer, instead of retarding the progress he is of very great use to us. It need not be understood for a moment that I am in favour of officializing these bodies, but I am not in favour of taking away the right which is now in the hands of Government to appoint revenue officers in cases where such appointments are needed. That is the position which I take. Much depends on us. The resolution as worded refers only to municipalities where the right of selection is granted. If you really want to see that revenue officers do not meddle with your affairs, why not combine and secure a man with the requisite number of votes. You can really make this clause of the Act nugatory by combining and bringing in the municipality your own man who is of your confidence and who gets the requisite number of votes. In fact, if I am right, I think, the remedy lies with us. Instead of asking Government it is we who ought to make efforts in that direction so as not to make it possible for Government to appoint any revenue officer

With these few words I resume my seat.

The Honourable SHAIKH GHULAM HUSSEIN HIDAYATALLAH:—Your Excellency, as regards resolution No. 5, the Honourable Mr. PATEL and the Honourable Mr. UPASANI have not pointed out to this Council that any revenue officer upto this time has sought election in any municipalities mentioned in the resolution. The object of the Honourable Mr. PATEL in bringing this resolution was that hereafter any revenue officer might not seek election. As has been rightly pointed out by the Honourable Mr. SATHE, the remedy is in our hands. If the people do not like to choose their own man, Government has to appoint a revenue officer. And in big cities, to which this resolution refers, the people there are intelligent and advanced in education, and I do not think they will be influenced by the revenue officers. It is no doubt undesirable that Government officials should seek election. But in the first place they themselves won't like that idea. And even if they stand for election, I do not think that they will be

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Mr. Vithalbhai Javerbhai Patel;
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able to get the two-thirds' majority. But if Government appoints them under the circumstances referred to by the Honourable Mr SATHE, I do not think there is any objection to it. If owing to factions people do not choose their own President what would be the result? The result would be the suspension of the municipality which is a greater evil than the appointment of an official President.

With these remarks I oppose the resolution.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL :—Your Excellency, —I understand my Honourable friend Mr CURTIS said that if my resolution were to read "That this Council recommends that His Excellency the Governor in Council may be pleased to declare that no revenue officer of Government shall stand as a candidate for the office of the President of a Municipality to which the privilege of recommending a Councillor for nomination as President by a two-thirds majority has been granted by Government," Government would be prepared to accept it.

His Excellency the PRESIDENT :—I think perhaps it will be to the convenience of the Council if I read out now what the general result of these two resolutions would be.

The Honourable Mr. PATEL :—Not of the two resolutions, Your Excellency, but only of resolution No. 5.

His Excellency the PRESIDENT :—Does the Honourable Member object to the Honourable Mr SATHE'S amendment?

The Honourable Mr. PATEL :—No, Your Excellency, I do not object to it.

His Excellency the PRESIDENT :—I do not know whether the Honourable Member agrees to this or not. I thought it would rather shorten matters if I put both these resolutions into one, and if the Honourable Member does not object, and if the Honourable Mr. SATHE would agree, I would add the Honourable Mr SATHE'S amendment on and put it as the main resolution. Would that satisfy the Honourable Mr. PATEL?

The Honourable Mr. SATHE :—Yes, Your Excellency.

His Excellency the PRESIDENT :—Then the resolution will read as follows :—"That this Council recommends that His Excellency the Governor in Council may be pleased to declare that no revenue officer of Government shall stand as a candidate for the Presidentship of a municipality to which the privilege of recommending a Councillor for nomination as President by two-thirds' majority has been granted by Government, and to rule that where there are more candidates than one for the office of the President of a Municipality to which the privilege of recommending the Councillor for nomination as President by a two-thirds majority has been granted by Government, one who secures the highest number of votes shall be appointed under section 23 (2) (a) of the Bombay District Municipal Act, 1901, unless Government appoints under section 23 (2) (a) of the Bombay District Municipal Act, 1901, one who is not a candidate for such an office."

The Honourable Mr. SATHE :—Your Excellency,—I think it is intended that the two parts of the resolution should be taken as one, and so far as I am concerned, in view of the observations which I have made I am agreeable to it and I do not wish to offer any further remarks because I have already said what I wanted to say.

The Honourable Mr. PATEL :—I accept the resolution as amended, and I move it and I hope the Council will accept it.

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[*Mr. Chunilal Vijbhukhandas Mehta ;
Mr. Curtis ; Mr. Mahadev Bhaskar
Chaubal ; The President ; Mr. Vithal-
bhai Javerbhai Patel.*]

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The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—I have got a few observations to make in connection with the last part of the resolution which has just been read out by my Honourable friend Mr. PATEL. My difficulty, Your Excellency, is this, that I cannot understand under what rule Government lay down any conditions as to the majority that a candidate shall obtain before he is elected president of a municipality. As I read section 25 (2) (c), it only says:—

“ If the Governor in Council so directs, every president shall be elected by the municipality.”

The Governor in Council—

The Honourable Mr. G. S. CURTIS:—I rise to a point of order, Sir. It may be possible—I am not a lawyer, so I cannot say off-hand—that the executive orders of Government which prescribe that certain municipalities shall have the right of electing their president by a two-thirds majority may be contrary to law. That question, Sir, is not at present before this Council. We are assuming that those orders are in existence, they have been in force for some years, and both the mover of this resolution and ourselves are bound to admit that they are legal. The question of their legality cannot be discussed at this moment.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL:—May I be permitted to mention that that is a sort of general executive order? So far as the law goes—I am speaking subject to correction, as the point has been just raised—clause (c) of sub-section (2) of section 23, says:—“ If the Governor in Council so directs, elected by the municipality”, and I suppose that the executive order is meant as a sort of general direction as to the circumstances under which Government will be prepared to give that right. But I do not see myself at present that there is anything illegal in it, and I think the executive order can hardly be considered as illegal. I may further draw the attention of Honourable Members to section 14. That is about the chairman.

His Excellency the PRESIDENT:—I must say to Honourable Members that I hardly think the point raised by my Honourable friend Mr. MEHTA has very much reference to this particular resolution.

The Honourable Mr. MEHTA:—I will point out, Sir, why I brought this forward and why I consider that it is relevant. It is for this reason, that if the interpretation that I put upon it is correct, then I cannot accept the amendment as moved by the Honourable Mr. SATHE, because it then gives sanction, in the first place, to a practice which I consider very doubtful, and, in the second place, it defeats the object of this resolution, as the Honourable Member in charge informed us that there are only about 12 or 14 municipalities out of a total number of 153 which have been granted the privilege by Government of electing their own presidents. That being so, Sir, I submit that that privilege is very greatly curtailed if you give the right only to those candidates who succeed in achieving a two-thirds majority. I submit that in any council it is extremely difficult to get a two-thirds majority and in that case the provision of section 23 (2) (c) to my mind becomes almost nugatory, and the only thing left to us is the appointment which is made by Government. I rather wish the amendment had not been accepted by my Honourable friend Mr. PATEL. I do not know what induced him to accept it; probably he did not realise the significance of that amendment. My only point, Sir, is that I regret that I will not be able to support the resolution as has been accepted by the Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JAVERBHAI PATEL:—May I be allowed to say a word, Your Excellency? My honourable friend Mr. MEHTA is under a wrong impression. He seems to think that there are no municipalities in the

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[7TH DECEMBER 1916.]

[*Mr. Vithalbai Javerbhai Patel;*
Mr. Dattatraya Venkatesh Belvi;
Mr. Prabhashankar D. Pattani;
Mr. Chunilal Vijbhukhandas
Mehta; The President]

mofussil which have a right of electing presidents by a bare majority. I may tell him that there are a number of such municipalities who have got the right of electing presidents by a bare majority, and we are by this resolution dealing with a further class of municipalities to which the right of selecting their presidents by a two-thirds majority has been granted. Under these circumstances, I think he will see his way to withdraw his objection.

The Honourable Mr. DATTATRAYA VENKATESH BELVI:—Your Excellency,—I take it that the resolution which we are now considering embodies two Resolutions Nos. 5 and 7 as amended, and I have to suggest a slight amendment in this amended resolution. I wish to omit the words "a two-thirds majority" and substitute for them the words "a majority". The first part of the resolution will then stand thus:—

"That this Council recommends that the Governor in Council may be pleased to declare"—

His Excellency the PRESIDENT:—Order, order. I really think this introduces an entirely new question altogether. My Honourable friend Mr. PATEL is referring to the municipalities who have the right of electing their presidents by a two-thirds majority. I do not think that I can really allow my Honourable friend Mr. BELVI'S amendment.

The Honourable Mr. BELVI:—I only want to say that in no case a revenue officer should stand for election. If we say that no revenue officer may be allowed to stand as a candidate only where there is a two-thirds majority, it would mean that a revenue officer is at liberty to stand as a candidate in the case of those municipalities that have the right of electing a president by a bare majority. I am prepared to retain the words "two-thirds majority" in the second part of the resolution, but in the first part the words should be "a majority" instead of "two-thirds majority" for electing presidents in the case of every municipality to which the right of selecting a president has been conceded by Government.

The Honourable Sir PRABHASHANKAR D. PATTANI:—Your Excellency,—I am afraid that the issues seem to have been involved. It would be well to remember that there are two kinds of municipalities which enjoy the right of a member who is elected by them becoming the president. The first kind is covered by section 23 (2) (c); under this clause Government has given certain municipalities the right of electing their own president by a bare majority. The other kind of municipalities are governed by sub-clause (a) of the same section under which Government have given to certain selected municipalities the right of selecting their presidents by a two-thirds majority, and in their case Government would be bound to appoint such selected presidents by name. The decision as to which municipalities will come under sub-clause (c) and which under sub-clause (a) rests entirely with Government. I hope this explanation will make it clear that the technical point raised by the Honourable Mr. CHUNILAL MEHTA does not arise at all, and I submit that there is no legal difficulty which I can think of in this matter.

The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA:—Your Excellency,—As a personal explanation may I say that the explanation given is perfectly satisfactory and that the question of election by a bare majority does not arise, and that in the case of a two-thirds majority Government continue to nominate under clause (a) of the section. Therefore, I consider the form of the resolution of my Honourable friend Mr. PATEL is perfectly correct.

His Excellency the PRESIDENT:—I am afraid on further consideration that I cannot allow the amendment of my Honourable friend Mr. BELVI, as I think it refers to an entirely different position. I think we must stick to those particular municipalities to which my Honourable friend Mr. PATEL'S resolution refers.

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[*Mr. G. S. Curtis ; Mr. Patel.*]

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The Honourable Mr. G. S. CURTIS:—Your Excellency,—I rise to make a few remarks on the resolutions moved by the Honourable Mr. PATEL.

There is a certain amount of confusion between election under section 23, sub-section (2) (c), and selection for nomination by Government under section 23, sub-section (2) (a). The position is that there is a considerable number of municipalities to whom the privilege of nominating their President for appointment by Government under section 23 (2) (a) has been conceded.

Now the original resolution as drafted by the Mr. Honourable PATEL contained to my mind some objectionable features. In the first place he used the expression "officer of Government." Well, as I pointed out before, "officer of Government" is a very wide expression indeed. It would include a Government Pleader, an Assistant Surgeon, a Head-master of a high school or an Assistant Engineer or a Sub-Engineer, all of which classes of officers have done in the past, and may be expected to do in future, very useful service on these local bodies. But the Honourable Member has, I think, been well advised and has changed the expression "officer of Government" into "revenue officer of Government," so that that objection has been removed.

A second objection that I had to the Honourable MOVER'S remarks was with regard to the exception which he took to the nomination of a revenue officer as member of a Municipality. I am perfectly aware that Government issued orders in 1909 to the effect that the Sub-Divisional Officers should not as a rule be nominated as members of municipalities and that those orders have been recently withdrawn. I venture to think, Sir, that the recent action of Government is perfectly correct. Government have laid down that where an Assistant Collector's special knowledge or experience makes him a useful member of the board and where he is anxious to work as such, there is no objection to his being nominated as a member of that board. Well, Sir, I myself gained very valuable experience in 1891, when I was nominated a member of the Ahmedabad Municipality under the presidency of the late Rao Bahadur Ranchhodlal Chhotalal. At that time the late Rao Bahadur Ranchhodlal Chhotalal was I believe the only non-official, President in the Presidency, and I confess that I learnt a lot from him and that the experience was extremely useful. I think it is a very desirable thing that where officers are willing and able to do service on these local bodies they should be nominated as members; the benefit both to the board and to the officers would be considerable. If you are going to cut off revenue officers from all connection with practical work of local self-government, it is perfectly clear that they will get no training and that they will be completely out of touch with many of the big problems which are connected with the administration of our cities, such as water supply, drainage, roads, and their attendant financial problems. In that case, those officers will not be able to deal with such problems satisfactorily when they come to the Secretariat or rise to higher posts. The financial problem of local self-government in this country involves very important questions indeed which officers in the Civil Service and in the Public Works Department will have to study to a far greater extent in the future than in the past. The capital locked up in works, such as drainage and water-supply installations, is very large, and the arrangements for dealing with the raising and repayment of loans from Government, the sinking fund, and so forth are matters which require very careful attention on the part of the permanent officials; it is essential that they should obtain their experience by actually working on the boards. For these reasons, Sir, I think, it would be awfully bad if we were to accept the Honourable MOVER'S original proposal and say that revenue officers should not serve on municipal boards. But, Sir,

☛The Honourable Mr. PATEL.—My resolution does not say that they should not serve on municipal boards.

The Honourable Mr. CURTIS (continuing):—I am quite aware that the Honourable Member's resolution does not say so; but he quoted with approval

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[7TH DECEMBER 1916.]

[*Mr. G. S. Curtis; the President;*
Mr. Vithalbhai Javerbhai Patel.]

the orders of Government of 1909 which definitely say that Sub-Divisional Officers should not be nominated to these municipal boards, and he objected to the recent Government orders of March 1916 which cancelled those orders of 1909. I am endeavouring to explain to this Council the reasons which actuated Government and the reasons for which I consider that it is advisable that Sub-Divisional Officers should continue to work on municipal boards and gain the valuable experience which such appointment gives them.

But, Sir, as the resolution stands at present, I think, I may say that Government are prepared to accept it. The resolution as amended will read "In the Municipality to whom the privilege of recommending a Councillor for nomination as President by a two-thirds' majority has been granted by Government no revenue officer of Government shall stand as a candidate for Presidentship".

I admit that the case of the Viramgam Municipality to which the Honourable MOVER has referred had escaped my memory. I agree that it is not advisable that revenue officers should seek the votes of members of a municipality and stand for election.

Now, coming to Resolution No. 7, there also we are quite prepared to say that when there are more candidates than one, the one who secures the highest number of votes shall be appointed, unless Government appoints under section 23 (2) (a) one who is not a candidate for such office. The position will be that out of those candidates who stand for election one who gets the highest number of votes will be appointed unless in cases such as mentioned by the Honourable Mr. Sathe, where factions render it difficult for a single member to obtain that backing which is necessary for the smooth working of the municipality, Government think it desirable to appoint someone from outside, presumably in most cases one of their own officers.

I think, Sir, that is all I have got to say.

Resolutions Nos. 5 and 7 as amended were put to the vote and carried.

His Excellency the PRESIDENT:—Resolution No. 6. The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL.—Your Excellency, the resolution that stands in my name reads thus:—

"This Council recommends that His Excellency the Governor in Council may be pleased to undertake legislation so to amend section 179 of the Bombay District Municipal Act, 1901, as to debar the person or persons appointed by the Revenue Commissioner from time to time to exercise and perform all the powers and duties of a superseded Municipality from making an application to the Governor in Council for the appointment of a Municipal Commissioner under section 186-A."

My Lord, at the last Provincial Conference the following resolution was unanimously accepted.—

"That this Conference is strongly of opinion that it is not proper on the part of Government to appoint a Municipal Commissioner for a City the Municipality of which is under suspension because the popular demand which is the basic principle of section 186-A of the Bombay District Municipal Act, 1901, is altogether absent in such cases."

My Lord, you will find that the Conference does not question the legality, but questions the propriety of the action of Government in appointing a Municipal Commissioner for a superseded municipality. That being so, I maintain that if it is not proper for Government to appoint a Municipal

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[*Mr. Vithalbai Jhaverbhai Patel.*]

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Commissioner for such a municipality, it is, I submit, not proper for the legislature to invest Government with such power. My resolution therefore seeks the amendment of the Municipal Act in this direction. It is, however, doubted in some quarters whether Government are entitled, under the Act, to appoint a Municipal Commissioner in such a case. I therefore proceed to point out the provisions of the Act which vest those powers in the Governor in Council.

Section 186-A, Chapter XIII-A, of the Bombay District Municipal Act provides that the Governor in Council may make an appointment of a Municipal Commissioner for any municipal district which contains a population under 100,000 inhabitants, only on the application of the municipality in that behalf and provided that such application has been previously supported by not less than two-thirds of the whole number of councillors.

It is clear from this section that the municipality is empowered to make an application to the Governor in Council to make an appointment of the Municipal Commissioner. What happens if the municipality is superseded? Section 179 of the Act provides that when the municipality is superseded all powers and duties of the municipality shall during the period of supersession be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf. Under this section, therefore, the power given by section 186-A to a municipality to make an application for the appointment of a Municipal Commissioner vests in the person or persons appointed by the Commissioners from time to time to exercise and perform the functions of a superseded municipality. In exercise of that power, if the person or persons so appointed choose to make such an application, Government is seized of it and it is perfectly legal though improper for them to make the appointment under section 186-A. The insertion of this section in the Bombay District Municipal Act dates from 1914. Most of us who were members of this Council then must recollect the very keen controversy that raged round the clauses of the section when the amending Bill was considered in July of that year. With regard to this particular provision, the trend of the whole discussion was that the appointment should, in no case, be made for any town with a population of less than one lakh unless there be a substantial majority of the councillors in favour of the appointment. I believe this discussion took place on the amendment of my friend the Honourable Dewan Bahadur GODBOLE. That amendment suggested that the application of the municipality for the appointment of a Municipal Commissioner should be supported by not less than two-thirds of the whole number of councillors instead of by a majority of such councillors as provided for in the Bill as amended by the Select Committee. There was a very strong feeling among the non-official members in favour of that amendment, who were anxious to see that sufficient safeguards were provided to minimise the chances of the popular voice being ignored in the matter of the appointment of the Municipal Commissioner. The amendment, on being put to vote, was carried. If intentions of the legislature are any guide to Government, it is perfectly clear that the legislature, in passing the clause, according to the amendment of Dewan Bahadur GODBOLE, intended that no appointment of a Municipal Commissioner for any municipal district under 1,00,000 inhabitants should be made unless and until an application in that behalf has been supported by two-thirds of the whole number of councillors. It was certainly far from the intentions of the legislature that such application could be made by a Committee of Management, much less was it intended that the Governor in Council should give countenance to any such application. I am perfectly sure that even the staunchest advocates of the institution of Municipal Commissioner, in the Council, never dreamt that the provisions that they were supporting would be used to enable Government to appoint a Municipal Commissioner on the application of a Committee of Management. In fact, this is a loophole in the law which, if it had then been brought to the notice of the legislature, would have been remedied straight off, and it is of

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this loophole that both Government and the Committee of Management of the Hyderabad Municipality have recently taken advantage.

I need not enter into the whys and wherefores of the appointment of the Municipal Commissioner at Hyderabad. The question has been fully discussed in the Sind local papers as well as in some of the Bombay dailies. I gather from those reports that Government asked the Hyderabad Municipality to make an application for the appointment of a Municipal Commissioner under section 186-A and as a protest against that policy of Government eight of the elected members preferred to resign rather than work under what they thought were humiliating circumstances. Government still persisted in their demand as a result of which the municipality passed by 13 members (of whom seven were nominated) a half-hearted resolution which Government could not and did not accept. Section 186-A requires an unqualified and unconditional application for the appointment of a Municipal Commissioner. The resolution of the Board did not satisfy these conditions and the Government rejected the application and passed orders superseding the municipality. The Commissioner thereupon appointed a Committee of Management consisting of 6 persons, 3 officials and 3 non-officials. Shortly after the appointment of that Committee, a resolution was passed by the members unanimously to the effect that the Charman be authorised to apply to Government for the appointment of an officer exercising the powers of a Municipal Commissioner on such salary as the Government deems fit. Thus the Committee of Management exercised the powers of a municipality under section 186-A to make an application to the Governor in Council for the appointment of a Municipal Commissioner. It is, no doubt, true that under section 179, all powers and duties of a superseded municipality vest in the Committee of Management, but as I observed a little while ago, it is not proper on the part of the Committee to exercise the powers of a municipality under section 186-A which empowers the Governor in Council to make an appointment of Municipal Commissioner on the application of a municipality provided that such application has been previously supported by two-thirds of the total number of councillors. A perusal of the debate on the section in this Council in 1914 must convince any one that the provision requiring two-thirds of the number of councillors for a valid resolution was inserted with a view to minimise the chances of the popular voice being ignored in the matter of the appointment of a Municipal Commissioner. If the Council agrees with me that it was improper on the part of the Committee to make the application, the Honourable members will have no difficulty in thinking that it was much more so on the part of Government to accept that application. I trust, therefore, that the Honourable members will support this resolution which merely proposes that the intentions of the legislature should be carried out.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI:—May it please Your Excellency,—I rise to support the resolution moved by my Honourable friend Mr. PATEL, but on grounds somewhat different from those urged by him. To my mind it appears that section 186-A cannot apply to the case of a superseded municipality.

Section 186-A contemplates the existence of certain circumstances which ought to exist to empower Government to make the appointment of a Municipal Commissioner under it. (Reads section 186-A.) Now, my Lord, this section distinctly contemplates the existence of the municipality itself and a resolution by two-third of its members and the power given under this section cannot be exercised in cases where that municipality has ceased to exist.

Now if you supersede a municipality and then appoint a committee to do its ordinary work, it cannot be inferred that that committee can exercise powers which are given here to the municipality so long as it exists and so long as it can pass the required resolution by two-third majority. When the municipality is

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superseded two-third of the whole number are not in a position to give their sanction to the appointment. That being the case, how can you apply the section which my Honourable friend wants to be amended?

Under section 180 there is a different state of things. Then section 179 (2) (b) gives power to Government to supersede a municipality in cases of incompetency, default or abuse of power. When a municipality is superseded then the position is this—(a) all councillors of the municipality, from the date of the order, vacate their offices as such councillors; (b) all powers and duties of the municipality, during the period of supersession, are to be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf; (c) and all property vested in the municipality is, during the period of supersession, vested in His Majesty. All this gives the person appointed, only the power to carry on the ordinary business of the superseded municipality and it does not give that officer or the committee those powers which are contemplated to be exercised by the municipality so long as it subsists and so long as all the councillors are on the board. It is thus obvious from the section itself that the committee or the person who may be appointed on supersession cannot be taken to possess the power to move Government to appoint a Municipal Commissioner and Government will not be justified in making such appointment on an application by that committee or officer.

With these few remarks I say that it would be better for Government to declare that sections 179 and 186-A do not apply to the appointment in question when the municipality itself is superseded.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLA:—Your Excellency,—I am glad that my Honourable friend Mr. PATEL does not dispute the legality of the appointment of a Municipal Commissioner in the case of a superseded municipality. He says that such appointment is not proper, and my Honourable friend Mr. UPASANI says that the appointment of a Municipal Commissioner in the case of a superseded municipality is quite illegal. But the two sections, 179 and 186-B, are very clear, and they entitle the person or persons to have all the powers and duties of the superseded municipalities.

Now when these persons, or the committee of management, or any other committee is appointed they will take up powers and duties of the municipality which the original municipality possessed. And in the case of those municipalities whose population is less than a lākh, if they apply by two-thirds majority, they can get a Municipal Commissioner appointed.

Now in the case of a superseded municipality, persons who are appointed, if all of them unanimously or by two-thirds majority, make an application for the appointment of a Municipal Commissioner, I think that appointment is quite legal.

An instance was cited by the Honourable Mover of this resolution about the Hyderabad Municipality. I think the Honourable members of this Council who were members in 1914 must be remembering that I myself and the Honourable Mr. HARCHANDRAI (and if I mistake not the Honourable Mr. BHURGRI) requested the Honourable Sir PRABHASHANKAR PATTANI when the Municipal Act was under amendment to make a provision for a municipality having a population of 75,000, because we knew that the affairs of the Hyderabad Municipality were in a bad state of management, and the appointment of a Municipal Commissioner there was necessary, and it was with that view that we made that request that time, but it was not accepted.

Now it is said that the people of Hyderabad are against this appointment. One of the greatest opponents to the appointment of a Municipal Commissioner at Hyderabad is Mr. Mathuradas, and my Honourable friend Rao Bahadur TEKCHAND will bear me out that Mr. Mathuradas was the first man who that

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time wanted the appointment of a Municipal Commissioner because he that time thought that the affairs of the Hyderabad Municipality were in a bad condition.

When this section 186-B was before this Council in 1914, the sense of the majority was in its favour. It was approved and passed by a majority

With these remarks I oppose the resolution.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL —With Your Excellency's permission, as I see that the discussion is likely to become a rambling one, I rise to take part in it at this stage in order, if possible, to direct its relevancy and make it pertinent to the resolution which has been moved. The resolution does not concern itself with anything that has happened in any particular instance in the past. It is entirely a resolution as regards what the future should be. And as to that, I think the Honourable Mover's resolution has started an academic question which, I think, does not arise on the sections he mentions and ought not in my opinion to arise on a proper construction of them. As I read the section, section 186-A has no application whatsoever in the case of a superseded municipality. The Honourable Mr. UPASANI seemed to admit that. Then if you take section 179 (b), you will see that it says:—"All powers and duties of the municipality shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf." That does not make the person or persons appointed a municipality. The exercise by a person of the powers of a municipality cannot possibly constitute that person the municipality, and therefore during supersession when there is one person administering the affairs of a municipality or when there is a committee of persons administering the affairs of a municipality, any application that that person or a committee of persons makes for any particular measure, whether it be the appointment of a Municipal Commissioner or the undertaking of anything, is not an application made by a municipality and for that reason cannot be an application under 186-A, because under 186-A any application which has got to be made has got to be made by a municipality, and if there is no municipality existing, you will see that under 179 (2) (c) after the municipality is superseded all the property vests in His Majesty, and it is the Commissioner of the province who, as the representative of His Majesty, can take during the period of supersession any steps he likes for the management of that part of the district or the particular area. In taking such steps the Act provided that the Commissioner may appoint any person or persons. The wrong tack on which the discussion is drifting comes in here. It may be that a committee appointed by the Commissioner under section 179 may have asked Government to appoint a Commissioner—I will go further and say, it may be that such committee may have erroneously supposed they were acting under section 186-A but that is not relevant to the resolution under discussion which recommends certain amended legislation. But it is quite clear that any person that Government may appoint would strictly be an appointment of a person under section 179 (b). In my opinion he cannot be called a Municipal Commissioner—for there is no municipality. It would perhaps be more appropriate to call him an administrator.

The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI —It is only under 186-A that Government has the power to make such appointments. If a committee is appointed, it does not matter.

The Honourable Mr. CHAUBAL —I beg the Honourable Mr. UPASANI'S pardon. Section 186-A, as he himself has admitted and as I say, applies and can only apply in the case of subsisting municipalities; it has got no application whatsoever to the way or machinery under which the administration is carried on in the case of a superseded municipality. Because 186-A provides for the

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[*Sir Prabhshankar Dalpatram Pattani ;
Mr Gokuldas Kahandas Parekh ;
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mittee and a clause authorising such a provision was inserted in the Bill. Now, Sir, I think that if these non-official members had the slightest idea that the clause would be interpreted to apply to cases of the Hyderabad type I say it from personal knowledge that there would have been no possibility whatever of such a clause coming into being I am quite sure that the Honourable Members who supported that measure will bear me out when I say this. Holding strongly the view that it was the sentiment of better self-government that was responsible for this addition I would earnestly urge that Government should not empower a superseded municipality to apply for the appointment of a Municipal Commissioner. I do not refer to the particular municipality which is superseded, but I do very strongly plead that it is not in the interests of local self-government that any superseded municipality should be empowered to make an application to Government for the appointment of a Municipal Commissioner. It must be remembered that the original Bill as drafted by Government did not contain that clause. It was the insertion of the non-official members of the Select Committee. Looking to the fact that the last District Municipal Bill was very sympathetically considered by the Government one can only assume that this aspect of the clause in question was not placed before them at the time, and I prefer to think that had this aspect of it been then realised Government themselves would not have pressed for its retention in the Bill.

• The Honourable Mr. GOKULDAS KAHANDAS PAREKH:—May it please Your Excellency,—It appears to me, in reference to the interpretation of the section, that there is some difference of opinion between the intention of the persons who gave their sanction to the measure in the Select Committee and in the Council and the way in which the section is now being interpreted. It is not necessary for this Council to enter into the question whether one interpretation is correct or another. What I submit, Sir, is that the intention of the Council at the time when the measure was passed should be carried out and I should wish that if there is any doubt in the interpretation of the section now it is most reasonable that it should be put in such form as may best carry out the intention of the majority of the persons whose assent gave it the force of law.

The Honourable Mr. G. S. CURTIS:—Your Excellency,—The Honourable Mover, in this resolution, has raised a knotty legal question with reference to the past happenings in the city of Hyderabad which according to the information that reaches me are likely to be subject matter of litigation. For that reason it occurred to me, when the resolution was first submitted, that it would be desirable in the interests of the public to disallow it under the rule which says that matters which are likely to become the subject of litigation in courts should not be discussed in Council. On further consideration, however, having regard to the fact that the resolution as drafted referred purely to the future, the resolution was admitted on the understanding that it was to relate to future happenings. I regret to say that in the line the discussion has taken a great deal of it has covered past happenings. Now, as I say, they are likely, according to the information which reaches me, to be the subject of litigation, and it seems to me therefore that it would not be desirable for me to refer to happenings in Hyderabad at all. Such remarks as I will make will refer to what might happen in the future in the case of any municipality which might be suspended by Government under section 179.

As far as the law is concerned, in my humble judgment, it is to be interpreted as follows:—When the administration of a municipality has sunk to such a low ebb that Government find it necessary to suspend its existence, all the powers vested in the municipality become vested in Government and Government can then proceed to entrust them to such person or persons as they think fit.

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It has so happened that in Hyderabad an Advisory Committee was appointed first and a municipal commissioner afterwards. But I would ask the Council not to be led away by the term municipal commissioner. There are at least two other municipalities which have been suspended. These are managed by an officer called Administrator, who is appointed under section 179 (b). That is a very good title. Therefore, if for the future Government are forced to suspend any municipality, it is within the power of Government under this section 179 (b) to appoint an administrator first, mentioning in detail the powers which are delegated to him, and an Advisory Committee afterwards. It is not necessary under section 179 (b), as I read the law, for any committee to be appointed at all, still less for an application from a committee to be forthcoming before Government can put in a chief officer—in Hyderabad he is called municipal commissioner—you may call him an administrator, chief officer or municipal commissioner or anything you like—to be their representative on the spot.

In this instance after all as far as Hyderabad is concerned, with all due deference to the Honourable Sir PRABHASHANKAR PATTANI, it will be proved from the proceedings when *Chapter XIV-A* was introduced that the representatives of both the local boards and municipalities of Sind urged in the strongest terms that the population limit should be lowered to 75,000 in order that in this particular city of Hyderabad the appointment of a municipal commissioner should be compulsory. It cannot be said therefore that Government in appointing this officer have in any way gone against the feelings of the people.

With these words I venture to ask that this Council will reject this resolution.

The Honourable Mr. HARCHANDRAI VISHINDAS.—Will Your Excellency allow me to speak at this stage only for a single moment and that is with a purpose? I say that I do bear out in its entirety the remark that both the Honourable Mr CURTIS and the Honourable Mr. GHULAM HUSSEIN made that I for one very strongly urged that the minimum prescribed in the amending Bill should be reduced from one lakh to 75,000 so as to admit of the Hyderabad Municipality getting a Municipal Commissioner. But then, Your Excellency, at the instance of the Honourable Sir IBRAHIM RAHIMTOOLA I thought that at that stage it was not proper for me to interfere with the Select Committee's report. Another reason was that as a representative of this Council of the municipalities of Sind every member of the Council would have expected me to speak on this subject which is so closely connected with Sind. As you have heard it from Honourable Members who have spoken before me in this Council it is the incident of the suspension Hyderabad Municipality that has given rise to this resolution. Even for the conduct that was intended to be adopted for the future, I think I, as the representative of Sind, should have been the first person to say something on this subject. The reason why I studiously refrained was that it was matter which was *sub judice* and that is what I want to point out.

The Honourable Mr VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, —With regard to this resolution it has been alleged on the part of Government firstly by the Honourable Mr. CHAUBAL and then by the Honourable Mr. CURTIS that the whole arrangement for Hyderabad was made by Government under section 179 (b). I beg to differ from this view of Government. Section 179 (b) provides that all powers and duties of a municipality shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf. May I point out, Your Excellency, to this Council that certain persons were appointed by the Commissioner on the suspension of the Hyderabad Municipality on the recommendation of the Collector of Hyderabad and subsequently Government made an appointment of a Municipal Commissioner.

RESOLUTION No. 6.

[7TH DECEMBER 1916.] [Mr. G. S. Curtis; Mr. Vithalbhai Jhaverbhai Patel; the President, Sir Prabhashankar Pattani.]

The Honourable Mr. CURTIS :—I think my honourable friend will leave out Hyderabad alone. I think he has been given every possible latitude, and as the subject may come under litigation it may be left out of consideration.

The Honourable Mr. PATEL :—I am afraid in discussing this resolution cannot very well leave out Hyderabad altogether.

His Excellency the PRESIDENT :—I want to make it clear to the Honourable Member that there is a possibility of litigation about it and it does make it extremely difficult for Government to discuss it. It will be necessary to leave Hyderabad out of consideration.

The Honourable Mr. PATEL :—Very well, my Lord, I won't talk about Hyderabad. With due deference to the view expressed by my honourable friends Mr. CHAUBAL and Mr. CURTIS I submit that the person or persons appointed by the Revenue Commissioner, having the power of the municipality vested in them by section 179 (b), applies under section 186 (a) to the Governor in Council for the appointment of a Municipal Commissioner and then it is for Government to grant or reject the application.

The Honourable Mr. CURTIS :—I beg the Honourable Member's pardon. no one says they have no power at all.

The Honourable Sir PRABHASHANKAR PATTANI :—Then, Sir, I would like to make one explanation where is the difficulty in providing that a superseded municipality cannot apply for the appointment of a Municipal Commissioner under section 186A? Government can retain the power to supersede a municipality.

His Excellency the PRESIDENT :—The resolution proposes the amendment of section 179 (b).

The Honourable Sir PRABHASHANKAR PATTANI :—If I may be allowed—

His Excellency the PRESIDENT :—Order, order. I cannot allow further discussion. The Honourable Mr. PATEL has been allowed to reply on the debate.

* The Honourable Mr. PATEL :—Your Excellency,—The point is perfectly clear. As soon as a municipality is suspended all the powers of that municipality are vested under section 179 (b) in the person or persons appointed by the Revenue Commissioner from time to time. One of the powers vested in the municipality under section 186 is that it can make an application to Government to appoint a Municipal Commissioner. That power as soon as suspension takes place vests in the person or persons appointed by the Commissioner, and the person or persons can then make an application to the Governor in Council under section 186A. The Governor in Council on such application is perfectly entitled to appoint a Municipal Commissioner for a suspended municipality. I therefore say that the legal position is quite clear and I ask the Honourable Members, who are not lawyers, to kindly refrain from voting if they cannot appreciate the legal significance of what I say. The Honourable Members, who are lawyers, will, I have no doubt support my contention.

Resolution No. 6 was then put to the vote and lost.

His Excellency the PRESIDENT :—I think it would be convenient to Honourable Members if we adjourned till 3 p. m.

The Council then adjourned for lunch.

RESOLUTION No. 8.

[The President ; Mr. Vithalbhai Jhaverbhai Patel.] [7TH DECEMBER 1916.]

After lunch.

The Council re-assembled at 3 p. m.

His Excellency the PRESIDENT.—Order, order. Resolution No. 8. The Honourable Mr PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency, —The resolution which stands in my name reads thus :—

“ That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of creating an increasing number of posts of Resident Magistrates in the three divisions of the Presidency proper.”

My Lord, the origin of the institution of stationary Magistrates is an old one. In large cities like Ahmedabad, Surat, Poona and Karachi, where the bulk of criminal work was great, Government created gazetted appointments of the grade of Deputy Collectors who were exclusively full-time Magistrates of first class. These officers were gradually made Sub-divisional Magistrates and placed in charge of city and suburbs. This experiment has decidedly proved a success.

In February 1902 the Government of India placed at the disposal of the Bombay Government an additional grant of Rs. 3,50,000 for recurring expenditure. The Bombay Government thereupon wired the four Commissioners in the Presidency to submit their proposals for the revision of the Revenue establishment of the Presidency. The Commissioner in Sind, on this requisition, recommended the creation of 11 new appointments of Resident Magistrates with a view to relieve the Mukhtarkars of the excessive magisterial work then devolving on them. Government approved these recommendations and called upon the three Commissioners of the Presidency proper to meet in a committee with the least possible delay for the purpose of considering the question in the light of the Sind Commissioner's proposal and making detailed recommendations. The views of the three Commissioners on this question have been fully set out in paragraph 10 of their joint letter to Government. They objected to the creation of the appointments of Resident Magistrates on the ground that it would deprive the young sub-divisional officer of a chance of practising the vernacular, and getting an insight into much he might not otherwise observe. They further observed that to confine the Mamlatdar to his revenue duties would be very prejudicial to his status and influence and an unnecessary or at least premature surrender to the cry for the separation of judicial and executive functions. On these, among other grounds, the three Commissioners did not fall in with the views of the Sind Commissioner and recommended the creation of the Mamlatdar-Magistrates in three places only, viz, Borsad, Bandra and Hubli-Dharwar, and that too as an experiment. It may be noted that so far as the Bandra appointment was concerned, an Avalkarkun-Magistrate was already working there and the Commissioner's recommendation merely raised his status from that of an Avalkarkun to that of a Mamlatdar. It will be clear from the above that as many as 11 appointments of Resident Magistrates in Sind and only 3 appointments in the Presidency proper were created in 1902. In Sind, it appears, that the number of posts has risen from 11 to 15 and I also find in the civil list 2 appointments of City Magistrates in the grade of Mukhtarkars. As far as my information goes and my brother members from Sind will bear me out that in Sind Resident Magistrates are preferred to itinerant Magistrates for obvious reasons. The primary object of the institution of separate magistracy was to relieve the local Mamlatdars and sub-divisional officers of the bulk of criminal work which engrossed much of their valuable time which ought to be devoted to Revenue duties. The secondary object was to minimise the trouble of the people concerned in criminal cases as complainants, accused or witnesses which was inevitably associated with itinerant magistracy. The institution is certainly not perfect in consequence of the subordination of the Resident Magistrates to the Collector and Commissioner

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[7TH DECEMBER 1916]

[*Mr Vithalbhai Jhaverbhai Patel;*
Mr. Gokuldas Kahandas Parekh.]

in their official status. But it must be admitted that the objects with which it was started have been fulfilled. It has relieved Mamlatdars of considerable magisterial work; it has led to the prompt disposal of criminal cases; it has reduced the costs of criminal litigation in the expenditure connected with *bhatta* to witnesses and it has placed at the disposal of accused persons a cheaper agency for their defence. This institution of separate magistracy has also the advantage of preparing a strong and efficient magistracy. I mean no disparagement to the itinerant Magistrates—be they Mamlatdars or Deputy Collectors—to say that on account of numerous executive duties and calls on their time they have not the patience to hear the parties or to consider their difficulties of travelling and lodging in remote parts of the country.

I trust I have made out a case for the creation of an increasing number of Resident Magistrates. I have confined my resolution to the 3 divisions of the Presidency proper, reasons being obvious. The authorities in Sind have, from the start, shown a liberal spirit in this respect and as I have already pointed out the posts have risen from 11 to 15. So far as the 3 divisions are concerned there has been no increase whatever in the very inadequate number of posts created at the start. I remember the Collector of Kara has been repeatedly requesting Government to create a permanent post of Resident Magistrate at Nadiad, but the Government on every occasion merely sanctions the extension of the period of the temporary appointment there. Instances may be quoted from all the three divisions in which it is necessary, both in the interest of the public and also in order to relieve the heavily worked Mamlatdars of their work, it is absolutely desirable that the necessary number of posts must be created.

When I ask this Council to adopt this resolution, the question of ways and means is not out of my mind. If the principle is adopted, I think there will be savings in the form of reduction of extra Avalkarkuns in some talukas and it will also reduce the expenditure connected with *bhatta* to witnesses.

I have now finished. To sum up, I move this resolution in order that

- (1) Mamlatdars and Deputy Collectors may be relieved of the bulk of criminal work,
- (2) the costs of criminal litigation may be reduced,
- (3) the trouble and inconvenience of parties may be minimised, and
- (4) a strong and efficient magistracy may be prepared.

I therefore trust that the Honourable Members of this Council will support this resolution.

The Honourable Mr GOKULDAS KAHANDAS PAREKH.—May it please Your Excellency,—I beg to support the resolution that has been moved by my honourable friend Mr. PATEL. One of the most important things that is to be considered in connection with this resolution is that the Mamlatdar is an itinerant officer. He can stay at the headquarters only for a certain number of days and he has to go over his taluka during the rest of the month and therefore the result very often is that matters have to be left to the inferior Magistrates, or parties are put to the great trouble of moving with the Mamlatdar and of frequent postponements, and thereby the administration of criminal justice is considerably hampered.

There is also another reason, namely the prestige that a Resident Magistrate carries is considerably higher and he commands more confidence among the people than the ordinary Avalkarkun, third class Magistrate or second class Magistrate as he may be, or even the Mamlatdar. The experiment that has been made is, I believe, found to succeed, and if the further experiments that my honourable friend requires to be made are carried out, I have not the least doubt that it would

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[*Mr. Gokuldas Kahandas Parekh ;
Rao Bahadur Ganesh Krishna Sathe.*]

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become a more permanent system and create considerably more confidence among the people in the impartiality of the judiciary. I therefore submit that this is a resolution which ought to be accepted.

The Honourable Rao Bahadur GANESH KRISHNA SATHE.—Your Excellency, this resolution, as it has been worded, reads thus :—

“That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of creating an increasing number of posts of Resident Magistrates in the three divisions of the Presidency proper”

I am not fond of suggesting amendments, but it is only a verbal amendment that I put forward and I would ask my Honourable friend to see whether he can drop the word “creating” and say “consider the desirability of increasing the number of posts”. However, that does not matter in the least. The amendment is very formal.

The question about Resident Magistrates has to be viewed from different standpoints, first whether it is necessary to create such posts in the three divisions proper, namely additional posts, secondly whether the financial stringency would come in our way of undertaking this reform, and thirdly whether this reform would be for the benefit of the general public and of the persons who have recourse to Courts of Law. If I make out a case that this reform is absolutely necessary in the interest of the general public, then my task of showing that the reform may be accepted on two other grounds will be lighter.

I do not propose to say that we require a Resident Magistrate for each taluka of this presidency proper. If we take the figures, we find that there are roughly—I am not quite accurate—188 talukas in the three divisions and out of these 188 talukas first class magistrates are provided for nearly 100 talukas. Even in the case of these first class magistrates who are Mamladars of the respective talukas, the difficulty is two-fold. First, the fact that they have to put in a certain number of days outside their headquarters interferes with the speedy disposal of criminal cases, and secondly, as they have to do much revenue work this criminal work, I am not prepared to say is neglected but, at any rate, is not given preference over revenue work, and in the interest of the general public it is desirable to see that not only justice is meted out to those who go to Courts of Law, but that justice is speedy and less costly and less troublesome.

Leaving aside the case of these Mamladars who are invested with first class powers, I ask the indulgence of this Council to turn their eyes to the cases which arise in the courts of sub-divisional magistrates. The sub-divisional magistrates have, under the present system of administration, to put in 7 months out of their headquarters. In these 7 months if he has got a sufficient number of first class magistrates within his sub-division, he arranges to distribute the work according to the convenience of the parties. But it does not always happen that he has a sufficient number of first class magistrates under him, then what he has to do is to ask parties, witnesses, the police and under-trial prisoners to go with him from place to place, from camp to camp and there he hears the cases for a number of days. It will be appreciated by members of this Council how troublesome it becomes to many of the litigants and particularly to those whose bad lot brings them as under-trial prisoners before courts, and it will not be necessary to give any adequate idea to the members of this Council how these prisoners are moved from place to place and what inconvenience they are put to. I say with some amount of confidence that actual prisoners are far better treated than these under-trial prisoners.

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Then my second point is this, that in order that this difficulty may be removed to a certain extent and that relief may be given to sub-divisional officers who are already overworked, as it is said in some administration reports, it would be desirable to create one or more Resident Magistrates according to the size of the district and according to the communications (railway or otherwise) between the several places of the taluka and the headquarters. It seems to me that this proposal cannot even be opposed on the ground of finance, because, though I am not in possession of facts and figures as to how much we would be able to save if we located Resident Magistrates at one or two places in the districts, still it is pretty certain that the travelling allowance of police officers, the police prosecuting inspectors, road allowances, diet money and railway fares for under-trial prisoners and the police party will all be curtailed, and I think that much saving will be effected on that head. I do not say for a minute that no additional cost would be imposed upon Government. There will be some additional cost, no doubt, but it will not be so appreciable as to make Government hesitate to adopt this resolution.

Now, Sir, there need not be any apprehension on the ground of surrender to the principle of separation of the judicial and executive as was suggested in the Joint Committee's report to which reference was made by my Honourable friend Mr PATEL. Here we do not touch the wide question of the separation of judicial and executive functions and I do not want to touch that debatable question, but I do want to emphatically say that so far as these Resident Magistrates are to be recruited from the Mamlatdar's grade and so long as they have to continue as subordinates of the District Magistrates, this question is really beside the point. What we really ask Government to do is to choose a certain number of officers from whom Government will not demand double kind of duties, namely Revenue as well as Magisterial, and we do not tie down the hands of Government as regards the services from which these Resident Magistrates are to be recruited, but it will be quite open to Government to recruit them from the Mamlatdar Magistrates as it is at present being done in the three places of the Northern Division and one place in the Southern Division.

The experiment of Resident Magistrates has proved to be a success as has been observed by the Commissioner in Sind in the Administration Report of 1913-14 and the Commissioner of the Southern Division states in the Administration report for 1913-14 that relief is given to Sub-divisional officers by the appointment of additional first class magistrates, and the point has now been reached when the Mamlatdars require relief. So it appears that the creation of more places of first class magistrates was intended with a view to give relief to Sub-divisional officers. Now it is found by Government, at least by some officers of Government, that the time has arrived when some relief is required to be given to Mamlatdars as well. But if we create these posts it will relieve both these officers. The creation of such posts does not mean that the Sub-divisional magistrates have to surrender all their magisterial powers. A Sub-divisional magistrate will reserve to himself the power given to him under the Criminal Procedure Code; it is the distribution of work which has to be considered, and what is required by this resolution is that in order to avoid the hardship which is being felt by the general public so far as criminal justice is concerned in the sub-divisional magistrates' courts and the itinerant Mamlatdars' courts, relief should be given by creating such posts as are necessary, namely, posts of Resident Magistrates according to the size and necessities of a particular district. If this is done it does not really mean that we are making any new departure. Government has already accepted the principle of Resident Magistrates in Sind, and if it is found to work in Sind satisfactorily, I do not really understand why there

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should be any objection for extending it to the presidency proper. It might be said that there is nothing in the way of Government to increase the Resident Magistrates, but the only intention of this resolution is to bring to the notice of Government that a necessity really exists for the creation of such new posts. That is only what I think the Honourable Mover wants. If the discussion and the acceptance of this resolution will have the effect of setting the officers of Government to inquire as to which places are really in want of Resident Magistrates and if steps are taken to create such additional posts, I think much of the hardship that we complain of and of which we always hear will not exist.

His Excellency the PRESIDENT.—Order, order. The Honourable Member has had his full time.

The Honourable Rao Bahadur G. K. SATHE:—Two other points were stated by the Honourable Mr. PATEL, one about prestige and another about the knowledge of vernaculars of sub-divisional magistrates, but he assumes that we are going to deprive sub-divisional magistrates entirely of their powers as first class magistrates. That is not intended by this resolution. They will continue to exercise their powers as at present. The resolution only requires the creation of such posts by Government as will minimise the difficulties and hardships which are being felt by the public. Prestige will not diminish.

With these few words I beg to support the resolution.

The Honourable Mr. P. R. CADELL.—Your Excellency,—I think every member of this Council will agree that this is not the time for creating posts unnecessarily. It is a time of financial stringency and the evils of creating at any time unnecessary posts and having officers' time not fully taken up, are known. It is therefore a little difficult to understand the object of this resolution because it is always open to Government, and Government, so far as I know, have never refused to consider the desirability of creating any post when the necessity has been shown. No Honourable Member who spoke in favour of this resolution has stated any cases in which Government have refused to make such appointments. In fact the only place mentioned by the Honourable Mr. PATEL where a Resident Magistrate is required is Jambusar, but he has not given us any figures to show that it is necessary to appoint a Resident Magistrate there. The case of Sind is quoted and the argument seems to run that Sind has 17 Resident Magistrates and the Presidency has only 4, and therefore must have more. But the position in Sind is very different from that of the Presidency. The talukas there are very much larger in size, the Mukhtiaraks have got far more active revenue work in Sind than the Mamlatdars in the Presidency have to do and they have to deal with a far more criminal population. There is an amount of theft, cattle-thieving, which does not exist at all in the Presidency, and therefore the magisterial work is heavy. For that reason it is necessary to have more Resident Magistrates in Sind than in the Presidency. At the same time that these Resident Magistrates were created in Sind 3 were created in the Presidency and one additional one has since been posted in Nadiad and no doubt will be continued. The Honourable member in charge of the portfolio will speak on this subject and Government will always be ready to consider the necessity of appointing Resident Magistrates. But I think it must be confessed that the advantages of the system have been somewhat exaggerated and the expense that will be incurred has been very much minimized. The Honourable Mr. PATEL suggests that the Aval Karkun Service should be reduced in order to counter-balance the expenses of the system of Resident Magistrates. But he does not explain who is going to do the work of the Taluka Kutchery if the Aval Karkuns

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[*Mr. P. R. Cadell; Mr. Vithalbhai
Zhaverbhai Patel; Mr. Dattatraya
Venkatesh Belvi*]

are reduced as the Mamlatdars have to go into the District while the Resident Magistrate has no revenue work to do.

The Honourable Mr PATEL.—There are two Aval Karkuns at some places.

The Honourable Mr. CADELL.—No doubt there are at some, a very few, places but where there are two one of them has to do a certain amount of touring work. It has also been suggested that there would be a good deal of saving in batta to witnesses if these Resident Magistrates were appointed to take the place not only of Mamlatdars but also of the Sub-Divisional Magistrates. That means that witnesses must be brought from all parts of the sub-division to one central place, instead of going to a Magistrate who may be nearer to them. I think therefore that on the whole the expense of the system will not be very much less than it is at present. However that is a small detail. The real question is this, whether a Resident Magistrate is required at any given place. If he is not required it will not only be a waste of money but it will be waste of power to put him there. I am sure if at any particular place the necessity for the appointment of a Resident Magistrate is shown—it will be considered by Government.

The Honourable Mr. DATTATRAYA VENKATESH BELVI—Your Excellency,—It seems to me from the speech of my Honourable friend Mr. CADELL that there is a considerable misapprehension in his mind as to the scope of this resolution. My Honourable friend Mr PATEL never said that there should be any new posts created, it is only a question of adjustment here and there, and it is not necessary for Government to incur any fresh expenditure. Take the case of Belgaum, my own district. We have got 8 talukas and 8 Mamlatdars. Some of them exercise first class Magistrates' powers, others exercise second class Magistrates' powers. All that this resolution says is that some of the Mamlatdars who exercise first class magisterial powers may be located at fixed places and should exercise those powers holding their courts at those places, so that the parties and witnesses may know definitely where a criminal court to which they have to resort is situated. Is it difficult for Government to hand over two talukas to one Mamlatdar for revenue purposes and two to another Mamlatdar who exercises the powers of a first class Magistrate so far as criminal work is concerned? Where is the difficulty? There will be a Resident Magistrate for two talukas. One Mamlatdar will do the magisterial work and the other will do all the revenue work of Government in the two talukas. There will possibly be no difficulty whatever. It seems to me that gentlemen who are residents of Bombay have no adequate idea of the immense inconvenience to which the parties and their legal advisers and their witnesses are put to daily on account of this vicious practice in the mofussil. I have known personally of cases in which an amiable gentleman who happened to be a Mamlatdar and First Class Magistrate used to begin his criminal work at 10 o'clock at night and continued his work in court till 12 o'clock. Have members of this Council any idea as to the inconvenience the parties, their legal advisers and witnesses are put to especially when the Mamlatdar's camp happens to be in a village consisting of 50 small houses. How are the parties, their legal advisers and witnesses to get boarding and lodging during the night? That gentleman has now, happily for us, retired. In other respects he was a good man but as regards criminal work the way in which he discharged his duties was calculated to put numerous people to considerable inconvenience. I can cite cases, in my own district, even now which are often put off by Mamlatdars who are on tour and to save expenses the Mamlatdars do not pay bhatta to witnesses simply to show that they have not incurred any great expenditure and that they have not wasted Government money. This is a matter, as I say, of simple readjust-

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ment. If there is a will, as I said yesterday, it is not difficult to find a way out of the difficulty. The question is whether Government have a will to help these people in the mofussil who have the misfortune to go to the Magistrates hunting them out from place to place. I do not desire, and it is not the desire of my Honourable friend Mr. PATEL, to deprive the Mamlatdars of their magisterial authority if such a deprivation is calculated to lessen their prestige. Let them have criminal powers if they are necessary to enable them to enforce their revenue authority. But let the Mamlatdar only exercise them for the vindication of the revenue laws of the land. It is said that the Aval Karkuns must remain as they now are. Let them remain so. I do not care whether their number is increased or lessened according to the exigencies of service, but what I submit is that if some Mamlatdars may be stationed as Resident Magistrates in some places and if other Mamlatdars are asked to take revenue work, it will be convenient both to the officers of Government and the people concerned. I have no doubt that your Excellency's Government desire to promote the convenience of poor people living in the mofussil as much as possible. It is only necessary for Honourable Members of this Council to bring to the notice of your Excellency's Government the amount of inconvenience to which they are put. What I say has the strength of my experience of not less than 24 years behind it. I know what I am talking here. I am not talking from imagination and I have explained to your Excellency and Honourable Members of this Council exactly what happens almost every day in my own district. I have much pleasure in supporting this resolution moved by my friend the Honourable Mr. PATEL.

The Honourable Mr. PANDURANG ANANT DESAI.—Your Excellency,—I rise to support the resolution which is moved by the Honourable Mr. PATEL. I am one of those persons who is always put to inconvenience on this account.

I say the main ground why we ask Government to locate stationary magistrates is the inconvenience and trouble to which the parties, witnesses and pleaders are put. Your Excellency will understand the difficulty if we take into consideration the extent of the talukas and the sub-divisions which are in charge of these officers. In my district, Bijapur, there are eight talukas and one mahal. There are two Sub-Divisional Magistrates who are in charge of those 8 talukas. Each one is in charge of 4. Now sometimes it happens that if the other Sub-Divisional Officer goes on leave then the whole district is given in the charge of one officer. But I will take the general case of the officers among whom the eight talukas are divided. Then your Excellency will understand, the criminal case begins at one end of one taluka, it goes on for some days and then it is postponed and another case is taken up and when the time of the previous case comes the Magistrate leaves that taluka and goes to another taluka and then takes up that case. The charge is framed there, witnesses for the defence are called on as soon as their evidence is finished, the Magistrate goes to the third taluka. In this way, your Excellency, the Council will understand the amount of difficulties to which these people are subjected by these tours of the Magistrates. Taking the general distances between the talukas your Excellency will see that the case begins in one taluka and ends at the end of the third or fourth taluka. The distances which the witnesses and parties have to travel are sometimes 100 or 120 miles, and the difficulties are enhanced because the camps are sometimes in small villages where there are not more than 20 or 25 houses. Of course the Sub-Divisional Magistrate has no difficulty; everything is provided for him by his subordinates, but the parties and witnesses who are strangers to these places are put to every sort of inconvenience. There are no bazaars, no dharamsalas, no rest-houses, and the people are sometimes forced to go and lodge under trees exposing themselves to cold and heat.

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Mr. Mahadev Bhaskar Chaul,*]

The other complaint besides this is as regards the costs to which the parties are put. If the case is taken at the sudder station the parties are able to engage a pleader for one day if the case finishes in one day. But when a case is begun by a touring Magistrate and when it goes on for several days the parties are required to pay the pleaders for the days of travelling also. Therefore, as far as this point of costs is concerned, people are put to much inconvenience. Then there is the question of costs to Government also.

The Honourable Mr. BELVI has suggested that each taluka should be under the management of two Mamlatdars, one for revenue work and the other for magisterial work. Now if the criminal work and revenue work is divided between two Mamlatdars, one doing criminal work and the other revenue work, I think the difficulty would be obviated.

With these remarks I heartily support the resolution.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL.—Your Excellency,—I think perhaps it would be useful to make an observation on behalf of Government on this resolution which has been moved in order to save time and further discussion. I must say that I have some amount of sympathy with the resolution and the grounds on which it has been moved. I find that most of those who have hitherto supported the resolution have spoken from personal experience of the sort of inconvenience which is alluded to, and I must confess that that sort of inconvenience is not quite unknown or unfamiliar to me, though I may not have suffered it to the same extent as they. Therefore I have a certain amount of sympathy with this resolution, but I wish to make it absolutely clear that inasmuch as this resolution asks Government to do nothing more than consider the desirability of creating, if the Honourable Mover will say "creating additional posts" instead of "increasing the number of posts", Government, I think, will be prepared to accept it and consider the desirability. Of course, I want to repudiate entirely on the part of Government any insinuation that Government is not willing at any time to consider the desirability of creating additional posts where they are necessary, either in the interests of justice or public convenience. As a matter of fact, the history which the Honourable Mover himself has given shows that when in 1902, out of the four posts that we have of Resident Magistrates in the Presidency proper, the necessity for three was brought home to Government in 1902, Government in 1903 created those three posts of Resident Magistrates. Then again later on as regards Nadiad, when the necessity was shown—of course, Government never commit themselves to incurring additional cost permanently—Government created it first for 6 months and when they saw the necessity was still there, they went on extending the period from time to time and the last period extended was for 3 years from 1914, and probably if Government is convinced that the permanency of the post is necessary, Government will make it permanent. I am, therefore, prepared to accept this resolution in so far as it asks Government to consider the desirability of creating additional posts in the Presidency and Government will make enquiries and try to see how far effect could be given to the suggestions which have been thrown out. I must confess that personally I have a deal of sympathy with the scheme suggested by the Honourable Mr. BELVI if it is workable and practicable, namely, to see whether instead of two officers doing both revenue and criminal work in adjoining talukas, it will not be possible to confine one officer entirely to perpatetic and administrative revenue work and let the other dispose of criminal work being stationed in one headquarter. Its feasibility may depend upon the area to be covered and administered and perhaps a number of other considerations but Government agree to consider the convenience and practical utility of the measure and look at

RESOLUTIONS NOS. 8 TO 17.

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Mr. Vithalbhai Jhaverbhai
Patel ; the President*]

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it from all points of view. I think, therefore, that I have no hesitation in accepting the resolution running in the way in which I read it :—

“ That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of creating additional posts of Resident Magistrates in the three divisions of the Presidency proper.”

If put in these words I can state that I accept the resolution on behalf of Government if that will satisfy the Honourable Mover.

The Honourable Mr. PATEL :—I am perfectly agreeable, your Excellency.

His Excellency the PRESIDENT :—I would merely add on behalf of Government one word. I think there is a general feeling that a good deal of consideration should be given to this question, especially after hearing the speeches of honourable members. There is no doubt that there is a good deal of inconvenience under the present system and the Council may rest assured that Government will do all they can to consider this proposition most carefully.

The resolution as amended was then put to the vote and carried

His Excellency the PRESIDENT :—Resolution No 9—The Honourable Mr. PATEL.

“ That this Council recommends that His Excellency the Governor in Council may be pleased to consider the desirability of recruiting a substantial percentage of Resident Magistrates direct from the bar.”

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Will your Excellency allow me to withdraw Resolution No. 9 and also Resolution No 10? Resolution No. 10 reads thus :—

“ This Council recommends that in future all vacancies occurring among the City Magistrates in the Presidency shall be filled up from among the Resident Magistrates.”

His Excellency the PRESIDENT :—Resolutions Nos. 9 and 10 by leave withdrawn

His Excellency the PRESIDENT :—Resolution No. 11—The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL :—Your Excellency,—If this Council is agreeable and if your Excellency has no objection, I should like to move this resolution at the next session of this Council.

His Excellency the PRESIDENT :—I think my honourable friend withdraws it.

The Honourable Mr. PATEL :—No, your Excellency; I ask permission to postpone it to the next meeting of the Council.

His Excellency the PRESIDENT :—I think, if my honourable friend puts it in the ordinary way before the next meeting of the Council, I can assure him that it will be accepted, but for the purpose of this meeting he must withdraw the resolution.

RESOLUTIONS NOS. 11 AND 12.

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[*Mr. Vithalbhai Jhaverbhai Patel;*
the President]

The Honourable Mr PATEL —Then I beg to withdraw it

His Excellency the PRESIDENT —Resolution No 11 by leave withdrawn.*

His Excellency the PRESIDENT —Resolution No 12 —The Honourable Mr. PATEL.

The Honourable Mr. VITHALBHAI JHAVERBHAI PATEL —Your Excellency, the resolution which I have now the honour to move reads as follows —

“That this Council recommends that His Excellency the Governor in Council may be pleased to direct an inquiry by a Committee or otherwise on the question of the public expenditure of this Presidency with a view to secure economy whenever possible.”

My Lord, as regards this resolution I trust there exists no difference of opinion on the question that there has been, of recent years, an enormous increase in the public expenditure of this Presidency. Slip No 1 of the slips circulated by me to-day, in order that Honourable Members may follow my observations, shows that the income and expenditure of this presidency were 460 61 and 454 24 lakhs of rupees respectively in the year 1903-04, while according to the budget estimate of 1916-17, they stand at 751 60 and 754 10 lakhs respectively. Thus your Excellency will find that in 13 years there has been an increase of nearly 300 lakhs both in income and expenditure. In spite of this huge expenditure, what do we find? Our local bodies are financially in a hopeless condition. Grants to them, as was recently pointed out by the Local Boards Committee, have not kept pace with the increase in the provincial income. Our school buildings, particularly those for primary education are in a disgraceful condition. The provision for primary and secondary education is utterly inadequate. Our school master in a primary school receives a miserable pittance. Our Police Patil who has powers to fine and imprison petty offenders in his village draws a magnificent remuneration ranging between Rs. 5 and 10 a month. The same is the lot of our village Revenue Patil whose duty is to collect land revenue for Government, and the condition of his subordinates, a class known in Gujarath as Rawanias or Vartanias, can better be imagined than described. The cost of living has, my Lord, increased enormously in the course of the last twenty years and yet the scale of pay of our overworked Mamlatdar, fixed nearly half a century ago, remains unaltered. Our Deputy Collector suffers from a similar grievance. It is also a well-known fact that our clerks in several departments of Government are underpaid. The answer to all these and other similar grievances is that Government have not enough finances. On the other hand, we find money to raise the salaries of under-secretaries to Government, to grant allowances to highly paid educational officers, and to fix time scale pay of Indian Civil Servants even in these times of war. We find money to create new posts of Deputy Superintendents of Police, although it was said at one time that Police Inspector was merely a post office between the Sub-Inspector and the Superintendent. We have got finances to create new posts of Deputy Secretaries in the Secretariat and we do not mind Official Assignee enjoying commission at the rate of Rs. 10,000 per month for a series of years. We do not object to Administrator General accepting receiverships fetching thousands of rupees over and above his monthly salary of Rs. 2,500 for full time service. In this state of circumstances I ask this Council, in all seriousness, whether the time has not come to carefully examine and scrutinize the expenditure of this Presidency with a view to see if retrenchment is not possible and economic reallocation and redistribution of the expenditure under the various heads is not both desirable and necessary.

Having generally referred to the necessity for the inquiry I now proceed to suggest some possible directions in which economy might be effected. I may

* Later in the proceedings, it was decided to postpone this resolution till the next session. (*vide* page 43.)

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[Mr. Vithalbhai Fhaveerbai Patel]

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say at once that it is not the purpose of my resolution to point out definitely in what direction retrenchment should be made, for that is a matter in which there should be a committee for making a complete and exhaustive inquiry or at any rate there should be consultation with the heads of various departments and non-official gentlemen of light and leading before a satisfactory decision could be arrived at.

In dealing with the various items of expenditure I first invite the attention of this Council to slip No. 2. The Honourable Members will there find that the Public Works Department spent 58 02, 85 98 and 86 21 lakhs on "works and repairs" under the heading "civil works," while the establishment charges come to 11 26, 14 78 and 14 88 lakhs in the years 1908-09, 1913-14 and 1914-15, respectively. This works out at the rate of Rs. 19, 17 and 17 on establishment for every 100 rupees spent on works and repairs. Compare this with the figures for 1915-16 and 1916-17. According to the revised estimate for 1915-16 and the budget estimate for 1916-17 the expenditure on "works and repairs" is 54 47 and 51 00 and charges on establishment are 16 and 16, respectively. This works out at Rs. 30 and Rs. 31 on establishment charges for every Rs. 100 on works and repairs.

Your Excellency will thus see that although the works have decreased to a great extent for the last two years, the establishment charges are increasing. I am aware that some of the Public Works Department officers have been recently transferred to the Military Department, still the number of temporary appointments of engineers and upper subordinates is so large that there is a great margin for retrenchment. Most of the Executive Engineers are doing nothing more than repairing roads and buildings and carrying out special repairs in urgent cases. Hardly any new work is undertaken and yet the number of executive charges is just the same. I respectfully submit that by amalgamating some charges it is possible to do away with the services of temporary Engineers now employed. Similarly different sub-divisions in a district can with advantage be combined. Unfortunately for want of time I have not been able to prepare a slip in respect of major irrigation works financed by the Government of India. We know that allotments have been very much curtailed of late and yet a large establishment is maintained. The actual expenditure on protective irrigation works was 47 44 in 1914-15, while the provision in 1916-17 is 30 64. The establishment charges in the former year were 5 98 and in the latter they are 6 99.

I do not think I should detain the Council on this head. Figures speak for themselves and there is room for saving very large sums of money.

We now take slip No. 3 "Forest." Compare actuals of 1912-13 with figures of 1916-17 budget. Income has gone down by 3 48 while expenditure has gone up by 33. A comparison of actuals for 1913-14 and 1914-15 with budget figures for 1916-17 reveals very startling results. They show that we are worse off by 4 59 and 36 in 1916-17 in respect of our income than 1913-14 and 1914-15, respectively, while our expenditure has gone up in 1916-17 by 2 36 and 2 38. Apart from this, you will find that our expenditure is 55 to 60 per cent. of our income and what is still more striking is that more than half of it is spent on establishment.

Taking land revenue slip, I mean slip No. 4, your Excellency will find that collection charges for 1908-09 and 1913-14 have gone up enormously when compared with those for 1903-04; but what I should like this Council particularly to note is that though the income for 1914-15, 1915-16 and 1916-17 is much less than that of 1903-04, collection charges have gone up by 26 lakhs and more. It is difficult to understand why and how this land revenue expenditure is allowed to grow year after year.

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Ways of spending money are inscrutable. At one of the meetings of the last year's finance committee the question of effecting economy under this head by the abolition of the Salsette Development Office was mooted by a non-official member. Government after mature consideration decided to accept the suggestion and the Honourable Mr. CARMICHAEL announced in his budget speech that the Deputy Collector and the Engineer had been transferred to other duties. But only within three months of this announcement, again a post of Deputy Collector has been recreated, and curiously enough a Mamlatdar of the last grade has been appointed to it. Is this economy?

I now come to police charges, slip No. 5. The total expenditure of 1908-09 was Rs. 89'37. In the budget for 1916-17 it is 110. The increase, no doubt, is due to the police reorganization scheme, but your Excellency's Government are aware that we non-official members of this Council have been from the start bitterly complaining against that scheme. Time has amply proved that we were right, and I merely take your Excellency's permission to quote the views of two of our able officers on the working of the scheme. The Honourable Mr. LAWRENCE in his last Divisional report says "It must be recognised that the cost of the police force has increased enormously under the police reorganization scheme and it is time to scrutinise that scheme once more and to ascertain whether some of the urgent reforms necessary cannot be financed by pruning superfluity in other directions."

The Honourable Mr. PRATT says :—

"No District Magistrate who has served in any of the criminal districts of Sind can fail to be struck by the contrast by some of the Gujarat Talukas where a touring officer will from beginning to end of his tour hear nothing in any village he visits of crimes or criminals. There seems to be some reason for believing that it may be possible to get a considerable increase of efficiency without any extra costs by readjusting in the light of our subsequent experience the distribution settled at the time of the last reorganization."

My Lord, allow me to quote only one line from the report of the District Superintendent of Police, Surat, Mr. Greenaway.

He says :—

"There is little crime, little real work (many police stations and outposts being in my humble opinion mere loafs or bethnaki jagas), while in my pinion both the city and Rander are overpoliced as well."

Slip No. 6 gives figures on education. No member of this Council would desire any diminution in the expenditure on education but the question is whether the expenditure of Rs. 12 and more for direction and inspection on every 100 rupees spent on all other heads of education is not too much and whether economy could not be effected in this direction. I however leave it to my friends the Honourable Messrs. SHARP and PARANJPYE to deal with it.

Slip No. 7 relates to Excise.

If you compare the figures for 1913-14 with those of the following three years, you will find that though the income has remained more or less stationary the expenditure has increased by thousands.

Slip No. 8 gives figures for stationery and printing. They show that year after year expense on this head is increasing. Between the years 1913 to 1916 it has ranged between 14 to 15 lakhs, while in 1903-04 it was 10'58 and in 1908-09 it was 12'86. Your Excellency, expenditure somehow or other has a tendency to stick and grow while income goes up and down. This is by the way. The point however is whether retrenchment on this head is not possible. Your Excellency's Government is probably aware that a Select Committee was recently appointed by the House of

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Commons to inquire into the expenditure on stationery and printing, and the report of that Committee recommended a very handsome saving.

His Excellency the PRESIDENT.—Did the Honourable Member say that the expenses on this head have been continually increasing.

The Honourable Mr. V. J. PATEL.—Yes, your Excellency.

His Excellency the PRESIDENT.—But will the Honourable Member read his own figures for 1915-16 and 1916-17?

The Honourable Mr. V. J. PATEL.—I congratulate your Excellency's Government that during the last two years there has been some slight decrease.

His Excellency the PRESIDENT.—I am very much obliged to the Honourable Member.

The Honourable Mr. V. J. PATEL (continuing).—My Lord, when the Home Government means to do something more than mere talk of economy in war times, is it not necessary to put our own house in order?

Slip No. 9 gives figures of expenditure incurred under General Administration. It was 15.82 in 1903-04 and 16.06 in 1908-09. It has increased to 21.15, 20.83 and 20.76 in 1914-15, 1915-16 and 1916-17, respectively. It is a matter of regret that this should be so in times of war when Government is preaching economy all round.

Coming to Medical (slip No. 10) I would certainly welcome any increase in that expenditure as I would in education provided the main object of affording medical aid to the poor is kept in view. I find however that several retired I. M. S. officers have been recalled and employed on high salaries, whereas the same duties would have been efficiently performed with savings to Government by Indian Doctors had they been employed or promoted in place of officers surrendered on mobilisation. My Lord, I take this opportunity of emphasising this question of larger employment of indigenous agency in the matter of administration. A larger employment of Indian Officers for all those posts for which they could be appointed must substantially reduce expenditure. I know that this is a large question which probably could be settled after the report of the Public Services Commission is published. I submit, however, that apart from the final conclusion which may have been arrived at by the Commission it is still possible for your Excellency's Government to consider whether there are not various departments in which substantial economy may be effected by the employment of Indian Officers.

Your Excellency, my time is almost up and you will pardon me if I try to sum up without discussing figures given in the remaining slips. I have so far suggested some only of many a possible direction in which economy might be effected. Your Excellency's Government may not agree with all the reasons I have given in support of my resolution but I trust it will not deter them from accepting it. I have made some suggestions but I am fully aware that they require careful examination, consideration and analysis. The sole question for the consideration of this Council is whether the time has not come when this matter should be fully and carefully inquired into. If this Council is satisfied that there is a scope for inquiry regarding the increase in public expenditure there can be no objection in the way of this resolution being passed. I am strongly of opinion, my Lord, and I am sure Government as well as the members of this Council will agree that this question of expenditure should be examined as often as possible in the administration of a country. I know that year after year our finance committee examines proposals made by Government for future expenditure. I also know that on every occasion when the budget is presented to this Council its revenue and the expenditure sides are examined by us

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What I now desire by this resolution is that the cumulative effect of the proposals which have been brought into operation in the course of some years should be considered with a view to find out in what directions retrenchment of expenditure is possible. There are many who think that the administration of the Presidency is top-heavy. The inquiry that I propose Government should start would show how far their apprehension is well founded. Apart from that, I am inclined to think that Government may defend expenditure on the various heads I have discussed in this resolution taking each item by itself but will not be able to defend the same when the relative merits of the various heads of expenditure are side by side examined and weighed.

If on these considerations this Council is satisfied that I have made out a case for inquiry I trust that the Council will also agree with me that inquiry should be of such a character as to allow an opportunity to those interested in the matter to make their representations and offer their suggestions so that Government might be in possession of all the materials before they arrive at any final decision. The inquiry should not take the form of a departmental inquiry where only the secretaries of Government and heads of departments would have their say. The public who are vitally interested in the expenditure of their money should be allowed a voice. In fact I pray for the appointment of a committee of officials and non-officials.

I have now done and trust that the Honourable Members will support my resolution.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency, I am glad that my honourable friend Mr. Patel has brought forward this resolution. I wish I had greater time at my disposal to bring forward arguments in support of the proposal that is placed before the Council. I will, however, make use of such information as I have at present and proceed to make a few remarks.

In the Akkari Bill discussion that we had the other day, there was a letter from the Honourable Sir FREDERICK LELY that was put in amongst the papers supplied by Government. That letter contains the following statements :—

“What is making our Government irksome (I speak with a due sense of responsibility) is (1) the excessive multiplication of departmental officials who swarm over the country in increasing number every travelling season and expect to be boarded and bedded at the expense of the people, and (2) the numerous rules, especially of the various revenue departments, which so beset the simple bewildered villager that he cannot rightly tell what he may possess, how much he may possess, what he may do and what he may not do. They are handy weapons to the informer who wishes to gratify his spite to the official underling who wishes to supplement his income or more often to pay off against some slight or unsatisfied demand. For one case brought into Court many are only used for putting on the ‘screw’ and heard of again no more.”

I am sorry to say, Sir, that the state of things that is depicted in this extract exists even to this day. The number of officers and officials and subordinates that go about the country belonging to various departments is very large indeed. The question is whether, in the interests of economical administration and in the interests of the people themselves, it is not feasible to reduce the number of these officials and concentrate the administrative work in the hands of a smaller number of district officers and subordinates. I hold, Sir, that the taxpayer should get a return of a substantial portion of what he pays in the shape of works which will be to his direct advantage. He should get—

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His Excellency the PRESIDENT :—Would the Honourable Member tell us whether he suggests that officials should be reduced throughout the district? Will he suggest where it should begin and where it should end?

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Your Excellency,—I am in favour of reducing the officials all round, wherever reduction is practicable.

His Excellency the PRESIDENT :—Will the Honourable Member kindly say what kind and number of officials should be reduced?

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—I am not prepared to make a definite statement just now.

His Excellency the PRESIDENT :—Well then, it is a very general statement.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE :—Yes, your Excellency.

What I press for is that a substantial portion of the taxation paid by the ryot should be spent on works which will directly benefit him—on roads which he requires very badly in this presidency, on wells, on small irrigation works, on primary schools, and on bringing justice to his doors. I would submit to this Council that this would become practicable to a greater extent than at present by exercising retrenchment and economy in establishments and by changes in the ways in which funds are being spent at present in some quarters.

The present Revenue administration of the presidency, the number of Commissioners, the number of Collectors and the number of other officials were formulated in the eighties or seventies of the last century and since then a very large amount of development has taken place in the presidency. In those days there were no railways. A man if he wanted to go from Poona to Belgaum or Dharwar or Hubli had to travel by road for from 15 to 20 days, while now he can go there within 18 hours at the outside. There are railways now to almost all district headquarters and to many of the taluka towns and the officers of Government, except in the districts of Ratnagiri and Kanara, can go wherever they want to go within about 24 hours.

Then again, in the seventies and eighties the subordinate establishments of Government were manned by officials who were of a very inferior type. Many of them were corrupt, whilst in their place the subordinate officials that we get at present are men of higher character, men that are decently educated in many instances and above corruption. With this improvement in quality in the establishment, the necessity for expenditure on direction and supervision ought to be less. But instead of that we find that the money that is being spent on direction and supervision is still as large as ever. In the old days—in the eighties and seventies—a Commissioner of a division had to go about with a string of 20 or 30 carts and he had to camp out in different places and hear and decide complaints himself. What is the state of things now? We have got a number of newspapers to ventilate ryots' grievances, we have got intelligent and more trustworthy officials in taluka and district headquarters and all over our districts. We have got District Durbars in which the ryots can ventilate their grievances before Collectors. We have got the Honourable Members of this Council with the rights of interpellation and moving resolutions in this Council and bringing to the notice of Government complaints and grievances from all parts of the Presidency. Then again, we have got an Indian member of the Executive Council which makes approach to Government much easier than it was in the olden days. With these facilities, I think that the amount that is being spent on superior supervision is capable of considerable curtailment.

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His Excellency the PRESIDENT.—Does the Honourable Member mean hat the Honourable Members of the Executive Council should have their salaries reduced?

The Honourable Dewan Bahadur K. R. GODBOLE.—No, your Excellency. What I mean is that the district officers should be brought into immediate contact with Government so that all the intermediaries, by whom I mean the divisional officers, might be curtailed gradually. In the Presidency proper, for instance, I would propose that the Commissioners might gradually be dispensed with altogether. We have got a responsible Collector at the head of each district. He is within a few hours' reach of Government headquarters and I do not see why gradually we should not place our Collectors in direct contact with your Excellency's Government, without the intervention in the Presidency proper of the Commissioners and their office establishments. These remarks do not apply in the case of Sind, where it is impracticable at present for members of Government to go to district headquarters within a short time.

Then another way of bringing Government into direct contact with the districts and district administrations would be this. Members of the Government oscillate between Bombay and Poona at present. I do not see why for one month out of the 12 or for a fortnight in the year they should not be in Belgaum and Ahmedabad also.

His Excellency the PRESIDENT :—Would that lead to economy?

The Honourable Dewan Bahadur K. R. GODBOLE.—Yes, it would be a matter of economy as it will facilitate the abolishing of the Divisional Commissioners.

Then another way to economy would be curtailing the amount of correspondence that goes on at present in Government offices. My friend the Honourable Mr. HOGG and those who have got commercial houses and do commercial business in Bombay will be surprised to see the amount of correspondence that goes on in Government offices.

Take the instance of Poona. There is the Commissioner there, there is the Collector there, there are the Assistant Collector and Mamlatdar there and there are other Government Officers who instead of writing incessant letters from one to the other could keep in touch between themselves by telephones and personal visits. I think this would facilitate matters very much and lead to reduction in the great army of clerks that are employed in Public Offices. All the talukas should be in telephonic communication with the Collectors and the District Officers should be in communication by telephone with the members of Government. I am sure that economy will result in this way. The Honourable Mr. PATEL refers to the excessive establishment charges that are incurred in all departments. In the statements that he has given to us the establishment charges are 31 per cent in the case of Public Works. In the case of the Forest Department the administrative charges are 30 per cent. of the gross income from forests. In the case of land revenue, the collection charges come to 30 per cent. of the gross revenue. This I submit is not business. If for collecting an income of Rs. 100 you spend Rs. 30, the methods are certainly not businesslike.

His Excellency the PRESIDENT :—Order, order. I do not wish to interrupt the Honourable Member in his interesting speech but he has had his quarter of an hour.

The Honourable Dewan Bahadur GODBOLE :—I will close my speech now, Sir, by making a few remarks with reference to the question of establishment charges of the Public Works Department. These establishment charges would be considerably curtailed by bringing in private agency in the manner that is contemplated by the Public Works Department Organisation Committee that is

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[*Mr. Gokuldas Kahandas Parekh; the President; Mr. Belvi; Mr. Patel, Mr. Phiroze C. Sethna.*]

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sitting at present, and by the transfer of Provincial works to Local Boards which are soon going to have agencies of their own for the execution of their own works. With these remarks, Sir, I beg to support the resolution.

The Honourable Mr. GOKULDAS KAHANDAS PAREKH :—Your Excellency,—The question of retrenchment of the working expenditure generally of the revenue earning departments is one upon which I do not think there is any possibility of difference of opinion between the officers of Government and non-official members. All of us would be quite glad if there are ways in which retrenchment could be effected. My Honourable friend Mr. PATEL has put before the Council a lot of figures, but there are no details and therefore one finds it difficult to see how the figures can be used. If we know the details of some of these figures then probably we would be able to use these figures and say to what extent the argument that has been put forward before the Council is supportable or not, and the short time which we have had after the figures were supplied to us was not at all sufficient to enable us to study them and to offer our suggestions. I would therefore propose, if Your Excellency permits me, that the discussion of the resolution which is now before the Council and which I should consider from every point a very important one may be deferred to the next session to enable us to study the figures better.

His Excellency the PRESIDENT :—I would ask the Honourable Member to adjust this with the Honourable Mover. It has nothing to do with Government.

The Honourable Mr. BELVI :—Your Excellency,—As I take it that there are many other Honourable Members who may wish to speak! I think it would be much better if the Council adjourned till tomorrow. Moreover, it is now 5 o'clock and there is the election of the members for the Finance Committee.

The Honourable Mr. PATEL :—Your Excellency,—I have no objection to this resolution being a substantive motion for the next session so that members may have time to study the figures.

His Excellency the PRESIDENT :—I would urge the Honourable Member to understand that at this Council meeting he must withdraw the resolution. If he wants to bring it again he can do so in the ordinary way.

The Honourable Mr. PATEL :—Your Excellency,—I wish to postpone the resolution.

His Excellency the PRESIDENT :—You may bring it at the next session of the Council as a new resolution.

The Honourable Mr. PATEL :—Why not postpone, Your Excellency? If I bring forward a new resolution I will have to make a new speech.

His Excellency the PRESIDENT :—The Honourable Member will have every opportunity of making a new speech. He will send the resolution to the department in the ordinary way and it will be passed by the department and placed on the paper but for the purposes of this session the resolution will be considered withdrawn.

The Honourable Mr. PHIROZE C. SETHNA :—May I be permitted to bring to Your Excellency's attention rule 24 of the resolution rules by which a resolution once moved and withdrawn in this Council cannot be brought forward for another year?

His Excellency the PRESIDENT :—I am very much obliged to my honourable friend for making me more informed.

The Honourable Mr. SETHNA :—I also draw Your Excellency's attention to rule 27.

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[*The President ; Mr. Malcolm N. Hogg.*]

His Excellency the PRESIDENT:—I am afraid that I must admit that my honourable friend is perfectly right. Under the rule as the Honourable Mr. SETHNA has pointed out to me the resolution if withdrawn cannot be brought forward for another year. So under the circumstances both this resolution as well as the last resolution, No. 11, should be postponed till the next session.

Resolution No. 12 was then by leave postponed to the next session of the Council.

The Honourable Mr. MALCOLM N. HOGG:—Your Excellency,—The resolution which I have to move is:—

“That Government may be pleased to consider whether it is not advisable to compel all boarding schools, which receive any monetary grant from Government, to arrange for the regular attendance of a Medical Officer and the periodical medical inspection of all children.”

I have purposely worded my resolution to include all boarding schools but in proposing it I shall confine myself to speaking of those schools which are frequented by European and Anglo-Indian children, because it is only of those schools that I am in a position to speak. I leave it to Honourable Members of this Council who are familiar with the boarding schools frequented by Indian children to say whether a similar need has been felt by those schools. If such a need has been felt then I think my resolution cannot fail to commend itself to them. But even if that need has not been felt I hope that they will not on that account oppose my resolution; I would ask them to support it and either leave it to Government to apply the suggested measures only to that class of schools where the need has been felt or in the alternative to propose a slight amendment confining it to such schools. That is a matter that I leave entirely to Honourable Members who are acquainted with Indian boarding schools. Now, Sir, I do not think I need dilate upon the great importance of the proper medical care of school children. That is a subject the importance of which is, I think, self-evident and universally recognized. All I think that it is necessary for me to do is to show that under existing circumstances the requisite amount of care is not always forthcoming or at any rate cannot always be depended upon. There are two complaints very closely allied which are made by the parents of children at the boarding schools about which I am speaking. The first is that in some cases a doctor is not called in sufficient time to prevent serious illness, where it could have been prevented had the doctor been called in earlier. The second complaint is that parents on occasions are not informed of a child's illness when they should be, or, if they are informed, the seriousness of the case is not communicated to them until too late. Many of these schools are situated at hill stations where children reside the greater portion of the year. It will be readily understood by the Council that the parents, being separated from their children for a long period of the year, naturally feel great anxiety to have an assurance that when their children fall ill they will receive prompt medical attendance and that the parents themselves will receive prompt information when necessary. That they have not that assurance under the present system has been proved to me by a number of concrete cases which have been brought to my notice, of one or two of which I have notes here. I do not, however, want to trouble the Council at this stage with specific instances for two reasons. In the first place, I hope this resolution may be acceptable to Your Excellency's Government, in which case it is not necessary to bring forward specific instances. Secondly, I really think that specific instances are not necessary to my case, for I think that it must be obvious to the Council that under the present system instances of this sort must occur. Under the present system it is left entirely to the discretion of the principals of schools whether they should call in a doctor or whether they should inform the parents. Now, principals of schools like other people make errors of judgment and it must occur in the

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constant exercise of this discretion that they should occasionally commit errors of judgment. The unfortunate thing is that errors of judgment on such a subject are liable to inflict considerable suffering, and in some cases permanent injury, on the children and to cause unnecessary sorrow to the parents. Now, I wish to make it very clear, and this is a point which I particularly want to emphasise, that in moving this resolution I am in no sense attacking the school authorities. I make no suggestion, nor have I heard any suggestion made by anyone else, that principals of schools wilfully neglect the children or that they are animated by any other desire than to do their duty as well as they possibly can. But principals of schools are not as a rule medically qualified people and they are as a rule very busy people. It will be plain to the Council, I think, that there must be cases when a principal will treat with a dose of castor oil or some other homely remedy a child whose symptoms appear to be simple but subsequently prove to have required more skilled diagnosis and more recondite treatment. Similarly it may occur that a principal of a school, again with the best of intentions in the world, only desiring to spare the parents unnecessary anxiety, will refrain from telling them when their child gets ill, hoping that the child will get better. If the child unhappily gets rapidly worse it means that the principal of the school has at a later date to inflict a very unpleasant shock on the parents—a shock which naturally leaves some feeling of resentment and grievance in the minds of the parents that they have not been informed earlier. In fact, Sir, my case is this, that this responsibility is one that should not be thrown upon the principals of schools at all. So far from my resolution being an attack upon school authorities I personally believe that many of the principals would welcome some regulations such as I am going to propose as relieving them of a responsibility which they have neither the requisite medical knowledge nor the requisite leisure to discharge in all cases satisfactorily. The remedy, Sir, I think, is not very difficult to find. I would make the following suggestions. First, that every school should be compelled to have a medical officer who should call at the schools daily and see any child which is reported sick, however slight the symptoms of the child may appear to be at the moment. With reference to the schools of which I am particularly speaking, most of the schools have medical officers who call when they are sent for, and the only change that I propose is that instead of coming when sent for they should pay a daily visit and see any child who is ill. Further, I think a register should be kept in which the doctor should daily enter up the names of the children he has seen. My second suggestion is that periodically either once a month or, if that is thought impracticable, once in two or three months a doctor should make a medical examination of every child in school. My third proposal is that the responsibility of deciding when to inform the child's parents should rest with the doctor and not with the principal of the school. Some months ago I submitted these proposals to the Honourable Mr SHARP who in reply to me made three criticisms. The first criticism was that my proposal involved considerable expense, which expense would have to be borne by the parents. The second criticism was that it would not meet the case of the naturally secretive child who conceals his injuries or ailments and says nothing about them, and his third objection was that in some of the hill stations where many of these schools are situated no thoroughly competent medical attendant is available and that in his opinion the trouble was often due as much to lack of skill on the part of the medical attendant as to any delay in calling him in. Well, in regard to the first objection, the question of expense, as far as the schools of which I am particularly speaking are concerned, I may say that certainly in many of them if not in all of them parents already pay a monthly medical fee. Well, I think most parents would prefer to pay a slightly enhanced fee and get the assurance that their child will receive prompt medical attention in case of illness and themselves prompt advice to paying the present fees and receiving no such assurance. I may say in this connection that I am informed that one boarding school at a hill station has already voluntarily adopted the suggestions that I have put forward and has gone rather

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further than I do as the children are not only examined medically once a month but are weighed once a month by the doctor and the weights recorded, and this school, I am told, has not found it necessary to make any increase whatever in the monthly medical fees charged to parents. I admit of course that when one comes to the wider question of boarding schools and hostels attended by Indian children it is possible that the increased expenditure could not be met entirely by the parents. I am not competent to speak positively on this point and I speak subject to correction, but I think it might be necessary for Government to make some increase in the grants to these schools to meet the expenditure involved by my proposal. But, Sir, I do not think that the increased expenditure would be really very heavy, and in any case I feel that the importance of the subject is so great that every effort must be made to find the necessary money. With regard to the second objection raised by the Honourable Mr SHARP, namely, that the proposal would not meet the case of a child who concealed his ailments or injuries, I quite admit that such cases do occur but I have yet to hear of any regulation or legislation which is a panacea for all possible cases and can never be evaded. It is, I think, a very thin argument to say that because a regulation may be evaded in certain cases it is not worth bringing into force at all. Moreover, I think that these cases of concealment would not be very many. My recollection of my own school days is that when I had any symptoms that I considered likely to be a sufficient excuse for not attending my studies I was not very anxious to conceal them. Then with regard to the Honourable Mr SHARP'S third objection that thoroughly competent medical men are not always available at hill stations, I can only reply that half a loaf is better than no bread. No doubt, medical men of limited attainments do make mistakes of diagnosis and treatment. I have even heard it whispered that medical men of the highest attainments also make such mistakes; but I would submit that the prompt attention of a medical man even of limited attainments is better than no medical attention at all, or the attention of the same medical man at a later stage when the case has become more serious and more difficult to treat. Well, Sir, I do not wish to take up the time of the Council any longer except to say that I hope the Honourable Mr. SHARP in the meantime may have considered my proposals further and that he will be able to accord a more favourable reception to them than he did at first. In this hope I expect shortly to hear him cooing like a dove at me and not roaring like a lion. Before I sit down I would like to make one more observation: this resolution is not the child of my own fancy or imagination but it represents a very real grievance and a very widespread dissatisfaction which is felt by the parents of children who use these schools on the two points that I have dealt with. With these remarks I ask the support of the Council and Your Excellency's Government to my resolution.

The Honourable Mr. W. H. SHARP :—Your Excellency,—I suppose there will scarcely be a difference of opinion on the point that it is very desirable that due attention should be paid to the health of a child by the managers of all boarding institutions. I understand Government are prepared to accept this resolution.

The Honourable Mover said that he wished to make it clear that he was not in any way attacking principals of schools, and for my part I should like to say clearly that I do not admit that the managers of boarding schools as a class can be charged with any neglect in this matter of reasonable precautions such as would be taken in schools of corresponding sizes in England.

With regard to some particular criticisms of the Honourable Mover, I may perhaps explain that the Honourable Mr HOGG placed before me certain definite cases, and when I remarked about the boy concealing his ailment or injury I had in mind one particular case in which a boy cut the sole of his foot and eventually died of blood poisoning which set in before anybody discovered the injury. Similarly I may have remarked that medical inspection would hardly meet a case

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of this kind. I do wish to say very plainly that managers of boarding schools do make reasonable provision at present for medical inspection of the children in their schools.

There are very few boarding schools in the strict sense of the word in this Presidency. Most of them are European schools and they do pay the fees of a medical man who comes whenever he is sent for. He can also come at required intervals. The Honourable Mover merely wishes to extend that practice to a daily visit of the doctor. That, I think, is a very large matter of convenience. In a busy place like Bombay, for instance, it is difficult to get a doctor to pay so much attention to these schools. But I think it must be evident that in most cases if more work is to be got out of the school doctor he will expect an increased fee, and the only question is where this expense is to come from.

I wish to make clear another point and that is this. The Honourable Mover suggests that any boarding school in receipt of a monetary grant from Government should be compelled to take certain steps. I wish to point out that, as a matter of fact, with the exception of two or three hostels started by the Depressed Classes Mission, Government do not pay any grant at all to boarding institutions as such. Government grants are paid in respect of the tuition and not in respect of the boarding or hostel part of the institution at all and therefore Government are not, in my opinion, in a very strong position to compel the managers to pay for the medical attendance at a hostel. Government makes grants to hostels perhaps on account of their buildings but recurring grants are not made by Government to the hostels. Therefore Government are not in a very strong position to insist on the managers of hostels to do anything in particular.

It so happens that in the Code of Rules for European schools there are the following words:—"Grants are continued to such schools only as fulfil the following conditions" Then a number of conditions are given and this is one of them: "On condition that in the case of a boarding school proper arrangements are made for boarders" The Inspector of European schools is able to inquire into the feeding arrangements and boarding arrangements of schools. So he is in a fairly strong position as regards European schools in particular. But there is no corresponding clause in the general Grant-in-aid Code which gives, the Inspector of Anglo-vernacular schools the same right. In their case as things stand at present the Inspector has no very strong ground for interfering with the affairs of the hostel. In the case of Anglo-vernacular schools we generally have a day school with a hostel attached to it with a smaller or larger number of boys. We make no grant to such a hostel, as some of them have a certain amount of medical arrangement under responsible persons, that is to say, the superintendent who arranges for the medical inspection of boys. If a boy gets ill he sends him to the doctor. If the boy gets seriously ill he sends him to the hospital or gets the parents to take him away. Those are the arrangements which exist at present in most Anglo-vernacular schools. I think in the case of these, whatever may happen in the case of European schools, if we are asked to make much more comprehensive arrangements for medical inspection including a daily visit from a medical man, the managers would say that they could not possibly do it unless Government came to their assistance. I personally have no objection whatever to Government giving grants to hostels for reasonable charges such as this. I only wish to point out that at the present moment we do not give any grants and therefore we are not in a very strong position to compel them to do more than they are doing at present.

But if Government think fit to allow the hostel charges to be included in the general expenditure of schools and to make that a condition on which the grant is given, then of course we shall be in a position to say that they must make proper arrangements for medical supervision. I only wish therefore to dilate on those two points.

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I think that as a matter of fact the managers of schools do make such arrangements as they can be reasonably expected to do, and in the second place if they are expected to strengthen those arrangements I think they are certain to ask for some monetary concession from Government. I personally have no objection to that further principle being added to the Grant-in-aid Code

In conclusion, if it is not high treason to say so, I venture to say that whatever conditions Government imposes upon aided institutions Government will have themselves to conform to the same conditions in their own institutions. I only hope that in the future it may be possible to obtain from the inmates of Government hostels more charges for the medical arrangements which are strongly recommended by the local Civil Surgeons and the Surgeon-General himself.

The Honourable Mr. MAHADEV BHASKAR CHAUBAL.—Your Excellency,—The Honourable Mr. SHARP, the Director of Public Instruction, has already intimated in his speech that Government are prepared to accept this resolution. I do not think I am prepared to accept the resolution as it stands, but I will make clear the position of Government as regards the subject which this resolution desires to tackle. In the first place, the expression "boarding schools" which is used in the resolution, I think, refers to boarders at a school—I do not know, at least when I read the resolution I took it to refer to them—and not to the day scholars attending what is called a boarding school. When, therefore, the Honourable Member speaks of "boarding schools" in the resolution which he has moved, I take it that he refers to boarders living in hostels attached to schools only and not to all the children attending schools to which such hostels are attached.

The Honourable Mr. HOGG.—Yes, that is my intention. Might I suggest that that intention might be made clear by adding to the resolution the words "residing in those schools"?

The Honourable Mr. CHAUBAL.—I might, of course, mention as regards the wider subject of medical inspection of school children—perhaps Honourable Members are aware—that there are already proposals and schemes drawn up on the subject which have been postponed on account of the war, as they involve considerable recurring and non-recurring cost. But, as regards the question of the medical supervision of boarders in boarding schools, I can inform the Honourable Member that in the case of hostels attached to Government High Schools arrangements are invariably made for such supervision. So far as I am informed, all European boarding schools have medical attendants. In so far as there may be any hostels which have no arrangement for medical supervision, Government sympathise with the resolution and are prepared to consider how far they can compel the managers of aided schools to make the necessary arrangements for the medical supervision of boarders. The Code for European schools already provides that in the case of boarding schools proper arrangements must be made for boarders, and this is one of the conditions subject to which a grant is made to any such school. *Prima facie* it seems to me that if any institution invites children to reside in a hostel attached to it, the management ought to be able to make the requisite arrangements for the proper feeding of the boarders and for their efficient medical supervision and I see no reason why a monetary grant should not be withheld by Government in case of failure by the management of any institution to do so. The Honourable Member's resolution throws the additional cost on the managers and as I have observed already, the managers ought to bear the burden, though Government might, if financial considerations will permit it, consider how far they ought to help them in this direction.

Subject to the observations which I have made I am quite prepared to accept the resolution as it stands. I do not know that we can make a definite

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provision that a doctor must attend every day, but Government will consider the desirability of seeing what steps should be taken to ensure effective medical supervision. As I have already observed, I think in European boarding schools there is a provision in the Code, which I have already referred to, that they are bound to make proper arrangements for boarders, and I am inclined to consider that the efficient medical supervision of the boarders is one of the arrangements which ought to be considered as coming within that provision. Subject to these remarks I am prepared to accept the resolution moved by the Honourable Mr. HOGG.

The resolution was put to the vote and carried.

His Excellency the PRESIDENT.—Before I propose the adjournment of the Council there is one resolution which I feel sure it would be the wish of every Honourable Member that I should move. It runs as follows:—

“This Council desires to place on record its sense of sorrow at the death of the Honourable Mr. Daji Abaji Khare and the Honourable Rao Bahadur Narayan Trimbak Vaidya and its appreciation of their services on the Legislative Council of the Governor of Bombay.”

For myself I must say to Honourable Members that since I have had the honour of presiding over these discussions I have not had much opportunity of making the personal acquaintance of these two deceased gentlemen, for they were members for a very short time only during my occupancy of this chair. But I am perfectly well aware that there are many Honourable Members with whom they were closely associated and to whom they were very great friends, and every Honourable Member must be also aware that of both of them it can truly be said that they gave great public service to their country and that we deeply regret their death. I would ask Honourable Members to pass this resolution by rising in their seats.

The resolution was unanimously passed, the members rising in their seats

His Excellency the PRESIDENT.—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Right Honourable the Governor,

J. NISSIM,

Secretary to the Legislative Council of

His Excellency the Governor of Bombay.